

## ATTACHMENT 4 – ARTICLE II ORDINANCE AMENDMENTS

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE COASTAL ZONING ORDINANCE OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE TO IMPLEMENT NEW DEVELOPMENT STANDARDS, PERMIT REQUIREMENTS, AND PROCEDURES REGARDING COMMERCIAL CANNABIS ACTIVITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

Case No. 19ORD-00000-00011

The Board of Supervisors of the County of Santa Barbara ordains as follows:

### **SECTION 1:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-68.3, Permitted Uses, and Section 35-68.4, Uses Permitted with a Major Conditional Use Permit, and Section 35-68.5, Uses Permitted with a Minor Conditional Use Permit, of Section 35-68, AG-I - Agriculture I, to read as follows:

#### ***Section 35-68.3 Permitted Uses.***

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this [Section 35-68](#).
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no case shall more than three hogs be kept on any such lot.
3. Private kennels, and small animals and poultry raising limited to reasonable family use on a non-commercial basis.
4. Sale of agricultural products pursuant to the provisions of [Section 35-131](#) (Agricultural Sales).
5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a Development Plan shall be submitted, processed, and approved as provided in [Section 35-174](#) (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District ([Section 35-102F](#)) shall apply.
6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of [Section 35-141](#) (General Regulations).

7. One guest house or artist studio per legal lot subject to the provisions of [Section 35-120](#) (General Regulations) and accessory to the primary residential use of the same lot.
8. Home occupations, subject to the provisions of [Section 35-121](#) (General regulations) and accessory to a residential use of the same lot.
9. Special Care Homes, subject to the provisions of [Section 35-143](#) (Community Care Facilities).
10. Transitional and Supportive Housing, subject to the provisions of [Section 35-143.5](#) (Transitional and Supportive Housing).
11. ~~Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.~~
12. ~~Cannabis, Distribution, subject to the provisions of Section 35-144U.~~
13. ~~Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.~~
14. Uses, buildings and structures accessory and customarily incidental to the above uses.

***Section 35-68.4 Uses Permitted with a Major Conditional Use Permit***

1. Commercial raising of animals, boarding of animals, and commercial riding stables.
2. Animal hospitals, and animal husbandry services.
3. Facilities for the sorting, cleaning, packing, freezing, loading, transporting and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:
  - a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),
  - b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,
  - c. The primary intent of the development of this facility shall be to serve south coast agriculture,
  - d. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands,
  - e. The facility processes products grown on the premises or on other local agricultural lands,
  - f. All application for such facilities shall be accompanied by a landscape plan pursuant to the requirements of [Section 35-68.4](#) of this Article,
  - g. Siting of this type of facility on prime agricultural lands or agriculturally productive non-prime soils should be avoided where feasible, and
  - h. All applications for such facilities shall be accompanied by defined truck and vehicle routes proposed to serve the facility.

No Conditional Use Permit shall be required under this section for such facilities if they are devoted primarily to the handling of products grown on the premises and the processing of products grown off premises if accessory and customarily incidental to the marketing of products in their natural form grown on the premises.

4. Agricultural employee dwellings, including trailers, providing housing for five or more employees in compliance with [Section 35-144R](#) (Agricultural Employee Dwellings).
5. Within the Carpinteria Agricultural Overlay District, greenhouses and greenhouse related development of any size on slopes between five and 10 percent. No exception to this requirement, such as that stated under subsection (3) above, shall apply.
6. [Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.](#)
7. [Cannabis, Distribution, subject to the provisions of Section 35-144U.](#)
8. [Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.](#)
9. Cannabis, Volatile Manufacturing, subject to the provisions of [Section 35-144U](#).

***Section 35-68.5 Uses Permitted with a Minor Conditional Use Permit***

1. Agricultural employee dwellings, including trailers, providing housing for four or fewer employees in compliance with Section 35-144R (Agricultural Employee Dwellings).
2. Commercial Kennels.
3. ~~Cannabis, Distribution, subject to the provisions of Section 35-144U.~~

**SECTION 2:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-69.3, Permitted Uses, and Section 35-69.4, Uses Permitted with a Major Conditional Use Permit, of Section 35-69, AG-II - Agriculture II, to read as follows:

***Section 35-69.3 Permitted Uses.***

1. All types of agriculture and farming, including commercial raising of animals, subject to the limitations hereinafter provided in this [Section 35-69](#).
2. Sale of agricultural products pursuant to the provisions of [Section 35-131](#) (Agricultural Sales).
3. Commercial boarding of animals.
4. Private and/or commercial kennels.
5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of [Section 35-141](#) (General Regulations).

6. One guest house or artist studio per legal lot subject to the provisions of [Section 35-120](#) (General Regulations) and accessory to the primary residential use located on the same lot.
7. Greenhouses, hothouses, or other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in [Section 35-174](#) (Development Plans).
8. On-shore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for on-shore oil and gas, and truck terminals subject to the requirements set forth in [DIVISION 9, OIL & GAS FACILITIES](#).
9. Excavation or quarrying of building or construction materials, including diatomaceous earth, subject to the provisions of [Section 35-177](#) (Reclamation Plans).
10. Home occupations, subject to the provisions of [Section 35-121](#) (General Regulations) and accessory to a residential use located on the same lot.
11. Special Care Homes, subject to the provisions of [Section 35-143](#) (Community Care Facilities).
12. Transitional and Supportive Housing, subject to the provisions of [Section 35-143.5](#) (Transitional and Supportive Housing).
13. Uses, buildings and structures accessory and customarily incidental to the above uses.
- ~~14. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.~~
- ~~15. Cannabis, Distribution, subject to the provisions of Section 35-144U.~~
- ~~16. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.~~

***Section 35-69.4 Uses Permitted With a Major Conditional Use Permit.***

1. Animal hospitals and clinics.
2. Low-intensity recreational development such as hiking trails, public riding stables, recreational camps, campgrounds, retreats, and guest ranches, provided that such development:
  - a. Is in character with the rural setting,
  - b. Does not interfere with agricultural production on or adjacent to the lot on which it is located,
  - c. Does not include commercial facilities open to the general public who are not using the recreational facility, and
  - d. Does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.
3. Wineries, including processing, distribution, and sale of wine grapes and wine grape products grown off the premises, provided:

- a. The winery is located on premises used for vineyard purposes,
  - b. The winery is operated in connection with the processing of wine grapes grown on the premises, and
  - c. Retail sales of wine grape products shall be limited to those processed on the premises.
4. Facilities for the sorting, cleaning, packing, freezing, and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:
- a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),
  - b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,
  - c. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands, and
  - d. The facility processes products grown on the premises or on other local agricultural lands.
5. Piers and staging areas for oil and gas development subject to the regulations in [DIVISION 9, OIL AND GAS FACILITIES](#).
6. Aquaculture, subject to the provisions of [Section 35-136](#) (General Regulations).
7. Sorting, cleaning, and further breaking and storing of abalone shells landed live in Santa Barbara County, preparatory to shipment in their natural form.
8. Agricultural employee dwellings, including trailers, providing housing for five or more employees in compliance with [Section 35-144R](#) (Agricultural Employee Dwellings).
9. Exploration and production of offshore oil and gas reservoirs from onshore locations, including exploratory and production wells, pipelines, temporary storage tanks, dehydration and separation facilities, and temporary truck terminals located within the Las Flores Canyon Consolidated Oil and Gas Processing Site, subject to the requirements set forth in [DIVISION 9, OIL & GAS FACILITIES](#).
10. Consolidated pipeline terminal, subject to being designated for such use in Policy 6-13A and B of the Coastal Plan and the requirements set forth in [DIVISION 9, OIL AND GAS FACILITIES](#).
11. [Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.](#)
12. [Cannabis, Distribution, subject to the provisions of Section 35-144U.](#)
13. [Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.](#)
14. Cannabis, Microbusiness, subject to the provisions of [Section 35-144U](#).
- ~~125.~~ Cannabis, Volatile Manufacturing, subject to the provisions of [Section 35-144U](#).

### **SECTION 3:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-144U.B.3, Noticing for Commercial Cannabis Activities, of Section 35-144U, Cannabis Regulations, to read as follows:

- 3. Noticing for Commercial Cannabis Activities.** Entitlements for commercial cannabis uses and/or development shall be subject to the applicable noticing requirements set forth in Chapter 35-181 (Noticing), except that a mailed notice regarding a pending action or hearing regarding a commercial cannabis entitlement shall be provided to all owners of property:
  - a.** Located within a 1,000-foot radius of the exterior boundaries of the subject lot; and
  - b.** Located within a Rural Neighborhood (RN), if the proposed use: is to be located within the boundaries of an RN; is to be located on a lot adjacent to an RN; or requires the use of a roadway within an RN as the sole means of access to the lot on which commercial cannabis activities will occur.

### **SECTION 4:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change the table in Section 35-144U.B.4. Cannabis Regulations, to read as follows:

- 4. Permit Requirements for commercial cannabis activities.** The below tables identifies the commercial cannabis land uses allowed by this Article in each zone, and the planning permit required to establish each use. The table provided for land uses that are:
  - a.** Allowed subject to compliance with all applicable provisions of this Article and subject to first obtaining a Coastal Development Permit in compliance with [Section 35-169](#) (Coastal Development Permits) or a Land Use Permit in compliance with [Section 35-178](#) (Land Use Permits) as applicable. Permitted uses are shown in the table as either “PP,” which denotes a Principal Permitted Use or “P,” which denotes a non-Principal Permitted Use. An action by the decision-maker to approve or conditionally approve a permit application for a non-Principal Permitted Use may be appealed to the Coastal Commission in compliance with [Section 35-182.6](#) (Appeals to the Coastal Commission).
  - b.** Allowed subject to the approval of a Major Conditional Use Permit in compliance with [Section 35-172](#) (Conditional Use Permits) and shown as "CUP" uses in the table. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with the application for the Major Conditional Use Permit.

c. Not allowed in particular zones and shown as "—" in the table.

Allowed Cannabis Uses and Permit Requirement by Zone		PP	Principal Permitted use, Coastal Development Permit required				
		P	Permitted use, Coastal Development Permit required				
		CUP	Major Conditional Use Permit required				
		—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE						
	AG-I	AG-II	C-1	C-2	PI	M-RP	
<b>CANNABIS CULTIVATION AND MICROBUSINESS</b>							
Outdoor Cultivation	<del>PPCUP</del> (4) <del>(5)</del> <del>(7)</del> <del>(6)</del>	<del>PPCUP</del> (2) <del>(4)</del> <del>(8)</del>	—	—	—	—	
Mixed-light Cultivation	<del>PPCUP</del> (2) <del>(5)</del>	<del>PPCUP</del> (2)	—	—	—	—	
Indoor Cultivation	<del>PPCUP</del> (2) <del>(5)</del>	<del>PPCUP</del> (2)	—	—	—	P (2)	
Nursery, Cultivation	<del>PPCUP</del> <del>(5)</del> <del>(9)</del> (7)	<del>PPCUP</del> <del>(9)</del> (7)	—	—	—	P <del>(9)</del> <del>(7)</del>	
Microbusiness	—	CUP(2) <del>(6)</del> (5)	CUP(2)	CUP(2)	—	—	
<b>CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING</b>							
Distribution	<del>PCUP</del> (2)(3)	<del>PCUP</del> (2)(3)	—	—	—	PP(2)	
Manufacturing, Nonvolatile	<del>PCUP</del> (2)(3)	<del>PCUP</del> (2)(3)	—	—	—	PP(2)	
Manufacturing Volatile	CUP(2)(3)	CUP(2)(3)	—	—	—	—	
Testing	—	—	PP(2)	PP(2)	PP(2)	PP(2)	
<b>CANNABIS RETAIL</b>							
Non-Storefront Retailer	—	P(2)	PP(2)	PP(2)	—	—	
Retail	—	—	PP(2)	PP(2)	—	—	
<b>Notes:</b>							
(1) See Section 35-58 (Definitions) for land use definitions.							
(2) The premises shall not be located within 750-feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premise, without regard to intervening structures.							
(3) The manufacturing or distribution use is only permissible as an accessory use to cannabis cultivation.							
(4) Outdoor cultivation is not allowed within two miles of an Urban Rural boundary.							
(5) <del>Commercial cannabis cultivation on lots located in an Existing Developed Rural Neighborhood (EDRN), or commercial cannabis cultivation that requires the use of a roadway located within an EDRN as the sole means of access to the lot on which cultivation will occur, require a CUP.</del>							
(6) Microbusiness - only allows non-storefront retail.							
(7) <del>(6)</del> Outdoor cultivation shall not be located within 1,500 feet of a residential zone and/or a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.							
(8) <del>Cultivation on lots located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary shall require approval of a Conditional Use Permit.</del>							
(9) <del>(7)</del> Nurseries shall not be located within 600-feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center, as measured from (1) the premises of the nursery, to (2) the property line of the lot on which a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center, is located.							

## **SECTION 5:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-144U.C.3.d, Landscape Plan and Screening Plan, of Section 35-144U, Cannabis Regulations, to read as follows:

3. **Landscape Plan and Screening Plan.** Commercial cannabis activities shall be sited and designed to minimize adverse impacts to visual resources. Landscape screening shall not substitute for siting and design alternatives that avoid or minimize adverse impacts to public views of the ocean and other scenic areas. If it is infeasible to site and design the proposed cannabis cultivation activity to avoid being seen from public places, the applicant for a permit to allow outdoor, indoor, mixed-light, or nursery cannabis cultivation development shall submit a Landscape Plan and Screening Plan to the Department for review and approval. The requirements in this Section shall also apply to the cannabis cultivation part of a microbusiness. All cultivation shall be screened to the maximum extent feasible to avoid being seen from public places, including, but not limited to, public rights of way, and shall comply with [Section 35-115](#) (Landscape/Screening of Parking Areas), [Section 35-123](#) (Fences, Walls and Gate Posts), the standards listed below, as well as all other resource protection provisions of this Article and all applicable Community and Area Plans. The Landscape Plan and Screening Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. The applicant shall demonstrate to the Department that all aspects of the Landscape Plan and Screening Plan comply with the following requirements:
  - a. Said Plan(s) shall include landscaping which, within five years, will reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and on-site parking areas from the nearest public road(s) and other public viewing areas.
  - b. All landscaping shall be installed prior to initiating the cultivation activities that are subject to the permit for cultivation.
  - c. Prior to the issuance of any permits, a performance security, in an amount determined by a landscape architect and approved by the Department, to insure installation and maintenance for two years, shall be filed with the County. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed consistent with the project plans and adequately maintained for two years.
  - d. If, due to site-specific conditions (e.g., slopes), an applicant believes that screening cannot be fully achieved, the applicant shall submit a Landscape Plan and Screening Plan showing what the portion(s) that can be screened and written documentation, ~~which that~~ sets forth the reasons why other portions cannot be screened.
  - e. All landscaping and screening shall minimize adverse impacts to visual resources.

## **SECTION 6:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-144U.C.6, Odor Abatement Plan, of Section 35-144U, Cannabis Regulations, to read as follows:

- 6. Odor Abatement Plan.** The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), processing, microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. ~~No odor abatement plan shall be required on lots zoned AG-II, unless a Conditional Use Permit is required. The Odor Abatement Plan must prevent odors from being experienced within residential zones, as determined by the Director. Odors generated by cannabis activities: (a) must not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood; and (b) must be compatible with the surrounding area.~~ The Odor Abatement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Odor Abatement Plan must include the following:
- a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
  - b. A description of the specific odor-emitting activity(ies) that will occur.
  - c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).
  - d. A description of all equipment and methods to be used for reducing odors. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
  - e. Approved odor control systems, subject to certification as required in Subsection d above, may include, but are not limited to:
    - 1) Activated carbon filtration systems.
    - 2) Vapor-phase systems. Vapor-phase systems must comply with the following:
      - a) The resulting odors must be odor-neutralizing, not odor-masking.
      - b) The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus).
      - c) Use of these systems must have supporting documentation which meet United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.
    - 3) Other odor controls systems or project siting practices that demonstrate effectiveness in controlling odors.

- f. Designation of an individual (local contact) who is responsible for responding to odor complaints as follow:
  - 1) The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.
  - 2) The applicant shall provide property owners and residents of property located within 1,000-feet of the lot on which the cannabis activity is conducted, the contact information of the local contact responsible for odor complaints. The operator is required to immediately notify the County of any changes to the local contact.
  - 3) The operator of the cannabis activity is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.
  - 4) Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit. For purposes of this Subsection, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.
  - 5) The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis activity, and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years.
- g. The applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.
- h. If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of this [Section 35-144U.C.76](#). Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The department may require the corrective actions to be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this Section, the Department may take additional enforcement actions pursuant to Chapter 35-108 (Enforcement and Penalties) which may include, but are not limited to, initiating proceedings to revoke the applicable cannabis land use entitlement(s).

## **SECTION 7:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-144U.C, Specific Use Development Standards, of Section 35-144U, Cannabis Regulations, to read as follows:

**C.D. Specific use development standards.** All commercial cannabis activities shall comply with the following development standards specific to the applicable permit type.

### **1. Cultivation.**

- a. AG-I Lots 20 acres or less; Lots zoned AG-I-5; and/or Lots zoned AG-I-10 and lots within two miles of an Urban-Rural boundary.** Outdoor cannabis cultivation, including cannabis cultivation within hoop structures, is prohibited on lots zoned AG-I that are 20 acres or less in size; lots zoned AG-I-5; and/or lots zoned AG-I-10 and lots within two miles of an Urban Rural boundary. Indoor and mixed-light cultivation shall be located in existing structures to the maximum extent feasible. No more than 186 acres of cannabis cultivation, nurseries, and microbusinesses with cultivation shall be allowed at any one time within the boundaries of Area A and Area B of the Carpinteria Agricultural Overlay District, as implemented through the Cannabis Business License Ordinance.
- b. Avoidance of prime soils.** All structures for cannabis cultivation activities, including, but not limited to, greenhouses that do not rely on in-ground cultivation, that are located on premises that contain prime soils shall be sited and designed to avoid prime soils and non-prime land suitable for agriculture, to the maximum extent feasible. Prime soils shall not be utilized if it is possible to utilize non-prime land. As little agricultural land (prime and non-prime land suitable for agriculture) as possible shall be used for structural development, and structures shall be clustered with other existing structures to the maximum extent feasible.
- c. ~~Cannabis cultivation within an Existing Developed Rural Neighborhood (EDRN). Cultivation within an EDRN, or cultivation that requires the use of a roadway located within an EDRN as the sole means of access to the cultivation lot, shall require approval of a Conditional Use Permit by the Planning Commission and compliance with applicable standards in Section 35-172.8 (Findings Required for Approval).~~**
- d. Cannabis Waste Discharge Requirements General Order.** The applicant shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers, within the State.
- e.d. Hoop structure lighting.** Lighting shall be prohibited in hoop structures.
- f.e. M-RP zone requirements.** Cultivation shall only occur indoors on a lot zoned M-RP (Industrial Research Park).

**g.f. Mixed-light cultivation lighting requirements.** Lighting due to cannabis activities that are subject to mixed-light cultivation licenses shall not be visible outside of the structure in which the lighting is located between sunset and sunrise.

**h.g. Public Lands.** No cannabis cultivation shall be permitted on public lands.

**i.h. Post-processing and packaging.** Post-processing and packaging of cannabis products shall be considered accessory uses to the cultivation activity(s) when processed on the same lot.

**j.i. Site Transportation Demand Management Plan.** The applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Transportation Demand Management Plan shall include a combination of the following methods to reduce vehicle trips generated by the cultivation activity as necessary to avoid impacts to prime soils and on-street parking availability to the maximum extent feasible:

- 1) Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.
- 2) Provide shared parking areas for ridesharing on large and/or rural lots.
- 3) Provide bicycle storage/parking facilities.
- 4) Provide incentives to employees to rideshare or take public transportation.
- 5) Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.

**k.j. Water efficiency for commercial cannabis activities.** To the maximum extent feasible, and to the Director's satisfaction, water-conserving features shall be included in the design of proposed cannabis cultivation. These features may include, but are not limited to:

- 1) Evaporative barriers on exposed soils and pots.
- 2) Rainwater capture and reuse.
- 3) Recirculated irrigation water (zero waste).
- 4) Timed drip irrigation.
- 5) Soil moisture monitors.
- 6) Use of recycled water.

**l.k.** On lots zoned AG-I, outdoor cultivation shall not be located within 1,500 feet of a residential zone and/or a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.

~~m. Outdoor cultivation on lots zoned AG-II located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary, shall require approval of a Conditional Use Permit.~~

## 2. Distribution.

a. **Cultivation limits.** Distribution on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:

- 1) A minimum of 10% of the cannabis product distributed shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur. Within the Gaviota Coast Plan Overlay District, a minimum of 51% of the cannabis product distributed shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur. For all areas of the County, all other cannabis products shall be sourced from other local agricultural land (defined as lands located within 25 miles of the boundaries of Santa Barbara County).
- 2) Distribution shall be subordinate and incidental to the cultivation use of the lot, and the area designated for distribution shall occupy a smaller footprint than the area that is designated for cultivation on the lot. Distribution shall be located in existing structures to the maximum extent feasible.
- 3) All structures for cannabis distribution that are located on lots that contain prime soils shall be sited and designed to avoid prime soils and non-prime land suitable for agriculture, to the maximum extent feasible. Prime soils shall not be utilized if it is possible to utilize non-prime land. As little agricultural land (prime and nonprime land suitable for agriculture) as possible shall be used for structural development, and structures shall be clustered with other existing structures to the maximum extent feasible.

b. **Site Transportation Demand Management Plan.** The applicant shall prepare ~~shall prepare~~ and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Transportation Demand Management Plan shall include a combination of the following methods to reduce vehicle trips generated by the distribution activity as necessary to avoid impacts to prime soils and on-street parking availability to the maximum extent feasible:

- 1) Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.
- 2) Provide shared parking areas for ridesharing on large and/or rural lots.
- 3) Provide bicycle storage/parking facilities.

- 4) Provide incentives to employees to rideshare or take public transportation.
- 5) Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.

### 3. **Manufacturing.**

- a. **Cultivation limits.** Manufacturing (volatile and non-volatile) on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:
  - 1) A minimum of 10% of the cannabis product manufactured shall be sourced from cannabis plant material cultivated on the same lot on which the manufacturing activities will occur. Within the Gaviota Coast Plan Overlay District, a minimum of 51% of the cannabis product manufactured shall be sourced from cannabis plant material cultivated on the same lot on which the manufacturing activities will occur. For all areas of the County, all other cannabis products shall be sourced from other local agricultural land (defined as lands located within 25 miles of the boundaries of Santa Barbara County).
  - 2) Manufacturing shall be subordinate and incidental to the cultivation use of the lot, and the area designated for manufacturing shall occupy a smaller footprint than the area that is designated for cultivation on the lot. Manufacturing shall be located in existing structures to the maximum extent feasible.
  - 3) All ~~S~~structures for cannabis manufacturing that are located on lots that contain prime soils shall be sited and designed to avoid prime soils and non-prime land suitable for agriculture, to the maximum extent feasible. Prime soils shall not be utilized if it is possible to utilize non-prime land. As little agricultural land (prime and nonprime land suitable for agriculture) as possible shall be used for structural development, and structures shall be clustered with other existing structures to the maximum extent feasible.
- b. **Home Occupation.** No cannabis manufacturing shall be permitted as a Home Occupation including Cottage Food Operations and In-home Retail Sales in accordance with [Section 35-121](#) (Home Occupations).
- c. **Volatile Manufacturing Employee Training Plan.** The applicant shall prepare and submit to the Department for review and approval a Volatile Manufacturing Employee Training Plan. The Volatile Manufacturing Employee Training Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Volatile Manufacturing Employee Training Plan shall include, at a minimum, the following elements:
  - 1) Training employees on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure.
  - 2) A log, identifying trained employees and the date upon which training was completed. The operator shall maintain the Employee Training Log for a minimum of five years.

- d. **Volatile and Non-volatile Manufacturing Best Management Practices.** The commercial cannabis operation shall implement all necessary Best Management Practices to avoid soil and water contamination, including, but not limited to, the proper use, storage, and disposal of the chemicals, potential contaminants, waste, and wastewater used and produced in the manufacturing process.
  - e. **Site Transportation Demand Management Plan.** The applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Transportation Demand Management Plan shall include a combination of the following methods to reduce vehicle trips generated by the manufacturing activity as necessary to avoid impacts to prime soils and on-street parking availability to the maximum extent feasible:
    - 1) Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.
    - 2) Provide shared parking areas for ridesharing on large and/or rural lots.
    - 3) Provide bicycle storage/parking facilities.
    - 4) Provide incentives to employees to rideshare or take public transportation.
    - 5) Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.
  - f. **Water efficiency for commercial cannabis activities.** To the maximum extent feasible, and to the Director's satisfaction, water-conserving features shall be included in the design of proposed cannabis manufacturing activity. These features may include, but are not limited to:
    - 1) Rainwater capture and reuse.
    - 2) Use of recycled water.
- 5.4. Microbusiness.** Microbusinesses shall only include delivery retail in the AG-II zone in compliance with the permit requirement identified in Division 4 (Zoning Districts). No retail sales shall occur on the lot on which the microbusiness exists in AG-II zones.
- 6.5. Retail.** No cannabis consumption, including, but not limited to, smoking, vaporizing or ingesting, shall be permitted on the premises of a retailer or microbusiness.

## **SECTION 8:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to re-letter Section 35-144U.D, Records, Section 35-144U.E, Inspection, Section 35-144U.F, Land Use Entitlement Compliance, of Section 35-144U, Cannabis Regulations, to read as follows:

**D.E. Records.** Permittees of commercial cannabis activities shall maintain clear and adequate records and documentation, in accordance with State law, the State's track-and-trace program, and as required by this Section, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. All records, unless otherwise specified in this Section, shall be maintained for 5 years and shall be subject to review, inspection, examination, and audit by the Department.

**E.F. Inspection.** All permitted commercial cannabis activities are subject to review and inspection from law enforcement or any agents of the State or County charged with enforcement of this Article.

**F.G. Land use entitlement compliance.** Following issuance of the land use entitlement for the cannabis activity, all commercial cannabis activities that are subject to a land use entitlement shall be subject to County inspection to determine compliance with the land use entitlement requirements, this Ordinance, County Code, and State law.

#### **SECTION 9:**

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

#### **SECTION 10:**

Except as amended by this Ordinance, Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

#### **SECTION 11:**

This Ordinance shall take effect 30 days from the date of its adoption by the Board of Supervisors or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later, and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

#### **SECTION 12:**

Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory planning and zoning authority concerning cannabis activities. For example, even if the Ordinance becomes operative, the Board of Supervisors still may take action(s) later to change the zoning of cannabis activities to being prohibited. In part because cannabis activities are highly regulated by both the state and federal governments and their regulation of cannabis activities is subject to rapid changes, the Board of Supervisors later may need to change the zoning of cannabis activities to being prohibited

and may need to do so without cannabis activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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GREGG HART, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel