



County of Santa Barbara  
BOARD OF SUPERVISORS

Minute Order

July 16, 2019

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**Present:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

COUNTY EXECUTIVE OFFICE

File Reference No. 19-00616

**RE:** HEARING - Consider recommendations regarding Cannabis Business Licenses- Chapter 50 Potential Amendments, as follows: (EST. TIME: 2 HR.)

- a) Review areas for potential amendment to the County's current cannabis permitting and licensing regulations;
- b) Provide conceptual direction on possible amendments to Chapter 50 (Licensing of Commercial Cannabis Operations), of the County Code, to improve the effectiveness of the cannabis regulatory system;
- c) Provide any other direction to staff to amend the County's cannabis regulatory program including the County's Zoning Ordinances; and
- d) Determine, pursuant to the California Environmental Quality Act (CEQA) Guidelines 15378(b) (5), that the above actions are not a project subject to CEQA review because they are administrative activities that will not result in direct or indirect physical changes in the environment.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

*HEARING TIME: 10:30 AM - 1:07 PM (2 HR. 37 MIN.)*

**Received and filed staff report and conducted public hearing.**

**A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be acted on as follows:**

**Regarding possible Chapter 50 Ordinance amendments Section 1 (Limiting cannabis cultivation operations countywide), conceptually approved limiting cannabis cultivation operations countywide by amending County Code Section 50-7 to cap the number of acres of cannabis cultivation countywide while maintaining the established Carpinteria Ag Overlay Cap as reflected in Option 2 on page 3 of County Executive Office Board Letter dated July 9, 2019. Directed that the cap is effective for applications accepted as of July 9, 2019 and that staff utilize the Carpinteria acreage calculation methodology. Further directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.**

**The motion carried by the following vote:**



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**Ayes:** 4 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, and Supervisor Lavagnino

**Noes:** 1 - Supervisor Adam



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- d) Determine, pursuant to the California Environmental Quality Act (CEQA) Guidelines 15378(b) (5), that the above actions are not a project subject to CEQA review because they are administrative activities that will not result in direct or indirect physical changes in the environment.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY



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A motion was made by Supervisor Williams, seconded by Supervisor Hart, that this matter be acted on as follows:

Regarding possible Chapter 50 Ordinance amendments Section 2 (Demonstrate odor control system operations during cannabis Business License application process), conceptually approved Option 1 as amended, "Add to County Code § 50-8 (b) (8) that cultivators currently growing cannabis demonstrate the effectiveness of odor control systems during the cannabis business licence process as soon as the Coastal Development Permit or Conditional Use Permit is issued if the operator holds a State Provisional Cultivation license, and that they will meet the operating requirement of County Code § 50-25 (a) (3) if their cannabis Business License is approved", as reflected on page 4 of County Executive Office Board Letter dated July 9, 2019.

Further directed as follows:

That the County formally withdraw consent to operate by letter to both the State and operator for any expired temporary permits;

That the County, pursuant to Code of Civil Procedure Section 731, increase nuisance enforcement through nuisance abatement or injunction against any known odor vectors, particularly in proximity to schools; and

Directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.

The motion carried by the following vote:

**Ayes:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino



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### COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

**A motion was made by Supervisor Williams, seconded by Supervisor Hartmann, that this matter be acted on as follows:**

**Conceptually directed that by September 3, 2019, any legal non-conforming operation in the Coastal Zone must have odor control to continue to qualify for the Article X exemption. Directed staff to refer amendments to Article X to the Planning Commission for a report back and recommendations as appropriate. Further directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino



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- c) Provide any other direction to staff to amend the County's cannabis regulatory program including the County's Zoning Ordinances; and
- d) Determine, pursuant to the California Environmental Quality Act (CEQA) Guidelines 15378(b) (5), that the above actions are not a project subject to CEQA review because they are administrative activities that will not result in direct or indirect physical changes in the environment.

**COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY**

**A motion was made by Supervisor Williams, seconded by Supervisor Hart, that this matter be acted on as follows:**

**Regarding possible Chapter 50 Ordinance amendments Section 3 (Concurrent processing of Business License Applications with an accepted land use permit application), conceptually directed staff to amend County Code § 50-8(b)(2)(vii) and 50-8(c) to require the submission of the cannabis operation's land use entitlement or evidence that a cannabis land use entitlement application has been accepted for processing by the Planning & Development Department, as reflected in Option 1 on page 4 of County Executive Office Board Letter dated July 9, 2019. Further Directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino



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- d) Determine, pursuant to the California Environmental Quality Act (CEQA) Guidelines 15378(b) (5), that the above actions are not a project subject to CEQA review because they are administrative activities that will not result in direct or indirect physical changes in the environment.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY



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A motion was made by Supervisor Williams, seconded by Supervisor Hartmann, that this matter be acted on as follows:

Regarding possible Chapter 50 Ordinance amendments Section 4 (Place operators in the Carpinteria Agricultural Overlay District on an "Eligible List" for the 186 acre cultivation cap upon approval of a land use entitlement), conceptually directed staff to amend County Code §50-7 to specify that "approval" of a land use entitlement is "pre-qualifying" for purposes of being placed in order on the Cannabis Cultivation License Eligibility List from which business licenses will be issued, as reflected in Option 1 on page 5 of County Executive Office Board Letter dated July 9, 2019. Further Directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.

Regarding possible Chapter 50 Ordinance amendments Section 5 (Broaden the definition of Hearing Officer to match Chapter 24A), conceptually directed staff to amend County Code § 50-2(h) to expand who may be used as hearing officers including adding the role of an alternative hearing examiner as defined in County Code § 24A7(d), as reflected in Option 1 on page 5 of County Executive Office Board Letter dated July 9, 2019. Further Directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.

The motion carried by the following vote:

**Ayes:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino





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**COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY**

**A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be acted on as follows:**

**Directed staff to engage the Planning Commission and to return to the Board with recommendations/strategies to mitigate the odor and other impacts of cannabis operations along the urban-rural boundary and conflicts with existing agricultural operations. Tools to implement such mitigation could include, but are not limited to, bans, buffers, higher level permitting, grow operations tailored to the urban-rural interface, alternate drying techniques, revisions to Article X and buffer zones or other mechanisms to protect existing agricultural operations.**

**The motion carried by the following vote:**

**Ayes:** 4 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, and Supervisor Adam

**Noes:** 1 - Supervisor Lavagnino



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- d) Determine, pursuant to the California Environmental Quality Act (CEQA) Guidelines 15378(b) (5), that the above actions are not a project subject to CEQA review because they are administrative activities that will not result in direct or indirect physical changes in the environment.

**COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY**

**A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be acted on as follows:**

**Directed that, at the discretion of the director, the County may require a meteorological study and or wind data as a component of the application.**

**The motion carried by the following vote:**

**Ayes:** 4 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, and Supervisor Adam

**Noes:** 1 - Supervisor Lavagnino



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**COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY**

**A motion was made by Supervisor Williams, seconded by Supervisor Hartmann, that this matter be acted on as follows:**

**a) through c) Reviewed areas for potential amendments to the County's current cannabis permitting and licensing regulations and provided conceptual direction to staff on amendments to Chapter 50 of the County Code including the County's Zoning Ordinances.**

**d) Approved.**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino