

**ATTACHMENT 3 – LAND USE AND DEVELOPMENT CODE ORDINANCE
AMENDMENTS**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE TO IMPLEMENT NEW DEVELOPMENT STANDARDS, PERMIT REQUIREMENTS, AND PROCEDURES REGARDING CERTAIN COMMERCIAL CANNABIS ACTIVITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

Case No. 19ORD-00000-00009

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

SECTION 1:

Table 4-10, Permit Requirements for Cannabis in Agricultural Zones, of Section 35.42.075, Cannabis Regulations, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby amended to read as follows:

Table 4-10 Permit Requirements for Cannabis in Agricultural Zones	P	Permitted use, Land Use Permit required (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	AG-I	AG-II

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	— / CUP (2) (3)(7)(5)	P CUP (2)(6)
Cultivation – Mixed-light	— / CUP (2) (3)(7)(5)	P CUP (2)(6)
Cultivation – Indoor	— / CUP (2) (3)(7)(5)	P CUP (2)(6)
Nursery	— / CUP (3)(5)(4)(7)(5)	P CUP (5)(4)
Microbusiness	—	CUP (2) (4)(3)

CANNABIS DISTRIBUTION, MANUFACTURING, AND TESTING

Distribution	— / CUP (2) (7)(5)	P CUP (2)
Non-volatile Manufacturing	— / CUP (2) (7)(5)	P CUP (2)
Volatile Manufacturing	— / CUP (2) (7)(5)	CUP (2)
Testing	—	—

CANNABIS RETAIL

Retail	—	—
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Key to Zone symbols

AG-I	Agriculture I	AG-II	Agriculture II
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Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) The cannabis operation 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) 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.~~
- ~~(4)(3)~~ Microbusiness - only allows non-storefront retail.
- ~~(5)(4)~~ Nursery operation 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. 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 closest premise of the cannabis activity

is to be located, without regard to intervening structures.

~~(6) Cultivation on lots located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary shall require approval of a Conditional Use Permit.~~

~~(7) (5) Commercial cannabis activities are prohibited on AG-I zoned lots that are equal to, or less than, 20 acres in size. On lots zoned AG-I that are greater than 20 acres in size any commercial cannabis activity requires approval of a Conditional Use Permit by the Planning Commission and compliance with applicable standards in Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits). See Subsection 35.42.075.B.5.~~

SECTION 2:

Section 35.42.075.B.5, Permit Requirements for commercial cannabis activities on lots zoned AG-I, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

5. **Permit R**requirements for commercial cannabis activities on lots zoned AG-I. Commercial cannabis activities are prohibited on AG-I zoned lots that are equal to, or less than, 20 acres in size. ~~On lots zoned AG-I that are greater than 20 acres in size any commercial cannabis activity requires approval of a Conditional Use Permit by the Planning Commission and compliance with applicable standards in Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).~~

SECTION 3:

Section 35.42.075.C.3.d, Landscape Plan and Screening Plan, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

- 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.

SECTION 4:

Section 35.42.075.C.6, Cannabis Regulations-General Commercial Cannabis Activities Development Standards-Odor Abatement Plan, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

6. **Odor Abatement Plan.** The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), 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 in AG-II zoning, unless a CUP 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 (i.e. timing, length, etc.) 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, 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 cannabis activity is conduct, 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 odor contact.
 - (3) The operator of the cannabis activity is required 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 and all Departmental inspections of the cannabis operation, 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 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 35.42.075.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 5:

Section 35.42.075.D.1, Cannabis Regulations, Specific Use Development Standards, Cultivation, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows, and the rest of the subsection is re-lettered:

- 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. **Avoidance of prime soils.** All structures for cannabis cultivation operations, 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 to avoid prime soils to the maximum extent feasible.

Ancillary use facilities shall not be located on prime soils unless the Director determines that an alternative location on nonprime soils does not exist within a reasonable distance of the proposed site.
 - b. ~~Cannabis cultivation within an Existing Developed Rural Neighborhood (EDRN). Cultivation sites located 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 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).~~
 - e. **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.

- d.c. Hoop structure lighting.** Lighting shall be prohibited in hoop structures.
- e.d. M-RP zone requirements.** Cultivation shall only occur indoors on a lot zoned M-RP (Industrial Research Park).
- f.e. 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.
- g.f. Public Lands.** No cannabis cultivation shall be permitted on public lands.
- h.g. Post-processing and packaging.** Post-processing and packaging of cannabis products shall be considered accessory uses to the cultivation operation(s) when processed on the same lot.
- i.h. 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 Site 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 Site Transportation Demand Management Plan shall include at least one of the following methods to reduce vehicle trips generated by the cultivation operation:
- (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.
- j.i. 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.
- k.j.** 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.
- ~~**l. 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.~~

SECTION 6:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 7:

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

SECTION 8:

This ordinance shall take effect and be in force 30 days from the date of its passage; 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 9:

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:

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