

Ordinance Amending Chapter 50 – Licensing of Commercial Cannabis Operations

Adopted: May 1, 2018

Amended: April 9, 2019, August 27, 2019, December 17, 2019, February 2, 2021, November 2, 2021, March 1, 2022, November 29, 2022, and July 18, 2023

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ORDINANCE NO. 5246

AN ORDINANCE AMENDING CHAPTER 50, LICENSING OF CANNABIS OPERATIONS, OF THE
SANTA BARBARA COUNTY CODE

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

SECTION 1. Chapter 50 of the Santa Barbara County Code, titled “Licensing of Cannabis Operations,” Section 50-2, Definitions, subsections (u) through (ii), is hereby amended to include the following:

...

(u) “Multi-Technology Carbon Filtration” means air filtration technology that utilizes activated carbon, which may include carbon filters, photocatalytic oxidation (PCO) units and/or other equivalent technologies that utilize carbon filtration. Multi-Technology Carbon Filtration or equivalent technology means other odor controls systems that provide equivalent or greater odor control effectiveness than Multi-Technology Carbon Filtration.

(v) "Nursery" means a cannabis operation that only produces clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

(w) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, cooperative, collective, or any other group or combination acting as a unit and includes the plural as well as the singular number.

(x) "Personal use" means the cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for their qualified patient(s) in accordance with state law.

(y) "Premises" means the designated structure or structures and land specified in the state application that is owned, leased or otherwise held under the control of the applicant where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one state license.

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(z) "Primary caregiver" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

(aa) "Property owner" means the individual or entity who is the record owner of the lot where commercial cannabis activities are located or are proposed to be located.

(bb) "Qualified patient" has the same definition as in Section 11362.7 of the California Health and Safety Code, as may be amended.

(cc) "Retail" means both storefront and non-storefront retail as follows:

(1) "Non-storefront retail." Delivery-only retail of commercial cannabis or cannabis products, also referred to as non-storefront retailer; and

(2) "Storefront retail." The retail sale and delivery of cannabis or cannabis products to customers, also referred to as a storefront retailer. A retailer shall operate from a licensed premise. A retailer's premise may be closed to the public. A storefront retailer may also conduct some sales by delivery.

(dd) "Sheriff" means the sheriff of the County of Santa Barbara, and his or her deputies.

(ee) "State" means the State of California.

(ff) "State license" means a state license for cannabis, whether an "M" license or an "A" license or another type of license, issued pursuant to California Business and Professions Code Sections 26000, et seq., as may be amended, or other authority.

(gg) "State licensing authorities" means the California Department of Cannabis Control, or other state department(s), bureau(s) and/or office(s) that issue cannabis licenses.

(hh) "Treasurer-tax collector" means the elected treasurer-tax collector-public administrator of the County of Santa Barbara, his or her deputies or any other county officer charged with the issuing licenses, noticing denials of licenses or renewing of licenses to applicants pursuant to the provisions of this chapter.

(ii) "Testing" means an accredited laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products.

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SECTION 2. Chapter 50 of the Santa Barbara County Code, titled “Licensing of Cannabis Operations,” Section 50-8, Application content for an annual cannabis business license, subsection (b)(8)(iv), is hereby amended and shall read as follows:

...

(b) The application shall contain, without limitation, the following documentation:

...

(8) Applicant Acknowledgement:

...

- iv. A statement by the applicant, provided under penalty of perjury, that the applicant will ensure the ongoing operation of their odor control system(s) as required by Chapter 50 and County Code subsection 50-25(a)(3). Failure to adequately demonstrate that the odor control system(s) is operating in compliance with County Code subsection 50-25(a)(3) is grounds for denial of a business license in accordance with section 50-17.

SECTION 3. Chapter 50 of the Santa Barbara County Code, titled “Licensing of Cannabis Operations,” Section 50-17, Grounds for denial of license, subsection (d), is hereby amended and shall read as follows:

...

- (d) The applicant's operations, energy conservation, equipment, inventory control, quality control, security, waste management or cultivation plans, or other information in the application are determined to be insufficient to maintain the health, safety and general welfare of employees or the public or fail to comply state law or the County Code by staff from the county executive office, agricultural commissioner, fire, planning and development, community services, public health or sheriff's departments. This includes that the applicant shall install and use multi-technology carbon filtration or equivalent technology with run time meters on or before March 31, 2026 as required by Chapter 50 and County Code chapter 35 and/or their land use entitlement, and failure to do so is grounds for denial of a new license or license renewal, unless an extension is granted in accordance with County Code, Chapter 50-26(a)(12);

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...

SECTION 4. Chapter 50 of the Santa Barbara County Code, titled “Licensing of Cannabis Operations,” Section 50-19, Cannabis business license renewal process, subsection (b)(6) – (10), is hereby amended and shall read as follows:

...

- (b) Any application for renewal shall be filed with the county executive office at least sixty calendar days before expiration of the cannabis business license, but no earlier than ninety calendar days before expiration. The renewal application shall include:

...

- (6) Odor control system affidavit attesting to compliance with Chapter 50 and Chapter 35, zoning, of the County Code;
- (7) If any of the documentation and information supplied by the applicant pursuant to section 50-8 has changed since the issuance of the cannabis business license, the applicant shall submit updated information and documentation with the application for renewal and shall provide such other information as the county executive office may require; and
- (8) The documentation required in subsections 50-8(b)(8) and (9).
- (9) Documentation including, but not limited to, photographs and a diagram with boundaries in feet to support the acreage of actual planting, growing, harvesting, nursery, or a microbusiness in operation during the prior license period and an updated acreage request form reflecting the acreage they will plant, grow, harvest; maintain a nursery; or a microbusiness with cultivation in accordance with subsection (a)(2)(iii) and (a)(3)(i) above.
- (10) If the licensed cultivator is requesting to fallow planting, growing, harvesting, nursery, or a microbusiness with cultivation operations, a request and documentation to support that the requirements in subsection (a)(2)(iii)(F) are satisfied.

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SECTION 5. Chapter 50 of the Santa Barbara County Code, titled “Licensing of Cannabis Operations,” Section 50-25, Cannabis business license operating requirements, subsection (a)(3), is hereby amended and shall read as follows:

- (a) Throughout the term of the cannabis business license, each and every licensee shall comply with this chapter, the County Code, and state law, including, but not limited to, all of the following:

...

- (3) Odor. Continuous operation of all required odor prevention devices and techniques for cannabis cultivation, processing, and manufacturing (volatile or non-volatile), in compliance with chapter 50 and chapter 35, zoning, of the County Code.

...

SECTION 6. Chapter 50 of the Santa Barbara County Code, titled “Licensing of Cannabis Operations,” Section 50-26, Suspension or revocation of a cannabis business license, subsection (a)(8), (a)(10), (a)(11) and (a)(12), is hereby amended and shall read as follows:

- (a) Any of the following shall be grounds for suspension or revocation of a cannabis business license, based on substantial evidence and following notice and the procedure in section 50-27:

...

- (8) Failure to timely file by the due date as defined in section 50A-7 cannabis tax reports as required in subsection 50-17(l), 50-20(a)(3), and chapter 50A;

...

- (10) Failure to meet corrective action plans issued by county department(s) cited in this chapter;

- (11) Engaging in conduct that constitutes a nuisance, where the licensee has failed to abate the nuisance; and

- (12) Failure to install and use required multi-technology carbon filtration or equivalent technology with run time meters on or before March 31, 2026 as

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required by Chapter 50, County Code chapter 35 and/or their land use entitlement is grounds for revocation.

- i. In the Inland Area, the extension process set forth in Chapter 35 applies instead of this extension process.
- ii. In the Coastal Zone, if Chapter 35 is certified by the Coastal Commission before March 31, 2026, the extension process in Chapter 35 applies instead of this extension process. If not certified by March 31, 2026, this extension process applies until Chapter 35 is certified, upon which time this extension process will sunset and the process in Chapter 35 will apply.
- iii. One extension of up to 12-months past March 31, 2026 may be granted in accordance with this section.
- iv. Extension requests along with all supporting documentation must be submitted to the County Executive Office for consideration at least 90 days prior to March 31, 2026. The County Executive Office will make a recommendation to the Board of Supervisors to either approve or deny the extension request. Action by Board of Supervisors is the final decision of the County and is not subject to appeal. Requests for extensions may include, but not be limited to:
 - a. Supply chain delays;
 - b. On-site power supply upgrades;
 - c. Off-site power supply upgrades and availability;
 - d. Other circumstances as determined by the Board.

SECTION 7. Except as amended by this Ordinance the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 8. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 9. This Ordinance shall take effect and become operative 30 days from the date of its adoption by the Board of Supervisors. 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

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Supervisors voting for and against the same in the Santa Barbara Independent and in the Santa Maria Times, newspapers of general circulation published in the County of Santa Barbara.

SECTION 10. 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 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 and/or licensing of cannabis activities to being prohibited. Changing the zoning and/or licensing of cannabis activities to being prohibited, could occur -- for example, but is not limited to -- if: 1) the County Treasurer is not able to deposit cannabis-related funds in a suitable financial institution; and/or 2) the Board of Supervisors submits a proposed County tax on commercial cannabis activity to the voters and the voters do not approve the tax. 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 and/or licensing 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 1st day of April, 2025, by the following vote:

AYES: Supervisors Lee, Capps, Hartmann, Nelson and Lavagnino

NOES: None

ABSTAIN: None

ABSENT: None



LAURA CAPPS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

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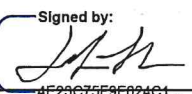
ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By 
Deputy Clerk

APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

Signed by:
By 
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Deputy County Counsel