

ATTACHMENT 3
LAND USE AND DEVELOPMENT CODE 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, BY AMENDING ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, TO IMPLEMENT MODIFICATIONS TO PERMIT REQUIREMENTS REGARDING COMMERCIAL CANNABIS ACTIVITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

Case No. 19ORD-00000-00001

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

SECTION 1:

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 amended to change Subsection B, Allowed uses and permit requirements, of Section 35.42.075, Cannabis Regulations, to read as follows:

B. Allowed uses and permit requirements.

1. Permit requirement for commercial cannabis activities.

- a. Commercial cannabis activities may only occur in compliance with the approval of the applicable permit identified in the Allowed Cannabis Uses and Permit Requirement by Zone tables in this section, and in allowable land use tables of [Article 35.2 \(Zones and Allowable Land Uses\)](#). The required permit shall be obtained prior to the commencement of the cannabis activity. All conditions of the permit for the cannabis activity shall be satisfied prior to the commencement of the cannabis activity or as otherwise specified in the conditions of the permit.
- b. In addition to obtaining a permit from the County as required in Subsection a above, permittees of commercial cannabis activities must also obtain and maintain in good status a valid County business license, as required by the County Code, and a valid State cannabis license, as required by the California Business and Professions Code.

2. Cultivation for personal use allowed. The cultivation of cannabis for personal use is allowed without a land use entitlement, provided that it complies with the following standards:

- a. Only adults 21 years or older may cultivate cannabis for personal use.
- b. Cultivation of cannabis for personal use shall only occur within:
 - (1) A legally established, secure dwelling, or
 - (2) An enclosed, legally established, secure building that is accessory to a dwelling.Outdoor cultivation is prohibited.
- c. Possession, storage, and/or cultivation of cannabis shall only be exclusively for the

cultivator’s personal use, and the cannabis shall not be provided, donated, sold, and/or distributed to any other person, except as allowed by and as described in State law and the Compassionate Use Act for primary caregivers who cultivate medicinal cannabis.

- d. Personal cultivation of cannabis is limited to six plants per legally established dwelling, unless otherwise allowed by State law in the Compassionate Use Act for medicinal cannabis.
 - e. The area dedicated to cultivation shall not be located in an area that is designated for a use that is required in order to comply with a regulation of this ordinance (e.g., in a garage if the growing area would occupy required parking spaces for the residential use of the property).
 - f. None of the cannabis cultivation or consumption activities shall be detectable (e.g., due to odor or lighting) outside of the dwelling or building in which the activities occur.
- 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 35.106 (Noticing and Public Hearings), 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 an Existing Developed Rural Neighborhood (EDRN), if the proposed use is to be located within the boundaries of an EDRN, or requires the use of a roadway within an EDRN as the sole means of access to the lot on which commercial cannabis activities will occur.
- 4. Permit Requirements for commercial cannabis activities.** The below tables identify the commercial cannabis land uses allowed by this Development Code in each zone, and the planning permit required to establish each use.

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
	PERMIT REQUIRED BY ZONE	
LAND USE (1)	AG-I	AG-II

CANNABIS CULTIVATION AND MICROBUSINESS

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

CANNABIS DISTRIBUTION, MANUFACTURING, AND TESTING

Distribution	CUP P(2)	P(2)
Non-volatile Manufacturing	CUP P(2)	P(2)
Volatile Manufacturing	CUP(2)	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) Microbusiness - only allows delivery retail and not storefront retail.
- (5) 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.

SECTION 2:

Article 35.42, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Subsection D, Specific use development standards, of Section 35.42.075, Cannabis Regulations, to read as follows:

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.** 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.
- b. 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.

- c. 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 Chapter 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

- 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. Hoop structure lighting.** Lighting shall be prohibited in hoop structures.
- f. M-RP zone requirements.** Cultivation shall only occur indoors on a lot zoned M-RP (Industrial Research Park).
- g. 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. Public Lands.** No cannabis cultivation shall be permitted on public lands.
- i. 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.
- j. 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.
- k. 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.

3.2. 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.
 - 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.

4.3. 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.
 - 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.

5.4. Microbusiness. Microbusinesses shall only include delivery retail in the AG-II zone in compliance with the permit requirement identified in [Chapter 35.21 \(Agricultural Zones\)](#). No retail sales shall occur on the lot on which the microbusiness exists, in AG-II zones.

6.5. Retail.

- 1) No cannabis consumption, including, but not limited to, smoking, vaporizing or ingesting, shall be permitted on the premises of a retailer or microbusiness.

SECTION 2:

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 3:

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 4:

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.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE LAVAGNINO, 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