



Planning and Development Department
LONG RANGE PLANNING DIVISION



CANNABIS ZONING ORDINANCE AMENDMENTS

CASE NOS. 19ORD-00000-00009 & -00011

Dan Klemann, Deputy Director
Santa Barbara County Board of Supervisors Hearing on June 2, 2020

Board July 16, 2019, Direction



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- Engage the Planning Commission and return with recommendations/strategies to mitigate:
 - ▣ Odor and other impacts of cannabis operations along urban-rural boundaries
 - ▣ Conflicts with existing agricultural operations





PC Hearings

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- Conducted five public hearings:
 - ▣ Presentations from P&D staff, Agricultural Commissioner, and Assistant CEO
 - ▣ Received public testimony
 - ▣ Considered a broad range of possible recommendations to the Board



PC Hearings



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- Recommendations/strategies considered:
 - ▣ Changes to Permitting Requirements
 - Zoning overlays for certain areas – CUP vs. LUP/CDP required
 - Different permitting requirements for activities within a specified distance of an urban area
 - CUP for outdoor cultivation and LUP/CDP for indoor cultivation
 - Ban activities (e.g., outdoor processing)



PC Hearings



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- Recommendations/strategies considered:
 - ▣ Changes to Development Standards
 - Setbacks from sensitive receptors and incompatible uses
 - Setbacks from areas subject to pesticide application



PC Hearings



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- Recommendations/strategies considered:
 - ▣ Changes to Development Standards
 - Establish limits (caps) on activities by size, number, type of activity, and/or location
 - Countywide
 - By zone
 - Per legal lot



PC Hearings



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- Recommendations/strategies considered:
 - Changes to Development Standards
 - Strengthen odor control requirements
 - Require odor-generating processing activities to be located indoors
 - Require best odor control practices as conditions of approval of permits
 - Control odors at the property line



PC Recommendations



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- Require a CUP for cultivation and on-site processing on agricultural lands:
 - ▣ Inland Area
 - AG-I: no change
 - >20 acres = CUP
 - ≤ 20 acres = prohibited
 - AG-II: all cultivation and processing, rather than certain cultivation and processing, would require a CUP



PC Recommendations



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- Require a CUP for cultivation and on-site processing on agricultural lands:
 - ▣ Coastal Zone, AG-I and AG-II:
 - Cultivation no longer a principally permitted use (CDP) – CUP appealable to the Coastal Commission
 - Nonvolatile manufacturing and distribution would remain appealable to Coastal Commission, but would require a CUP instead of a CDP



PC Recommendations



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- Effects of CUP requirement for cultivation and on-site processing:
 - ▣ Additional findings for approval
 - ▣ Greater discretion for decision-makers
 - ▣ PC, not staff, is the decision-maker
 - ▣ Eliminates one step in current appeal process



PC Recommendations



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- Effects of CUP requirement for cultivation and on-site processing:
 - ▣ Change to application processing time?
 - Eliminates staff approval of application, but...
 - Most applications are getting appealed
 - More discretion, less predictability
 - More development appealable to the Coastal Commission



PC Recommendations



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- Effects of CUP requirement for cultivation and on-site processing:
 - ▣ Activities already permitted with a LUP or CDP would:
 - Be vested/legal nonconforming, if permittee conducted substantial work and incurred substantial liabilities in good faith reliance on the LUP or CDP; or
 - Require a CUP



PC Recommendations



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- Changes to odor control requirements:
 - Current standards:
 - Odor control not required for most AG-II activities
 - Planning Director cannot detect odors from a residential zone



PC Recommendations



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- Changes to odor control requirements:
 - PC's recommended standards:
 - Odor control required for all AG-II activities
 - Odors must:
 - Not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood
 - Be compatible with the surrounding area





PC Recommendations

- Effects of changes to odor control requirements:
 - ▣ Greater number of sensitive receptors to consider (e.g., wine tasting rooms and residential uses not within a residential zone)
 - ▣ Ability to tailor the level of odor control given project-specific features
 - ▣ Less predictability for applicants



GC Sections 65854 - 65857



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- Zoning ordinance amendment processing requirements:
 - PC must:
 - Conduct public hearing regarding possible amendments
 - Convey recommendations in writing
 - Board must hold a public hearing to consider PC recommendations



GC Sections 65854 - 65857



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- Zoning ordinance amendment processing requirements:
 - ▣ If the PC did not consider an item(s), send the item(s) to the PC for a recommendation to the Board, before Board action on the item(s)



PC Recommended Actions



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- Board letter, pages 1-2:
 - ▣ Make the required findings for approval, including CEQA findings (Attachment 1)
 - ▣ Determine that no subsequent environmental documents is required, the amendments are within the scope of the program, and the PEIR adequately describes the activity for the purposes of CEQA (Attachments 1 & 2)



PC Recommended Actions



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- Board letter pages 1-2:
 - ▣ Adopt the ordinances (Attachments 3, 4)
 - ▣ Adopt and transmit to the Coastal Commission, the resolution regarding Coastal Commission certification of the Article II ordinance amendments (Attachments 5, 6)



Alternative Actions



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- Provide direction to staff on other amendments which the PC did not recommend
 - ▣ Direct staff to return to the PC for amendments not already considered
 - ▣ Consider effects on the LRP FY 2020-2021 Work Program
 - 0.7 FTE and no consultant funds



CUP Requirement



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- Options for existing LUP/CDP applications:
 - ▣ LUP/CDP issuance and permittee conducted substantial work and incurred substantial liabilities in good faith reliance on the LUP/CDP
 - ▣ LUP/CDP issuance
 - ▣ LUP/CDP approval and exhaust appeals
 - ▣ LUP/CDP approval





CUP Requirement

- Options for existing LUP/CDP applications:

LUDC: 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. However, cannabis applications that have a final approved permit as of the effective date of this Ordinance are exempt from the requirements of this Ordinance. For purposes of this section a “final approved permit” is a permit that has been: 1) approved and the appeal period has expired without an appeal; 2) approved on appeal with a final decision rendered by the County on the permit application by the effective date of this Ordinance, or 3) approved and subject to litigation, which if the permit is upheld shall be exempt from this Ordinance, but if not upheld by the Court then the applicant shall comply with all County Codes going forward including this Ordinance.

