



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Santa Barbara County Planning Commission

FROM: Dan Klemann, Deputy Director, Long Range Planning Division
Staff Contact: Corina Venegas, Planner

DATE: May 4, 2022

RE: Revision to the Staff-Recommended Amendments to the County Land Use and Development Code (LUDC) Cannabis Regulations; Case No. 22ORD-00000-00001; Scheduled for the May 11, 2022, Planning Commission Hearing

After publishing the staff-recommended cannabis ordinance amendments for the Planning Commission's consideration at the May 11, 2022, Planning Commission hearing, staff discovered some minor errors in the draft ordinance that require correction (Staff Report Attachment C).

This memorandum sets forth the corrected ordinance language and revised recommended actions for the Planning Commission's consideration. The changes are shown below in blue underlined text. The corrected, draft ordinances are attached to this memorandum (Attachments 1 and 2).

I. CHANGES TO THE STAFF REPORT ATTACHMENT C, EXHIBIT C-1. LUDC WITH CHANGES SHOWN

SECTION 6:

ARTICLE 35.10, Land Use and Development Code Administration, 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 add a new Subsection G, Minor Changes to Land Use Permits for Commercial Cannabis Cultivation, of Section 35.84.040, Changes to an Approved Project, of Chapter 35.84, Post Approval Procedures, to read as follows:

G. Minor Changes to Land Use Permits for Commercial Cannabis Cultivation. Minor changes to an approved or issued Land Use Permit for commercial cannabis cultivation (outdoor, mixed-light, indoor, and nursery) in the AG-II, M-RP, M-1, and M-2 zones may be allowed, provided the changes do not substantially deviate from the approved plan or issued permit. A request shall be processed in the following manner:

1. The Director may approve a minor change to an approved or issued Land Use Permit where the Director determines:

- a. The minor change is either environmentally beneficial (such as changes to improve the efficacy of odor control systems) or does not result in new, adverse environmental effects not analyzed or discussed at the time of project approval or in the need for additional mitigation measures;
 - b. The minor change **does not** substantially deviate from the approved plans and the originally approved or issued permit;
 - c. There is no change in the use or scope of the development;
 - d. The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings;
 - e. The Land Use Permit has not expired; and
 - f. The minor change is exempt from Design Review in compliance with Section 35.82.070 (Design Review).
2. Where a minor change of an approved or issued Land Use Permit is approved, the permit shall have the same effective and expiration dates as the original permit and no additional public notice shall be required.
 3. Where it cannot be determined that the minor change **does not** substantially deviate from an approved or issued Land Use Permit in compliance with the above criteria, a new Conditional Use Permit shall be required.
 4. Determinations made pursuant to this subsection are not subject to Appendix C (Guidelines for Minor Changes to Land Use Permits) or Appendix F (Substantial Conformity Determination Guidelines).
 5. The determination to allow a minor change to an approved or issued Land Use Permit for commercial cannabis cultivation is final and not subject to appeal.

II. CHANGES TO THE STAFF REPORT ATTACHMENT C, EXHIBIT C-2. LUDC AMENDMENTS FOR ADOPTION

SECTION 6:

ARTICLE 35.10, Land Use and Development Code Administration, 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 add a new Subsection G, Minor Changes to Land Use Permits for Commercial Cannabis Cultivation, of Section 35.84.040, Changes to an Approved Project, of Chapter 35.84, Post Approval Procedures, to read as follows:

- G. Minor Changes to Land Use Permits for Commercial Cannabis Cultivation.** *Minor changes to an approved or issued Land Use Permit for commercial cannabis cultivation (outdoor, mixed-light, indoor, and nursery) in the AG-II, M-RP, M-1, and M-2 zones may be allowed, provided the changes **does not** substantially deviate from the approved plan or issued permit. A request shall be processed in the following manner:*

1. *The Director may approve a minor change to an approved or issued Land Use Permit where the Director determines:*
 - a. *The minor change is either environmentally beneficial (such as changes to improve the efficacy of odor control systems) or does not result in new, adverse environmental effects not analyzed or discussed at the time of project approval or in the need for additional mitigation measures;*
 - b. *The minor change does not substantially deviate from the approved plans and the originally approved or issued permit;*
 - c. *There is no change in the use or scope of the development;*
 - d. *The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings;*
 - e. *The Land Use Permit has not expired; and*
 - f. *The minor change is exempt from Design Review in compliance with Section 35.82.070 (Design Review).*
2. *Where a minor change of an approved or issued Land Use Permit is approved, the permit shall have the same effective and expiration dates as the original permit and no additional public notice shall be required.*
3. *Where it cannot be determined that the minor change does not substantially deviate from an approved or issued Land Use Permit in compliance with the above criteria, a new Conditional Use Permit shall be required.*
4. *Determinations made pursuant to this subsection are not subject to Appendix C (Guidelines for Minor Changes to Land Use Permits) or Appendix F (Substantial Conformity Determination Guidelines).*
5. *The determination to allow a minor change to an approved or issued Land Use Permit for commercial cannabis cultivation is final and not subject to appeal.*

III. STAFF RECOMMENDED ACTIONS – REVISED

In order to recommend that the Board adopt the corrected ordinance language set forth above, staff recommends that the Planning Commission take the following, revised actions on May 11, 2022:

1. *Make the required findings for approval (Attachment A to the staff report dated May 3, 2022), including California Environmental Quality Act (CEQA) findings, and recommend that the Board of Supervisors (Board) make the required findings for approval of the proposed amendments to the LUDC for the Cannabis Land Use Ordinance;*
2. *Recommend that the Board determine that the previously certified Programmatic*

Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003) constitutes adequate environmental review and no subsequent environmental impact report or negative declaration is required pursuant to CEQA Guidelines Sections 15162(a) and 15168(c)(2); and

3. *Adopt a resolution ([Attachment C to the staff report dated May 3, 2022](#)) recommending that the Board adopt an ordinance amending the LUDC (Case No. 22ORD-00000-00001), of Chapter 35, Zoning, of the Santa Barbara County Code ([Attachment C, Exhibit C-2 to the memorandum dated May 4, 2022, from staff to the Santa Barbara County Planning Commission](#)).*

ATTACHMENTS:

1. Revised Resolution Attachment C-1, LUDC Amendments with Changes Shown
2. Revised Resolution Attachment C-2, LUDC Amendments for Adoption