



# County of Santa Barbara BOARD OF SUPERVISORS

## Minute Order

June 11, 2020

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**Present:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

PLANNING AND DEVELOPMENT

File Reference No. 20-00387

**RE:** HEARING - Consider recommendations regarding the County Planning Commission-recommended Ordinances to amend the County Land Use and Development Code (LUDC) and the Article II Coastal Zoning Ordinance (Article II), to implement new development standards and permit requirements regarding certain commercial cannabis activities, as follows: (EST. TIME: 3 HR.)

a) Consider recommendations regarding LUDC Amendment (Case No. 19ORD-00000-00009), as follows:

i) Make the required findings for approval, including California Environmental Quality Act (CEQA) findings;

ii) After considering the Final Program Environmental Impact Report (EIR) adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003), determine that as reflected in the CEQA findings, no subsequent environmental document shall be prepared for this project pursuant to CEQA Guidelines Section 15162; and adoption of the LUDC Amendment (Case No. 19ORD-00000-00009) is within the scope of the program approved earlier, and the Final Program EIR adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003) adequately describes the activity for the purposes of CEQA pursuant to CEQA Guidelines Section 15168(c)(2); and

iii) Consider the adoption of an Ordinance (Case No. 19ORD-00000-00009) to amend the LUDC;

b) Consider recommendations regarding the Article II Amendment (Case No. 19ORD-00000-00011), as follows:

i) Make the required findings for approval, including CEQA findings;

ii) Pursuant to CEQA Guidelines Section 15265, find that the preparation, approval, and certification of a Local Coastal Program Amendment (LCPA) is exempt from the requirements of CEQA because the California Coastal Commission's (Coastal Commission's) review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA (Public Resources Code Sections 21080.5 and 21080.9);

iii) Adopt the Ordinance (Case No. 19ORD-00000-00011) to amend Article II;



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iv) Adopt a Resolution authorizing submittal of the Cannabis Ordinance Amendment to the Coastal Commission for certification as an amendment to the Santa Barbara County Local Coastal Program; and

v) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the Coastal Commission; and

c) Provide direction to staff regarding any other amendments to the County's cannabis regulations, which the Board of Supervisors would like to consider in the future.

**COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY**

*HEARING TIME: 9:05 AM - 11:55 AM (2 HR. 50 MIN.)*

**Received and filed staff presentation and conducted public hearing.**

**A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:**

**a) and b) No action taken; and**

**c) Conceptually directed staff to ban cannabis cultivation in Existing Developed Rural Neighborhoods (EDRNs).**

**The motion carried by the following vote:**

**Ayes:** 3 - Supervisor Hart, Supervisor Hartmann, and Supervisor Adam

**Noes:** 2 - Supervisor Williams, and Supervisor Lavagnino



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iii) Consider the adoption of an Ordinance (Case No. 19ORD-00000-00009) to amend the LUDC;

b) Consider recommendations regarding the Article II Amendment (Case No. 19ORD-00000-00011), as follows:

i) Make the required findings for approval, including CEQA findings;

ii) Pursuant to CEQA Guidelines Section 15265, find that the preparation, approval, and certification of a Local Coastal Program Amendment (LCPA) is exempt from the requirements of CEQA because the California Coastal Commission's (Coastal Commission's) review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA (Public Resources Code Sections 21080.5 and 21080.9);

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v) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the Coastal Commission; and

c) Provide direction to staff regarding any other amendments to the County's cannabis regulations, which the Board of Supervisors would like to consider in the future.

### COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

**A conceptual motion was made by Supervisor Hart, seconded by Supervisor Lavagnino, that this matter be acted on as follows:**

**c) Conceptually directed staff to require a Conditional Use Permit (CUP) if cultivation is on greater than 51% of the lot.**

**The motion carried by the following vote:**

**Ayes:** 3 - Supervisor Williams, Supervisor Hart, and Supervisor Lavagnino

**Noes:** 2 - Supervisor Hartmann, and Supervisor Adam



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PLANNING AND DEVELOPMENT

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    - i) Make the required findings for approval, including California Environmental Quality Act (CEQA) findings;
    - ii) After considering the Final Program Environmental Impact Report (EIR) adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003), determine that as reflected in the CEQA findings, no subsequent environmental document shall be prepared for this project pursuant to CEQA Guidelines Section 15162; and adoption of the LUDC Amendment (Case No. 19ORD-00000-00009) is within the scope of the program approved earlier, and the Final Program EIR adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003) adequately describes the activity for the purposes of CEQA pursuant to CEQA Guidelines Section 15168(c)(2); and
    - iii) Consider the adoption of an Ordinance (Case No. 19ORD-00000-00009) to amend the LUDC;
  - b) Consider recommendations regarding the Article II Amendment (Case No. 19ORD-00000-00011), as follows:
    - i) Make the required findings for approval, including CEQA findings;
    - ii) Pursuant to CEQA Guidelines Section 15265, find that the preparation, approval, and certification of a Local Coastal Program Amendment (LCPA) is exempt from the requirements of CEQA because the California Coastal Commission's (Coastal Commission's) review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA (Public Resources Code Sections 21080.5 and 21080.9);
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v) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the Coastal Commission; and

c) Provide direction to staff regarding any other amendments to the County's cannabis regulations, which the Board of Supervisors would like to consider in the future.

### COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

**A conceptual motion was made by Supervisor Hart, seconded by Supervisor Lavagnino, that this matter be Acted on as follows:**

**c) Conceptually directed staff to require all processing and drying of cannabis to occur indoors with best available technology on odor control.**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino



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iii) Consider the adoption of an Ordinance (Case No. 19ORD-00000-00009) to amend the LUDC;

b) Consider recommendations regarding the Article II Amendment (Case No. 19ORD-00000-00011), as follows:

i) Make the required findings for approval, including CEQA findings;

ii) Pursuant to CEQA Guidelines Section 15265, find that the preparation, approval, and certification of a Local Coastal Program Amendment (LCPA) is exempt from the requirements of CEQA because the California Coastal Commission's (Coastal Commission's) review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA (Public Resources Code Sections 21080.5 and 21080.9);

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v) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the Coastal Commission; and

c) Provide direction to staff regarding any other amendments to the County's cannabis regulations, which the Board of Supervisors would like to consider in the future.

### COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

**A conceptual motion was made by Supervisor Lavagnino, seconded by Supervisor Hart, that this matter be acted on as follows:**

**c) Conceptually directed staff to require a 50 foot set back of cannabis cultivation from the property line.**

**The motion carried by the following vote:**

**Ayes:** 4 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, and Supervisor Lavagnino

**Noes:** 1 - Supervisor Adam





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iii) Consider the adoption of an Ordinance (Case No. 19ORD-00000-00009) to amend the LUDC;

b) Consider recommendations regarding the Article II Amendment (Case No. 19ORD-00000-00011), as follows:

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v) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the Coastal Commission; and

c) Provide direction to staff regarding any other amendments to the County's cannabis regulations, which the Board of Supervisors would like to consider in the future.

### COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

**A conceptual motion was made by Supervisor Lavagnino, seconded by Supervisor Adam, that this matter be acted on as follows:**

**c) Conceptually directed staff to use the language as seen on slide 22 of the revised June 11, 2020 PowerPoint Presentation entitled: Options for existing Land Use Permit (LUP)/Coastal Development Permit (CDP) Applications.**

**The motion carried by the following vote:**

**Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino**



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### COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

**A conceptual motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:**

**c) Conceptually directed staff to require odor abatement at the property line.**

**The motion failed by the following vote:**

**Ayes:** 2 - Supervisor Hartmann, and Supervisor Adam

**Noes:** 3 - Supervisor Williams, Supervisor Hart, and Supervisor Lavagnino



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### COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

**A conceptual motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:**

**c) Conceptually directed staff to require a CUP in the Santa Rita Hills AVA.**

**The motion failed by the following vote:**

**Ayes:** 2 - Supervisor Hartmann, and Supervisor Adam

**Noes:** 3 - Supervisor Williams, Supervisor Hart, and Supervisor Lavagnino