

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF MAY 1, 2019

RE: Cannabis Land Use Ordinance Amendments; 19ORD-00000-00001, 19ORD-00000-00002

Hearing on the request of the Planning and Development Department that the County Planning Commission:

- a) **19ORD-00000-00001.** Recommend that the Board of Supervisors adopt an ordinance (Case No. 19ORD-00000-00001) amending Article 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code.
- b) **19ORD-00000-00002.** Recommend that the Board of Supervisors adopt an ordinance (Case No. 19ORD-00000-00002) amending Division 7, General Regulations, of Article II, the Coastal Zoning Ordinance (Article II), of Chapter 35, Zoning, of the Santa Barbara County Code.
- c) **19ORD-00000-00001 and 19ORD-00000-00002.** Recommend that the Board of Supervisors determine that no subsequent environmental document shall be prepared for this project pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162.

The proposed amendments will provide additional noticing requirements for certain commercial cannabis operations within the inland areas (LUDC) and Coastal Zone (Article II) of the unincorporated areas of Santa Barbara County, and further regulation of commercial cannabis cultivation activities in the Agriculture I (AG-I) zone (LUDC) in the unincorporated inland areas of Santa Barbara County.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of May 1, 2019, Commissioner Parke moved, seconded by Commissioner Brown and failed by a vote of 2 to 3 (Cooney, Ferini, and Blough no) to recommend the Board of Supervisors adopt Alternative A (prohibitions on AG-I-5, AG-I-10, AG-I-20, and AG-I-40

lots that are 20 acres or less), modified to provide property owners of AG-I parcels over 20 acres the ability to seek a Conditional Use Permit for commercial cannabis activities.

Commissioner Blough moved, seconded by Commissioner Cooney and carried by a vote of 3 to 2 (Brown and Parke no) to recommend the Board of Supervisors adopt Alternative B. The Planning Commission's motion included the following:

1. Make the required findings for approval, including California Environmental Quality Act (CEQA) findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment, including CEQA findings (Attachment B of the staff report dated April 23, 2019).
2. Recommend that the Board of Supervisors, after considering the Final Program Environmental Impact Report (EIR) adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003) (Attachment C), determine that as reflected in the CEQA findings (Attachment B of the staff report dated April 23, 2019), no subsequent environmental document shall be prepared for this project pursuant to CEQA Guidelines Section 15162.
3. Adopt a resolution recommending that the Board of Supervisors approve Case No. 19ORD-00000-00001, an ordinance amending Article 35.4, Standards for Specific Land Uses, of Section 35-1, the LUDC, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment E of the staff report dated April 23, 2019).

Commissioner Blough moved, seconded by Commissioner Cooney and carried by a vote of 5 to 0 to recommend that the Board of Supervisors adopt noticing requirement amendments to the LUDC and Article II. The amendments to the noticing requirements in the LUDC are included above (1-3) in the motion made to adopt Alternative B. The Planning Commission's motion to approve the Article II amendments included the following:

1. Make the required findings for approval, including California Environmental Quality Act (CEQA) findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment, including CEQA findings (Attachment A of the staff report dated April 23, 2019).
2. Recommend that the Board of Supervisors, after considering the Final Program Environmental Impact Report (EIR) adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003) (Attachment C), determine that as reflected in the CEQA findings (Attachment B of the staff report dated April 23, 2019), no subsequent environmental document shall be prepared for this project pursuant to CEQA Guidelines Section 15162.
3. Adopt a resolution recommending that the Board of Supervisors approve Case No. 19ORD-00000-00002, an ordinance amending Division 7, General Regulations, of Article II, the Coastal Zoning Ordinance (Article II), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment F).

As an advisory motion, Commissioner Blough moved, seconded by Commissioner Cooney and carried by a vote of 5 to 0 to recommend that the Board of Supervisors consider adopting the amendments associated with Alternative B, which require a conditional use permit for all commercial cannabis activities on all AG-I lots, in the Coastal Zone.

Sincerely,

Jeff Wilson
Secretary Planning Commission

cc: Case File: 19ORD-00000-00001, 19ORD-00000-00002
Planning Commission File
Jeff Wilson, Assistant Director
Johannah Hartley, Deputy County Counsel
David Lackie, Supervising Planner
Whitney Wilkinson, Planner

Attachments: Attachment B – Findings for Approval (Alternative B)
Attachment E – Resolution of the County Planning Commission (Alternative B)
Attachment F – Resolution of the County Planning Commission (Article II)

JW/dmv

ATTACHMENT B: FINDINGS FOR APPROVAL

CASE NOS. 19ORD-00000-00001 and 19ORD-00000-00002

1.0 CEQA FINDINGS

1.1 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED (*per CEQA Section 15162 and 15168(c)(2)*)

The Board of Supervisors finds that the Final Program Environmental Impact Report (EIR) (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) adopted for the Cannabis Land Use Ordinance and Licensing Program fulfills the environmental review requirements for the proposed County Land Use and Development Code (LUDC) amendment (Case No. 19ORD-00000-00001) and the proposed Article II Coastal Zoning Ordinance (Article II) amendment (Case No. 19ORD-00000-00002).

On February 6, 2018, the Board of Supervisors certified the Final Program EIR for the Cannabis Land Use Ordinance and Licensing Program and adopted a Statement of Overriding Considerations. The EIR (17EIR-00000-00003), its appendices, and EIR Revision Letter (RV 01), for the Cannabis Land Use Ordinance and Licensing Program identify several environmental impacts which cannot be fully mitigated and, therefore, are considered unavoidable (Class I). These impacts involve: agricultural resources; air quality and greenhouse gas emissions; noise; transportation and traffic; and aesthetic and visual resources. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations. For each of these Class I impacts described in the EIR, feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to the maximum extent feasible.

Potential project specific and cumulative impacts associated with commercial cannabis activities are reduced with the proposed LUDC amendment (Case No. 19ORD-00000-00001) which requires approval of a Conditional Use Permit for commercial cannabis activities on lots zoned Agriculture I within the inland area of unincorporated Santa Barbara County. Expanded public notice requirements included in both the proposed LUDC amendment and Article II amendment (Case No. 19ORD-00000-00002) help implement the Cannabis Land Use Ordinance program and do not result in adverse environmental effects.

The Final Program EIR adopted for the Cannabis Land Use Ordinance and Licensing Program fulfills the environmental review requirements for the proposed LUDC and Article II amendments in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162. This section provides (in pertinent part) that the lead agency shall not prepare a subsequent environmental impact report (EIR) for a project when the lead agency or another entity has already adopted an environmental impact report for that project, unless one or more of the following have occurred: (1) substantial changes are proposed which will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) new information of substantial importance which was not known and could not have been known at the time the previous EIR was adopted has become available.

The proposed amendments are within the scope of the program approved earlier, and the program EIR adequately describes the activity for the purposes of CEQA, pursuant to CEQA Guidelines Section 15168(e). The proposed LUDC and Article II amendments will not allow new land uses, increase permitted densities, or otherwise alter the purpose or intent of the LUDC and Article II cannabis regulations. Furthermore, the proposed amendments will not have new significant effects or increase the severity of effects discussed in the EIR. Therefore, the Board of Supervisors finds that no new environmental document is required and that the proposed LUDC and Article II amendments do not require subsequent environmental review pursuant to CEQA Guidelines Section 15162 and 15168(c)(2).

The Final Program EIR (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) is available for review at:

<http://cannabis.countyofsb.org/zones.sbc>

Santa Barbara County Planning and Development Department
123 East Anapamu Street
Santa Barbara, CA, 93101
(805) 568-2000

2.0 ADMINISTRATIVE FINDINGS

In compliance with LUDC Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) and Article II Section 35-180.6, the Board of Supervisors shall make the following findings in order to approve a text amendment to the LUDC and Article II.

2.1 The request is in the interest of the general community welfare.

The proposed ordinance amendments are in the interest of the general community welfare since the amendments will: (1) require the County Planning Commission to make additional findings to what is required for a land use permit in order to approve a commercial cannabis activity, and will increase opportunities for public input, by requiring approval of a Conditional Use Permit for commercial cannabis activities on lots zoned Agriculture I in the inland area of unincorporated Santa Barbara County; and (2) expand public notice requirements for various commercial cannabis activities in Existing Developed Rural Neighborhoods (EDRN) and Rural Neighborhoods (RN), to avoid compromising the general welfare of the community, as analyzed in the County Planning Commission staff report, dated April 23, 2019, which is hereby incorporated by reference.

2.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, the LUDC, and Article II.

The Board of Supervisors-adopted LUDC and Article II cannabis regulations establish standards that are designed to protect the public health, safety, and welfare, enact strong and effective

regulatory and enforcement controls, as a result of, and in compliance with, State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales.

Adoption of the proposed ordinance amendments, as analyzed in the County Planning Commission staff report, dated April 23, 2019, which is hereby incorporated by reference, provide more effective implementation of the County Cannabis Land Use Ordinance requirements. The proposed ordinance amendments will protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment by: (1) requiring discretionary approval of a Conditional Use Permit for commercial cannabis activities on lots zoned Agriculture I in the inland area of unincorporated Santa Barbara, and (2) expanding public notice requirements for various commercial cannabis activities in EDRNs and RNs, in order to avoid or otherwise minimize adverse effects from cannabis activities. The proposed ordinances would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Community Plans. The proposed ordinance amendments are also consistent with the remaining portions of the LUDC and Article II that these ordinance amendments would not be revising. Therefore, the proposed ordinance amendments would be consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, and the LUDC and Article II.

2.3 The request is consistent with good zoning and planning practice.

The proposed LUDC and Article II amendments, as discussed in the County Planning Commission staff report dated April 23, 2019, incorporated by reference, are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it provides for clear direction regarding public notice requirements and permit requirements for commercial cannabis activities, which serves to minimize potential adverse impacts on people, communities, and the environment. As discussed in Finding 2.2, above, the proposed LUDC and Article II amendments are consistent with the Comprehensive Plan, the LUDC, Article II, and good zoning and planning practice. Therefore, the proposed ordinances are consistent with sound zoning and planning practices to regulate land uses.

ATTACHMENT E

**RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING THAT)
THE BOARD OF SUPERVISORS ADOPT AN) RESOLUTION NO.: 19- ____
ORDINANCE AMENDING SECTION 35-1, THE)
COUNTY LAND USE AND DEVELOPMENT) CASE NO.:
CODE, OF CHAPTER 35, ZONING, OF THE) 19ORD-00000-00001
SANTA BARBARA COUNTY CODE, ARTICLE)
35.4, STANDARDS FOR SPECIFIC LAND)
USES, TO PROVIDE ADDITIONAL NOTICING)
REQUIREMENTS AND FURTHER)
REGULATION OF COMMERCIAL CANNABIS)
ACTIVITIES IN THE AGRICULTURE I ZONE.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code (LUDC), Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code.
- B. At the February 6, 2018, Board of Supervisors hearing, the Board of Supervisors certified the Final Program Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program.
- C. On February 27, 2018, by Ordinance 5027, the Board of Supervisors adopted LUDC amendments to implement new development standards, permit requirements, and procedures regarding commercial cannabis activities.
- D. On January 29, 2019, the Board of Supervisors directed Planning and Development Department staff to return with focused LUDC amendments to improve the Cannabis Land Use Ordinance's effectiveness.
- E. The proposed LUDC amendment expands notice requirements for commercial cannabis applications within Existing Developed Rural Neighborhoods; and requires approval of a Conditional Use Permit for commercial cannabis activities on lots zoned Agriculture I.
- F. This County Planning Commission held a duly noticed hearing on April 3, 2019, regarding options to revise the cannabis ordinances, at which the County Planning Commission: considered data on the geographic locations that would be affected by the ordinance revision options; and received comments on the ordinance revision options from the persons in attendance.
- G. The County Planning Commission held a duly noticed public hearing on May 1, 2019, as required by Government Code section 65854, at which hearing the proposed ordinance amendment was explained and comments invited from the persons in attendance

- H. The Board of Supervisors-adopted LUDC cannabis regulations establish standards that are designed to protect the public health, safety, and welfare, as well as enact strong and effective regulatory and enforcement controls. The proposed ordinance amendment will protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment by requiring approval of a Conditional Use Permit for commercial cannabis activities on lots zoned Agriculture I.
- I. The proposed amendment is consistent with the Santa Barbara County Comprehensive Plan, including the Community Plans, and the requirements of the state planning, zoning, and development laws.
- J. In compliance with Government Code section 65855 which requires the County Planning Commission's written recommendation on the proposed ordinances to include the reasons for the recommendation and the relationship of the proposed ordinances to applicable general and specific plans, the County Planning Commission has determined that the proposed amendments and ordinances are consistent with the Comprehensive Plan, including community plans, as discussed in the County Planning Commission staff report dated April 23, 2019, which is incorporated by reference.
- K. The County Planning Commission finds that it is in the public interest to provide orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Exhibit 1) amending Section 35-1, the LUDC (Case No. 19ORD-00000-00001), of Chapter 35, Zoning, of the County Code, by amending Article 35-4, Standards for Specific Land Uses, to revise regulations that pertain to commercial cannabis activities regarding noticing and uses on lands zoned Agriculture I, and make other minor clarifications, corrections, and revisions.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with section 65855 of the Government Code and section 2-25.2(a) of the County Code, the County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this County Planning Commission, based on the findings included as Attachment E of the County Planning Commission staff report, dated April 23, 2019.
3. A certified copy of this Resolution shall be transmitted to the Board of Supervisors in compliance with Government Code section 65855 and section 2-25.2(a) of the County Code.
4. The Chair of the County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the County Planning Commission.

Case Nos. 19ORD-00000-00001 (LUDC)

Hearing Date: May 1, 2019

Attachment E: Resolution

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

AYES:

NOES:

ABSTAIN:

ABSENT:

JOHN PARKE, CHAIR
Santa Barbara County Planning Commission

ATTEST:

JEFF WILSON
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

Exhibit 1 – County Land Use and Development Code Amendment
(Case No. 19ORD-00000-00001)

**EXHIBIT 1:
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	<u>CUP</u> P(2)(3)	P(2)(6)
Cultivation – Mixed-light	<u>CUP</u> P(2)(3)	P(2)(6)
Cultivation – Indoor	<u>CUP</u> P(2)(3)	P(2)(6)
Nursery	<u>CUP</u> P(3)(5)	P(5)
Microbusiness	—	CUP(2)(4)

CANNABIS DISTRIBUTION, MANUFACTURING, AND TESTING

Distribution	MCUP(2)	P(2)
Non-volatile Manufacturing	<u>CUP</u> 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

ATTACHMENT F

**RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING THAT THE)
BOARD OF SUPERVISORS ADOPT AN ORDINANCE) RESOLUTION NO. 19 - _____
AMENDING DIVISION 7, GENERAL)
REGULATIONS, OF ARTICLE II, THE COASTAL) Case No.:
ZONING ORDINANCE, OF CHAPTER 35, ZONING,) 19ORD-00000-00002
OF THE SANTA BARBARA COUNTY CODE TO)
ADDRESS NOTICING FOR COMMERCIAL)
CANNABIS ACTIVITIES IN THE COASTAL ZONE.)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted Article II, the Coastal Zoning Ordinance, of Chapter 35 of the Santa Barbara County Code.
- B. At the February 6, 2018, Board hearing, the Board of Supervisors certified the Final Programmatic Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program.
- C. On November 13, 2018, by Ordinance 5028, the Board of Supervisors adopted Article II amendments to implement new development standards, permit requirements, and procedures regarding commercial cannabis activities.
- D. On January 29, 2019, the Board of Supervisors directed the Planning and Development Department to return with focused Article II amendments that address unforeseen issues, and improve the Cannabis Land Use Ordinance's effectiveness.
- E. The proposed Article II amendment expands notice requirements for commercial cannabis applications within Rural Neighborhoods.
- F. This County Planning Commission held a duly noticed hearing on April 3, 2019 regarding options to revise the cannabis ordinances, at which the County Planning Commission: considered data on the geographic locations that the ordinance revision options would affect; and received comments on the ordinance revision options from the persons in attendance.
- G. The County Planning Commission held a duly noticed public hearing on May 1, 2019, as required by Government Code section 65854, at which hearing the proposed ordinance amendment was explained and comments invited from the persons in attendance.
- H. The County Planning Commission finds that it is in the public interest to provide orderly development of the County, and it is important to the preservation of the health, safety, and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Exhibit 1) amending Article II, the Coastal Zoning Ordinance (Case No. 19ORD-00000-00002), of Chapter 35, Zoning, of the County Code, by amending Division 7,

General Regulations, to revise regulations that pertain to commercial cannabis cultivation regarding noticing and make other minor clarifications, corrections, and revisions.

- I. The proposed amendment is consistent with the Santa Barbara County Comprehensive Plan, including the Community Plans and Local Coastal Program, and the requirements of the State planning, zoning, and development laws.
- J. In compliance with Government Code section 65855 which requires the County Planning Commission's written recommendation on the proposed ordinances to include the reasons for the recommendation and the relationship of the proposed ordinances to applicable general and specific plans, the County Planning Commission has determined that the proposed amendments and ordinances are consistent with the Comprehensive Plan, including community plans, as discussed in the County Planning Commission staff report dated April 23, 2019, which is incorporated herein by reference.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with section 65855 of the Government Code and section 2-25.2(a) of the County Code, the County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the County Planning Commission staff report, dated April 23, 2019.
3. A certified copy of this Resolution shall be transmitted to the Board of Supervisors in compliance with Government Code section 65855 and section 2-25.2(a) of the County Code.
4. The Chair of the County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the County Planning Commission.

PASSED, APPROVED, AND ADOPTED by the County Planning Commission of the County of Santa Barbara, State of California, this ____day of _____2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JOHN PARKE, CHAIR
Santa Barbara County Planning Commission

ATTEST:

JEFF WILSON
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

Exhibit 1 – County Land Use and Development Code Amendment (Case No. 19ORD-00000
00001)

**EXHIBIT 1:
COASTAL ZONING ORDINANCE CODE AMENDMENTS**

ORDINANCE NO. _____

AN ORDINANCE AMENDING DIVISION 7, GENERAL REGULATIONS, OF THE COASTAL ZONING ORDINANCE OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE TO PROVIDE ADDITIONAL NOTICING REQUIREMENTS REGARDING COMMERCIAL CANNABIS ACTIVITIES AND MAKE OTHER MINOR CORRECTIONS AND REVISIONS.

Case No. 19ORD-00000-00002

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

SECTION 1:

DIVISION 7, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Subsection B, Allowed uses and permit requirements, of Section 35-144U Cannabis Regulations, to read as follows:

Section 35-144U. Cannabis Regulations.

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 table, and in Division 4 Zoning Districts, in this section. 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 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 the 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~~ **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 35-181 (Noticing), 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 a Rural Neighborhood (RN), if the proposed use is to be located within the boundaries of an RN, or requires the use of a roadway within an RN 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 identifies the commercial cannabis land uses allowed by this Article in each zone, and the planning permit required to establish each use. The table provided for land uses that are:
- a. Allowed subject to compliance with all applicable provisions of this Article and subject to first obtaining a Coastal Development Permit in compliance with [Section 35-169](#) (Coastal Development Permits) or a Land Use Permit in compliance with [Section 35-178](#) (Land Use Permits) as applicable. Permitted uses are shown in the table as either "PP," which denotes a Principal Permitted Use or "P," which denotes a non-Principal Permitted Use. An action by the decision-maker to approve or conditionally approve a permit application for a non-Principal Permitted Use may be appealed to the Coastal Commission in compliance with [Section 35-182.6](#) (Appeals to the Coastal Commission).
 - b. Allowed subject to the approval of a Major Conditional Use Permit in compliance with [Section 35-172](#) (Conditional Use Permits) and shown as "CUP" uses in the table. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with the application for the Major Conditional Use Permit.
 - c. Not allowed in particular zones and shown as "—" in the table.

LAND USE (1)	PERMIT REQUIRED BY ZONE					
	AG-I	AG-II	C-1	C-2	PI	M-RP
Allowed Cannabis Uses and Permit Requirement by Zone						
	PP	Principal Permitted use, Coastal Development Permit required				
	P	Permitted use, Coastal Development Permit required				
	CUP	Major Conditional Use Permit required				
	—	Use Not Allowed				
CANNABIS CULTIVATION AND MICROBUSINESS						
Outdoor Cultivation	PP(4)(5)(7)	PP(2)(4)(8)	—	—	—	—
Mixed-light Cultivation	PP(2)(5)	PP(2)	—	—	—	—
Indoor Cultivation	PP(2)(5)	PP(2)	—	—	—	P(2)
Nursery, Cultivation	PP(5)(9)	PP(9)	—	—	—	P(9)
Microbusiness	—	CUP(2)(6)	CUP(2)	CUP(2)	—	—
CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING						
Distribution	P(2)(3)	P(2)(3)	—	—	—	PP(2)
Manufacturing, Nonvolatile	P(2)(3)	P(2)(3)	—	—	—	PP(2)
Manufacturing Volatile	CUP(2)(3)	CUP(2)(3)	—	—	—	—
Testing	—	—	PP(2)	PP(2)	PP(2)	PP(2)
CANNABIS RETAIL						
Non-Storefront Retailer	—	P(2)	PP(2)	PP(2)	—	—
Retail	—	—	PP(2)	PP(2)	—	—
Notes:						
(1) See Section 35-58 (Definitions) for land use definitions.						
(2) The premises 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) The manufacturing or distribution use is only permissible as an accessory use to cannabis cultivation.						
(4) Outdoor cultivation is not allowed within two miles of an Urban Rural boundary.						
(5) 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.						
(6) Microbusiness - only allows non-storefront retail.						
(7) Outdoor cultivation shall not be located within 1,500 feet of a residential zone and/or a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.						
(8) Cultivation on lots located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary shall require approval of a Conditional Use Permit.						
(9) Nurseries 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, as measured from (1) the premises of the nursery, to (2) the property line of the lot on which a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center, is located.						

C. General commercial cannabis activities development standards. In addition to other application requirements and development standards required by this Article, the following surveys and plans shall be submitted as part of an application for a commercial cannabis activity, and the proposed commercial cannabis activity shall comply with all of the following additional development standards, where applicable.

- 1. Archaeological and paleontological surveys.** When commercial cannabis activities are proposed for lots that have not been subject to prior archaeological or paleontological surveys in accordance with [Section 35-65](#) (Archaeology), the applicant shall provide a Phase 1

cultural resource study documenting the absence or presence of cultural resources in the project area. If current or previously conducted Phase 1 studies indicate that archaeological or other cultural sites are located in the project area, the applicant shall prepare and submit to the Department for review and approval documentation demonstrating that the resources shall be protected in accordance with Section 3.10 of the Coastal Land Use Plan as well as any additional applicable cultural resource protection policies. All required studies shall be prepared in accordance with the requirements of [Section 35-65](#) (Archaeology), and shall be submitted to the Department for review and approval. Impacts to significant cultural resources shall be mitigated to the maximum extent feasible, including the following measures:

- a. In accordance with Coastal Land Use Plan and other applicable cultural resource protection policies, cannabis development (e.g., buildings, grading, and trenching for utilities) shall be located in areas on a lot that would avoid impacts to significant archaeological and historic resources to the maximum extent feasible.
 - b. As necessary, additional studies (i.e., Phase 1 inventory, Phase 2 significance and impact assessment, and Phase 3 mitigation) shall be conducted at the expense of the applicant.
 - c. If significant cultural resources are located within 60 meters (200 feet) of ground disturbing activities, the resource shall be fenced and appropriately protected during grading and construction. For any work conducted within an prehistoric or ethnohistoric period archaeological site, the County shall require monitoring of the site during grading and construction (including abandonment) by an approved archaeologist and Native American observer as applicable.
 - d. An educational workshop shall be conducted for construction workers prior to and during construction as the County deems necessary for specific projects.
- 2. Security Fencing Plan.** Security fencing measures for commercial cannabis activities shall be sited and designed to avoid adverse impacts to public access and minimize adverse impacts to visual resources. The applicant for a permit to allow outdoor, mixed-light, or nursery cannabis cultivation development shall prepare and submit to the Department for review and approval a Security Fencing Plan demonstrating ample security and screening of the commercial cannabis activity. The standards of this Section shall be in addition to [Section 35-123](#) (Fences, Walls and Gate Posts), as well as all other resource protection provisions of this Article and all applicable Community and Area Plans. The 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 Security Fencing Plan shall include the following:
- a. The Security Fencing Plan shall depict typical fencing details, including location, fence type, and height.
 - b. All fencing and/or walls shall be made out of material that blends into the surrounding terrain and shall minimize any visual impacts.
 - c. Where fencing would separate an agricultural area from undeveloped areas with native vegetation and/or Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage.
 - d. Prohibited security fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.

- e. The fence shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.
 - f. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.
 - g. Evidence that the proposed security fencing has been sited and designed to avoid adverse impacts to public access and minimize adverse impacts to visual resources.
- 3. Landscape Plan and Screening Plan.** Commercial cannabis activities shall be sited and designed to minimize adverse impacts to visual resources. Landscape screening shall not substitute for siting and design alternatives that avoid or minimize adverse impacts to public views of the ocean and other scenic areas. If it is infeasible to site and design the proposed cannabis cultivation activity to avoid being seen from public places, the applicant for a permit to allow outdoor, indoor, mixed-light, or nursery cannabis cultivation development shall submit a Landscape Plan and Screening Plan to the Department for review and approval. The requirements in this Section shall also apply to the cannabis cultivation part of a microbusiness. All cultivation shall be screened to the maximum extent feasible to avoid being seen from public places, including, but not limited to, public rights of way, and shall comply with [Section 35-115](#) (Landscape/Screening of Parking Areas), [Section 35-123](#) (Fences, Walls and Gate Posts), the standards listed below, as well as all other resource protection provisions of this Article and all applicable Community and Area Plans. The Landscape Plan and Screening 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 applicant shall demonstrate to the Department that all aspects of the Landscape Plan and Screening Plan comply with the following requirements:
- a. Said Plan(s) shall include landscaping which, within five years, will reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and on-site parking areas from the nearest public road(s) and other public viewing areas.
 - b. All landscaping shall be installed prior to initiating the cultivation activities that are subject to the permit for cultivation.
 - c. Prior to the issuance of any permits, a performance security, in an amount determined by a landscape architect and approved by the Department, to insure installation and maintenance for two years, shall be filed with the County. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed consistent with the project plans and adequately maintained for two years.
 - d. If, due to site-specific conditions (e.g., slopes), an applicant believes that screening cannot be fully achieved, the applicant shall submit a Landscape Plan and Screening Plan showing what portion can be screened and written documentation, which sets forth the reasons other portions cannot be screened.
 - e. All landscaping and screening shall minimize adverse impacts to visual resources.
- 4. Lighting Plan.** Exterior lighting for commercial cannabis activities shall be sited and designed to avoid impacts to biological resources. The applicant for any commercial cannabis activity involving artificial lighting shall submit a Lighting Plan to the Department for review and approval. The standards of this Section shall be in addition to [Section 35-139](#) (Exterior Lighting), [Section 35-68.13](#) (Findings for Major Conditional Use Permit for Greenhouse Development), [Section 35-102F](#) (CA - Carpinteria Agricultural Overlay District) and all other

applicable Sections. Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards that are most restrictive shall control. The Lighting Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Lighting Plan shall include the following:

- a. Plans that identify all lighting on the lot demonstrating that all lighting will comply with the standards set forth in this Section and all applicable Community and Area Plans.
 - b. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the lot on which the cannabis activity is located.
 - c. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, shall be fully shielded and directed downward.
 - d. Lighting is prohibited in hoop structures.
 - e. Lighting is sited and designed to avoid light spill or other impacts to ESH.
 - f. If, due to site-specific conditions, an applicant believes that a Lighting Plan is not necessary, the applicant shall submit written documentation with the application for the cannabis permit, which sets forth the reasons. The Department shall review the written documentation and determine whether a Lighting Plan must be submitted with the application for the cannabis activity.
- 5. Noise Plan.** The applicant for indoor, mixed light, and nursery cultivation, and manufacturing (volatile and non-volatile) permits shall prepare and submit to the Department for review and approval a Noise Plan. The Noise Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project as applicable. The Noise Plan shall demonstrate compliance with the following standards:
- a. Buildings shall be adequately soundproofed so that interior noise shall not exceed 65 decibels beyond the property. The Plan shall identify noise-generating equipment that will be used and the noise level associated with each.
 - b. Environmental control systems shall be located and/or shielded to avoid generating noise levels above 65 decibels heard by sensitive receptors, in compliance with the Santa Barbara County Noise Element.
 - ~~d~~ c. The combined decibel level for all noise sources, as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels.
 - ~~E-d~~. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency. The noise produced by a generator shall not be audible by humans from neighboring residences.
- 6. Odor Abatement Plan.** The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), processing, microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. No odor abatement plan shall be required on lots zoned AG-II, unless a Conditional Use Permit is required. The Odor Abatement Plan must prevent odors from being experienced within residential zones, as determined by the Director. The Odor Abatement 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 Odor Abatement Plan must include the following:

- a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
- b. A description of the specific odor-emitting activity(ies) that will occur.
- c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).
- d. A description of all equipment and methods to be used for reducing odors. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
- e. Approved odor control systems, subject to certification as required in Subsection d above, may include, but are not limited to:
 - 1) Activated carbon filtration systems.
 - 2) Vapor-phase systems. Vapor-phase systems must comply with the following:
 - a) The resulting odors must be odor-neutralizing, not odor-masking.
 - b) The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus).
 - c) Use of these systems must have supporting documentation which meet United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.
 - 3) Other odor controls systems or project siting practices that demonstrate effectiveness in controlling odors.
- f. Designation of an individual (local contact) who is responsible for responding to odor complaints as follow:
 - 1) The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.
 - 2) The applicant shall provide property owners and residents of property located within 1,000-feet of the lot on which the cannabis activity is conducted, the contact information of the local contact responsible for odor complaints. The operator is required to immediately notify the County of any changes to the local contact.
 - 3) The operator of the cannabis activity is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.
 - 4) Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit. For purposes of this Subsection, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.

- 5) The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis activity, and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years.
 - g. The applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.
 - h. If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of this [Section 35-144U.C.7](#). Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The department may require the corrective actions to be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this Section, the Department may take additional enforcement actions pursuant to Chapter 35-108 (Enforcement and Penalties) which may include, but are not limited to, initiating proceedings to revoke the applicable cannabis land use entitlement(s).
7. **Signage.** All signs shall comply with Chapter 35-138 (Sign and Advertising Structures) and all applicable Community and Area Plans.
8. **Tree Protection, Habitat Protection, and Wildlife Movement Plans.** All commercial cannabis activities shall comply with the tree and habitat protection policies and standards set forth in this Article, all applicable Community and Area Plans, and the Coastal Land Use Plan. Commercial cannabis activities shall be sited and designed to avoid environmentally sensitive habitat (ESH) and ESH buffers. If avoidance of ESH is infeasible and would preclude reasonable use of a parcel, then the alternative that would result in the fewest or least significant impacts shall be selected and impacts shall be mitigated. Commercial cannabis activities shall also be sited and designed to avoid native trees and wildlife movement areas to the maximum extent feasible. The applicant for any cannabis permit for a site that would involve impacts to native trees, wildlife movement areas, or ESH, including impacts due to fuel modification, shall prepare and submit to the Department for review and approval a Tree Protection, Habitat Protection, and/or Wildlife Movement Plan in accordance with [Appendix G: Cannabis Activities Additional Standards](#). The Tree Protection, Habitat Protection, and Wildlife Movement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. Commercial cannabis activities in areas adjacent to ESH areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.
9. **View Impact Study.** The applicant for a commercial cannabis activity outside of the boundaries of the Carpinteria Agricultural Overlay District shall prepare and submit to the Department a view impact study that analyzes the individual and cumulative visual impacts

of the proposed structure(s) along with existing structures as seen from public viewing areas. Commercial cannabis activities shall be sited and designed to minimize adverse impacts to visual resources. Landscape screening shall not substitute for siting and design alternatives that minimize adverse impacts to public views of the coast, ocean and other scenic areas.

10. **Carpinteria Agricultural Overlay District.** All structures for commercial cannabis activities, including accessory structures, within Area A and Area B of the Carpinteria Agricultural Overlay District shall comply with the standards of [Section 35-102F](#) (CA – Carpinteria Agricultural Overlay District).

€ 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 and lots within two miles of an Urban-Rural boundary.** 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 and lots within two miles of an Urban Rural boundary. Indoor and mixed-light cultivation shall be located in existing structures to the maximum extent feasible. No more than 186 acres of cannabis cultivation, nurseries, and microbusinesses with cultivation shall be allowed at any one time within the boundaries of Area A and Area B of the Carpinteria Agricultural Overlay District, as implemented through the Cannabis Business License Ordinance.
- b. **Avoidance of prime soils.** All structures for cannabis cultivation activities, 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 and designed to avoid prime soils and non-prime land suitable for agriculture, to the maximum extent feasible. Prime soils shall not be utilized if it is possible to utilize non-prime land. As little agricultural land (prime and non-prime land suitable for agriculture) as possible shall be used for structural development, and structures shall be clustered with other existing structures to the maximum extent feasible.
- c. **Cannabis cultivation within an ~~EDRN~~ Existing Developed Rural Neighborhood (~~EDRN~~).** Cultivation 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 [Section 35-172.8](#) (Findings Required for Approval).
- 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 activity(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 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 Transportation Demand Management Plan shall include a combination of the following methods to reduce vehicle trips generated by the cultivation activity as necessary to avoid impacts to prime soils and on-street parking availability to the maximum extent feasible:
 - 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.
- l.** On lots zoned AG-I, outdoor cultivation shall not be located within 1,500 feet of a residential zone and/or a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.
- m.** Outdoor cultivation on lots zoned AG-II located adjacent to an ~~Existing Developed~~ Rural Neighborhood and/or Urban Rural boundary, shall require approval of a Conditional Use Permit.

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. Within the Gaviota Coast Plan Overlay District, a minimum of 51% of the cannabis product distributed shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur. For all areas of the County, all other cannabis products shall be sourced from other local agricultural land (defined as lands located within 25 miles of the boundaries of Santa Barbara County).
- 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. Distribution shall be located in existing structures to the maximum extent feasible.
- 3) All structures for cannabis distribution that are located on lots that contain prime soils shall be sited and designed to avoid prime soils and non-prime land suitable for agriculture, to the maximum extent feasible. Prime soils shall not be utilized if it is possible to utilize non-prime land. As little agricultural land (prime and nonprime land suitable for agriculture) as possible shall be used for structural development, and structures shall be clustered with other existing structures to the maximum extent feasible.

b. Site Transportation Demand Management Plan. The applicant shall prepare 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 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 Transportation Demand Management Plan shall include a combination of the following methods to reduce vehicle trips generated by the distribution activity as necessary to avoid impacts to prime soils and on-street parking availability to the maximum extent feasible:

- 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.

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. Within the Gaviota Coast Plan Overlay District, a minimum of 51% of the cannabis product manufactured shall be sourced from cannabis plant material cultivated on the same lot on which the manufacturing activities will occur. For all areas of the County, all other cannabis products shall be sourced from other local agricultural land (defined as lands located within 25 miles of the boundaries of Santa Barbara County).
 - 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. Manufacturing shall be located in existing structures to the maximum extent feasible.
 - 3) All Structures for cannabis manufacturing that are located on lots that contain prime soils shall be sited and designed to avoid prime soils and non-prime land suitable for agriculture, to the maximum extent feasible. Prime soils shall not be utilized if it is possible to utilize non-prime land. As little agricultural land (prime and nonprime land suitable for agriculture) as possible shall be used for structural development, and structures shall be clustered with other existing structures to the maximum extent feasible.
- b. Home Occupation.** No cannabis manufacturing shall be permitted as a Home Occupation including Cottage Food Operations and In-home Retail Sales in accordance with [Section 35-121](#) (Home Occupations).
- c. Volatile Manufacturing Employee Training Plan.** The applicant shall prepare and submit to the Department for review and approval a Volatile Manufacturing Employee Training Plan. The Volatile Manufacturing Employee Training Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Volatile Manufacturing Employee Training Plan shall include, at a minimum, the following elements:
- 1) Training employees on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure.
 - 2) A log, identifying trained employees and the date upon which training was completed. The operator shall maintain the Employee Training Log for a minimum of five years.
- d. Volatile and Non-volatile Manufacturing Best Management Practices.** The commercial cannabis operation shall implement all necessary Best Management Practices to avoid soil and water contamination, including, but not limited to, the proper use, storage, and disposal of the chemicals, potential contaminants, waste, and wastewater used and produced in the manufacturing process.
- e. 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 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 Transportation Demand Management Plan shall include a combination of the following methods to reduce vehicle trips generated by the

manufacturing activity as necessary to avoid impacts to prime soils and on-street parking availability to the maximum extent feasible:

- 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.

f. 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 manufacturing activity. These features may include, but are not limited to:

- 1) Rainwater capture and reuse.
- 2) Use of recycled water.

5. Microbusiness. Microbusinesses shall only include delivery retail in the AG-II zone in compliance with the permit requirement identified in Division 4 (Zoning Districts). No retail sales shall occur on the lot on which the microbusiness exists in AG-II zones.

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

~~D. E.~~ Records. Permittees of commercial cannabis activities shall maintain clear and adequate records and documentation, in accordance with State law, the State's track-and-trace program, and as required by this Section, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. All records, unless otherwise specified in this Section, shall be maintained for 5 years and shall be subject to review, inspection, examination, and audit by the Department.

~~E. F.~~ Inspection. All permitted commercial cannabis activities are subject to review and inspection from law enforcement or any agents of the State or County charged with enforcement of this Article.

~~F. G.~~ Land use entitlement compliance. Following issuance of the land use entitlement for the cannabis activity, all commercial cannabis activities that are subject to a land use entitlement shall be subject to County inspection to determine compliance with the land use entitlement requirements, this Ordinance, County Code, and State law.

H. Revocation. Any entitlement to allow commercial cannabis activities may be revoked in compliance with [Section 35-169.8](#) (Revocation).

SECTION 2:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 3:

Except as amended by this Ordinance, Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara 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 or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; 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