



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Submitted on:
(COB Stamp)

Department Name: CEO
Department No.: 012
Agenda Date: May 13, 2025: Set Hearing
June 3, 2025: 1st Reading
June 10, 2025: 2nd Reading
Placement: Set-Hearing
Estimated Time: 1 hour on June 3, 2025,
Adoption on June 10, 2025
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s): Mona Miyasato, County Executive Officer
Contact Info: Brittany Odermann, Deputy CEO
Carmela Beck, Cannabis Program Manager
SUBJECT: Amend Chapter 50 of the County Code – Licensing of Cannabis Operations

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County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors on May 13, 2025, set a public hearing on the Departmental Agenda for June 3, 2025 to consider recommendations, as follows:

On June 3, 2025:

- a) Consider the introduction (First Reading) of an Ordinance of the Board of Supervisors of the County of Santa Barbara amending Chapter 50 to the Santa Barbara County Code, Licensing of Cannabis Operations pertaining to existing criminal background check and live scan requirements and proposed removal of the requirement for cannabis operators to provide a Metrc Application Programming Interface (API) key to the County;
- b) Read the title and waive further reading of the Ordinance in full; and
- c) Set a hearing on the Administrative Agenda of June 10, 2025 to consider recommendations, as follows:

On June 10, 2025:

- a) Consider adoption (Second Reading) of an Ordinance of the Board of Supervisors of the County of Santa Barbara amending Chapter 50 to the Santa Barbara County Code, Licensing

of Commercial Cannabis Operations pertaining to existing criminal background check and live scan requirements and proposed removal of the requirement for cannabis operators to provide a Metrc Application Programming Interface (API) key to the County; and

b) Determine for the purposes of CEQA that:

- i. Pursuant to CEQA Guidelines section 15168(c), these actions are within the scope of the Cannabis Land Use Ordinance and Licensing Program, and the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003, State Clearinghouse No. 2017071016) adequately describes this activity for the purposes of CEQA.
- ii. Pursuant to CEQA Guidelines section 15162(a), after considering the PEIR certified by the Board of Supervisors on February 6, 2018, that no subsequent EIR or Negative Declaration is required because: i) no substantial changes are proposed which require major revisions of the PEIR due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects; ii) no substantial changes have occurred with respect to the circumstances under which the ordinance is undertaken which require major revisions of the PEIR due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects; and iii) no new information of substantial importance concerning the ordinance's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the PEIR was certified, has been received that shows any of the elements of CEQA Guidelines Section 15162(a)(3) apply.

Summary:

This amendment will recommend changes to Chapter 50 of the Santa Barbara County Code, Licensing of Commercial Cannabis Operations to address: 1) live scan background checks; and 2) cannabis business license operating requirements. Additionally, the report will provide options for reduction of the Coastal and Inland area cannabis cultivation acreage caps as requested by the Board on March 18, 2025.

Discussion:

The proposed amendment will remove the live scan and criminal background check requirements for all permanent, direct and 3rd party laborers and seasonal employees or temporary workers to align code with the Department of Cannabis Control (DCC) requirements. The DCC only requires live scans for owners as defined by DCC §15003 including but not limited to a person with an aggregate ownership interest of 20 percent or more in the commercial cannabis business.

The Santa Barbara Sheriff's Office (SBSO) is proposing an alternative to the Board directed action to include live scans of all applicants, owners, persons having at least a twenty percent financial interest, managers and supervisors of a cannabis operation, any person who has access to any program used to record the inventory and movement of cannabis and cannabis products through the commercial cannabis supply chain from seed to sale, and any persons not identified above excluding persons hired for the sole purpose of manual labor. Criminal background checks for persons hired for the sole purpose of manual labor are no longer required. SBSO includes a definition of sensitive areas, prohibits manual labor from working in sensitive areas, disallows manual labor from supervisory or managerial duties and requires permanent employee supervision of manual labor at all times in all areas of the farm or facility. Staff will present both options for the Board to consider on June 3, 2025.

At the June 3, 2025 Board hearing, staff will also propose Board approval to cancel California Cannabis Authority (CCA) data analytics platform participation and withdraw the fee recovery measures. As a

result, the requirement for an operator to provide a Metrc Application Programming Interface (API) key to the County is no longer required as we now have direct access to the State's Metrc data through Metrc Viewer. This requirement therefore will be deleted from the business licensing operating requirements in Chapter 50 of the County Code – Licensing of Cannabis Operations.

Lastly, on March 18, 2025 the Board directed staff to provide options to consider reduction of the Coastal and Inland area acreage caps for cannabis cultivation activity. Chapter 50 limits the Carpinteria Agricultural Overlay District to 186 acres of cannabis activity and limits the Unincorporated area to 1,575 acres of cannabis activity. Staff will discuss each of the four categories below including cap, proposed, approved and issued acres and request board direction to amend Chapter 50, §50-7 – Limits on cannabis business licenses if applicable.

Region	Cap Acres	Proposed	Approved	Issued
Carp Ag Overlay (Coastal)	186	140.03	138.11	137.54
Unincorporated (Inland)	1,575	1,401.85	1,347.42	1,189.59
Total Acres	1,761	1,541.88	1,485.53	1,327.13

A more detailed Board Letter with all necessary attachments and details of proposed changes will be prepared and provided prior to the June 3, 2025 hearing.

Background:

Since the effective date of the cannabis ordinances (June 2018 in the inland area, November 2018 in the coastal zone), cannabis operations have been applying for County cannabis land use permits and business licenses. Chapter 50 has since been amended in April, August, December of 2019, January 2020, February, November of 2021, March, November of 2022, July 2023, and April 2025.

In June of 2023 the Board directed staff to review Live Scan background check requirements at cannabis cultivation sites and return with an ordinance amendment as needed. The discussion on the ordinance amendment was postponed while assessing the requirements against the Department of Cannabis Control (DCC) and other local jurisdictions' live scan practices; current review is timely as it simplifies the application process, reduces restrictive requirements and staff time associated with administering live scans, and considers the farm labor community.

Additionally, in September 2021, the Board approved executing a Joint Exercise of Powers Agreement with the California Cannabis Authority (CCA) and subscription to a data analytics platform. The real-time data provided by the platform was necessary for regulatory compliance efforts when tracking inventory, transfers and sales. At the July 18, 2023 hearing the Board approved an amendment to include fees for the cannabis licensing program to recover the costs for the use of the platform. Since that time, the Department of Cannabis Control (DCC) has granted local jurisdiction access to the California Cannabis Track-and-Trace (CCTT) system known as Metrc. This data sharing program provides access to cannabis operator's seed to sale records and replaces the need for the separate data analytics platform.

Special Instructions:

The Clerk of the Board shall publish the ordinance in accordance with Government Code section 25124.

Authored by:

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