



Planning and Development Department
LONG RANGE PLANNING DIVISION



CANNABIS ZONING ORDINANCE AMENDMENTS

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

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

Board July 16, 2019, Direction



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





PC Hearings

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



PC Hearings



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



PC Hearings



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



PC Hearings



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



PC Hearings



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



PC Recommendations



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



PC Recommendations



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



PC Recommendations



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



PC Recommendations



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



PC Recommendations



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



PC Recommendations



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



PC Recommendations



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





PC Recommendations

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



GC Sections 65854 - 65857



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



GC Sections 65854 - 65857



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



PC Recommended Actions



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



PC Recommended Actions



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





Alternative Actions

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

