

ATTACHMENT 6:

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

IN THE MATTER OF RECOMMENDING TO THE BOARD OF)
SUPERVISORS SPECIFIC AMENDMENTS TO THE SANTA) RESOLUTION NO.: 20 - 01
BARBARA COUNTY CANNABIS LAND USE ORDINANCE)
AND LICENSING PROGRAM IN CHAPTER 35, ZONING, OF)
THE SANTA BARBARA COUNTY CODE.)

WITH REFERENCE TO THE FOLLOWING:

- A. In 2015, in response to challenges regarding the regulation of the medical marijuana industry, Governor Brown signed into law the Medical Cannabis Regulation and Safety Act (MCRSA), which increased regulation of medical marijuana across the State of California.
- B. On November 8, 2016, the voters of the State of California enacted Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act, also known as the Adult Use of Marijuana Act (AUMA) (sections 11018 *et seq.*, 11357, 11358, 11359, 11360, 11361 *et seq.*, and 1362 *et seq.*, of the Health and Safety Code, Division 10 of the Business and Professions Code, and Part 14.5 (commencing with section 34010) of Division 2 of the Revenue and Taxation Code). The AUMA established a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including nonmedical marijuana products, for use by adults 21 years and older, and to tax the growth and retail sale of marijuana for nonmedical use.
- C. On June 27, 2017, Governor Brown signed the “Cannabis Trailer Bill” (SB 94) into law, which was further clarified by AB133 (2017). The bill consolidated State statutes that had been enacted through the MCRSA and AUMA, under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). MAUCRSA established methods for collecting taxes and reconciling the two laws, restructured the Bureau of Medical Cannabis Control as the Bureau of Cannabis Control, and consolidated authority that was previously intended to be dispersed among several state agencies.
- D. MAUCRSA created a licensing system whereby the State issues licenses to individuals and businesses authorizing them to cultivate, manufacture, test, distribute, and sell medicinal and adult-use cannabis.
- E. MAUCRSA allows the County to adopt and enforce local ordinances and licenses to regulate or prohibit cannabis activities within the local jurisdiction. (Business and Professions Code Section 26200.)
- F. On February 6, 2018, the Board of Supervisors certified the final Program Environmental Impact Report (17EIR-00000-00003) for the Cannabis Land Use Ordinance and Licensing Program, adopted a Statement of Overriding Consideration, and adopted changes to the County’s zoning ordinances to regulate cannabis.
- G. The County Planning Commission now finds, consistent with its authority in Government Code Section 65358, that it is in the interest of the 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 the following ordinance amendments to the Santa Barbara County Cannabis Land Use Ordinance and Licensing Program included in Chapter 35, Zoning, of the County Code.
- H. The recommended amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community Plans, and the requirements of the California planning, zoning, and development laws.

- I. In compliance with Government Code Section 65855, which requires the County Planning Commission's written recommendation on the recommended ordinance amendments to include the reasons for the recommendation and the relationship of the recommended amendments to the ordinances to applicable general and specific plans, the County Planning Commission has determined that the recommended amendments are consistent with the Comprehensive Plan, including community plans.
- J. The recommended amendments are in the interest of the general community welfare in that they address issues raised by the community related to cannabis operations and seek to remedy community complaints related to cannabis operations within the County as addressed during the multiple public hearings on these amendments.
- K. The recommended amendments are consistent with the County Comprehensive Plan, the requirements of planning and zoning laws, and the LUDC and CZO and will provide more effective implementation of the State planning and zoning laws.
- L. The recommended amendments are consistent with good zoning and planning practices and will provide clear zoning standards that will benefit the public.
- M. The Final Program Environmental Impact Report (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 recommended amendments. The recommended amendments are within the scope of the program EIR approved earlier, which adequately describes the activity for the purposes of CEQA, pursuant to CEQA Guidelines Section 15168(c)(2).
- N. The County Planning Commission held duly noticed public hearings on January 22, 2020, January 29, 2020, February 5, 2020, March 4, 2020 and March 25, 2020, as required by and in compliance with Government Code Section 65854, and received a staff report explaining potential amendments and public comment on potential amendments to the Cannabis Land Use Ordinance and Licensing Program.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations and findings are true and correct and are hereby adopted.
- 2. In compliance with the provision set forth in Section 65855 of the Government Code, the County Planning Commission, following the required noticed public hearing, recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing and based on the findings addressed above:
 - (a) amend the LUDC and Article II Coastal Zoning Ordinance to require a conditional use permit for all cannabis cultivation and related on site processing activities; and
 - (b) amend Section 35.42.075.C.6 of the LUDC and Section 35-144U.C.6 of the Article II Coastal Zoning Ordinance to:
 - (1) delete: "...No odor abatement plan shall be required in AG-II zoning, unless a CUP is required. The Odor Abatement Plan must prevent odors from being experienced within residential zones, as determined by the Director...;" and

- (2) amend the development standard such that odors generated by cannabis activities: (a) will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood; and (b) will be compatible with the surrounding area.

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.

3. 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 25th day of March, 2020, by the following vote:

AYES: Cooney, Bridley, Parke, Ferini, Blough

NOES:

ABSTAIN:

ABSENT:


LAURA M. BRIDLEY, CHAIR
Santa Barbara County Planning Commission

ATTEST:


Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 
Deputy County Counsel