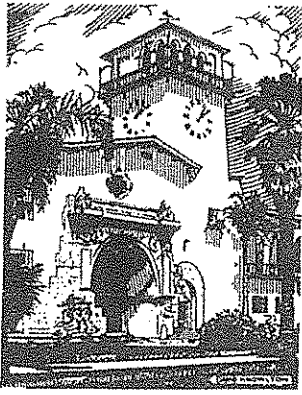


ATTACHMENT 13

COUNTY OF SANTA BARBARA CALIFORNIA



PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

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

PLANNING COMMISSION
HEARING OF JANUARY 24, 2018

RE: *Cannabis Land Use Ordinance Amendments and Licensing Program; 17ORD-00000-00004, 17ORD-00000-00010*

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

1. **17ORD-00000-00004.** Recommend that the Board of Supervisors (Board) adopt an ordinance (Case No. 17ORD-00000-00004) amending the Santa Barbara County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the County Code;
2. **17ORD-00000-00010.** Recommend that the Board adopt an ordinance (Case No. 17ORD-00000-00010) amending Article II, the Santa Barbara County Coastal Zoning Ordinance (CZO), of Chapter 35, Zoning, of the County Code by amending Division 2, Definitions, Division 4, Zoning Districts, Division 6, Parking Regulations, and Division 7 General Regulations; and
3. **Case No. 17EIR-00000-00003.** Recommend that the Board certify the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (EIR) (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) and the associated revision letter (RV 01) for Case Nos. 17ORD-00000-00004 and 17ORD-00000-00010, pursuant to the State CEQA Guidelines. (Continued from 1/10/18)

Dear Honorable Members of the Board of Supervisors:

At the CPC hearing on January 24, 2018, Commissioner Cooney moved, seconded by Commissioner Ferini and carried by a vote of 4 to 0 to 1 (Brown abstained) to:

1. Make the required findings for approval (Attachment A of the staff report dated January 3, 2018), including CEQA findings, and recommend that the Board of Supervisors make the required findings for approval of the proposed amendments to the LUDC and the CZO, for the Cannabis Land Use Ordinance and Licensing Program;

2. Recommend that the Board certify the Cannabis Land Use Ordinance and Licensing Program Final EIR (State Clearinghouse No. 2017071016) (Attachment B of the staff report dated January 3, 2018) and the associated revision letter (RV 01) (Attachment H of the staff report dated January 3, 2018) for Case Nos. 17ORD-00000-00004 and 17ORD-00000-00010, pursuant to the State CEQA Guidelines;
3. Adopt a resolution (Attachment C of the staff report dated January 3, 2018) recommending that the Board adopt an ordinance amending the LUDC (Case No. 17ORD-00000-00004), of Chapter 35, Zoning, of the Santa Barbara County Code (Exhibit 1), subject to the revisions set forth below; and
4. Adopt a resolution (Attachment D of the staff report dated January 3, 2018) recommending that the Board adopt an ordinance amending the CZO (Case No. 17ORD-00000-00010), of Chapter 35, Zoning, of the Santa Barbara County Code (Exhibit 1), subject to the revisions set forth below.

REVISIONS TO ORDINANCES

A. REVISIONS REGARDING PERSONAL CULTIVATION, NOTICING REQUIREMENTS, PERMITTING REQUIREMENTS, ODOR ABATEMENT, BUFFERS FROM SENSITIVE RECEPTORS, AND ONSITE CONSUMPTION

At the CPC hearing on January 24, 2018, Commissioner Cooney moved, seconded by Commissioner Ferini and carried by a vote of 4 to 0 to 1 (Brown abstained), to recommend the Board adopt the LUDC amendments (Case Nos. 17ORD-00000-00004)(Attachment 2, Exhibit 1), and the CZO amendments (17ORD-00000-00010)(Attachment 3, Exhibit 1) of this action letter subject to the following revisions. Additions are shown in red underline, and deletions are shown in red ~~strikethrough~~.

1. **Personal Cultivation (35.42.075.B.2 and 35-144U.B.2).** The following recommended ordinance text was amended as follows:
 - 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.
2. **Noticing (35.42.075.B.3 and 35-144U.B.3).** The following, recommended ordinance text was added:

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 located within a 1,000-foot radius of the exterior boundaries of the subject lot.

3. **“Permit Requirements for Cannabis” Table (35.42.075.B.4 and 35-144U.B.4).** The following changes were made to the uses that are recommended to be allowed by zone:
- Commercial cultivation shall not be permitted in the General Commercial (C3) zone.
 - Nonvolatile manufacturing shall not be permitted in the Limited Commercial (C1), Retail Commercial (C2), General Commercial (C3), and Service Commercial (CS) zones.
 - Nonvolatile manufacturing shall be permitted in the Shopping Center (SC) zone with a major conditional use permit (CUP).
 - Nonvolatile Manufacturing shall be permitted in SC, Mixed Use (MU), Community Mixed Use Los Alamos (CM-LA), Old Town - Residential/Light Commercial (OT-R/LC), and Old Town - Residential / General Commercial (OT-R/GC) zones with a CUP.
 - Retail shall be permitted in MU, CM-LA, OT-R/L, and OT-R/G zones with a CUP.
 - Testing shall be permitted with a land use permit or coastal development permit in C1 and C2 zones.
4. **Sensitive Receptors (35.42.075.B.4 and 35-144U.B.4).** The footnote of the table(s) shall be amended in regard to buffers from sensitive receptors, as follows: “The proposed cannabis operation shall not be located within 600 1,000-feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.”
5. **Odor Abatement (35.42.075.C.7 and 35-144U.C.7).** The following changes were made to the recommended odor abatement requirements of the ordinances.
- Delete text from the Odor Abatement Plan C.7, as follows: “The Odor Abatement Plan must reduce odors that are experienced within residential zones, to the maximum extent feasible as determined by the Director.”
 - Add the following text to the Odor Abatement Plan C.7.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.”
 - Remove the text from the Odor Abatement Plan C.7.h and replace with the following text:

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./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).

- Delete the following text from the Odor Abatement Plan C.7.i:

~~If an applicant reasonably believes that odors will be undetectable beyond the lot lines of the lot on which the cannabis activity will occur and, consequently, an complete Odor Abatement Plan is unnecessary, the applicant shall submit written documentation with the application for the cannabis permit, which sets forth the reasons why an Odor Abatement Plan is unnecessary, for the Department's review and approval. If, in the event the Odor Abatement Plan is deemed unnecessary the applicant shall still be required to follow the above regulations in subsection f regarding a local contact and odor complaints.~~

6. Distribution and manufacturing as an accessory uses within the Ag-I And Ag-II zones (35.42.075.D.3 and 4 and 35-144U.C.7D.3 and 4). The following changes were made to the recommended sections on distribution and manufacturing requirements of the ordinances (Commissioner Blough conducted a "straw poll" on this item, and it carried by a vote of 3 to 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 1050% of the cannabis product distributed shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur.

- **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 1050% of the cannabis product manufactured shall be sourced from cannabis plant material cultivated on the same lot on which the manufacturing activities will occur.

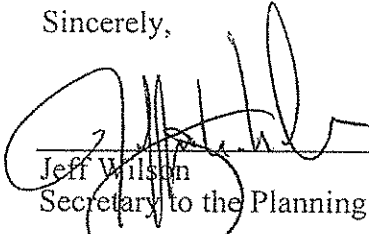
2) Manufacturing shall be subordinate and incidental to the cultivation use of the lot, and the area designated for manufacturing shall occupy a smaller footprint than the area that is designated for cultivation on the lot.

7. **Onsite Consumption (35.42.075.D.6 and 35-144U.C.7D.6).** Ordinance language was added stating “No cannabis consumption, including, but not limited to, smoking, vaporizing or ingesting, shall be permitted on the premises of a retailer or microbusiness.”

8. **Additional Recommendations.** The CPC also requested that the Board review the following:

- The possibilities for a concentration limit for cannabis retail permits.
- Mechanisms to expedite the CUP process for cannabis activities.
- Commissioner Blough requests that the Board review his research on effective odor detecting technology (Attachment 4).

Sincerely,



Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 17ORD-00000-00004, 17ORD-00000-00010
Planning Commission File
Dianne M. Black, Assistant Director
Johannah Hartley, Deputy County Counsel
Dan Klemann, Deputy Director
Mindy Fogg, Supervising Planner
Jessica Metzger, Planner

Attachments:

- Attachment 1 – Findings for Approval**
- Attachment 2 – Resolution of the County Planning Commission**
 - Exhibit 1 – LUDC Case No. 17ORD-00000-00004**
- Attachment 3 – Resolution of the County Planning Commission**
 - Exhibit 1 – CZO Case No. 17ORD-00000-00010**
- Attachment 4 – Commissioner Blough’s research on Odor detection**

ATTACHMENT 2

**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 THE ADOPTION OF SPECIFIC) RESOLUTION NO.: 18 - 07
AMENDMENTS TO THE SANTA BARBARA COUNTY LAND)
USE AND DEVELOPMENT CODE, OF CHAPTER 35,) CASE NO.:
ZONING, OF THE SANTA BARBARA COUNTY CODE.) 17ORD-00000-00004

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, Section 35-1 of Chapter 35 of the Santa Barbara County Code.
- B. 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.
- C. 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.
- D. On February 14, 2017, the Board directed the establishment of a short-term, advisory Ad-hoc Subcommittee of two Board members to assist in the development of a permanent ordinance related to the regulation of medicinal and nonmedical marijuana.
- E. On February 14, 2017, pursuant to Government Code section 65858, the Board of Supervisors directed staff to return with an interim urgency ordinance to prohibit nonmedical marijuana cultivation and other marijuana activities while staff developed an ordinance to prohibit or regulate nonmedical marijuana and comply with the California Environmental Quality Act (CEQA).
- F. On April 4, 2017, the Board adopted the Nonmedical Marijuana Interim Urgency Ordinance banning activities associated with AUMA, including industrial hemp, in order to (1) avoid the risks of criminal activity, (2) avoid degradation of the natural environment, (3) protect the groundwater basins as the County is still in a state of drought, (4) minimize objectionable odors which can interfere with the use and enjoyment of neighboring properties by their occupants, (5) protect neighbors from noise pollution from electric generators, and (6) reduce the risk of indoor electrical fire hazards that may result from unregulated indoor cultivation, and other effects as described in this ordinance, while staff work on an ordinance to address nonmedical marijuana.
- G. On May 2, 2017, the Board extended the Nonmedical Marijuana Interim Urgency Ordinance to March 17, 2019, to allow additional time beyond the 45-day term of the original Nonmedical Marijuana Interim Urgency Ordinance, in order to develop a permanent ordinance unique to the County's needs pursuant to Government Code section 65858.

- H. On May 2, 2017, the Board issued a report on the activities it has taken pursuant to Government Code section 65858 and the continuing need for an interim urgency ordinance.
- I. On June 27, 2017, Governor Brown signed the "Cannabis Trailer Bill" (SB 94) into law, which was further clarified by AB 133 (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.
- J. MAUCRSA creates a licensing system whereby the State will issue licenses to individuals and businesses authorizing them to cultivate, manufacture, test, distribute, and sell medicinal and adult-use cannabis, with such licenses to be issued starting on January 1, 2018. However, the State shall not approve an application for a State license if approval of the license will violate the provisions of any local ordinance or regulation adopted in accordance with MAUCRSA.
- K. MAUCRSA allows the County to adopt and enforce local ordinances and licenses to regulate or prohibit cannabis activities allowed pursuant to MAUCRSA within the local jurisdiction. (See Business and Professions Code section 26200.)
- L. While industrial hemp was prohibited under the Urgency Ordinance (17ORD-00000-00004), MAUCRSA specifically excludes industrial hemp from the definition of "cannabis" in Business and Professions Code section 26001, as industrial hemp is to be regulated by the Department of Food and Agriculture in accordance with the provisions of Division 24 (commencing with section 81000) of the Food and Agricultural Code. (See section 11018.5 of the Health and Safety Code.) Therefore, industrial hemp is not addressed in the attached ordinance.
- M. Unregulated cannabis operations associated with cultivation, processing, manufacturing, distribution, testing, and sale of cannabis could result in (1) displacement of existing agricultural production activities, (2) impacts to natural resources, and (3) land use conflicts. The County has a compelling interest to protect the public health, safety, and welfare of its residents and businesses, and to preserve the peace and integrity of neighborhoods within the unincorporated area.
- N. The prohibition of outdoor cannabis personal use cultivation will decrease the potential for theft and use by minors where it is cultivated in visible locations, particularly where such locations are proximate to schools and other youth facilities.
- O. The Ad-hoc Subcommittee and staff met regularly from March to September in 2017 to discuss taxation, land-use permitting, enforcement, business licensing, and health impacts
- P. On April 28, 2017, June 30, 2017, and August 25, 2017, the Ad-hoc Subcommittee and staff facilitated three public meetings across the County regarding the Cannabis Land Use Ordinance and Licensing Program.
- Q. On August 16, 2017, October 18, 2017, and November 15, 2017, the Montecito Planning Commission was given updates on the progress of the Cannabis Land Use Ordinance and Licensing Program and associated environmental review.
- R. On September 13, 2017, October 25, 2017, and December 6, 2017, County Planning Commission was given updates on the progress of the Cannabis Land Use Ordinance and Licensing Program and associated environmental review.
- S. On September 19, 2017, November 14, 2017, and December 14, 2017, County staff provided updates to the Board of Supervisors regarding the Cannabis Land Use Ordinance and Licensing Program.

- T. At these meetings staff gathered public testimony regarding the allowance and/or prohibition of commercial cannabis activities in the County and how the activities should or should not be operated and located. The public testimony included a number of concerns regarding odors, noise, safety, impacts to sensitive receptors, and fire safety.
- U. In order to obtain public comment on the environmental impacts analysis, mitigation measures, alternatives analysis, and the draft ordinance language, staff held four public meetings on the environmental analysis of the project and gathered comments during the public comment periods following the publication of the Notice of Preparation and Notice of Availability of the environmental impact report prepared for the project.
- V. The County Planning Commission now finds 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 an ordinance (Exhibit 1) amending the Santa Barbara County Land Use and Development Code (Case No. 17ORD-00000-00004), of Chapter 35, Zoning, of the County Code, to implement new development standards, permit requirements, and procedures regarding commercial cannabis activities, and make other minor clarifications, corrections, and revisions.
- W. The proposed 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.
- X. This County Planning Commission has held a duly noticed hearing, on January 10, 2018, in compliance with Government Code section 65854 on the proposed ordinances at which hearing the ordinances were explained and comments invited from the persons in attendance.
- Y. 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 findings in Attachment A of the County Planning Commission staff report dated January 10, 2018, which is incorporated by reference.
- Z. The County Planning Commission held a duly noticed public hearing on January 10, 2018, as required by Government Code section 65854, and received a staff report and public comment on the Cannabis Land Use Ordinance and Licensing program and the Final Program Environmental Impact Report.

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 January 10, 2018.
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.

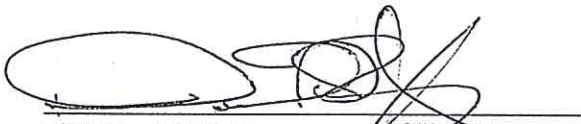
PASSED, APPROVED, AND ADOPTED by the County Planning Commission of the County of Santa Barbara, State of California, this 24 day of January 2018, by the following vote:

AYES: Cooney, Parke, Ferini, Blough

NOES:

ABSTAIN: Brown

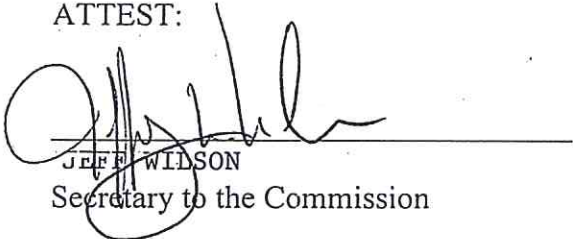
ABSENT:



DANIEL BLOUGH
Santa Barbara County Planning Commission

CHAIR

ATTEST:



JEFF WILSON
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 
Deputy County Counsel

EXHIBIT:

1. LUDC Cannabis Lane Use Ordinance (17ORD-00000-00004)

ATTACHMENT 3

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

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF) RESOLUTION NO. 18 - 08
SPECIFIC AMENDMENTS TO THE COASTAL)
ZONING ORDINANCE, OF CHAPTER 35, ZONING,) Case No.:
OF THE SANTA BARBARA COUNTY CODE.) 17ORD-00000-00010

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance No. 3312, the Board of Supervisors adopted Article II, the Coastal Zoning Ordinance, of Chapter 35 of the Santa Barbara County Code.
- B. 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.
- C. 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.
- D. On February 14, 2017, the Board directed the establishment of a short-term, advisory Ad-hoc Subcommittee of two Board members to assist in the development of a permanent ordinance related to the regulation of medicinal and nonmedical marijuana.
- E. On February 14, 2017, pursuant to Government Code section 65858, the Board of Supervisors directed staff to return with an interim urgency ordinance to prohibit nonmedical marijuana cultivation and other marijuana activities while staff developed an ordinance to prohibit or regulate nonmedical marijuana and comply with the California Environmental Quality Act (CEQA).
- F. On April 4, 2017, the Board adopted the Nonmedical Marijuana Interim Urgency Ordinance banning activities associated with AUMA, including industrial hemp, in order to (1) avoid the risks of criminal activity, (2) avoid degradation of the natural environment, (3) protect the groundwater basins as the County is still in a state of drought, (4) minimize objectionable odors which can interfere with the use and enjoyment of neighboring properties by their occupants, (5) protect neighbors from noise pollution from electric generators, and (6) reduce the risk of indoor electrical fire hazards that may result from unregulated indoor cultivation, and other affects as described in this ordinance, while staff work on an ordinance to address nonmedical marijuana.
- G. On May 2, 2017, the Board extended the Nonmedical Marijuana Interim Urgency Ordinance to March 17, 2019, to allow additional time beyond the 45-day term of the original

Nonmedical Marijuana Interim Urgency Ordinance, in order to develop a permanent ordinance unique to the County's needs pursuant to Government Code section 65858.

- H. On May 2, 2017, the Board issued a report on the activities it has taken pursuant to Government Code section 65858 and the continuing need for an interim urgency ordinance.
- I. On June 27, 2017, Governor Brown signed the "Cannabis Trailer Bill" (SB 94) into law, which was further clarified by AB 133 (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.
- J. MAUCRSA creates a licensing system whereby the State will issue licenses to individuals and businesses authorizing them to cultivate, manufacture, test, distribute, and sell medicinal and adult-use cannabis, with such licenses to be issued starting on January 1, 2018. However, the State shall not approve an application for a State license if approval of the license will violate the provisions of any local ordinance or regulation adopted in accordance with MAUCRSA.
- K. MAUCRSA allows the County to adopt and enforce local ordinances and licenses to regulate or prohibit cannabis activities allowed pursuant to MAUCRSA within the local jurisdiction. (See Business and Professions Code section 26200.)
- L. While industrial hemp was prohibited under the Urgency Ordinance (17ORD-00000-00004), MAUCRSA specifically excludes industrial hemp from the definition of "cannabis" in Business and Professions Code section 26001, as industrial hemp is to be regulated by the Department of Food and Agriculture in accordance with the provisions of Division 24 (commencing with section 81000) of the Food and Agricultural Code. (See section 11018.5 of the Health and Safety Code.) Therefore, industrial hemp is not addressed in the attached ordinance.
- M. Unregulated cannabis operations associated with cultivation, processing, manufacturing, distribution, testing, and sale of cannabis could result in (1) displacement of existing agricultural production activities, (2) impacts to natural resources, and (3) land use conflicts. The County has a compelling interest to protect the public health, safety, and welfare of its residents and businesses, and to preserve the peace and integrity of neighborhoods within the unincorporated area.
- N. The prohibition of outdoor cannabis personal use cultivation will decrease the potential for theft and use by minors where it is cultivated in visible locations, particularly where such locations are proximate to schools and other youth facilities.
- O. The Ad-hoc Subcommittee and staff met regularly from March to September in 2017 to discuss taxation, land-use permitting, enforcement, business licensing, and health impacts
- P. On April 28, 2017, June 30, 2017, and August 25, 2017, the Ad-hoc Subcommittee and staff facilitated three public meetings across the County.
- Q. On August 16, 2017, October 18, 2017, and November 15, 2017, the Montecito Planning Commission was given updates on the progress of the Cannabis Land Use Ordinance and Licensing Program and associated environmental review.

- R. On September 13, 2017, October 25, 2017, and December 6, 2017, the County Planning Commission was given updates on the progress of the Cannabis Land Use Ordinance and Licensing Program and associated environmental review.
- S. On September 19, 2017, November 14, 2017, and December 14, 2017, County staff provided updates to the Board of Supervisors regarding the Cannabis Land Use Ordinance and Licensing Program.
- T. On January 3, 2018, the Montecito Planning Commission forwarded a recommendation of approval for the amendment to the Coastal Zoning Ordinance to the County Planning Commission.
- U. On January 10, 2018, the County Planning Commission held a duly noticed public hearing, as required by Government Code Section 65854, and received a staff report and public comment on the Cannabis Land Use Ordinance and Licensing program and the Final Program Environmental Impact Report.
- V. At these meetings staff gathered public testimony regarding the allowance and/or prohibition of commercial cannabis activities in the County and how the activities should or should not be operated and located. The public testimony included a number of concerns regarding odors, noise, safety, impacts to sensitive receptors, and fire safety.
- W. In order to obtain public comment on the environmental impacts analysis, mitigation measures, alternatives analysis, and the draft ordinance language, staff held four public meetings on the environmental analysis of the project and gathered comments during the public comment periods following the publication of the Notice of Preparation and Notice of Availability of the environmental impact report prepared for the project.
- X. The County Planning Commission now 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 the Coastal Zoning Ordinance (Case No. 17ORD-00000-00010), of Chapter 35, Zoning, of the Santa Barbara County Code, to implement new development standards, permit requirements, and procedures regarding commercial cannabis activities, and make other minor clarifications, corrections, and revisions.
- Y. The proposed amendments are consistent with the Coastal Act of 1976, Local Coastal Program, Santa Barbara County Comprehensive Plan, including the Community Plans, and the requirements of California planning, zoning, and development laws.
- Z. 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 findings in Attachment A of the County Planning Commission staff report dated January 10, 2018, which is incorporated by reference.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.

2. In compliance with the provision set forth in 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 regarding the amendments to the Coastal Zoning Ordinance, based on the findings included as Attachment A of the County Planning Commission staff report, dated January 10, 2018.
3. A certified copy of this Resolution shall be transmitted to the Board of Supervisors in compliance with the provision set forth in Section 65855 of the Government Code and Section 2-25.2(b) 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.

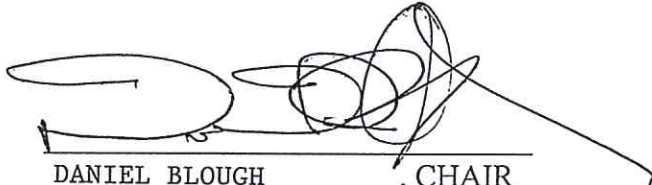
PASSED, APPROVED, AND ADOPTED by the County Planning Commission of the County of Santa Barbara, State of California, this 24 day of January 2018, by the following vote:

AYES: Cooney, Parke, Ferini, Blough

NOES:

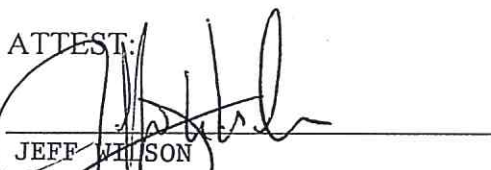
ABSTAIN: Brown

ABSENT:



DANIEL BLOUGH, 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

Exhibits:

1. CZO Cannabis Lane Use Ordinance (Case No. 16ORD-00000-00010)