

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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October 11, 2018

Das Williams, Chair  
Board of Supervisors  
County of Santa Barbara  
105 East Anapamu Street  
Santa Barbara, CA 93101

**RE: Santa Barbara County Local Coastal Program Amendment No. LCP-4-STB-18-0039-1-Part C (Cannabis Regulations)**

Dear Honorable Chair Williams and Supervisors:

On October 10, 2018 the Coastal Commission approved LCP Amendment LCP-4-STB-18-0039-1-Part C with four (4) suggested modifications. The Commission's resolution of certification is contained in the findings of the staff report dated September 27, 2018. The suggested modifications, as approved by the Commission on October 10, 2018, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above, the Commission's certification with 4 suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present

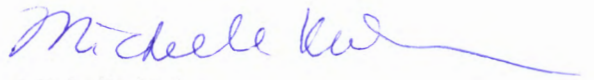
object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

The Commission and staff greatly appreciate the County's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

John Ainsworth  
Acting Executive Director



By: Michelle Kubran  
Coastal Program Analyst

Cc: Dan Klemann, Santa Barbara County Planning and Development Department

## FINAL SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE

### LCP Amendment 4-STB-18-0039-1-Part C (Cannabis Regulations)

The County's proposed amendment language to the certified Implementation Plan/Coastal Zoning Ordinance is shown in underline and ~~strikeout~~. Language approved by the Commission to be modified is shown in ~~double-strikeout~~ and double underline. Text that describes other changes to the LCP Amendment is shown in *italics*.

#### SUGGESTED MODIFICATION NO. 1

##### SECTION 1:

*DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add the following, new definitions of terms regarding "Cannabis" to Section 35-58 titled "Definitions," in alphabetical order, and delete the terms "Medical Marijuana" and "Medical Marijuana Dispensary," as follows:*

**Cannabis:** All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica* or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including, but not limited to, separated resin. Cannabis also means medical and non-medical marijuana. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code as may be amended. Additionally, the following terms are defined for the purposes of Section 35-144U (Cannabis Regulations):

- a. **Canopy.** The designated area(s) at a licensed premises, except nurseries, that will contain mature flowering plants at any point in time, as follows:
  1. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature flowering plants at any point in time, including all of the space(s) within the boundaries;
  2. Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and
  3. If mature flowering plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- b. **Commercial cannabis activity.** Any activity, recreational or medicinal, including that includes the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided in this Chapter. "Commercial cannabis activity" does not include personal use.

- c. **Commercial cannabis operation.** Any person or entity that engages in commercial cannabis activities.
- d. **Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis, as well as grading of land to conduct any such activity. Cultivation includes outdoor cultivation, indoor cultivation, and mixed light cultivation as follows:
  - 1) **Indoor cultivation.** The cultivation of cannabis within a structure using exclusively artificial light.
  - 2) **Outdoor cultivation.** The cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop structure is considered outdoor cultivation. No artificial lighting is permissible for outdoor cultivation, including within hoop structures.
  - 3) **Mixed-light cultivation.** The cultivation of cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop structures.
- e. **Distribution.** The procurement, wholesale, and transport of cannabis and cannabis products between licensees.
- f. **Distributor.** A facility used for the storage and distribution of cannabis and cannabis products.
- g. **Manufacturing.** All aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.
- h. **Microbusiness.** Permit by an owner or entity to engage in three of the four following types of cannabis activities: cultivation, distribution, non-volatile manufacturing, and/or retail. Microbusiness permittees must demonstrate compliance with all requirements imposed by this Article on cultivators, distributors, non-volatile manufacturers, and retailers to the extent the permit is to engage in such activities.
- i. **Nonvolatile Manufacturing.** Manufacturing using any solvent in the extraction process that is not a volatile solvent, mechanical extraction, and infusions. For purposes of this Section, nonvolatile solvents include, but are not limited to, carbon dioxide and ethanol.

- j. **Nursery.** A nursery only produces clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.
- k. **Personal Use.** The cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for ~~their~~ his or her qualified patient(s) in accordance with State law.
- l. **Private residence.** A house, an apartment unit, a mobile home, a condominium, a townhome, an accessory dwelling unit, or other similar dwelling.
- m. **Premises.** The designated structure or structures and land specified in the state application that is owned, leased, or otherwise held under the control of the applicant where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be ~~subject to~~ occupied by one ~~state~~ licensee.
- n. **Processing.** All activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of nonmanufactured cannabis products.
- o. **Retail.**
  - i. **Non-Storefront Retailer.** Delivery-only retail of commercial cannabis or cannabis products. Those who conduct non-storefront retail are referred to as Non-Storefront Retailer.
  - ii. **Storefront Retail.** The retail sale and delivery of cannabis or cannabis products to customers, also referred to as a Storefront Retailer. A retailer shall operate from a licensed premises, which is a physical location from which commercial cannabis activities are conducted. A retailer's premises may be closed to the public. A Storefront retailer may also conduct some sales by delivery.
- p. **Testing.** An accredited laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products.
- q. **Volatile Manufacturing.** Manufacturing using any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

**Medical Marijuana:** Shall mean marijuana, as set forth in the California Health and Safety Code Section 11018 (as that Section now appears and may be amended or renumbered) as used for medical purposes, in compliance with Health and Safety Code Section 11362.5 et seq.

~~**Medical Marijuana Dispensary:** A facility or location that dispenses marijuana through a storefront, including but not limited to storefronts organized and operated by a collective or a cooperative as defined by the 2008 California Attorney General Guidelines or its successor.~~

~~**a. Medical Marijuana Cooperative.** Shall mean a statutory Cooperative which conducts its business for the mutual benefit of its members, must file articles of incorporation, is a non-profit entity, and is subject to all legal requirements of a statutory Cooperative, as outlined in the California Corporations Code or Food and Agricultural Code.~~

~~**b. Medical Marijuana Collective.** Shall mean a non-profit organization, with five or more members, which exists merely to facilitate the collaborative efforts of Qualified Patient, Persons with ID Card, and Primary Caregiver members and to coordinate transactions between members involving Medical Marijuana.~~

<b>SUGGESTED MODIFICATION NO. 2</b>
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*SECTION 2:*

*DIVISION 4, 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 Section 35-68.3 Permitted Uses, Section 35-68.4 Uses Permitted with a Major Conditional Use Permit, and Section 35-68.5 Uses Permitted with a Minor Conditional Use Permit, of Section 35-68 AG-I - Agriculture I, to read as follows:*

***Section 35-68.3 Permitted Uses.***

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-68.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no case shall more than three hogs be kept on any such lot.
3. Private kennels, and small animals and poultry raising limited to reasonable family use on a non-commercial basis.
4. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).
5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a Development Plan shall be submitted, processed, and approved as

provided in Section 35-174 (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District (Section 35-102F) shall apply.

6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
7. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
8. Home occupations, subject to the provisions of Section 35-121 (General regulations) and accessory to a residential use of the same lot.
- ~~9. Homestays, subject to the provisions of Section 35-144S (Homestays).~~
- ~~109.~~ One Attached Accessory Dwelling Residential Second Unit per legal lot zoned AG-I-5, AG-I-10 or AG-I-20, subject to the provisions of Section 35-142 (Accessory Dwelling Residential Second Units).
- ~~140.~~ Special Care Homes, subject to the provisions of Section 35-143.4 (Community Care Facilities).
11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
12. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.
13. Cannabis, Distribution, subject to the provisions of Section 35-144U.
14. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.
15. Uses, buildings and structures accessory and customarily incidental to the above uses.

***Section 35-68.4 Uses Permitted with a Major Conditional Use Permit***

1. Commercial raising of animals, boarding of animals, and commercial riding stables.
2. Animal hospitals, and animal husbandry services.
3. Facilities for the sorting, cleaning, packing, freezing, loading, transporting and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:

- a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),
- b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,
- c. The primary intent of the development of this facility shall be to serve south coast agriculture,
- d. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands,
- e. The facility processes products grown on the premises or on other local agricultural lands,
- f. All application for such facilities shall be accompanied by a landscape plan pursuant to the requirements of Section 35-68.4 of this Article,
- g. Siting of this type of facility on prime agricultural lands or agriculturally productive non-prime soils should be avoided where feasible, and
- h. All applications for such facilities shall be accompanied by defined truck and vehicle routes proposed to serve the facility.

No Conditional Use Permit shall be required under this section for such facilities if they are devoted primarily to the handling of products grown on the premises and the processing of products grown off premises if accessory and customarily incidental to the marketing of products in their natural form grown on the premises.

4. ~~Farm labor camps~~ Agricultural employee dwellings, including trailers, for providing housing for five or more employees engaged full-time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Section 35-132.9 in compliance with Section 35-144R (General Regulations Agricultural Employee Dwellings).
5. Within the Carpinteria Agricultural Overlay District, greenhouses and greenhouse related development of any size on slopes between five and 10 percent. No exception to this requirement, such as that stated under subsection (3) above, shall apply.
6. Cannabis, Volatile Manufacturing, subject to the provisions of Section 35-144U.

### SECTION 3:



*DIVISION 4, 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 Section 35-69.3 Permitted Uses, and Section 35-69.4 Uses Permitted with a Major Conditional Use Permit, of Section 35-69 AG-II - Agriculture II, to read as follows:*

***Section 35-69.3 Permitted Uses.***

1. All types of agriculture and farming, including commercial raising of animals, subject to the limitations hereinafter provided in this Section 35-69.
2. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).
3. Commercial boarding of animals.
4. Private and/or commercial kennels.
5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
6. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use located on the same lot.
7. Greenhouses, hothouses, or other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans).
8. On-shore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for on-shore oil and gas, and truck terminals subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES.
9. Excavation or quarrying of building or construction materials, including diatomaceous earth, subject to the provisions of Section 35-177 (Reclamation Plans).
10. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use located on the same lot.
11. Special Care Homes, subject to the provisions of Section 35-143~~4~~ (Community Care Facilities).
12. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).

~~123.~~ Uses, buildings and structures accessory and customarily incidental to the above uses.

~~134.~~ Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.

~~145.~~ Cannabis, Distribution, subject to the provisions of Section 35-144U.

~~156.~~ Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.

***Section 35-69.4 Uses Permitted With a Major Conditional Use Permit.***

1. Animal hospitals and clinics.
2. Low-intensity recreational development such as hiking trails, public riding stables, recreational camps, campgrounds, retreats, and guest ranches, provided that such development:
  - a. Is in character with the rural setting,
  - b. Does not interfere with agricultural production on or adjacent to the lot on which it is located,
  - c. Does not include commercial facilities open to the general public who are not using the recreational facility, and
  - d. Does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.
3. Wineries, including processing, distribution, and sale of wine grapes and wine grape products grown off the premises, provided:
  - a. The winery is located on premises used for vineyard purposes,
  - b. The winery is operated in connection with the processing of wine grapes grown on the premises, and
  - c. Retail sales of wine grape products shall be limited to those processed on the premises.
4. Facilities for the sorting, cleaning, packing, freezing, and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:
  - a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),

- b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,
  - c. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands, and
  - d. The facility processes products grown on the premises or on other local agricultural lands.
- 5. Piers and staging areas for oil and gas development subject to the regulations in DIVISION 9, OIL AND GAS FACILITIES.
  - 6. Aquaculture, subject to the provisions of Section 35-136 (General Regulations).
  - 7. Sorting, cleaning, and further breaking and storing of abalone shells landed live in Santa Barbara County, preparatory to shipment in their natural form.
  - 8. ~~Farm labor camps~~ Agricultural employee dwellings, including trailers, ~~for providing housing for five or more employees in compliance with Section 35-144R persons engaged full-time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Section 35-132.9 (General Regulations-Agricultural Employee Dwellings).~~
  - 9. Exploration and production of offshore oil and gas reservoirs from onshore locations, including exploratory and production wells, pipelines, temporary storage tanks, dehydration and separation facilities, and temporary truck terminals located within the Las Flores Canyon Consolidated Oil and Gas Processing Site, subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES.
  - 10. Consolidated pipeline terminal, subject to being designated for such use in Policy 6-13A and B of the Coastal Plan and the requirements set forth in DIVISION 9, OIL AND GAS FACILITIES.
  - 11. Cannabis, Microbusiness, subject to the provisions of Section 35-144U.
  - 12. Cannabis, Volatile Manufacturing, subject to the provisions of Section 35-144U.

#### SECTION 4:

*DIVISION 4, 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 Section 35-77A.3 Permitted Uses, and Section 35-77A.4 Uses Permitted with a Major Conditional Use Permit, of Section 35-77A C-1 - Limited Commercial, to read as follows:*

#### **Section 35-77A.3 Permitted Uses.**

1. Retail stores, shops or establishments supplying commodities for travelers, as well as residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.
2. Service uses conducted entirely indoors such as laundry, laundromats, dry-cleaning sub-stations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical fitness studios, and other similar uses.
3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.
4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.
5. Retail Plant nurseries.
6. Community non-profit recycling facility.
7. Child Care Facilities.
8. One Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-77A.6, Minimum Lot Size, and Section 35-71 (R-1/E-1).
9. On lots where commercial uses are present, residential uses that are secondary to the primary commercial use.
10. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
- ~~101.~~ Any other uses which the Planning Commission determines to be similar in character to those enumerated in this section and not more injurious to health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, or vibration, pursuant to Section 35-179C (Use Determinations).
- ~~112.~~ Overnight visitor-serving accommodations such as bed-and-breakfasts, lodges and hostels.
- ~~12. Short Term Rentals subject to the provisions of Section 35-144T (Short Term Rentals).~~
13. Cannabis, Retail, subject to the provisions of Section 35-144U.
14. Cannabis, Testing, subject to the provisions of Section 35-144U.

15. Accessory uses, buildings and structures which are customarily incidental to any of the above uses provided:
  - a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments.
  - b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.

***Section 35-77A.4 Uses Permitted with a Major Conditional Use Permit.***

1. Small animal hospitals, provided all animals are kept within a completely enclosed, soundproofed building designed to eliminate outdoor odor and reduce the level of noise from such animals to the extent that adjacent residential properties will not be adversely affected in any way by noise or odors.
2. Hotels and motels.
3. Cannabis, Microbusiness, subject to the provisions of Section 35-144U.

***SECTION 5:***

*DIVISION 4, 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 Section 35-78.3 Permitted Uses, and Section 35-78.5 Uses Permitted with a Minor Conditional Use Permit, of Section 35-78 C-2 - Retail Commercial, to read as follows:*

***Section 35-78.3 Permitted Uses.***

1. Amusement enterprises if conducted wholly within a completely enclosed building, such as video arcades and pool halls.
2. Automobile service station, provided no gasoline is stored above ground.
3. New and used automobile and machinery sales, leases and rentals.
4. Automobile and machinery repair and service if conducted wholly within a completely enclosed building or within an area enclosed by a solid wall, hedge, or fence not less than six feet in height approved as to design by the Director, but not including automobile or machinery wrecking establishments or junk yards.
5. Retail stores, shops, or establishments supplying commodities for residents of the community, provided such enterprises are conducted within a completely enclosed building, such as bakeries, ice cream shops, grocery, and liquor stores, furniture, hardware, and appliance stores, department stores, sporting goods stores, pet shops, florist shops, automobile accessory stores, and the like.

6. Repair and service uses such as laundry and dry cleaning establishments, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, copy shops, radio and TV repair shops, etc.
7. Restaurants, bars, cocktail lounges, and microbreweries that are secondary and accessory to a restaurant, bar, or lounge.
8. Financial institutions such as banks and savings and loan offices, professional, administrative and general business offices.
9. Business, professional, and trade schools.
10. Hotels and motels.
11. Automobile parking lot.
12. Golf course, miniature or practice range.
13. Nursery.
14. Outdoor restaurant, cafe, or tea room.
15. Music recording studio.
16. Indoor theater.
17. Community non-profit recycling facility.
18. Residential uses existing at the time of adoption of this Article shall be considered permitted uses rather than legal nonconforming uses.
19. Any other light commercial use which the Planning Commission finds is of similar character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, danger to life or property, or other similar causes, pursuant to Section 35-179C (Use Determinations).
- ~~20. Short Term Rentals subject to the provisions of Section 35-144T (Short Term Rentals)~~
- ~~210.~~ Spas or health clubs.
- ~~221.~~ Non-Residential Child Care Center, pursuant to Section 35-143.3.
- ~~232.~~ Cannabis, Retail, subject to the provisions of Section 35-144U.
- ~~243.~~ Cannabis, Testing, subject to the provisions of Section 35-144U.
- ~~254.~~ Accessory uses, buildings, and structures, which are customarily incidental to any of the

above uses provided:

- a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments, and provided further that there shall be not more than five persons engaged in any such manufacture, processing, or treatment of products.
- b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life or property, or other similar causes.

***Section 35-78.4 Uses Permitted With a Major Conditional Use Permit.***

1. Amusement enterprises conducted partially or wholly outdoors.
2. Bus terminal.
3. Outdoor theater.
4. Swap meet.
5. Cannabis, Microbusiness, subject to the provisions of Section 35-144U.

***SECTION 6:***

*DIVISION 4, 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 Section 35-83.4 Permitted Uses, of Section 35-83 PI - Professional and Institutional, to read as follows:*

***Section 35-83.4 Permitted Uses.***

1. Professional offices, studios, and office buildings.
2. Hospitals, sanitariums, medical clinics, special care homes, and similar buildings, when used for the treatment of human ailments, subject to the approval as to need of the Santa Barbara Subarea Advisory Counsel of the Health Systems Agency, Ventura-Santa Barbara.
3. Eleemosynary and philanthropic institutions for human beings.
4. Churches, libraries, museums, and schools, including business schools, but not including dance halls nor trade schools using heavy equipment.
5. Community, civic center, and governmental buildings and structures.
6. Clubs, golf courses, and country clubs.
7. Cemetery, crematory, or mausoleums.
8. Off-street parking facilities accessory and incidental to an adjacent commercial use.

9. Retail stores, shops, or establishments supplying commodities or services intended to meet the day to day needs of employees in the vicinity including but not limited to drug stores, convenience markets, barber shops, shoe repair, dry cleaners, restaurants, and coffee shops. Cumulative development of these uses shall not exceed 20 percent of the total gross floor area on the lot.
10. Athletic clubs.
11. Banks and savings and loans offices.
12. Any other professional or institutional use which the Planning Commission finds is similar in character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, smoke, vibration, danger to life or property, or other similar causes.
13. Non-Residential Child Care Centers, that are ancillary to uses permitted by Section 35-83 when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
14. Cannabis, Testing, subject to the provisions of Section 35-144U.
15. Uses, buildings and structures accessory and customarily incidental to the above uses.

**SECTION 7:**

*DIVISION 4, 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 Section 35-84.4 Permitted Uses, of Section 35-84 M-RP - Industrial Research Park, to read as follows:*

**Section 35-84.4      *Permitted Uses.***

1. Manufacturing and assembly of business machines including electronic data processing equipment, accounting machines, calculators, typewriters, and related equipment.
2. Manufacture of ceramic products, such as pottery, figurines and small glazed tile, utilizing only previously pulverized clay, provided that kilns are fired only by electricity or gas.
3. Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries.
4. Manufacture, design, and production of handicraft articles, musical instruments, toys, jewelry, and novelties.
5. Assembly of electrical appliances, electronic instruments, and devices, and radio, phonograph, and television sets, including the manufacture of small parts only, such as



coils, condensers, transformers, and crystal holders.

6. Printing, embossing, engraving, etching, lithographic, and bookbinding plants.
7. Experimental photo or motion picture film, research, and testing laboratories.
8. Scientific instrument and equipment manufacture or precision machine shops.
9. Manufacture of optical goods.
10. Packaging business.
11. Administrative offices required in conjunction with the uses permitted in this district and executive headquarters of business firms that are compatible with uses permitted in this district.
12. Storage warehouse and wholesale distributing.
13. Research, development, and testing laboratories and facilities.
14. Any other light industrial use, building, or structure which the Planning Commission finds is of similar character to those enumerated in this district and is not obnoxious or offensive because of noise, odor, dust, smoke, vibration, danger to life or property, or similar causes, pursuant to Section 35-179C (Use Determinations).
15. Aquaculture subject to the provisions of Section 35-136 (General Regulations).
16. Retail stores, shops, or establishments supplying commodities or services intended to meet the day to day needs of employees in the vicinity including drug stores, convenience markets, barber shops, shoe repair, dry cleaners, banks, restaurants, and coffee shops. Cumulative development of these uses shall not exceed 20 percent of the total gross floor area on the lot.
17. Light recreational uses and facilities such as tennis courts, gymnasium, racquetball courts which are operated only for the use of the employees in the industrial research park.
18. Non-Residential Child Care Centers, that are ancillary to uses permitted by Section 35-84.4, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
19. Emergency Shelter.
20. Cannabis, Cultivation and Nursery, subject to the provisions of Section 35-144U.
21. Cannabis, Distribution, subject to the provisions of Section 35-144U.
22. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.

23. Cannabis, Testing, subject to the provisions of Section 35-144U.

24. Accessory uses, buildings, and structures, which are customarily incidental to any of the above uses.

*SECTION 8:*

*DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35-144I Medical Marijuana Dispensaries, and reserve the Section number for future use.*

**Section 35-144I. Reserved for Future Use. ~~Medical Marijuana Dispensaries.~~**

~~Medical Marijuana Dispensaries prohibited. Medical Marijuana Dispensaries are not allowed in any zone district and shall not be considered a similar use under Division 4, Zone Districts (Sections 35-68 through 35-93A).~~

<b>SUGGESTED MODIFICATION NO. 3</b>
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*SECTION 9:*

*DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add new Section 35-144U Cannabis Regulations, to read as follows:*

**Section 35-144U. Cannabis Regulations**

**A. Purpose and applicability.**

- 1. Purpose.** This Section establishes 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.
- 2. Applicability.** The standards of this Section shall apply to all commercial cannabis activities, as defined in Division 2 (Definitions), and as may be permitted in compliance with the approval of the applicable permit identified in the Allowed Cannabis Uses and Permit Requirement by Zone Table in this Section, for the listed zones, in addition to all other applicable requirements of this Article. Commercial cannabis activities shall only be permitted in the AG-I, AG-II, C-1, C-2, PI, and M-RP zoning districts in compliance with Division 4 (Zoning Districts) and the Allowed Cannabis Uses and Permit Requirement by Zone Table in this Section. If conflicts occur between the provisions and requirements of this Section and any other provision of the Local Coastal Program, the provisions and requirements that are most protective of coastal resources shall control. Commercial cannabis activities

shall also comply with the following:

- a. All commercial cannabis activities shall comply with the provisions of this Section, as well as all applicable State laws.
  - b. Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance.
  - c. Nothing in this Section is intended, nor shall it be construed, to exempt the cultivation of cannabis from compliance with all other applicable County zoning and land use regulations, as well as other applicable provisions of the County Code, State and local cannabis licensing requirements, or compliance with any applicable State laws.
  - d. All persons operating facilities and conducting commercial cannabis activities, as defined in this Section, are subject to possible Federal prosecution, regardless of State licensure. Any land use or other entitlement from the County does not assert or provide any Federal protections.
  - e. The provisions of this Section shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, use of and/or any other activity associated with controlled substances, or to authorize conduct that is unlawful under State or Federal law. Moreover, cultivation, sale, possession, distribution, and use of cannabis remain violations of Federal law as of the date of adoption of the ordinance creating this Section and this Section is not intended to, and does not authorize conduct or acts that violate Federal law and does not protect any person from arrest or prosecution under those Federal laws. Persons engaged in cannabis activities assume any and all risk and any and all liability that may arise or result under State and Federal laws from the cultivation, sale, possession, distribution, use of cannabis, and/or any other cannabis activity.
3. Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. The Board of Supervisors retains all of its statutory planning and zoning authority concerning cannabis activities. For example, even if the Ordinance (Case No. 17ORD-00000-00010) adding this section becomes operative, the Board of Supervisors still may take action(s) later to change the zoning of cannabis activities to being prohibited. Changing the zoning of cannabis activities to being prohibited, could occur -- for example, but is not limited to -- if: 1) the County Treasurer is not able to deposit cannabis-related funds in a suitable financial institution; and/or 2) the Board of Supervisors submits a proposed County tax on commercial cannabis activity to the voters and the voters do not approve the tax. In part because cannabis activities are highly regulated by both the state and federal governments and their regulation of cannabis activities is subject to rapid changes, the Board of Supervisors later may need to change the zoning of cannabis activities to being prohibited and may need to

do so without cannabis activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status.

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

4. **Permit Requirements for commercial cannabis activities.** The below tables identifies\* the commercial cannabis land uses allowed by this ~~Development Code~~ Article in each zone, and the planning permit required to establish each use. The table provides 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.

<u><b>Allowed Cannabis Uses and Permit Requirement by Zone</b></u>	<u>PP</u>	<u>Principal Permitted Use, Coastal Development Permit required</u>					
	<u>P</u>	<u>Permitted use, Coastal Development Permit required</u>					
	<u>MCUP</u>	<u>Minor Conditional Use Permit required</u>					
	<u>CUP</u>	<u>Major Conditional Use Permit required</u>					
	<u>S</u>	<u>Permit determined by Specific Use Regulations</u>					
	<u>=</u>	<u>Use Not Allowed</u>					
<u><b>LAND USE (1)</b></u>	<u><b>PERMIT REQUIRED BY ZONE</b></u>						
	<u><b>AG-I</b></u>	<u><b>AG-II</b></u>	<u><b>C-1</b></u>	<u><b>C-2</b></u>	<u><b>PI</b></u>	<u><b>M-RP</b></u>	

<b>CANNABIS CULTIVATION AND MICROBUSINESS</b>						
<u>Outdoor Cultivation</u>	<u>PP(2)(4)(5)(7)</u>	<u>PP(2)(4)(8)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>P(2)</u>
<u>Mixed-light Cultivation</u>	<u>PP(2)(5)</u>	<u>PP(2)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>P(2)</u>
<u>Indoor Cultivation</u>	<u>PP(2)(5)</u>	<u>PP(2)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>P(2)</u>
<u>Nursery, Cultivation</u>	<u>PP(2)(5)(9)</u>	<u>PP(2)(9)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>P(2)(9)</u>
<u>Microbusiness</u>	<u>==</u>	<u>CUP(2)(6)</u>	<u>CUP(2)</u>	<u>CUP(2)</u>	<u>==</u>	<u>==</u>
<b>CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING</b>						
<u>Distribution</u>	<u>P(2)(3)</u>	<u>P(2)(3)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>PP(2)</u>
<u>Manufacturing, Nonvolatile</u>	<u>P(2)(3)</u>	<u>P(2)(3)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>PP(2)</u>
<u>Manufacturing Volatile</u>	<u>CUP(2)(3)</u>	<u>CUP(2)(3)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>
<u>Testing</u>	<u>==</u>	<u>==</u>	<u>PP(2)</u>	<u>PP(2)</u>	<u>PP(2)</u>	<u>PP(2)</u>
<b>CANNABIS RETAIL</b>						
<u>Non-Storefront Retailer</u>	<u>==</u>	<u>P(2)==</u>	<u>PP(2)</u>	<u>PP(2)</u>	<u>==</u>	<u>==</u>
<u>Retail</u>	<u>==</u>	<u>==</u>	<u>PP(2)</u>	<u>PP(2)</u>	<u>==</u>	<u>==</u>
<b>Notes:</b> (1) See Section 35-58 (Definitions) for land use definitions. (2) <del>The cannabis operation-</del> 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 premises, without regard to intervening structures. (3) The manufacturing or distribution use is only permissible as an accessory use to cannabis cultivation. (4) <del>RESERVED</del> 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) Outdoor 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 County's current Cultural Resource Guidelines~~, 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) ~~the most current County of Santa Barbara Cultural Resources Thresholds and Guidelines~~, 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 and Security 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 and Security 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. ~~Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards in this Section shall control.~~ 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 and Security 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 as 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), and 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 the cultivation activities.



- 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. 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. 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 ~~operation~~ 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 ~~the removal of native trees, wildlife movement areas, or ESH, including impacts due to fuel modification, vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species,~~ 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 ~~operations~~ 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 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.

~~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 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 ~~operation~~ 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 ~~at least one~~ a combination of the following methods to reduce vehicle trips generated by the cultivation ~~operation~~ 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.

### **3. 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 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.

#### **4. 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.

**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.

**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.

**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 10:*

*Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Appendix G titled “Cannabis Activities Additional Standards” to read as follows:*

**APPENDIX G: CANNABIS ACTIVITIES ADDITIONAL STANDARDS.**

**A. Tree Protection Plan.**

1. Where avoidance of pruning, damage, or removal of a native tree is not feasible, ~~The~~ Applicant for a land use entitlement for a commercial cannabis activity that would involve pruning, damage, or removal of a native tree, shall prepare and submit to the Department a Tree Protection Plan prepared by a Department-approved arborist designed to determine whether avoidance, minimization, or compensatory measures are necessary.
2. The Plan shall include:
  - a. Biologically favorable options for access roads, utilities, drainages, and structure placement, taking into account native tree and shrub species, age, and health with preservation emphasized.
  - b. Designated development envelopes. Include utility corridors, irrigation lines, roadways, driveways, etc.
  - c. Equipment storage (including construction materials, equipment, fill soil, or rocks) and construction staging and parking areas outside of the protection area.
  - d. The type and location of protective fencing or other barriers to be in place to protect trees in protection areas during construction.
  - e. The location of all tree wells or retaining walls. These shall be located outside the area within six feet of the dripline of all protected trees unless authorized by the County.
  - f. The location of all paths within 25 feet of dripline areas. Only pervious paving materials are permitted within 6 feet of dripline areas.
  - g. The location of any replacement trees.
3. During construction these standards shall be met:
  - a. All trees shall be protected by a fence located at least 6 feet outside of the dripline. Fencing shall be at least 3 feet high, staked to prevent any collapse, and with signs identifying the protection area placed in 15-foot intervals on the fencing.

- b. All grading and construction fencing, staking, and signage shall be maintained.
  - c. All trees located within 25 feet of buildings shall be protected from stucco and/or paint.
  - d. No irrigation is permitted within 6 feet of the dripline of any protected tree unless specifically authorized.
  - e. If the use of hand tools is deemed infeasible by the Director, work with rubber-tired construction equipment weighing 5 tons or less may be authorized by the Director. If significant large rocks are present, or if soil placement will impact surrounding trees, then a small tracked excavator may be used as determined by the Director or Department-approved biologist.
  - f. A Department-approved arborist shall direct and oversee any development activity required within the dripline or sensitive root zone of any specimen tree. Any roots of one inch in diameter or greater which are encountered during grading or construction, and/or tree removal or trimming, must be cleanly cut.
  - g. Grading shall be designed to avoid ponding and ensure proper drainage within driplines of oak trees.
  - h. The Applicant shall designate a Department-approved arborist to be onsite throughout all grading and construction activities which may impact native trees. Duties of the arborist include the responsibility to ensure all aspects of the approved Tree Protection Plan are carried out.
4. Replacement trees shall be installed in compliance with the following standards:
- a. The replacement trees must be a native species, planted at a 10:1 ratio for ~~oak~~ native trees (15:1 for Blue or Valley Oaks), ~~and a 2:1 ratio for other trees.~~
  - b. The replacement trees must be species from locally obtained plants and seed stock.
  - c. The replacement trees must be gopher-fenced.
  - d. The replacement trees must be irrigated with drip irrigation on a timer until established.
  - e. The replacement trees must be weaned off of irrigation over a period of 2 to 3 years.
  - f. No replacement tree shall require permanent irrigation within the dripline of any tree.
  - g. If replacement trees cannot all be accommodated on the same lot, the Applicant shall submit a plan for replacement trees to be planted offsite.
  - h. The replacement trees must be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.

5. The Applicant shall install all measures identified by the Tree Protection Plan onsite prior to commencement of cannabis activities, as applicable. All such measures shall be indicated on final plans.
6. Prior to issuance of the cannabis permit, the Applicant shall submit the Tree Protection Plan to the Department for review and approval. The Applicant shall implement all tree protection measures of the Tree Protection Plan pursuant to the specific timing requirement for each measure set forth in the Tree Protection Plan.
7. The Department shall dispatch, on an ongoing basis, a qualified inspector to monitor and ensure compliance with the Tree Protection Plan.

**B. Habitat Protection Plan**

1. Where avoidance of environmentally sensitive habitat (ESH) and ESH buffers is not feasible and would preclude reasonable use of the property, ~~the Applicant for a land use entitlement for a cannabis activity that would involve impacts to clearing of native vegetation or other sensitive vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species~~ environmentally sensitive habitat, shall prepare and submit a Habitat Protection Plan prepared by a Department-approved biologist, in coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) as required for State or Federal permits and State or Federally listed species, that includes siting and design measures necessary to ensure that the project will avoid impacts to ESH to the maximum extent feasible, and will minimize and mitigate unavoidable impacts ~~designed to determine whether avoidance, minimization, or compensatory measures are necessary.~~
2. Focused species-specific surveys shall be required to determine whether a sensitive species or nesting bird may be present, and shall be conducted at the appropriate time of year and time of day when that species is active or otherwise identifiable. Where warranted by the findings of initial review, protocol level surveys may also be required.
3. If the project site is located within the known habitat of a species listed as rare, threatened, or endangered by the USFWS and/or CDFW, the issuance of a permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the Endangered Species Act or any other law.
4. The Plan shall include:
  - a. The location and extent of all driplines and sensitive root zones for all vegetation to be preserved.
  - b. The location of sensitive habitat with a detailed description of proposed disturbance.
  - c. Original and new locations for replanted species.
  - d. Designated development envelopes. Include utility corridors, irrigation lines, roadways, driveways, etc.

- e. Equipment storage (including construction materials, equipment, fill soil, or rocks) and construction staging and parking areas.
- f. Environmentally sensitive habitats (ESH), including but not limited to those listed below, and their buffers shall be preserved.
  - (1) Southern Vernal Pool
  - (2) Valley Needlegrass Grassland
  - (3) Southern California Coastal Lagoon
  - (4) Southern California Steelhead Stream
  - (5) Southern California Threespine Stickleback Stream
  - (6) Coastal and Valley Freshwater Marsh
  - (7) Northern and Southern Coastal Salt Marsh
  - (8) Central Coast Arroyo Willow Riparian Forest
  - (9) Southern Coast Live Oak Riparian Forest
  - (10) Southern Cottonwood Willow Riparian Forest
  - (11) Southern Willow Scrub
  - (12) Central Maritime Chaparral
- g. During construction all ~~sensitive habitat~~ ESH shall be temporarily fenced with chain-link or other material satisfactory to the Department, at least 200 feet from the edge of the ~~sensitive habitat~~ ESH, and staked to prevent any collapse.
- h. During construction and grading, all fencing, staking, and barriers shall be maintained.
- ~~i. During construction if it becomes necessary (as authorized by the Department) to disturb or remove any plants within the habitat area, a Department-approved biologist shall direct the work. Where feasible, specimens shall be boxed and replanted. If a Department-approved biologist certifies that it is not feasible to replant, plants shall be replaced under the direction of the Department-approved biologist at a 1:1 ratio. If replacement plants cannot all be accommodated on the same lot, a plan must be approved by the Department for replacement plants to be planted offsite.~~
- ji. During construction all grading activities shall be designed to ensure that habitat areas have proper drainage during and after construction, per a Department-approved biologist's recommendations.
- kj. If any ground disturbances will occur during the nesting bird season (February – mid-September), prior to any ground disturbing activity, surveys for active nests shall be conducted by a Department-approved biologist following CDFW approved protocols, no more than 10 days prior to the start of activities. The surveys shall be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. Identified nests shall be continuously surveyed for the first 24 hours prior to

any activities to establish a behavioral baseline. Once work commences, all nests shall be continuously monitored to detect any behavioral changes. If behavioral changes are observed, the work causing that change shall cease and CDFW shall be consulted for additional avoidance and minimization measures. A minimum no disturbance buffer of 250 feet around active nests of non-listed bird species and a 500~~-foot~~ feet no disturbance buffer around the nests of unlisted raptors shall be maintained until the breeding season has ended, or until the biologist determines that the birds have fledged and are no longer reliant upon the nest or parental care for survival. The minimum buffer set by USFWS or CDFW shall be maintained for identified nests of any listed species. Any variance from these buffers shall be supported by the biologist and CDFW shall be notified in advance of implementation of a no disturbance buffer variance.

4k. Applicants shall submit information about proposed pest management practices, including Integrated Pest Management techniques and proposed use, storage, and application of pesticides, herbicides, and/or rodenticides by type and amount as part of a Pest Management Plan to be reviewed and approved by the Department and the County Agricultural Commissioner (CAC) prior to issuance of a land use entitlement for the proposed cannabis activity. The Pest Management Plan shall describe the methods to be used for pest control, including the type, location, timing, and methods used for any rodenticide. If rodents are a pest issue for an applicant, non-toxic alternatives to rodenticides are recommended, such as mechanical controls like traps, gopher fencing, and weeding; biological controls such as natural pheromones; or cultural controls such as site maintenance and hygiene. The use of rodenticides containing any anticoagulant compounds is prohibited. Consistent with the California Department of Pesticide Regulation (DPR) determination that commercially grown cannabis is an agricultural commodity, cannabis cultivation on all licensed sites shall comply with the requirements of Division 6 and 7 of the Food and Agricultural Code and pertaining regulations. These laws and regulations set forth requirements for the legal use of pesticides, herbicides, and/or rodenticides, and are enforced by the CAC. Any uses of pesticide, herbicide, or rodenticide products shall be consistent with these requirements and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released uncontrolled into the environment, including surface or ground waters. Per the California DPR's established regulatory process, commercial cannabis cultivators planning on using pesticides, herbicides, and/or rodenticides shall obtain an Operator Identification Number from the CAC before they can purchase or use these chemicals. Within the Pest Management Plan, the applicant shall demonstrate sufficient knowledge of regulatory requirements regarding the safe and effective use of pesticides and/or rodenticides. Applicants that opt to use rodenticides shall provide an annual report of rodenticide use data to the CAC and County permitting.

5. Subsequent actions identified as necessary in the Habitat Protection Plan, such as species removal or relocation, shall be initiated following any required consultation with USFWS and CDFW pursuant to Federal and State regulations (respectively).

6. The Applicant shall install all measures identified by the Habitat Protection Plan prior to commencement of cannabis activities or as otherwise specified in the Habitat Protection Plan. All necessary requirements identified in the Habitat Protection Plan such as buffers, species monitoring, and plant species replacement, shall be indicated on final plans.
7. The Applicant shall submit a Habitat Protection Plan to the Department and demonstrate that all requirements pertaining to the Habitat Protection Plan have been implemented and completed prior to issuance of permits or licenses for cannabis activities.
8. The Department shall dispatch on an ongoing basis a qualified inspector to monitor and ensure compliance with the Habitat Protection Plan.

**C. Wildlife Movement Plan.**

1. ~~¶~~Where avoidance of wildlife movement areas is not feasible, the Applicant shall prepare a Wildlife Movement Plan for all commercial cannabis activities proposed in or near wildlife movement areas for the Department's review and approval. A Department-approved biologist shall review the Plan and confirm the adequacy of design for passage of smaller wildlife and safe prevention of entry by larger mammals, such as deer. The Applicant shall demonstrate to the Department that all perimeter fencing requirements are in place as required prior to commencement of cannabis activities. The Plan shall include:
  - a. The type, material, length, and design of proposed fencing.
  - b. Proposed fencing shall be designed to accommodate ~~for~~ the passage of smaller wildlife and safe prevention of entry by larger mammals, such as deer, and be non-disruptive, wildlife-friendly fencing, such as post and rail fencing, wire fencing, and/or high-tensile electric fencing.
  - c. Analysis of the proposed fencing in relation to the surrounding opportunities for migration.

<b>SUGGESTED MODIFICATION NO. 4</b>
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*Delete the Cannabis Business License Ordinance from LCP Amendment No. LCP-4-STB-18-0039-1-Part C.*