

**ATTACHMENT 3 – LAND USE AND DEVELOPMENT CODE ORDINANCE
AMENDMENTS**

ORDINANCE NO. 5114

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE TO IMPLEMENT NEW DEVELOPMENT STANDARDS AND PERMIT REQUIREMENTS REGARDING CERTAIN COMMERCIAL CANNABIS ACTIVITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

Case No. 19ORD-00000-00009

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

Section 35.42.075.B.3, Noticing for Commercial Cannabis Activities, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

- 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 35.106 (Noticing and Public Hearings), except that a mailed notice regarding a pending action or hearing regarding a commercial cannabis entitlement shall be provided to all owners of property:
 - a. Located within a 1,000-foot radius of the exterior boundaries of the subject lot; and
 - b. Located within an Existing Developed Rural Neighborhood (EDRN), if the proposed use: is to be located on a lot adjacent to an EDRN; or requires the use of a roadway within an EDRN as the sole means of access to the lot on which commercial cannabis activities will occur.

SECTION 2:

Table 4-10, Permit Requirements for Cannabis in Agricultural Zones, Table 4-11, Permit Requirements for Cannabis in Commercial Zones, Table 4-12, Permit Requirements for Cannabis in Industrial Zones, Table 4-13, Permit Requirements for Cannabis in Special Purpose Zones, of Section 35.42.075.B.4, Cannabis Regulations, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby amended to read as follows:

Table 4-10 Permit Requirements for Cannabis in Agricultural Zones	P	Permitted use, Land Use Permit required (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	AG-I	AG-II

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	— / CUP (2)(3)(7)(9)	P / CUP (2)(6)(8)(9)
Cultivation – Mixed-light	— / CUP (2)(3)(7)(9)	P / CUP (2)(6)(8)(9)
Cultivation – Indoor	— / CUP (2)(3)(7)(9)	P / CUP (2)(6)(8)(9)
Nursery	— / CUP (3)(5)(7)(9)	P / CUP (5)(8)(9)
Microbusiness	—	CUP (2)(4)(8)(9)

CANNABIS DISTRIBUTION, MANUFACTURING, AND TESTING

Distribution	— / CUP (2)(7)(9)	P (2)(9)
Non-volatile Manufacturing	— / CUP (2)(7)(9)	P (2)(9)
Volatile Manufacturing	— / CUP (2)(7)(9)	CUP (2)(9)
Testing	—	—

CANNABIS RETAIL

Retail	—	—
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Key to Zone symbols

AG-I	Agriculture I	AG-II	Agriculture II
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Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation 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 premise, without regard to intervening structures.
- (3) 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, requires a CUP.
- (4) Microbusiness - only allows non-storefront retail.
- (5) Nursery operation 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. 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 closest premise of the cannabis activity is to be located, without regard to intervening structures.
- (6) Cultivation on lots located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary shall require approval of a Conditional Use Permit.
- (7) Commercial cannabis activities are prohibited on AG-I zoned lots that are equal to, or less than, 20 acres in size. On lots zoned AG-I that are greater than 20 acres in size any commercial cannabis activity requires approval of a Conditional Use Permit by the Planning Commission and compliance with applicable standards in Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits). See Subsection 35.42.075.B.5.
- (8) On lots zoned AG-II, cannabis cultivation areas that cumulatively exceed 51% of the subject lot area (gross), shall require the approval of a CUP. For the purposes of interpreting this permit requirement, “cultivation area” shall consist of the area of land in or on which cannabis plants are grown, measured to the perimeter of the planted area and excluding roadways.
- (9) Commercial cannabis activities are prohibited within Existing Developed Rural Neighborhoods.

Table 4-11 Permit Requirements for Cannabis in Commercial Zones	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		
	CN	C-1	C-2

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	—	—	—
Cultivation - Mixed-light	—	—	—
Cultivation – Indoor	—	—	—
Nursery	—	—	—
Microbusiness	—	CUP (2)(3)	CUP (2)(3)

CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING

Distribution	—	—	—
Non-volatile Manufacturing	—	—	—
Volatile Manufacturing	—	—	—
Testing	—	P (2)(3)	P (2)(3)

CANNABIS RETAIL

Retail	—	P (2)(3)	P (2)(3)
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Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation 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 premise, without regard to intervening structures.
- (3) Commercial cannabis activities are prohibited within Existing Developed Rural Neighborhoods.

Table 4-11 – Continued Permit Requirements for Cannabis in Commercial Zones	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			
	C-3	C-S	CH	CM-LA

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	—	—	—	—
Cultivation - Mixed-light	—	—	—	—
Cultivation – Indoor	—	—	—	—
Nursery	—	—	—	—
Microbusiness	CUP (2)(3)	CUP (2)(3)	—	—

CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING

Distribution	P (2)(3)	—	—	—
Non-volatile Manufacturing	—	—	—	CUP (2)(3)
Volatile Manufacturing	—	—	—	—
Testing	P (2)(3)	—	—	—

CANNABIS RETAIL

Retail	P (2)(3)	P (2)(3)	—	CUP (2)(3)
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Key to Zone Symbols

C-3	General Commercial	CH	Highway Commercial
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation 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 premise, without regard to intervening structures.
- (3) Commercial cannabis activities are prohibited within Existing Developed Rural Neighborhoods.

Table 4-11 – Continued Permit Requirements for Cannabis in Commercial Zones	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			
	C-V	SC	PI	

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	—	—	—
Cultivation - Mixed-light	—	—	—
Cultivation – Indoor	—	—	—
Nursery	—	—	—
Microbusiness	—	—	—

CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING

Distribution	—	—	—
Non-volatile Manufacturing	—	CUP (2)(3)	—
Volatile Manufacturing	—	—	—
Testing	—	—	P (2)(3)

CANNABIS RETAIL

Retail	—	P (2)(3)	—
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Key to Zone Symbols

C-V	Visitor Serving Commercial	PI	Professional and Institutional
SC	Shopping Center		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation 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 premise, without regard to intervening structures.
- (3) Commercial cannabis activities are prohibited within Existing Developed Rural Neighborhoods.

Table 4-12 Permit Requirements for Cannabis in Industrial Zones	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		
	M-RP	M-1	M-2

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	P (2)(4)	P (2)(4)	P (2)(4)
Cultivation - Mixed-light	P (2)(4)	P (2)(4)	P (2)(4)
Cultivation – Indoor	P (2)(4)	P (2)(4)	P (2)(4)
Nursery	P (3)(4)	P (3)(4)	P (3)(4)
Microbusiness	—	CUP (2)(4)	CUP (2)(4)

CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING

Distribution	P (2)(4)	P (2)(4)	P (2)(4)
Non-volatile Manufacturing	P (2)(4)	P (2)(4)	P (2)(4)
Volatile Manufacturing	—	P (2)(4)	P (2)(4)
Testing	P (2)(4)	P (2)(4)	P (2)(4)

CANNABIS RETAIL

Retail	—	P (2)(4)	—
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Key to Zone Symbols

M-RP	Industrial Research Park	M-2	General Industry
M-1	Light Industry		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation 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 premise property, without regard to intervening structures.
- (3) 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. 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 closest point of the nursery premises, without regard to intervening structures.
- (4) Commercial cannabis activities are prohibited within Existing Developed Rural Neighborhoods.

Table 4-13 Permit Requirements for Cannabis in Special Purpose Zones	P	Permitted use, Land Use Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	—	—	—	—	—
Cultivation - Mixed-light	—	—	—	—	—
Cultivation – Indoor	—	—	—	—	—
Nursery	—	—	—	—	—
Microbusiness	—	—	—	—	—

CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING

Distribution	—	—	—	—	—
Non-volatile Manufacturing	CUP (2)(3)	—	—	CUP (2)(3)	CUP (2)(3)
Volatile Manufacturing	—	—	—	—	—
Testing	—	—	—	—	—

CANNABIS RETAIL

Retail	CUP (2)(3)	—	—	CUP (2)(3)	CUP (2)(3)
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Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation 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 premise, without regard to intervening structures.
- (3) Commercial cannabis activities are prohibited within Existing Developed Rural Neighborhoods.

SECTION 3:

Section 35.42.075.B.5, Permit Requirements for Commercial Cannabis Activities on Lots Zoned AG-I, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

5. **Permit requirements for commercial cannabis activities on lots zoned AG-I.** Commercial cannabis activities are prohibited on AG-I zoned lots that are equal to, or less than, 20 acres in size. On lots zoned AG-I that are greater than 20 acres in size any commercial cannabis activity requires approval of a Conditional Use Permit by the Planning Commission and compliance with applicable standards in Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

SECTION 4:

Section 35.42.075.B, Allowed Uses and Permit Requirements, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and

Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new subsection 6 as follows:

6. Commercial cannabis activities are prohibited within Existing Developed Rural Neighborhoods.

SECTION 5:

Section 35.42.075.C.3.d, Landscape Plan and Screening Plan, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

- 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 the portion(s) that can be screened and written documentation that sets forth the reasons why other portions cannot be screened.

SECTION 6:

Section 35.42.075.D.1.b, Cannabis Cultivation within an Existing Developed Rural Neighborhood (EDRN), of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to read as follows:

- b. **Cannabis cultivation requiring access through an Existing Developed Rural Neighborhood (EDRN).** Cultivation sites that require 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 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

SECTION 7:

Section 35.42.075.D.1, Specific Use Development Standards, Cultivation, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new subsection m, n, and o as follows:

- m. On lots zoned AG-II, cannabis cultivation areas that cumulatively exceed 51% of the subject lot area (gross), shall require the approval of a Major Conditional Use Permit. For the purposes of interpreting this permit requirement set forth in this subsection m, "cultivation area" shall consist of the area of land in or on which cannabis plants are grown, measured to the perimeter of the planted area and excluding roadways.
- n. Outdoor cannabis cultivation areas shall be setback a minimum of 50-feet from all lot lines.
- o. **Limitations on cannabis harvesting activities.** In order to minimize cannabis odors, the drying, curing, and/or trimming of harvested cannabis shall either (1) be located within an enclosed structure which utilizes best available control technology, or (2) include techniques and/or equipment (e.g., the use of freeze drying techniques/equipment and immediate packaging of harvested cannabis in the field) that shall achieve an equivalent or

greater level of odor control as could be achieved using an enclosed structure which utilizes best available control technology.

SECTION 8:

Section 35.42.075.D.3, Specific Use Development Standards, Manufacturing, of Chapter 35.42 and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new subsection d as follows:

- d. Outdoor manufacturing prohibited.** All odor-generating manufacturing activities shall be prohibited outdoors and shall be located within an enclosed structure which utilizes best available control technology to minimize cannabis odors.

SECTION 9:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 10:

Except as amended by this Ordinance, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 11:

This ordinance shall take effect and be in force 30 days from the date of its passage; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara. However, cannabis applications that have a final approved permit as of the effective date of this Ordinance are exempt from the requirements of this Ordinance. For purposes of this section a “final approved permit” is a permit that has been: 1) approved and the appeal period has expired without an appeal; 2) approved on appeal with a final decision rendered by the County on the permit application by the effective date of this Ordinance, or 3) approved and subject to litigation, which if the permit is upheld shall be exempt from this Ordinance, but if not upheld by the Court then the applicant shall comply with all County Codes going forward including this Ordinance.

SECTION 12:

Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory planning and zoning authority concerning cannabis activities. For example, even if the Ordinance becomes operative, the Board of Supervisors still may take action(s) later to change the zoning of cannabis activities to being prohibited. 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.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 14th day of July, 2020, by the following vote:

AYES: Supervisors Williams, Hart, Adam and Lavagnino

NOES: Supervisor Hartmann


ABSTAIN: NONE

ABSENT: NONE




GREGG HART, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: 
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 
Deputy County Counsel