



# COUNTY OF SANTA BARBARA

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## PLANNING COMMISSION UNAPPROVED MINUTES

Hearing of January 24, 2018  
9:00 a.m.

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The regular hearing of the Santa Barbara County Planning Commission was called to order by Chair Dan Blough, at 9:03 a.m., in the Santa Barbara County Engineering Building, Room 17, 123 East Anapamu Street, Santa Barbara, California.

### COMMISSIONERS PRESENT:

C. MICHAEL COONEY	1ST DISTRICT
CECILIA BROWN	2ND DISTRICT
JOHN PARKE	3RD DISTRICT, VICE-CHAIR
LARRY FERINI	4TH DISTRICT
DANIEL BLOUGH	5TH DISTRICT, CHAIR

COMMISSIONERS ABSENT: None.

### STAFF MEMBERS PRESENT:

Jeff Wilson, Secretary to the Planning Commission  
Dianne M. Black, Assistant Director  
David Villalobos, Recording Secretary to the Planning Commission  
Johannah Hartley, Deputy County Counsel  
Dan Klemann, Deputy Director, Long Range Planning  
Mindy Fogg, Supervising Planner, Long Range Planning  
Jessica Metzger, Planner, Long Range Planning

NUMBER OF INTERESTED PERSONS: Approximately 68

### ADMINISTRATIVE AGENDA:

- I. **PLEDGE OF ALLEGIANCE**
- II. **TV COVERAGE ANNOUNCEMENT:** by David Villalobos.
- III. **ROLL CALL:** All Commissioners were present.
- IV. **ELECTION OF THE 2018 PLANNING COMMISSION VICE CHAIR**  
**ACTION:** Commissioner Cooney moved, seconded by Commissioner Ferini and carried by a vote of 5 to 0 to elect Commissioner Parke as the 2018 Planning Commission Vice-Chair.
- V. **PUBLIC COMMENT:** None.
- VI. **CONSENT AGENDA ITEMS AND PROCEDURE:**

<b>C-1.</b>	<b>18ORD-00000-00001</b>	<b>Ordinance to Rescind Article X</b>	<b>Countywide</b>
	17EIR-00000-00003	Mindy Fogg, Supervising Planner (805) 884-6848 Jessica Metzger, Planner (805) 568-3532	

Hearing on the request of the Planning and Development Department that the Planning Commission:

- a) **18ORD-00000-00001.** Recommend the County Board of Supervisors adopt an Ordinance Rescinding Article X, Medical Marijuana Regulations, of the Santa Barbara County Code

and recommend that Board certify the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report as set forth in Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016 and the associated revision letter (RV 01), pursuant to the California Environmental Quality Act (CEQA) Guidelines.

**ACTION:** Commissioner Brown moved, seconded by Commissioner Cooney and carried by a vote of 5 to 0 to:

- 1. **Make the findings for approval, including CEQA findings, and recommend that the Board make the findings for approval of the proposed amendments (Attachment A of the staff report dated January 17, 2018);**
- 2. **Recommend that the Board certify the Cannabis Land Use Ordinance and Licensing Program Final EIR (State Clearinghouse No. 2017071016) (Attachment B of the staff report dated January 17, 2018) and the associated revision letter (RV 01) (Attachment B) for Case No. 18ORD-00000-00001 pursuant to the State CEQA Guidelines; and**
- 3. **Adopt a resolution (Attachment C) recommending that the Board adopt an ordinance (Case No. 18ORD-00000-00001) amending Article X, as set forth in Exhibit 1, Attachment C of the staff report dated January 17, 2018.**

VII. **STANDARD AGENDA:**

<b>1.</b>	<b>17ORD-00000-00004</b>	<b>Cannabis Land Use Ordinance</b>	
	<b>17ORD-00000-00010</b>	<b>Amendments and Licensing Program</b>	<b>Countywide</b>
	17EIR-00000-00003	Mindy Fogg, Supervising Planner (805) 884-6848 Jessica Metzger, Planner (805) 568-3532	

Hearing on the request of the Planning and Development Department that the Planning Commission:

- a) **17ORD-00000-00004.** Recommend that the Board of Supervisors adopt an ordinance (Case No. 17ORD-00000-00004) amending the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code;
- b) **17ORD-00000-00010.** Recommend that the Board of Supervisors adopt an ordinance (Case No. 17ORD-00000-00004) amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code by amending Division 2, Definitions, Division 4, Zoning Districts, Division 6, Parking Regulations, and Division 7 General Regulations; and

to recommend that the Board certify the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (EIR) (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) and the associated revision letter (RV 01) for Case Nos.

17ORD-00000-00009 and 17ORD-00000-00010, pursuant to the State CEQA Guidelines.  
(Continued from 1/10/18)

**ACTION:** Commissioner Cooney moved, seconded by Commissioner Ferini and carried by a vote of 4 to 0 to 1 (Brown abstained) to:

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

## REVISIONS TO ORDINANCES

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

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

1. Personal Cultivation (35.42.075.B.2 and 35-144U.B.2). The following recommended ordinance text was amended as follows:
  - b. Cultivation of cannabis for personal use shall only occur within:
    - (1) A legally established **secure** dwelling, or
    - (2) An enclosed, legally established **secure** building that is accessory to a dwelling.
2. Noticing (35.42.075.B.3 and 35-144U.B.3). The following, recommended ordinance text was added:

**Entitlements for commercial cannabis uses and/or development shall be subject to the applicable noticing requirements set forth in Chapter 35.106 (Noticing and Public Hearings), except that a mailed notice regarding a pending action or hearing regarding a commercial cannabis entitlement shall be provided to all**

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

3. “Permit Requirements for Cannabis” Table (35.42.075.B.4 and 35-144U.B.4). The following changes were made to the uses that are recommended to be allowed by zone:
  - Commercial cultivation shall not be permitted in the General Commercial (C3) zone.
  - Nonvolatile manufacturing shall not be permitted in the Limited Commercial (C1), Retail Commercial (C2), General Commercial (C3), and Service Commercial (CS) zones.
  - Nonvolatile manufacturing shall be permitted in the Shopping Center (SC) zone with a major conditional use permit (CUP).
  - Nonvolatile Manufacturing shall be permitted in SC, Mixed Use (MU), Community Mixed Use Los Alamos (CM-LA), Old Town - Residential/Light Commercial (OT-R/LC), and Old Town - Residential / General Commercial (OT-R/GC) zones with a CUP.
  - Retail shall be permitted in MU, CM-LA, OT-R/L, and OT-R/G zones with a CUP.
  - Testing shall be permitted with a land use permit or coastal development permit in C1 and C2 zones.
4. Sensitive Receptors (35.42.075.B.4 and 35-144U.B.4). The footnote of the table(s) shall be amended in regard to buffers from sensitive receptors, as follows: “The proposed cannabis operation shall not be located within ~~600~~ 1,000-feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.”
5. Odor Abatement (35.42.075.C.7 and 35-144U.C.7). The following changes were made to the recommended odor abatement requirements of the ordinances.
  - Delete text from the Odor Abatement Plan C.7, as follows: “The Odor Abatement Plan must reduce odors that are experienced within residential zones, ~~to the maximum extent feasible~~ as determined by the Director.”
  - Add the following text to the Odor Abatement Plan C.7.g: “The applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.”
  - Remove the text from the Odor Abatement Plan C.7.h and replace with the following text:

*If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of this Section 35-144U.C.7./35-144U.C.7. Upon the Department’s request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department’s review and approval. The department may require the corrective actions to*

*be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this Section, the Department may take additional enforcement actions pursuant to Chapter 35-108 (Enforcement and Penalties) which may include, but are not limited to, initiating proceedings to revoke the applicable cannabis land use entitlement(s).*

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

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

6. Distribution and manufacturing as an accessory uses within the Ag-I And Ag-II zones (35.42.075.D.3 and 4 and 35-144U.C.7D.3 and 4). The following changes were made to the recommended sections on distribution and manufacturing requirements of the ordinances (Commissioner Blough conducted a “straw poll” on this item, and it carried by a vote of 3 to 2):

- Distribution.
  - a. Cultivation limits. Distribution on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:
    - 1) A minimum of 1050% of the cannabis product distributed shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur.
- Manufacturing.
  - a. Cultivation limits. Manufacturing (volatile and non-volatile) on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:
    - 1) A minimum of 1050% of the cannabis product manufactured shall be sourced from cannabis plant material cultivated on the same lot on which the manufacturing activities will occur.
    - 2) Manufacturing shall be subordinate and incidental to the cultivation use of the lot, and the area designated for manufacturing shall occupy a smaller footprint than the area that is designated for cultivation on the lot.

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

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

- The possibilities for a concentration limit for cannabis retail permits.

- **Mechanisms to expedite the CUP process for cannabis activities.**
- **Commissioner Blough requests that the Board review his research on effective odor detecting technology (Attachment 4).**

There being no further business to come before the Commission, the hearing was adjourned until 9:00 a.m. on January 31, 2018, in the Santa Maria Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria, California 93454.

Meeting adjourned at 4:00 p.m.

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Jeff Wilson  
Secretary to the Planning Commission