

Memorandum

Date: February 26, 2020

To: Santa Barbara County Planning Commission

From: Dan Klemann, Deputy Director, Long Range Planning Division

Subject: Cannabis Zoning Ordinance Amendments;
Case Nos. 19ORD-00000-00009 and 19ORD-00000-00011

CC: Lisa Plowman, Director, Planning and Development Department (P&D)
Jeff Wilson, Assistant Director, P&D



The purpose of this memorandum is to inform the Planning Commission of two documents that have been prepared for the Planning Commission's consideration at the March 4, 2020, hearing regarding additional cannabis zoning ordinance amendments.

More specifically, at the Planning Commission hearing on January 29, 2020, staff presented a document that summarized the points and recommendations that the Planning Commissioners raised at the January 22, 2020, Planning Commission hearing regarding additional cannabis zoning ordinance amendments. The Planning Commissioners provided further direction and clarification regarding some of the specific items presented in the document; Attachment 1 to this memorandum includes the document—as revised pursuant to the Planning Commissioners additional comments at the January 29, 2020, hearing.

Also at the Planning Commission hearing on January 29, 2020, Commissioner Parke presented his ideas regarding a potential zoning overlay that would establish different permitting requirements for cannabis activities that are proposed within, versus outside of, the areas that would be subject to the overlays. After the hearing, Commissioner Parke revised the map and provided it to staff to be added to the County map that identifies the location of pending cannabis applications. The revised map is available online at <https://arcg.is/iffDK> and will be made available at the March 4, 2020, hearing for the Planning Commission's consideration.

Attachments

Attachment 1 – Summary of Planning Commission Recommendations/Requests and General Comments from the January 22 and 29, 2020, Hearings

ATTACHMENT 1 - Summary of Planning Commission Recommendations/Requests and General Comments from the January 22 and 29, 2020, Hearings

Board of Supervisors’ July 16, 2020, Action (Adopted Minutes): “Directed staff to engage the Planning Commission and to return to the Board with recommendations/strategies to mitigate the odor and other impacts of cannabis operations along the urban-rural boundary and conflicts with existing agricultural operations. Tools to implement such mitigation could include, but are not limited to, bans, buffers, higher level permitting, grow operations tailored to the urban-rural interface, alternate drying techniques, revisions to Article X and buffer zones or other mechanisms to protect existing agricultural operations.”

Recommendations/Requests	Ordinance/Regulation to be Amended	Responsible Party	Notes
Odor Control			
Control odors at the property line of cannabis sites	LUDC, Article II, and BLO	P&D, CEO/TTC	<ul style="list-style-type: none"> • Allow flexibility in technology to be used • Make this a requirement of the BLO • No fixed term for land use entitlement
Prohibit outdoor cultivation/require all cultivation to be located indoors	LUDC and Article II	P&D	
Require accessory processing (not cultivation) to be located in sealed carbon filtration system	LUDC and Article II	P&D	APCD rules apply to some of these activities
Require “adaptive management” and/or enhanced condition compliance monitoring to ensure use of BACT	LUDC and Article II	P&D	<ul style="list-style-type: none"> • Example of enhanced condition compliance – PC’s approval of the Busy Bees project (Condition No. 15) • The authority to require such condition compliance monitoring already exists in the zoning ordinances.
Require odor control for legal nonconforming operators	LUDC, Article II, and Article X	P&D	• All growers in Carpinteria Valley purportedly have odor control.
Explore if there is an objective way to measure odors and detect the source		P&D	
Consider recommendations to the CEO to use the BLO to control odors	BLO	CEO/TTC	<ul style="list-style-type: none"> • Invite a representative from the CEO to a PC hearing to discuss this. (Assistant CEO Melekian will speak on March 4, 2020.) • Staff has already investigated using the BLO to control odors
Permitting Requirements			
Require a CUP for all cannabis projects	LUDC and Article II	P&D	
Require a “long” term permit for activities using sealed carbon filtration systems, and	LUDC and Article II	P&D	Consider use of adaptive management techniques instead of the term of the permit to improve odor control

Recommendations/Requests	Ordinance/Regulation to be Amended	Responsible Party	Notes
limited term permit for activities using less effective systems			
Create an overlay in which cannabis activities require a LUP/CDP and outside of which cannabis activities require a CUP	General Plan Land Use Element/Maps, LUDC, and Article II	P&D	<ul style="list-style-type: none"> Commissioner Parke provided a draft overlay at the 1/29/20, PC hearing, which might be revised for the 3/4/20, PC hearing
Other Requests			
Investigate whether GHGs from boilers and other greenhouse equipment may be sequestered/used for cultivation activities	Unknown	P&D and APCD	<ul style="list-style-type: none"> Consider tools besides permitting requirements to implement APCD rules and regulations might apply
Reconsider P&D practice of confirming that existing development complies with zoning regulations, prior to permitting cannabis development	LUDC, Article II, and (possibly) Article X	P&D	<ul style="list-style-type: none"> This comment was based on a desire to have odor control equipment installed at nonconforming cultivation sites in the Carpinteria Valley, as soon as possible. All growers in Carpinteria Valley purportedly have odor control.
Request for additional information regarding Article X to further regulate legal nonconforming activities	Article X	P&D	<ul style="list-style-type: none"> This comment was based on a desire to have odor control equipment installed at nonconforming cultivation sites in the Carpinteria Valley, as soon as possible. All growers in Carpinteria Valley purportedly have odor control.
General Comments Provided at the Hearings			
The County should fund a terpene study		AC	<ul style="list-style-type: none"> Requires Board authorization for funding
Concerns about permit processing time; additional requests/recommendations will increase permit processing time		P&D	

Notes:

AC = Agricultural Commissioner
 APCD = Santa Barbara County Air Pollution Control District
 Article II = Santa Barbara County Code, Chapter 35, Article II, Coastal Zoning Ordinance
 Article X = Santa Barbara County Code, Chapter 35, Article X, Medical Marijuana Regulations
 BACT = Best Available Control Technology
 BLO = Santa Barbara County Code, Chapter 50, Licensing of Cannabis Business Operations

CDP = Coastal Development Permit
 CEO = County Executive Office
 GHGs = Greenhouse Gasses
 LUDC = Santa Barbara County Code, Chapter 35, Article 35.1 *et seq*, Land Use and Development Code
 LUP = Land Use Permit
 P&D = Planning and Development Department
 PC = Planning Commission
 TTC = Treasurer-Tax Collector