

ATTACHMENT H



COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Montecito Planning Commission

FROM: Daniel Klemann, Deputy Director, Long Range Planning Division
Staff Contact: Jessica Metzger, Project Manager

DATE: December 21, 2017

RE: **Revisions (RV01) to the Final Environmental Impact Report (17EIR-00000-00003) – Finding that State CEQA Guidelines Section 15088.5(b) applies to the Cannabis Land Use Ordinances for the Cannabis Land Use Ordinances and Licensing Program - Planning and Development Case Numbers 17ORD-00000-00004 and 17ORD-00000-00010**

INTRODUCTION

The County of Santa Barbara prepared a Draft Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinances for the Cannabis Land Use Ordinances and Licensing Program. There are recommended changes to the Project as a result of staff's review of public comments, including revisions to the proposed Ordinance Amendments. This EIR revision letter evaluates modifications to the proposed Project recommended by staff subsequent to preparation of and circulation of the EIR.

The California Environmental Quality Act (CEQA) Guidelines Section 15088.5 describes the circumstances under which a lead agency is required to recirculate an EIR when new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review, but before EIR certification. Significant new information that would require recirculation would include a new significant impact or an unmitigated substantial increase in the severity of an impact. According to CEQA Guidelines Section 15088.5, "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a new substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. Section 15088.5(b) states, "[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

The Montecito Planning Commission finds that the EIR (17EIR-00000-00003), as herein amended by the attached EIR Revision Letter analysis, may be used to fulfill the environmental

review requirements for the Cannabis Land Use Ordinances and Licensing Program. None of the changes would result in any new significant, environmental effects or a substantial increase in the severity of previously identified significant effects nor would they cause changes to the conclusions in the impacts analysis in the Final EIR, or deprive the public of a meaningful opportunity to comment. Hence, pursuant to CEQA Guidelines Section 15088.5(b), the proposed revisions described in this document have not been recirculated. The Final EIR for the Cannabis Land Use Ordinance and Licensing Program is hereby amended by this revision document, together identified as (17EIR-00000-00003 RV01).

Exhibits:

1. Cannabis Land Use Ordinances for the Cannabis Land Use Ordinances and Licensing Program Draft Final EIR 17EIR-00000-00003 Revision Letter (RV 01)
2. Coastal Zoning Ordinance

The Cannabis Land Use Ordinances and Licensing Program

Final Environmental Impact Report

17EIR-00000-00003

SCH #2017071016

Revision Letter (RV 01)

December 21, 2017

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REVISIONS TO THE FINAL ENVIRONMENTAL IMPACT REPORT

I. BACKGROUND

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) (17EIR-00000-00003, SCH #2017071016) was prepared for the Cannabis Land Use Ordinances and Licensing Program. The Draft EIR for the Cannabis Land Use Ordinances and Licensing Program was released for public comment on October 2, 2017. Two publically noticed Draft EIR comment hearings were held on October 12, 2017, and October 17, 2017, in Santa Barbara and Santa Maria, respectively. Public and agency comments were received until the end of the comment period on November 16, 2017. The County responded in writing to comments received on the Draft EIR in accordance with CEQA Guidelines Section 15088. Responses to the comments describe the disposition of significant environmental issues raised and changes to the EIR made in response to the comments, including text changes.

The EIR evaluated four alternatives: (1) No Project Alternative, (2) Alternative 1 - Exclusion of Cannabis Activities from the AG-I Zone District, (3) Alternative 2 - Preclusion of Cannabis Activities from Williamson Act Land, and (4) Alternative 3 - Reduced Registrants. Each alternative is discussed in relation to the objectives of the Project.

The EIR concluded that the Cannabis Land Use Ordinances and Licensing Program would result in significant unmitigable (Class I) impacts to: Agricultural Resources, Air Quality, Noise, Transportation and Traffic, and Aesthetics/Visual Resources (cumulative). The Cannabis Land Use Ordinance and Licensing Program would also result in significant but mitigable (Class II) impacts to Aesthetics and Visual Resources, Agricultural Resources, Biological Resources, Cultural Resources, Hydrology, Land Use, and Utilities.

Staff recommends the Board find that the EIR (17EIR-00000-00003), herein amended by this EIR Revision Letter, may be used to fulfill the environmental review requirements for the Cannabis Land Use Ordinances and Licensing Program, and that this Revision Letter sets forth changes to various sections of the proposed Coastal Zoning Ordinance (Montecito Planning Commission - January 3, 2018, Staff Report, Attachment D, Exhibit 1 (17ORD-00000-00010)) and Santa Barbara County Land Use and Development Code (County Planning Commission - January 10, 2018, Staff Report, Attachment C, Exhibit 1 (17ORD-00000-00004)). None of the changes recommended would result in any new, changed, or unmitigated environmental impacts. In fact, the recommended changes would put limits on the proposed Project, which would likely reduce potential environmental impacts. However, such changes would not result in any changes to the overall conclusions in the impact analyses in the EIR, or deprive the public of a meaningful opportunity to comment. Hence, pursuant to CEQA Guidelines Section 15088.5(b), the proposed revisions described in this document have not been recirculated.

II. REVISIONS TO THE EIR ANALYSIS

Staff recommends the following amendments to the project description which are analyzed below.

A. Analysis of Revisions to the Permit Levels for Cannabis Cultivation in Existing Developed Rural Neighborhoods (EDRNs)

The proposed ordinance amendments incorporate a development standard that specifies that any cannabis cultivation proposed within EDRN areas, or which would require the use of a roadway located within an EDRN area as the sole means of access to the location of the cannabis activity, will require the approval of a Major Conditional Use Permit, which is a discretionary permit that would require Planning Commission review and approval, environmental review pursuant to CEQA, and consideration of the imposition of additional conditions of approval on cannabis cultivation to make it compatible with its surroundings, and would be subject to public review and comment. Proposed amendments are shown in red underlined text.

Section 35-68.5, Uses Permitted with a Major Minor Conditional Use Permit

Cannabis cultivation within an Existing Developed Rural Neighborhood (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 comply with applicable standards in Section 35-172.8 (Findings Required for Approval).

Section 35-144U. Cannabis Regulations

LAND USE (1)	PERMIT REQUIRED BY ZONE					
	AG-I	AG-II	C-1	C-2	PI	M-RP
Allowed Cannabis Uses and Permit Requirement by Zone	E Allowed use, no permit required (Exempt) P Permitted use, Coastal Development Permit required MCUP Minor Conditional Use Permit required CUP Major Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed					
CANNABIS CULTIVATION AND MICROBUSINESS						
Cultivation Type 1, Type 1A, Type 1B, Type 1C	<u>P(3)</u>	P	—	—	—	P
Cultivation Type 2, Type 2A, Type 2B	<u>P(3)</u>	P	—	—	—	P
Cultivation Type 3, Type 3A, Type 3B	<u>P(3)</u>	P	—	—	—	P
Cultivation Type 4	<u>P(3)</u>	P	—	—	—	P
Microbusiness - Type 12	—	CUP	CUP	CUP	—	—
Notes:						
(1) See Section 35-58 (Definitions) for land use definitions.						
(2) The manufacturing or distribution use is only permissible as an accessory use to cannabis cultivation.						
<u>(3) Commercial cannabis cultivation on lots located in an Existing Developed Rural Neighborhood (EDRN) or cultivation that requires the use of a roadway located within an EDRN as the sole means of access to the cultivation lot require a CUP.</u>						

The applicant would have to demonstrate that the proposed cannabis cultivation project would satisfy the standards of approval for a Major Conditional Use Permit, as specified in 35-172.8 (Findings Required for Approval), which include:

- (1) Adverse environmental impacts are mitigated to the maximum extent feasible.
- (2) Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- (3) There are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
- (4) The project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
- (5) In designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

Changing the review from a land use permit (LUP) to a CUP will not have any effect on the impacts that were analyzed as part of the Project impact analysis and incorporation of the requirements in the Board of Supervisors recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is necessary to make this amendment to the project.

B. Analysis of Revisions to the Permit Types Allowed on Lots 20 Acres or Less.

The ordinance amendments also incorporate an additional development standard to address certain adverse land use compatibility impacts associated with cannabis cultivation, such as objectionable odors experienced in residential areas. The proposed amendments include a development standard that specifies that, on AG-I parcels 20 acres or less, only cultivation permits for mixed-light (greenhouse) or indoor cultivation shall be allowed. Outdoor cultivation, including hoop houses, would be prohibited. The below development standard would be added to proposed new Section 35-144.U.D. of the CZO. Proposed amendments are shown in red underlined text.

Cannabis Regulations Section 35-144U.D

AG-I lots 20 acres or less. Outdoor cannabis cultivation, including cannabis cultivation within hoop structures, is prohibited on lots that are 20 acres or less in size. However, mixed-light cannabis cultivation and indoor cultivation are permissible on lots containing 20 acres or less.

The proposed Land Use and Development Code (LUDC) and Coastal Zoning Ordinance (CZO) amendments changes recommended by staff have been drafted based on comments received during the preparation of the Draft EIR. These proposed changes are consistent with the project objectives including (1) minimizing adverse effects of commercial cannabis activities on the natural environment, natural resources, and wildlife, including riparian corridors, wetlands, sensitive habitats, and water resources ensure, (2) establishing land use requirements for commercial cannabis activities to minimize the risks associated with criminal activity, degradation of visual resources and neighborhood character, groundwater basin overdraft, obnoxious odors, noise nuisances, hazardous materials, and fire hazards, and (3) limiting

potential for adverse impacts on children and sensitive populations by ensuring compatibility of commercial cannabis activities with surrounding existing land uses, including residential neighborhoods, agricultural operations, youth facilities, recreational amenities, and educational institutions.

As discussed below, the revisions documented in this EIR Revision Letter do not require recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5(b), as they do not involve new significant, environmental effects or a substantial increase in the severity of previously identified significant effects, and do not deprive the public of a meaningful opportunity to comment.

III. CONCLUSION

The changes to the Project description set forth above would result in the specified revisions to the proposed County Land Use and Development Code (LUDC) and CZO ordinance amendments. None of the changes would result in any new significant, environmental effects or a substantial increase in the severity of previously identified significant effects nor would they cause changes to the conclusions in the impacts analysis in the Final EIR, or deprive the public of a meaningful opportunity to comment.

Coastal Zoning Ordinance

ORDINANCE NO. _____

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

Case No. 17ORD-00000-00010

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. It does not include either 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 Section 35-144U (Cannabis Regulations):

- a. Commercial cannabis activity.** Any activity, recreational or medicinal, including the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided in this Chapter.
- b. 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.
 - 1) Indoor cultivation.** The cultivation of cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above 25 watts per square foot.
 - 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.
- c. Distributor.** A facility used for the storage and distribution of cannabis and cannabis products.
- d. Distribution.** The procurement, sale, and transport of cannabis and cannabis products between licensees.
- e. 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 qualified patient(s) in accordance with State law.
- f. Private residence.** A house, an apartment unit, a mobile home, a condominium, a townhome, an accessory dwelling unit, or other similar dwelling.
- g. Processing.** All activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of nonmanufactured cannabis products.
- h. 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.
- i. Microbusiness.** Permits that are for three of the four following types; the cultivation of cannabis on an area less than 10,000 square feet, to act as a licensed distributor, Level 1 manufacturer, and/or retailer under this division, provided such licensee can demonstrate compliance with all requirements imposed by this division on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.
- j. Non-Storefront Retailer.** Delivery-only retail of commercial cannabis or cannabis products.
- k. Nonvolatile Manufacturing.** Manufacturing using any solvent in the extraction process that is not a volatile solvent. For purposes of this section, nonvolatile solvents include, but are not limited to, carbon dioxide and ethanol.
- a. Nursery.** A nursery only produces clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

- b. Storefront Retail.** The retail sale and delivery of cannabis or cannabis products to customers, also referred to as a Storefront Retailer. A retailer shall have 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 retailer may also conduct sales by delivery.
- c. Testing.** An accredited laboratory, facility or entity that offers or performs tests of cannabis or cannabis products.
- d. 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.~~

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).
10. One Attached Accessory Dwelling 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 Units).
11. Special Care Homes, subject to the provisions of Section 35-143.4.
12. Cannabis, Cultivation, subject to the provisions of Section 35-144U.
13. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.

142. 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, including trailers, for housing 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 (General Regulations).
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 35-68.5 Uses Permitted with a Minor Conditional Use Permit

1. Additional dwellings for not to exceed four employees of the owner or lessee of the land engaged full time in agriculture on the farm or ranch upon which the dwelling is located provided:
 - a. The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings, to support such use; and
 - b. The applicant provides proof of the full-time employment of the employees.
2. One Detached Residential Second Unit per legal lot zoned AG-I-5, AG-I-10, and AG-I-20 subject to the provisions of Section 35-142 (Residential Second Units) and Section 35-172 (Conditional Use Permits).
3. Commercial Kennels.
4. **Cannabis, Distribution, 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.
12. Uses, buildings and structures accessory and customarily incidental to the above uses.
13. Cannabis, Cultivation, subject to the provisions of Section 35-144U.
14. Cannabis, Distribution, 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, including trailers, for housing five or more 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).
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 substations, 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. 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.
11. 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, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.
14. Cannabis, Retail, 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.
20. Short-Term Rentals subject to the provisions of Section 35-144T (Short-Term Rentals).
21. Spas or health clubs.
22. Non-Residential Child Care Center, pursuant to Section 35-143.3.
23. Cannabis, Non-volatile Manufacturing, subject to the provisions of Section 35-144U.
24. Cannabis, Retail, subject to the provisions of Section 35-144U.
25. 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.

Section 35-78.5 Uses Permitted With a Minor Conditional Use Permit.

1. Small animal hospitals, provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will not be adversely affected by reason of such odor or noise.
2. Automobile and machinery repair and service conducted partially or wholly outdoors.
3. Boat sales yard and boat repair and services, but not including painting or junk yards for boats.
4. Cabinet shop.
5. Cleaning and dyeing establishment.
6. Electrical shop.
7. Frozen food locker as part of a retail store.
8. Furniture repair and upholstery.
9. Handicraft-type industries subject to the provisions of Section 35-172.11 (Conditional Use Permits).
10. Lumber and building materials sales yard.
11. Mechanical car wash.
12. Plumbing, heating, and ventilating shop.
13. Pump sales and service.
14. Outdoor sale of pool supplies, patio furniture, and spas.
15. Sales of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground.

16. Sales or storage lot for trailers, including trailers used for carrying property, and recreational vehicles.
17. Sign painting shop.
18. Trailer rentals, including trailers used for carrying property, and truck rentals.
19. Welding and small tool machine shop.
20. Residences, provided the residential use is secondary to a permitted or conditionally permitted (i.e., Conditional Use Permit) commercial use on the same lot.
21. Certified Farmer's Market.
22. Emergency Shelter.
23. Single Room Occupancy Facility.
24. 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.
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, 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).~~

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 Allowed Cannabis Uses and Permit Requirement by Zone Table in this section, for the listed zones. 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. 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.

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, 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 dwelling, or
 - (2) An enclosed, legally established 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 growing area shall not prevent the parking of vehicles within areas that are required to satisfy the parking requirement for a use of the lot.
- 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.

LAND USE (1)	PERMIT REQUIRED BY ZONE					
	AG-I	AG-II	C-1	C-2	PI	M-RP
	Allowed Cannabis Uses and Permit Requirement by Zone					
	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Coastal Development Permit required				
	MCUP	Minor Conditional Use Permit required				
	CUP	Major Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
CANNABIS CULTIVATION AND MICROBUSINESS						
Outdoor Cultivation	P(2)(5)	P(2)	—	—	—	P
Mixed-light Cultivation	P(2)(5)	P(2)	—	—	—	P
Indoor Cultivation	P(2)(5)	P(2)	—	—	—	P
Nursery	P(2)(5)	P(2)	—	—	—	P
Microbusiness	—	CUP(2)	CUP(2)	CUP(2)	—	—
CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING						
Distribution	MCUP(2)(3)	P(2)(3)	—	—	—	P
Manufacturing, Nonvolatile,	P(2)(3)	P(2)(3)	P	P	—	P
Manufacturing Volatile	CUP(2)(4)	CUP(2)(4)	—	—	—	—
Testing	—	—	—	—	P	P
CANNABIS RETAIL						
Non-Storefront Retailer	—	—	P(2)	P(2)	—	—
Retail	—	—	P(2)	P(2)	—	—
Notes:						
(1) See Section 35-58 (Definitions) for land use definitions.						
(2) The proposed cannabis operation shall be located at least 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 property line of the lot on which the cannabis activity is to be located without regard to intervening structures.						
(3) The manufacturing or distribution use is only permissible as an accessory use to cannabis cultivation.						
(4) The proposed cannabis operation shall be located at least 1,200-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 property line of the lot on which the cannabis activity is to be located without regard to intervening structures.						
(5) Commercial cannabis cultivation on lots located in an Existing Developed Rural Neighborhood (EDRN) or cultivation that requires the use of a roadway located within an EDRN as the sole means of access to the cultivation lot require a CUP.						

C. General commercial cannabis activities development standards.

- 1. Archaeological and paleontological surveys.** When commercial cannabis activities are proposed for lots that have not been subject to prior archaeological or paleontological surveys, 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 Community Plan policies. All required studies shall be prepared in accordance with the requirements of 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 Community Plan 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. Energy Conservation Plan.** The applicant for an indoor cultivation, mixed-light cultivation, nursery, manufacturing (volatile or non-volatile), and/or distribution permit shall prepare and submit to the Department for review and approval, an energy conservation plan that demonstrates the proposed operation will result in either an

energy reduction or a zero net increase in energy demand. In either case the determination will be based on information provided by the applicant showing the site's historic and current electricity demands, as well as the projected demands. The Energy Conservation Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project as applicable. Energy conservation measures may include, but are not limited to:

- a. Participating in an annual energy audit.
- b. Measuring and recording net energy use.
- c. Upgrading and maintaining efficient heating/cooling/dehumidification systems.
- d. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high pressure sodium (HPS) lighting where feasible.
- e. Implementing automated lighting systems.
- f. Utilizing natural light when possible.
- g. Utilizing an efficient circulation system.
- h. Ensuring that energy use is above or in-line with industry benchmarks.
- i. Implementing phase-out plans for the replacement of inefficient equipment.
- j. Adopting of all or some elements of CalGreen Tier 1 and 2 voluntary elective measures to increase energy efficiency in new buildings, remodels, and additions.
- k. Participating in the Smart Build Santa Barbara (SB2) Program, including plan review by the County Green Building Committee.
- l. Purchasing of renewable electricity from a County approved renewable energy source (e.g., Regional Renewable Choice program, Green Rate program, Community Renewable program, or similar equivalent renewable energy program) for any net increase of energy demand.

- 3. Fencing and Security Plan.** 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 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). 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 Fencing and Security Plan shall include the following:

- a. The 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.
 - d. Where fencing would separate an agricultural area from an Open Space and/or Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage.
 - f. Prohibited fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.
 - g. The fence shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.
 - h. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.
- 4. Landscape Plan and Screening Plan.** 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, shall comply with Section 35.34.050 (Agricultural Zone Landscaping Requirements), Section 35.34.100 (Landscaping Requirements for Parking Areas), and the standards listed below. 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 structure, and on-site parking areas from the nearest public road(s).
 - 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 Clerk of the Board of Supervisors. Said performance security shall be released by said Clerk upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.

- d. If, due to site-specific conditions (i.e. slopes), an applicant believes that a screening cannot be fully achieved, 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 Landscape Plan and Screening Plan must be submitted with the application for the cannabis activity.

5. Lighting Plan. 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. The applicant shall submit a Lighting Plan to the Department for review and approval, demonstrating that all lighting on the site will comply with the standards set forth in this Article and all applicable community 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. If, due to site-specific conditions, an applicant r 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.

- 6. 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 decibel near 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.
- 7. Odor Abatement Plan.** The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. The Odor Abatement Plan must reduce odors that are experienced within residential zones, to the maximum extent feasible 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 (i.e. timing, length, etc.) 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, 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 cannabis activity is conduct, 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 odor contact.
 - 3) The operator of the cannabis activity is required 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 and all Departmental inspections of the cannabis operation, 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 for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.
 - h. If three verified complaints are received during any 30-day period, then the applicant shall submit to the Department a report, certified by a Professional Engineer or a Certified Industrial Hygienist, for review and approval, the corrective actions and the timing for such actions to mitigate the odor. Implementation of the corrective actions must occur within 30 days, unless the timeframe is extended by the Director for good cause. Following implementation of the corrective actions, if three verified noise complaints are received during a thirty day period, additional corrective actions may be required, up to and including revocation of the permit.
 - i. If three verified complaints are received during any 30-day period, then the applicant shall submit to the Department a report, certified by a Professional Engineer or a Certified Industrial Hygienist, for review and approval of the proposed corrective actions and the timing for such actions to mitigate the odor. Implementation of the corrective actions must occur within 30 days, unless the timeframe is extended by the Director for good cause. Following implementation of the corrective actions, if three verified odor complaints are received during a 30-day period, additional corrective actions may be required, up to and including revocation of the permit.
 - j. 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 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.
- 8. Signage.** All signs shall comply with Chapter 35-138 (Sign and Advertising Structures).
- 9. Tree Protection, Habitat Protection, and Wildlife Movement Plans.** The applicant for any cannabis permit for a site that would involve the removal of native 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 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.

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. Outdoor cannabis cultivation, including cannabis cultivation within hoop structures, is prohibited on lots that are 20 acres or less in size. However, mixed-light and indoor cultivation, and nurseries are permissible on lots containing 20 acres or less.

b. Avoidance of prime soils. All structures for cannabis cultivation operations, 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 to avoid prime soils 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 EDRN. Applicants 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 of 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(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 Plan shall include at least one of the following methods to reduce vehicle trips generated by the cultivation operation. Said plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable.
 - 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.

3. Distribution.

- a. Cultivation limits.** Manufacturing (volatile and non-volatile) and/or 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 50% of the cannabis product distributed shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur.
 - 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.

4. Manufacturing.

- a. Cultivation limits.** Manufacturing (volatile and non-volatile) and/or 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 50% 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.
- 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.

- 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.

- E. Records.** All permitted 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. The Applicant for a lot that would involve clearing of a 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 shall prepare and submit to the Department a Tree Protection Plan prepared by a Department-approved arborist/biologist 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. The plan shall include:
 - a. Specific restoration measures where disturbance associated with previous, illegal cannabis activities on the property being considered has occurred.
 - b. 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.
 - c. Designated development envelopes. Include utility corridors, irrigation lines, roadways, driveways, etc.
 - d. Equipment storage (including construction materials, equipment, fill soil or rocks) and construction staging and parking areas outside of the protection area.
 - e. The type and location of protective fencing or other barriers to be in place to protect trees in protection areas during construction.
 - f. 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 County.
 - g. The location of all paths within 25 feet of dripline areas. Only pervious paving materials are permitted within 6 feet of dripline areas.
 - h. During construction 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.
 - i. During construction all grading and construction fencing, staking, and signage shall be maintained.
 - j. During construction all trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.
 - k. During construction no irrigation is permitted within 6 feet of the dripline of any protected tree unless specifically authorized.
 - l. During construction 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.
 - m. During construction a Department-approved arborist/biologist 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.
- n. During construction grading shall be designed to avoid ponding and ensure proper drainage within driplines of oak trees.
 - o. During construction the Applicant shall designate a Department-approved arborist/biologist to be onsite throughout all grading and construction activities which may impact native trees. Duties of the arborist/biologist include the responsibility to ensure all aspects of the approved Tree Protection Plan are carried out.
 - p. Replacement trees shall be a native species, planted at 10:1 ratio for oak trees (15:1 for Blue or Valley Oaks), and a 2:1 ratio for other trees. Replanting location shall be shown on the plans.
 - q. Replacement trees shall be species from locally obtained plants and seed stock.
 - r. Replacement trees shall be gopher-fenced.
 - s. Replacement trees shall be irrigated with drip irrigation on a timer until established.
 - t. Replacement trees shall be weaned off of irrigation over a period of 2 to 3 years.
 - u. Replacement trees shall not require permanent irrigation within the dripline of any tree.
 - v. If replacement trees cannot all be accommodated on the same lot, the Applicant shall submit a plan for replacement trees to be planted offsite.
 - w. Replacement trees shall 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.
 - x. A determination of whether avoidance, minimization, or compensatory measures is necessary.
 - y. Notes or depictions on all plan components listed above, graphically depicting all of those relating to earth movement, construction, and temporary and/or permanently installed protection measures.
2. The Applicant shall install all measures identified by the Tree Protection Plan onsite prior to commencement of cannabis activities. All such measures shall be indicated on final plans.
 3. 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.

4. 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. The Applicant for a cannabis operation that would involve clearing of established sensitive 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, shall prepare and submit a Habitat Protection Plan prepared by a Department-approved biologist, in coordination with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife as required for state or federal permits and state or federally listed species, 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 U.S. Fish and Wildlife Service, 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. Specific restoration measures where disturbance associated with previous illegal cannabis activities on the property being considered has occurred.
 - b. The location and extent of all driplines and sensitive root zones for all vegetation to be preserved.
 - c. The location of sensitive habitat with a detailed description of allowed disturbance.
 - d. Original and new locations for replanted species.
 - e. Designated development envelopes. Include utility corridors, irrigation lines, roadways, driveways, etc.
 - f. Equipment storage (including construction materials, equipment, fill soil or rocks) and construction staging and parking areas.
 - g. The type and location of protective fencing or other barriers to be in place to protect trees in protection areas during construction.
 - h. Sensitive habitats, including those listed below, shall be preserved. The location and extent of driplines and sensitive root zones for all vegetation within such sensitive habitats 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
- i. During construction all sensitive habitat 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, and staked to prevent any collapse.
 - j. During construction and grading, all fencing, staking, and barriers shall be maintained.
 - k. During construction a Department approved arborist/biologist 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.
 - l. During construction 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.
 - m. 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. 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.

- n. During construction all grading activities shall be designed to ensure that habitat areas have proper drainage during and after construction, per biologist recommendations.
- o. Buffers, species monitoring, and plant species replacement where required.
- p. A determination regarding whether avoidance, minimization, or compensatory measures are necessary.
- q. Notes or depictions on all plan components listed above, graphically depicting all of those relating to earth movement, construction, and temporary and/or permanently installed protection measures.
- r. 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 California Department of Fish and Wildlife (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 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. 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.
- s. 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 County Planning and Development Department permitting and licensing staff and the County Agricultural Commissioner (CAC) as part of the licensing process. 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. Licensing priority shall be given to applicants who indicate on their license application that no rodenticides will be used on their site at any point during the term of their license. 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. Consistent with the California Department of Parks

(DPR) and Recreation DPR's 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 and licensing staff, to be used in an annual report provided to the Department upon mitigation implementation under the Project.

2. Subsequent actions identified as necessary in the Habitat Protection Plan, such as species removal or relocation, shall be initiated following any required consultation with United States Fish and Wildlife Service and CDFW under state and federal regulations.
3. The Applicant shall install all measures identified by the Habitat Protection Plan prior to commencement of cannabis activities. All necessary requirements identified in the Habitat Protection Plan such as buffers, species monitoring, and plant species replacement, shall be indicated on final plans measures final plans.
4. 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.
5. 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. 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.