

**ATTACHMENT 6:
18ORD-00000-00001 ORDINANCE**

ORDINANCE NO. _____

AN ORDINANCE AMENDING AND PARTIALLY RESCINDING ARTICLE X,
MEDICAL MARIJUANA REGULATIONS,
OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE.

Case No. 18ORD-00000-00001

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

SECTION 1:

Section 35-1003, Prohibited Acts and Exemptions, of Article X, Medical Marijuana Regulations, of Chapter 35 of the Santa Barbara County Code is hereby rescinded and replaced with the following:

35-1003. - Prohibited Acts and Exemption.

- A. Medical Marijuana Cultivation Prohibited.** Except for the limited exemption in subsection B, below, medical marijuana cultivation is prohibited in all zones, districts, properties, and areas within the unincorporated areas of Santa Barbara County.
- B. Legal Nonconforming Uses Exemption.** Medical marijuana cultivation locations already existing on January 19, 2016, if they are legal under California state law; these are legal nonconforming uses.
- C. Legal Nonconforming Uses Termination.**
 - 1. The legal nonconforming uses described in Section 35-1003.B shall terminate:
 - a. In the inland areas (i.e., the areas located outside of the Coastal Zone of Santa Barbara County), either (1) six months after the Board of Supervisors' action on February 6, 2018, regarding a County cannabis cultivation ordinance, or (2) 18 months from December 15, 2017, the effective date of Ordinance No. 5019, whichever is longer; and
 - b. In the Coastal Zone, either (1) six months after the Coastal Commission certifies the Board-adopted amendments to the Local Coastal Program regarding the cannabis cultivation ordinance, pursuant to Public Resources Code Section 30514, or (2) if the Board does not adopt a County cannabis cultivation ordinance on February 6, 2018, then 18 months from December 15, 2017, the effective date of Ordinance No. 5019, whichever is longer.
 - 2. If the County cannabis ordinance referenced above allows for cultivation of medical cannabis but requires a zoning permit to do so, operators of nonconforming medical marijuana cultivation locations that have submitted a complete application to the Santa Barbara County Planning and Development Department to permit their nonconforming cultivation site by the termination date listed above may continue to operate their same existing nonconforming medical marijuana cultivation site while their permit application is being processed, as long as the operator continues to manage the cultivation location in compliance with the requirements of Article X, State law, and the applicable provision of either the County Land Use and Development Code Section 35.101.020 (Nonconforming Uses of Land and Structures), the Montecito Land Use and Development Code Section 35.491.020 (Nonconforming Uses of Land and Structures), or Article II, the Coastal Zoning Ordinance Section 35-161 (Nonconforming Uses of Land, Buildings, and Structures). It is solely within the Department's discretion to determine if it has received a complete permit application.

3. If the permit application is denied, the applicant shall cease all cannabis cultivation operations until a permit is obtained.

As provided in Section 4 of this Ordinance, this Section shall become operative on the effective date of this Ordinance.

SECTION 2:

- A. Sections 35-1001 and 35-1005 of Article X, Medical Marijuana Regulations, of Chapter 35 of the Santa Barbara County Code are hereby rescinded.
- B. Section 35-1003.A, Medical Marijuana Cultivation Prohibited, of Article X, Medical Marijuana Regulations, of Chapter 35 of the Santa Barbara County Code, as provided in Section 1 of this Ordinance, is hereby rescinded and replaced with the following language:
 - A. **Prior Prohibition of Medical Marijuana Cultivation.** Under a prior ordinance (Ordinance No. 4954), medical marijuana cultivation was prohibited in all zones, districts, properties, and areas within the unincorporated areas of Santa Barbara County with an exception for Legal Nonconforming Uses that remains in subsection B, below, until terminated as provided in subsection C, below.
- C. All of Article X, Medical Marijuana Regulations, of Chapter 35 of the Santa Barbara County Code shall be rescinded upon the termination of the Legal Nonconforming Uses as provided in Section 35-1003.C.
- D. As provided in Section 4 of this Ordinance, this Section shall become operative upon the operative dates of the Cannabis Land Use Ordinances (Case Nos. 17ORD-00000-00004, -00009, -00010).

SECTION 3:

Except as amended by this Ordinance, Article X, Medical Marijuana Regulations, of Chapter 35, Zoning of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

This Ordinance shall take effect 30 days from the date of its adoption by the Board of Supervisors and shall become operative and be in force upon the dates shown below, and before the expiration of 15 days after its passage by the Board of Supervisors a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara. Sections 1 and 3 of this Ordinance shall become operative on the effective date. Section 2 of this Ordinance shall become operative as follows:

- a. For the portions of Article X that apply outside the Coastal Zone of the Santa Barbara County and outside the Montecito Community Plan area, this Ordinance shall become operative and be in force upon the date that the County cannabis ordinance (Case No. 17ORD-00000-00004) amending Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, becomes operative.
- b. For the portions of Article X that apply outside the Coastal Zone of Santa Barbara County and within the Montecito Community Plan area, this Ordinance shall become operative and be in force upon the date that the County cannabis ordinance (Case No. 17ORD-00000-00009) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County

Montecito Land Use and Development Code, becomes operative.

- c. For the portions of Article X that apply within the Coastal Zone of Santa Barbara County, this Ordinance shall become operative and be in force upon the date that the County cannabis ordinance (Case No. 17ORD-00000-00010) amending Article II, the Coastal Zoning Ordinance, is certified by the Coastal Commission pursuant to Public Resources Code 30514.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel