

**EXHIBIT 2**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 35-2, THE MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE USES, AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT NEW REGULATIONS FOR MEDICAL MARIJUANA COLLECTIVE/COOPERATIVE STOREFRONTS.

Case No. 11ORD-00000-00020

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

**SECTION 1:**

DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the “Services- Business, Financial, Professional” Section of Table 2-12, of Section 35.424.030 (Commercial Zones Allowable Land Uses), of Chapter 35.424 (Commercial Zones), to read as follows:

<b>Table 2-12 - Continued</b>  <b>Allowed Land Uses and Permit Requirements</b>  for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>				<b>Specific Use Regulations</b>
	<b>CN</b>	<b>CN CZ</b>	<b>CV</b>	<b>CV CZ</b>	

**SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL**

Bank, financial services	P	P	—	—	
Business support service	P	P	—	—	
Drive-through facility	CUP	CUP	—	—	35.442.100
Medical services - Clinic, urgent care	P	P	—	—	
Medical services - Doctor office	P	P	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Medical Services-Medical Marijuana Collective/Cooperative Storefront	—	—	—	—	
Office - Business/service	P	P	—	—	
Office - Professional/administrative	P	P	—	—	
Public safety facility	P	P	—	—	

SECTION 2:

DIVISION 35.10, GLOSSARY, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Sections 35.500.020 (Definition of Specialized Terms and Phrases) of Chapter 35.500 (Definitions) to add new Medical Marijuana definitions to read as follows:

**Medical Marijuana.** The following terms are defined for the purposes this Development Code.

1. **Attending Physician.** A person, as defined in Health and Safety Code Section 11362.7(a) as that Section now appears and may be amended or renumbered, who (1) possesses a license in good standing to practice medicine in California; (2) has taken responsibility for some aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient; and (3) has recommended or approved Medical Marijuana for the treatment of his or her patient.
2. **Marijuana.** Shall have the meaning as set forth in the California Health and Safety Code Section 11018 as that Section now appears and may be amended or renumbered.
3. **Medical Marijuana.** Shall mean marijuana used by Qualified Patients and Persons with ID Cards for medical purposes, in compliance with Health and Safety Code Section 11362.5 et seq.
4. **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 Agriculture Code.
5. **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.
6. **Medical Marijuana Collective/Cooperative (MMC) Storefront.** A storefront facility or location that is organized and operated by a Medical Marijuana Collective or Medical Marijuana Cooperative, that provides, exchanges, or gives away Medical Marijuana, to its members who are Qualified Patients, Persons with an Identification Card, or Primary Caregivers.

7. **Marijuana Paraphernalia.** Items incidental to the use of marijuana including rolling papers and related tools, pipes, water pipes, and vaporizers.
8. **Person with an ID Card.** Shall mean an individual who is a qualified patient who has applied for and received a valid identification card pursuant to Health and Safety Code Section 11362.5 et seq..
9. **Primary Caregiver.** Shall mean the person, designated by a Qualified Patient, who has consistently assumed responsibility for the housing, health, or safety of that Patient, and consistent with the definition provided in Health and Safety Code 11362.7(d) and (e). Primary Caregiver shall not include an MMC Storefront.
10. **Qualified Patient.** A person who is entitled to the protections of Health and Safety Code 11362.5.

**SECTION 4:**

All existing indices, section references, and figure and table numbers contained in Divisions 35.2 and 35.10 of the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised as appropriate to reflect the revisions enumerated above.

**SECTION 5:**

Except as amended by this Ordinance, Divisions 35.2 and 35.10, of Article 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

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JONI GRAY  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

By *Rachel J. Mullen*  
Deputy County Counsel

**ATTACHMENT C: RESOLUTION AND PROPOSED MLUDC ORDINANCE**

RESOLUTION OF THE SANTA BARBARA COUNTY MONTECITO PLANNING  
COMMISSION  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE )  
BOARD OF SUPERVISORS THE ADOPTION OF )  
AN AMENDMENT TO SECTION 35-2 OF ) RESOLUTION NO.: 11 - 14  
CHAPTER 35 OF THE COUNTY CODE, THE )  
SANTA BARBARA COUNTY MONTECITO ) CASE NO.: 11ORD-00000-00020  
LAND USE AND DEVELOPMENT CODE, )  
REGARDING THE PERMITTING OF MEDICAL )  
MARIJUANA COLLECTIVE/COOPERATIVE )  
STOREFRONTS )

WITH REFERENCE TO THE FOLLOWING:

- A. California state law, including the Compassionate Use Act of 1996 (CUA) and the Medical Marijuana Program Act of 2003 (MMP), grants seriously ill Californians access to marijuana for medical purposes and provides an affirmative legal defense against prosecution for cultivating, possessing, consuming, transporting, processing, or selling marijuana.
- B. The 2008 Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use attempted to provide some guidance for local jurisdictions and law enforcement officials regarding implementation and regulation of the resultant Medical Marijuana, but currently state law contains no regulations defining MMC Storefronts.
- C. The County of Santa Barbara Code of Ordinances regulates, among other things, the uses, location, and operation of commercial activities but currently does not include permanent regulations for Medical Marijuana Collective/Cooperative (MMC) Storefronts.
- D. The Board of Supervisors is concerned with the potential proliferation of MMC Storefronts within the County. This concern is based on expert and citizen testimony at public hearings (Board of Supervisors hearings on January 19, 2010; February 16, 2010; and December 7, 2010), the experience of cities within the County, and studies from other jurisdictions.
- E. The Board of Supervisors enacted an Interim Urgency Ordinance (Ordinance Nos. 4739, 4743, 4770) establishing a moratorium on the establishment and operation of MMC Storefronts, in order to provide staff with adequate time to study and recommend options for addressing MMC Storefronts in the County unincorporated area.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.

2. In compliance with the provisions of Section 65855 of the Government Code, this Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, adopt 11ORD-00000-00020, based on the findings included as Attachment A of the Montecito Planning Commission staff report dated August 15, 2011.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above-mentioned action by Montecito Planning Commission.

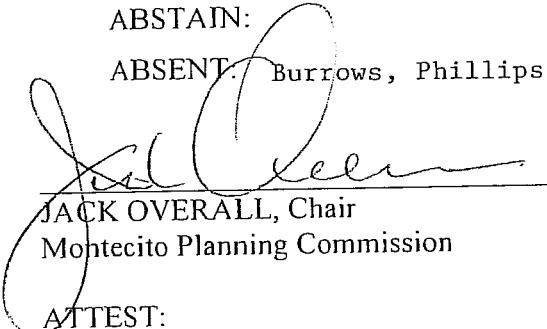
PASSED, APPROVED AND ADOPTED this August 24, 2011 by the following vote:

AYES: Overall, Eidelson, Gottsdanker

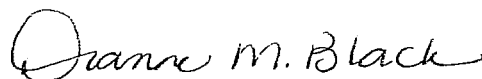
NOES:

ABSTAIN:

ABSENT: Burrows, Phillips

  
\_\_\_\_\_  
JACK OVERALL, Chair  
Montecito Planning Commission

ATTEST:

  
\_\_\_\_\_  
DIANNE MEESTER BLACK  
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

By   
\_\_\_\_\_  
Deputy County Counsel

EXHIBIT:

1. 11ORD-00000-00020, Montecito Land Use Development Code

**EXHIBIT 1**

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<u>Medical Services-Medical Marijuana Collective/Cooperative Storefront</u>	=	=	=	=	
Office - Business/service	P	P	—	—	
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ABSTAINED:  
ABSENT:

Montecito LUDC

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JONI GRAY  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel