

ATTACHMENT 3a

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING SPECIFIC)
AMENDMENTS TO THE SANTA BARBARA) RESOLUTION NO. 18 - _____
COUNTY UNIFORM RULES FOR) Case No.: 17ORD-00000-00019
AGRICULTURAL PRESERVES AND)
FARMLAND SECURITY ZONES.)

WITH REFERENCE TO THE FOLLOWING:

- A. The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only for the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful, and nutritious food for residents of the state and the nation.
- B. The California legislature enacted the California Land Conservation Act of 1965 (Government Code § 51200 *et seq.*), which authorizes counties to establish agricultural preserves and to enter into voluntary contracts with owners of qualifying land within the preserves to restrict the use of land to agricultural use, open space use, and uses compatible with agricultural or open space uses, in exchange for property tax savings.
- C. Pursuant to the California Land Conservation Act of 1965, and specifically Government Code Section 51231, the Board of Supervisors of each County is required to adopt, by resolution, uniform rules for the administration of agricultural preserves.
- D. The County's Board of Supervisors' initially adopted the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones ("Uniform Rules") on October 8, 1994.
- E. The Board of Supervisors, after making certain findings under Government Code § 51238.1, may list in its Uniform Rules certain uses of contracted land as uses that are compatible with the agricultural use of contracted lands.
- F. Consistent with Government Code § 51220.5, in determining the type of uses to be deemed "compatible uses," the Board of Supervisors recognizes that the Legislature has found that agricultural operations are often hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area.
- G. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.*, classifies cannabis as a Schedule I Drug; as such, it is unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, cannabis. There is no federal exemption for the cultivation, manufacture, distribution, dispensation, or possession of cannabis for medical purposes.
- H. In 1996, the voters of California approved Proposition 215, "The Compassionate Use Act," codified as Health and Safety Code § 11362.5, which was intended to decriminalize cultivation and possession of medical cannabis under certain circumstances.
- I. California enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act," codified as Health and Safety Code Section 11362.7 *et seq.*) to expand and clarify the scope of the Compassionate Use Act of 1996.

- J. In September 2015, California approved the Medical Marijuana Regulation and Safety Act (MMRSA), which established California’s first statewide regulatory system for medical cannabis businesses and which declared that marijuana is an “agricultural product” only for purposes of State marijuana licensing under the Business and Professions Code.
- K. On November 8, 2016, the voters of California adopted Proposition 64 which legalized the use of cannabis for adult use and established maximum cultivation allowances of six plants for personal use. The Proposition allows for local control of adult use cannabis land uses, and reasonable regulation of personal cultivation of up to six plants within a residence.
- L. In June 2017, the State of California enacted SB 94, as subsequently amended by AB133 (2017), the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to create a regulatory structure to address both medical and recreational cannabis activities under the State’s pending licensing program. MAUCRSA retains the language that cannabis is an “agricultural product” only for purposes of State cannabis licensing under the Business and Professions Code.
- M. Based on these changes to State law, the County’s Agricultural Preserves Advisory Committee consider recommending changes the County’s Uniform Rules at public hearings on August 11, 2017, November 3, 2017, and December 1, 2017, during which the public was invited to comment on the proposed changes.
- N. On February 6, 2018, the Board of Supervisors adopted the Cannabis Land Use Ordinances (Case Nos. 7ORD-00000-00004, 17ORD-00000-00009, and 17ORD-00000-00010) which amended, respectively, the County Land Use and Development Code (LUDC), the Montecito Land Use and Development Code (MLUDC), and the Article II Coastal Zoning Ordinance (CZO), to establish regulations for cannabis, considered amendments to the Uniform Rules, and certified the Program Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program (Case No. 17EIR-00000-00003, State Clearinghouse No. 20170710160).
- O. On February 27, 2018, the Board re-adopted the LUDC and the CZO (Case Nos. 17ORD-00000-00004 and 17ORD-00000-00010) with minor amendments.
- P. Following a public hearing on March 20, 2018 and receipt of public comment, the Board of Supervisors presently desires to amend the Uniform Rules to exclude the cultivation of cannabis as an allowed or qualifying “agricultural use” of land restricted by a Land Conservation contract and to make other modifications to the rules as shown in Exhibit 1.
- Q. In addition, the Board of Supervisors presently desires to amend the Uniform Rules to include the cultivation of cannabis as an allowed “compatible use” on land restricted by a Land Conservation Act contract.
- R. It is in the interest of orderly planning and development, preservation of agriculture and the integrity of the Santa Barbara County’s agricultural preserve program, and the preservation of health, safety, and general welfare of the residents of Santa Barbara County to adopt the current set of amendments as an update to the Uniform Rules for Agricultural Preserves and Farmland Security Zones previously approved by your Board on October 8, 1994, and amended August 10, 1999, September 25, 2007, and July 8, 2014.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.

2. The Board of Supervisors finds that excluding cannabis cultivation from the Uniform Rules' definition of "agricultural use" and "agricultural commodity" is desirable and will appropriately tailor Santa Barbara County's agricultural preserve program to meet local, regional, state, and national needs for assuring adequate, healthful, and nutritious food for future residences.
3. The Board of Supervisors makes the following findings concerning the use of contracted land for cannabis cultivation, where the land qualifies for a Land Conservation Contract based on qualifying agricultural use of the land:
 - a. The use will not significantly compromise the long-term productive agricultural capability of contracted lands in agricultural preserves in Santa Barbara County because the current requirements that contracted land must be devoted to agricultural use will remain unchanged, and because the area required for cannabis cultivation, including ancillary facilities, is limited to: (1) five percent of the premises or five acres of land, whichever is less, on prime and non-prime contracted land, and (2) the designated development envelope allowance on superprime contracted land;
 - b. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on contracted lands in agricultural preserves because the area required for cannabis cultivation, including ancillary facilities, is limited to: (1) five percent of the premises or five acres of land, whichever is less, on prime and non-prime contracted land, and (2) the designated development envelope allowance on superprime contracted land;
 - c. The use will not result in the significant removal of adjacent contracted lands from agricultural or open space uses because the area required for cannabis cultivation, including ancillary facilities, is limited to: (1) five percent of the premises or five acres of land, whichever is less, on prime and non-prime contracted land, and (2) the designated development envelope allowance on superprime contracted land; and
 - d. The use will not result in an increase in the density of the permanent or temporary human population which could hinder or impair agricultural operations on contracted lands and/or other agricultural lands in the vicinity of the agricultural area, because: (1) the use is not a residential use, (2) the use is not expected to result in the extension of urban services or infrastructure to agricultural areas, and (3) the use is limited to cultivation of cannabis, and expressly excludes manufacturing (excluding extraction), retail sales, testing of cannabis grown off-premises, and marketing of cannabis or cannabis products.
4. The cultivation of cannabis is deemed an incompatible use with a Williamson Act contract for open space as set forth in Uniform Rule 3, and a Williamson Act contract for recreation as set forth in Uniform Rule 4.
5. The Board of Supervisors hereby amends Uniform Rules 1, 2, 3, 4, and definitions to read as attached in Exhibit 1.
6. The Clerk of the Board is authorized and directed to send copies of this resolution to all voting members of the Santa Barbara Agricultural Preserve Advisory Committee.

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:

ABSTAINED:

ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

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

Exhibit 1 APAC Recommended Amendments to the Santa Barbara Uniform Rules for Agricultural Preserves and Farmland Security Zones

