

## **Attachment E: Article II, Coastal Zoning Ordinance Amendments**

**11ORD-00000-00031**

Board of Supervisors Hearing of November 1, 2011

- a. Clean Copy (Exhibit 2)
- b. Planning Commission Resolution and Ordinance – Tracked Changes

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**EXHIBIT 2**

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

AN ORDINANCE AMENDING ARTICLE II, COASTAL ZONING ORDINANCE, OF CHAPTER 35 OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, AND DIVISION 7, GENERAL REGULATIONS, TO IMPLEMENT NEW REGULATIONS PROHIBITING MEDICAL MARIJUANA DISPENSARIES.

Case No. 11ORD-00000-00031

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

SECTION 1:

DIVISION 2, DEFINITIONS, of the Article II Coastal Zoning Ordinance of Chapter 35 Zoning, of the Santa Barbara County Code, is amended to add new Medical Marijuana definitions as part of Section 35.58, to read as follows:

1. **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.
2. **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 Agriculture 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 7, GENERAL REGULATIONS, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section (35-144I) Medical Marijuana Dispensaries), to read as follows:

**35.144I – MEDICAL MARIJUANA DISPENSARIES (MMD)**

**Medical Marijuana Dispensaries Prohibited.** Medical Marijuana Dispensaries are not allowed in any zone district and shall not be considered similar use under Division 4, Zone Districts

(Sections 35-68 through 35-93A).

**SECTION 3:**

All existing indices, section references, and figure and table numbers contained in Division 2 and Division 7, of Article II, Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

**SECTION 4:**

Except as amended by this Ordinance, Division 2 and Division 7 of Article II, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 5:**

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or 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 \_\_\_\_\_  
Deputy County Counsel

**ATTACHMENT D: RESOLUTION AND PROPOSED ARTICLE II ORDINANCE**

RESOLUTION OF THE SANTA BARBARA COUNTY 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 ARTICLE II )  
(COASTAL ZONING ORDINANCE) OF ) RESOLUTION NO.: 11 - 21  
CHAPTER 35, ZONING, OF THE COUNTY CODE, )  
REGARDING MEDICAL MARIJUANA ) CASE NO.: 11ORD-00000-00031  
DISPENSARIES )  
)

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 medical 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 Program, but currently state law contains no regulations defining MMDs.
- 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 Dispensaries.
- D. The Board of Supervisors is concerned with the potential proliferation of MMDs 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; December 7, 2010; and October 4, 2011), the experience of cities within the County, and studies from other jurisdictions and from law enforcement agencies.
- E. The Board of Supervisors enacted an Interim Urgency Ordinance (Ordinance Nos. 4739, 4743, 4770) establishing a moratorium on the establishment and operation of MMDs, in order to provide staff with adequate time to study and recommend options for addressing MMDs in the County unincorporated area.
- F. The Montecito Planning Commission considered the amendments and forwarded their recommendation to the County Planning Commission for recommendation to the Board of Supervisors.

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 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-00000-00030, based on the findings included as Attachment A of the Planning Commission staff report dated October 12, 2011.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this 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 the Planning Commission.


PASSED, APPROVED AND ADOPTED this day, October 19, 2011 by the following vote:

AYES: Valencia, Cooney, Brooks, Brown, Blough

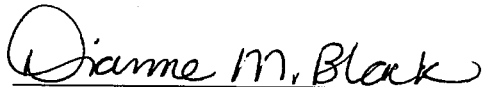
NOES:

ABSTAIN:

ABSENT:

  
\_\_\_\_\_  
JOE H. VALENCIA, Chair  
County Planning Commission

ATTEST:

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

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

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

EXHIBIT:

2 11ORD-00000-00031, Article II

**EXHIBIT 2**

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

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(Sections 35-68 through 35-93A).

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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:

\_\_\_\_\_  
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