

ATTACHMENT 3:
RIGHT TO FARM ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 3-23, AGRICULTURAL NUISANCES AND CONSUMER INFORMATION, OF ARTICLE V, THE RIGHT TO FARM, OF CHAPTER 3, AGRICULTURE, OF THE COUNTY CODE TO EXCLUDE CANNABIS FROM THE PROTECTIONS OF THE ORDINANCE, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

Case No. 18ORD-00000-00008

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

SECTION 1:

ARTICLE V, the Right to Farm, Section 3-23(b) and (c), of Chapter 3, Agriculture, of the Santa Barbara County Code, is hereby amended to change the definition of “Agricultural Use”, add new definition of “Cannabis”, add a new section to “Findings” as follows:

(b) Definitions.

- (1) "Agricultural land" means land within the A-I and A-II categories as designated pursuant to the County of Santa Barbara Comprehensive Plan, Land Use Element, or land zoned exclusively for agricultural use pursuant to the County of Santa Barbara Articles II, III and IV Zoning Ordinances.
- (2) "Agricultural use" means and includes, but is not limited to, the tilling of the soil, the raising of crops, horticulture, aviculture, apiculture, livestock farming, the raising of small animals and poultry, dairying, animal husbandry, wineries processing grapes produced on the premises, and the sorting, cleaning, packing and storing of agricultural products preparatory to sale and/or shipment in their natural form when such products are produced on the premises, including all uses customarily incidental thereto, but not including slaughterhouse, fertilizer works, commercial packing or processing plant or plant for the reduction of animal matter, or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property. “Agricultural use” does not include any activity, recreational or medicinal, including the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products of cannabis in accordance with Chapter 35, Zoning, of the Santa Barbara County Code.
- (3) “Cannabis” means 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. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code as may be amended.

(c) Findings.

- (1) The board of supervisors finds that it is in the public's interest to preserve and protect agricultural land and operations within the County of Santa Barbara and to specifically protect these lands for exclusive agricultural use. The board of supervisors also finds that residential development adjacent to agricultural land and operations often leads to restrictions on farm operations to the detriment of the adjacent agricultural uses and economic viability of the county's agricultural industry as a whole. The purposes of this chapter, therefore, are to promote the general health, safety and welfare of the county, to preserve and protect for exclusive agricultural use those lands zoned for agricultural use, to support and encourage continued agricultural operations in the county, and to forewarn prospective purchasers or residents of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence including, but not limited to, the sounds, odors, dust and chemicals that may accompany agricultural operations.
- (2) The further purpose of this provision is to promote a good neighbor policy between agriculturalists and residents by advising purchasers and residents of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence including, but not limited to, the sounds, odors, dust and chemicals that may accompany agricultural operations so that such purchasers and residents will understand the inconveniences that accompany living side by side to agriculture and be prepared to accept such problems as the natural result of living in or near agricultural areas.
- (3) Given the status of cannabis as a highly regulated controlled substance, which as of the date of the ordinance amendment adding this subsection is illegal under Federal law, cannabis cultivation involves potential adverse effects that differ from the cultivation of other types of crops (e.g., criminal activity, and impacts on children and sensitive populations). State and County cannabis regulations include a number of development standards and permitting requirements to avoid or mitigate these adverse effects, which are not required for the cultivation of other types of crops on agricultural lands. Therefore, cannabis cultivation and cannabis operations are excluded from the protections of this ordinance.

SECTION 2:

All existing indices, section references, and figure and table numbers contained in Section 3-23, Agricultural Nuisances and Consumer Information, Article V, the Right to Farm, of Chapter 3, Agriculture, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 3:

Except as amended by this Ordinance, Section 3-23 of Article V, the Right to Farm, of Chapter 3, Agriculture, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5:

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 date shown below, 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 _____, 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