

ORDINANCE NO. 5149

AN ORDINANCE REGULATING HEMP

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

SECTION 1. Article VII “Hemp” is hereby added to Chapter 3, Agriculture, of the Santa Barbara County Code and reads as follows:

Article VII. Hemp

Section 3-30. Purpose and Authority

Section 3-31. Definitions

Section 3-32. Administration

Section 3-33. Registration Required

Section 3-34. License Required

Section 3-35. License Requirements

Section 3-36. Cultivation Requirements

Section 3-37. Inspection and Sampling Program

Section 3-38. Destruction of Non-compliant Hemp

Section 3-39. Fees and Bond

Section 3-40. Enforcement

Article VII. Hemp

Section 3-30. Purpose and Authority

- A. This Article is enacted for the purpose of regulating hemp cultivation within the unincorporated area of the County to promote agricultural diversification while protecting the environment, public safety, and welfare of the County.
- B. The provisions of this Article are in addition to any other permits, licenses and/or approvals which may be required to conduct business in the County, and are in addition to any permits, licenses, registrations and/or approvals required under Federal, State or other law. All hemp operators must comply with the provisions of this Article and all applicable provisions of Federal and State law and all associated regulations, as may be amended.
- C. This Article is dependent upon the State of California acquiring approval of the California State hemp plan by the United States Department of Agriculture (USDA) and will become effective only upon USDA certification of the California State hemp plan.
- D. Research hemp growers in Santa Barbara County are currently growing hemp under the provisions for research hemp in the 2014 Farm Bill. On January 1, 2022, those provisions cease. Therefore, starting January 1, 2022, all research hemp operations will be illegal, unless the USDA certifies the California hemp plan and the research operation complies with the State plan and this Article or USDA extends the research hemp provisions from the 2014 Farm Bill.
- E. Hemp and cannabis are both derivatives of the same plant *Cannabis sativa Linnaeus* which are virtually indistinguishable. (Cal. Bus. & Prof. Code § 26001(f), Cal. Food & Ag. Code § 81000(a)(6); 7 U.S.C. § 1639o(1).) The primary difference between the plants is the amount of tetrahydrocannabinol (THC) present, which is detectable through laboratory testing. However, THC levels are difficult to reliably test until the plant is close to maturity

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and ready for harvest. Since 2017, the County has worked to create a comprehensive regulatory system, including land use permitting, business licensing and taxation, for cannabis. Hemp is specifically excluded from the definition of “cannabis” in this regulatory system. This regulatory system was adopted by the Board of Supervisors throughout 2018 and became operative in November of 2018. At the end of 2018, through the Agriculture Improvement Act of 2018, the Federal government legalized hemp, contingent on federal approval and certification of a State hemp cultivation plan. (7 U.S.C. § 1639p.) Cultivation or production of hemp in a State without a certified State hemp cultivation plan under Section 1639p remains unlawful, unless the hemp cultivator or producer has a hemp license issued by the Secretary of the United States Department of Agriculture. (7 U.S.C. § 1639q(c)(1).) California has submitted a hemp plan, but it is not yet federally certified. As hemp is a newly regulated agricultural product, and in accordance with Senate Bill 153 § 1 (2019) and 7 U.S.C. § 1639p(a)(3), the County desires to regulate the gaps in hemp registration and cultivation until such time as the hemp industry is fully regulated so that it will not interfere with the County’s recently established cannabis regulation and enforcement system.

- F. It is the intent of the Board of Supervisors, in enacting this Article, to ultimately establish a well regulated hemp industry compatible with the cannabis industry, to eliminate illegal hemp and cannabis operations and to eliminate access to illegal and untested hemp and cannabis, and to protect the health, life, safety and general welfare of residents, particularly vulnerable minors.
- G. Nothing in this Article is intended, nor shall it be construed, to: (i) allow persons to engage in conduct that endangers others or causes a public nuisance; (ii) exempt commercial cannabis or hemp activity from compliance with all applicable County Codes and ordinances including, but not limited to, zoning and land use regulations, as well as any applicable State and Federal laws; or (iii) protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, use of and/or any other activity associated with controlled substances, or to authorize conduct that is unlawful under State or Federal law. Moreover, as of the date of adoption of the Ordinance creating this Article, cultivation, sale, possession, distribution, and use of cannabis remain violations of Federal law, as does the cultivation and sale of hemp without a Federal license or without compliance with a state certified hemp plan. This Article is not intended to, and does not authorize conduct or acts that violate Federal law and does not protect any person from arrest or prosecution under those Federal laws. Persons engaged in hemp and cannabis activities assume any and all risk and any and all liability that may arise or result under State and Federal laws from the cultivation, sale, possession, distribution, use of hemp or cannabis and/or any other hemp or cannabis activity.
- H. Hemp and cannabis activities are, and likely will remain, highly regulated by both the State and Federal governments, and their regulations are subject to rapid changes. The Board of Supervisors retains all of its statutory authority concerning cannabis and hemp activities. For example, even if the Ordinance adding this Article becomes operative, the Board of Supervisors still may amend or take action(s) later to change the zoning and/or licensing of cannabis or hemp activities. In part because cannabis and hemp activities are highly regulated by both the State and Federal governments and their regulation of cannabis and hemp activities is subject to rapid changes, the Board of Supervisors later may need to change the regulation of cannabis or hemp activities and may need to do so without

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cannabis or hemp activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status.

Section 3-31. Definitions

For the purposes of this Article, the following definitions shall apply, unless the context clearly indicates otherwise. If a word is not defined in this Article, the common and ordinary meaning of the word shall apply. All citations to state law shall refer to the act, statute, or regulations, as may be amended from time to time.

- A. "Commissioner" means the Agricultural Commissioner-Sealer of the Santa Barbara County Department of Agriculture/Weights and Measures, or his or her authorized representative.
- B. "Abandoned" means the grower/cultivator is no longer practicing agricultural arts on the industrial hemp plant, such as watering, fertilizing, pest control, etc.
- C. "Abate" means to render the industrial hemp plant un-harvestable and incorporate any remaining industrial hemp plant parts into the soil, or take other actions to remove the agricultural product, as may be required by the Commissioner.
- D. "Applicant" means a person applying for hemp licensing and/or registration.
- E. "Cull" means to remove and dispose of the industrial hemp plant from the growing site.
- F. "Cultivation" includes any activity involving the propagation, planting, growing, breeding, or other development of industrial hemp plants or propagative plant material.
- G. "Cultivation area" means the area designated in the hemp registration and license application required by the County for hemp cultivation.
- H. "Incidental activities" includes harvesting, drying, curing, grading, trimming, wholesale packaging, and similar preparation of industrial hemp, but not including agricultural processing.
- I. "Industrial Hemp", also referred to as "Hemp", means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa L.* and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis. "Industrial hemp" or "hemp" includes hemp grown for research purposes by Established Agricultural Research Institutions as defined by Section 81000 of the California Food and Agriculture Code, as may be amended.
- J. "Male industrial hemp plant" means an industrial hemp plant that has male staminate flowers or is otherwise capable of producing pollen.
- K. "Nursery stock" means any plant for planting, propagation, or ornamentation.
- L. "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, receiver, syndicate, collective, cooperative, institution, or any other group or entity, or combination acting as a unit.
- M. "Propagative plant material" includes live plants, seeds, seedlings, clones, cuttings, transplants, or other propagules used to establish plants for planting.
- N. "Registrant" means a person who is registered in Santa Barbara County to cultivate industrial hemp under this Article.
- O. "Site", also referred to as the "Industrial hemp site", means the area(s) designated on the registration form that may contain industrial hemp, including, for example, the

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- cultivation area(s), the area/structure(s) used for incidental activities, etc.
- P. "THC" means tetrahydrocannabinol.

Section 3-32. Administration

The Agricultural Commissioner and/or the Sheriff, or their respective designees, are charged with the responsibility of administering, and exercising the authority conferred under, this Article.

Section 3-33. Registration Required

No person shall cultivate industrial hemp in Santa Barbara County without first registering with the Commissioner as required by California Department of Food and Agriculture and in accordance with State law. Any person who has obtained a registration must also obtain a license pursuant to Section 3-34 covering all hemp operations of said person.

Section 3-34. License Required

No person shall cultivate industrial hemp in Santa Barbara County without first obtaining an annual license issued by the Commissioner to cultivate as provided in this Article. A license issued under this Article does not grant any interest in real property or create any interest of value and is not transferable.

Section 3-35. License Requirements

- A. A license for the cultivation of industrial hemp may be issued only if each of the following requirements are met:
1. The applicant submits a complete application for a Santa Barbara County hemp license to the Commissioner's Office with all required fees and all required forms, A single application may include multiple sites and a single license may be issued for multiple sites.
 2. The applicant is the property owner of the land upon which hemp is to be cultivated, or provides written (notarized) consent, in a form acceptable to the Commissioner, from the property owner granting permission for the cultivation of industrial hemp on the specified site(s).
 3. No cannabis species, other than industrial hemp, shall be grown on the licensed industrial hemp site.
 4. The applicant shall submit a bond or other form of security acceptable to the Commissioner in the amount of one hundred (100%) of the estimated cost to fully abate all industrial hemp that will be grown on the site in the event that it does not meet requirements for legal harvest under applicable laws and regulations. The financial security provided shall be released to the applicant after the Commissioner determines that the security is no longer needed or once the license is no longer valid.
 5. The applicant shall fully satisfy the registration requirements stated in California Food and Agricultural Code section 81003 and California Code of Regulations, Title 3, Division 4, Chapter 8, as may be amended.
 6. An applicant for the cultivation of transplants shall have a license to sell nursery stock as required by California Food and Agricultural Code section 6721, as may be amended.
 7. There is sufficient allowable acreage in the cap for the proposed application.

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- B. Acreage Cap. No more than 180 acres of hemp may be registered and licensed to be cultivated and cultivated within Santa Barbara County. This cap is applicable to all industrial hemp cultivation, including research hemp and hemp breeding. Once the cap is committed, no additional licenses will be issued until an existing license expires or is otherwise terminated. Registrations and licenses will be issued annually up to the acreage cap in Commissioner's sole discretion based on the timely receipt of a completed application for registration and licensure.
 - 1. Amortization of Existing Registrations. If registrations exceeds the cap in Section 3-35.B above upon the date this ordinance becomes effective, then once the cap is effective, no additional licenses will be issued and those registered hemp operations will only be allowed to operate for the year their registration is valid. After one year from the date of the registration, the hemp operation must comply with Section 3-35.B above as directed by the Agricultural Commissioner or cease operating.
- C. Each license issued under this Article shall expire one year from the date of its issuance.
- D. Licensee must comply with the provisions of this Article and all applicable provisions of Federal law, State law and all associated regulations.
- E. Failure to pay all fees attributable to the County costs incurred due to the registration, licensing or regulation of industrial hemp shall be cause for non-renewal of the license until all outstanding fees are paid in full. The fees owed and any other costs incurred by the Commissioner as a result of this Article may be taken from the bond if not paid in full prior to the expiration of the license.

Section 3-36. Cultivation Requirements

The following standards shall apply to the cultivation of industrial hemp:

- A. A person cultivating industrial hemp shall comply with all provisions of Federal law, California law, associated regulations applicable to the cultivation of industrial hemp, including, but not limited to, requirements for cultivation, sampling, laboratory testing, harvesting, and crop destruction.
- B. Licensee shall submit a Harvest Report to the Commissioner, in accordance with State law and the requirements of the California Department of Food and Agriculture.
- C. The licensee shall cull all male plants present in the field prior to the production of flower and pollen except for licensee growing industrial hemp for the purposes of seed breeding.
 - 1. The licensee is not required to document the removal of male hemp plants in their Harvest Report, provided that the male hemp plants are destroyed or utilized on the site prior to filing a Harvest Report for the remaining hemp plants with the Commissioner.
- D. All sites used for the cultivation of industrial hemp shall have onsite signage indicating that hemp is being cultivated on site. The signs shall:
 - 1. Be of a size so that the wording on the sign is clearly visible and readable from a distance of twenty-five (25) feet; and
 - 2. Use letters and symbols, that are of a color that sharply contrasts with their immediate background; and
 - 3. Have the name and contact information for the responsible party for the grow site; and
 - 4. Be posted at the corners of the parcel and at all usual points of entry to the parcel, including each road, footpath, walkway, or aisle that enters the cultivation area.

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When a parcel is adjacent to a public right-of-way, such as a road, trail, or path, signs shall be posted at intervals not exceeding 600 feet along the parcel's border.

- E. The licensee shall be actively registered with the Commissioner.
- F. The licensee shall not cultivate more hemp than what is allowed in accordance with their hemp license.

Section 3-37. Inspection and Sampling Program

- A. All industrial hemp sites are subject to inspection and sampling by the Commissioner and the Sheriff, or their designees, to verify compliance with all laws including that the delta-9 THC concentration of the hemp planted on site does not exceed 0.3% on dry weight basis. The Commissioner or Sheriff may select any and all licenses for inspection.
- B. The Commissioner and/or Sheriff may inspect and take samples from any site during normal business hours without advance notice. The Commissioner and/or Sheriff may also conduct such additional inspection and sampling to verify compliance with this Article and all Federal and State laws.
- C. During the inspection, the licensee or their authorized representative shall be present on site. The licensee or their authorized representative shall provide the Commissioner's Inspector with complete and unrestricted access to: i) all hemp plants, parts and seeds on the site, whether growing or harvested; ii) all land, buildings and other structures used for the cultivation and storage or processing of industrial hemp; and iii) all documents and records pertaining to the licensee's industrial hemp operation.
- D. All hemp plants on the site may be sampled to ensure compliance with the provisions of this Article, Federal law, State law and all applicable regulations. Sampling shall be conducted as follows:
 - 1. Individual or composite samples of each variety of hemp may be sampled from the site at the Commissioner's discretion.
 - 2. The sampled material will be prepared for testing using protocols approved by the State.
 - 3. Quantitative laboratory determination of the delta-9 THC concentration on a dry weight basis will be performed according to protocols approved by the State.
- D. A sample test result with a delta-9 concentration on a dry weight basis greater than 0.3% THC shall constitute evidence that at least one hemp plant or part of a plant on the site contains a delta-9 THC concentration on a dry weight basis of more than 0.3% and that the licensee is not in compliance with this Article or State law. Sample test results with a delta-9 THC concentration greater than 0.3% on a dry weight basis shall be provided to the appropriate law enforcement agencies.
- E. Synthetic processing of delta-8 THC from hemp is illegal.

Section 3-38. Destruction of Non-compliant Hemp

- A. Industrial hemp that does not comply with all provisions of Federal law, California law, this Article and the associated regulations applicable to the cultivation of industrial hemp, including, but not limited to, requirements for cultivation, sampling, laboratory testing, harvesting, and destruction, shall be destroyed.

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- B. Destruction shall proceed as provided for in all applicable laws and regulations, including, but not limited to, California Food and Agricultural Code section 81006 and California Code of Regulations, Title 3, sections 4950 and 4950.1, as may be amended.
 - 1. The licensee shall submit a Destruction Plan to the Commissioner at least twenty-four (24) hours prior to the start of the destruction for the Commissioner's approval.
 - 2. The Commissioner shall approve the method of destruction and witness destruction.
 - 3. Destruction of non-compliant industrial hemp must begin within 7 days of receiving the second failed sample results and be completed within 14 days.
 - 4. The licensee shall submit a signed Destruction Report to the Commissioner within 72 hours following completion of destruction.
- C. A licensee that fails to destroy industrial hemp as described in the approved Destruction Plan shall forfeit the bond required by this Article and the Commissioner shall proceed to destroy the non-compliant plant.
- D. Industrial hemp that is non-compliant or has been abandoned by the licensee shall be abated in a manner approved by the Commissioner. The licensee shall be liable for any costs to abate the hemp beyond the cost of the bond/security provided and the County may enforce this provision using all remedies provided by law.
- E. The licensee for industrial hemp shall be liable for any costs to abate the industrial hemp beyond the cost of the bond/security provided and the County may enforce this provision using all remedies provided by law.

Section 3-39. Fees and Bond

- A. County staff shall be reimbursed for all time, services, and materials required to implement, administer, and enforce this Article, State law, and all applicable regulations associated with the cultivation, testing, etc. of hemp.
- B. An applicant's or licensee's failure to pay all fees attributable to County costs incurred pursuant to this Article shall be cause for denial or non-renewal of a license until all outstanding obligations have been paid in full.
- C. In addition to the registration fee required in California Code of Regulation, Title 3, section 4900, as may be amended, the current Department hourly rate will be charged for review of registration and license applications and will be payable at the time the license is issued.
- D. A bond in the amount of \$2800 per acre shall be submitted upon issuance of the license to reimburse the County for cost of destruction in the event that the licensee does not adequately destroy the hemp in a manner approved by the Commissioner and consistent with the provisions of this Article, Federal law, State law and all applicable regulations, and any other costs incurred by the Commissioner as a result of this Article. Upon expiration of the license, any remaining funds in the bond will be refunded.
- E. All sampling to comply with the 15-day harvest shall be taken by the Commissioner and licensee shall be charged for the Commissioner and staff time for sampling, mileage, and all direct and indirect labors costs and materials associated with sampling.
- F. Licensee will be charged for the Commissioner time to witness destruction, mileage, and direct and indirect labors costs and materials associated with the destruction.

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Section 3-40 Enforcement.

In addition to any other provisions of this chapter, any violation of this chapter is subject to enforcement under Chapter 1 and Chapter 24A. Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Santa Barbara County Code or otherwise authorized by law. In addition to any other remedies, any violation of this chapter is deemed a public nuisance and is subject to abatement.

SECTION 2. Sections 24A-1, Administrative Fines or Penalties in Addition to Other Remedies- Authority, Definitions; subsection (a) and (b) of Section 24A-2, Procedures; Section 24A-3, Amount of the Fines; and subsection (b) of Section 24A-7, Appeals, of Chapter 24A, Administrative Fines, of the Santa Barbara County Code are hereby amended to include enforcement of Chapter 3, Agriculture, of the Santa Barbara County Code, and to read as follows:

Section 24A-1. - Administrative fines or penalties in addition to other remedies—Authority, definitions.

In addition to any other remedy allowed by this Code or applicable law, any violation of the provisions of Santa Barbara County Code chapters 3, 6 (article III), 7, 9A, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 15, 16, 17, 18 (articles I, III, IV and V), 18C, 23 (article III), 25, 26, 29 (articles I, III and IV), 34A, 34B, 34C, 35, 37 and 44, shall be subject to an administrative fine or penalty, enforcement and collection proceedings, as set forth in this chapter and authorized by California Government Code Section 53069.4. For purposes of this article, "director" shall include the treasurer-tax collector, the director of animal services, the director of planning and development, the agricultural commissioner, the fire chief, the director of public works, the director of environmental health services, the director of community services, and their designees. Unless otherwise specified, "owner" shall include the owner of property upon which a violation of this article exists, the occupant of that property and any other party responsible for the violation.

Sec. 24A-2. - Procedures.

(a) The treasurer-tax collector or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 6 (article III). The director of animal services or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 7. The director of planning and development or his or her designee shall be responsible for implementing the procedures, set forth in this chapter with respect to violations of chapters 9A, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 25 and 35 of the Santa Barbara County Code. The agricultural commissioner or

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designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations involving agriculture under chapter 3, violations involving the native oak tree removal under chapter 14 and violations of the weights and measures registration requirements under chapter 34C of the Santa Barbara County Code. ...

(b) Upon determining that a violation of any provision of chapters 3, 6 (article III), 9A, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 15, 16, 17, 18 (articles I, III, IV and V), 18C, 23 (article III), 25, 26, 29 (articles I, III and IV), 34A, 34B, 34C, 35, 37 or 44 of this Code exists with respect to any property, the director shall transmit a notice of violation to the owner by certified mail or by personal service by a public officer, or other service methods in accordance with California Code of Civil Procedure Section 415.20, as amended. ...

Sec. 24A-3. - Amount of fine—General.

Any person who violates any provision of chapters 3, 6 (article III), 7, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 15, 16, 17, 18 (articles I, III, IV and V), 18C, 23 (article III), 25, 26, 29 (articles I, III and IV), 34A, 34B, 34C, 35, 37 or 44 of this Code, or any person who owns property upon which a violation exists, irrespective of whether that person caused the violation, shall be subject to an administrative fine up to the maximum amounts as set forth below. ...

Sec. 24A-7. - Appeals.

...

(b) An appeal of an administrative fine imposed for violations of chapter 6, (article III) shall be heard by the treasurer-tax collector as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 7 of this Code shall be heard by the director of animal services as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 9A, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 25 and/or chapter 35 of this Code shall be heard by the director of planning and development as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 3 involving agriculture, chapter 14 involving native oak tree removal or violations of the weights and measures registration requirements under chapter 34C shall be heard by the agricultural commissioner as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 15 and chapter 18 (articles III, IV and V) of this Code shall be heard by the fire chief as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 16, 18 (article I), 18C, 34A and/or 34B of this Code shall be heard by the director of

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environmental health services as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 17, 23 (article III) and/or 29 (articles I, III and IV) of this Code shall be heard by the director of public works as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 26, 37 and/or 44 shall be heard by the director of community services. The above-specified hearing examiner may, at his or her discretion, appoint an alternate hearing examiner. The administrative fine appeal hearing shall be set no sooner than twenty days and no later than forty-five days following a request for an appeal hearing, unless otherwise waived by the appellant in writing. Notice of the appeal hearing shall be mailed at least twelve calendar days before the date set for the hearing. Failure to appear timely will cause the administrative fine to become a final order or decision. ...

SECTION 3. Except as amended by this Ordinance the Santa Barbara 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 and become operative either: i) 30 days from the date of its adoption by the Board of Supervisors, ii) or when the State has USDA approved hemp plan, whichever is later. 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.

SECTION 6. Hemp and cannabis activities already are highly regulated by both the State and Federal governments, and their regulation of hemp and cannabis activities are subject to rapid changes. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory authority concerning hemp and cannabis activities. For example, even if the Ordinance becomes operative, the Board of Supervisors still may take action(s) later to change the zoning, licensing, and/or registration of hemp or cannabis activities. In part because hemp and cannabis activities are highly regulated by both the State and Federal governments and their regulation of hemp and cannabis activities are subject to rapid changes, the Board of Supervisors later may need to change the regulation of hemp and/or cannabis activities to being prohibited, limited or allowed and may need to do so without hemp and/or cannabis activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status. No existing cultivator or cultivation site or seed breeder shall acquire any right to continue cultivation, use or distribution of hemp or cannabis by virtue of the provisions of this Ordinance.

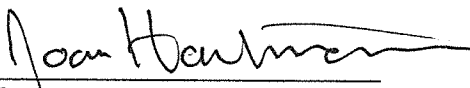
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SECTION 7: Amortization of any Registered Hemp Operations before this Ordinance is Effective. If any hemp operation receives an issued registration from the Santa Barbara County Agricultural Commissioner in accordance with California Food and Agricultural Code sections 81003(b), 81004(b), 81004.5(b), etc., before the effective date of this ordinance, that registration shall be counted toward the cap established in County Code section 3-35.B. If registrations exceeds the cap in Section 3-35.B, then once the cap is effective, no additional licenses will be issued. In addition, those registered hemp operations will only be allowed to operate for the year their registration is valid and after one year from the date of the registration the hemp operation must comply with County Code section 3-35.B as directed by the Agricultural Commissioner or cease operating.

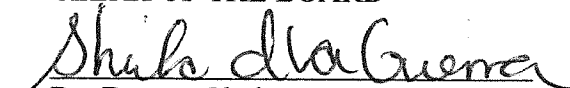
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 1st day of February, 2022, by the following vote:

AYES: Supervisors Williams, Hart, Hartmann, and Lavagnino
NOES: Supervisor Nelson
ABSTAIN: None
ABSENT: None

COUNTY OF SANTA BARBARA

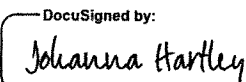
By: 
JOAN HARTMANN, CHAIR
BOARD OF SUPERVISORS

ATTEST: MONA MIYASATO,
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD


By: Deputy Clerk

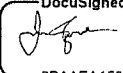
APPROVED AS TO FORM:
RACHEL VAN MULLEM

COUNTY COUNSEL

By: 
Deputy County Counsel

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APPROVED AS TO FORM:
BETSY M. SCHAFFER, CPA
AUDITOR CONTROLLER

DocuSigned by:

By: 6BAAEA15901943F...