

SANTA BARBARA COUNTY BOARD OF SUPERVISORS

OCTOBER 17, 2017



**Medical Marijuana Nonconforming Status Determination
and Termination of Exemption Ordinance Amendment**

Case No. 17ORD-00000-00007



BACKGROUND

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- 1/19/2016 - Article X added to Chapter 35, Zoning, of the County Code
 - ▣ Prohibits the cultivation and delivery of marijuana except for:
 - Small, personal use cultivation sites
 - Medical marijuana cultivation locations that were legally operating as of 1/19/16
 - ▣ Adopted in response to State legislation
 - 1/2016 Medical Marijuana Regulation and Safety Act
 - 11/2016 Adult Use of Marijuana Act (Proposition 64)



BACKGROUND

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- 7/11/17 - Board of Supervisors directed County staff to prepare amendments to Article X, Medical Marijuana Regulations, that would:
 - ▣ Establish a process to determine the legal non-conforming status of existing medicinal cannabis cultivators; and
 - ▣ Provide for the termination of legal non-conforming status so that sites must either obtain County permits or cease operations



PURPOSES OF AMENDMENT

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- Implement the Board of Supervisors' direction
- Establish a Nonconforming Status Determination Process
 - ▣ Provide clarity in on-going zoning enforcement cases
 - ▣ Assist existing cultivators that are applying for State licenses prior to the County's new regulations becoming effective
- Provide for the termination of nonconforming status; existing cultivators must either:
 - ▣ Comply with the County's new regulations, or
 - ▣ Cease operations



PROJECT ANALYSIS

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- The amendments to Article X would:
 - ▣ Add definitions of terms that are used in the proposed added language
 - ▣ Add application filing requirements and criteria that would be used to determine the status of a cultivation location



PROJECT ANALYSIS

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- ▣ Existing exemption for nonconforming cultivation locations will terminate:
 - 6 months after the operative date of the County's new regulations, or 1 year from the effective date, whichever is later
- ▣ Allow an operation to continue past the termination date only if:
 - It could be allowed under the County's new regulations,
 - A complete application for a permit has been submitted prior to the termination date, and
 - It complies with the restrictions on nonconforming uses



PROJECT ANALYSIS

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- ▣ Allow an operator to make minor modifications if:
 - Required to comply with State regulations, and
 - No expansion of the area of cultivation
- ▣ Processing requirements:
 - Planning Commission is the review authority
 - Public hearing is required
 - Findings to determine that a cultivation location is nonconforming
 - Noticing requirements
 - Appeal requirements



RECOMMENDATION

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- **Planning Commission recommendation:** The County Planning Commission reviewed the proposed ordinance and recommended that the Board of Supervisors:
 - Make the findings for approval, including CEQA findings, of the proposed ordinance
 - Determine that the adoption of the proposed ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines
 - Adopt an ordinance, Case No. 17ORD-00000-00007, amending Article X of Chapter 35, Zoning, of the County Code.