

ATTACHMENT C: ARTICLE X ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE X, MEDICAL MARIJUANA REGULATIONS, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, TO PROVIDE FOR THE TERMINATION OF NONCONFORMING MEDICAL MARIJUANA CULTIVATION LOCATIONS.

Case No. 17ORD-00000-00007

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

SECTION 1:

Section 35-1003, Prohibited Acts and Exemptions, of Article X, Medical Marijuana Regulations, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Subsection 2, Legal nonconforming uses exemption, of Section A, Medical marijuana cultivation prohibited, to read as follows:

2. **Legal nonconforming uses exemption and termination of nonconforming uses.**
 - a. **Exemption.** Medical marijuana cultivation locations already existing on January 19, 2016, if they are legal under California state law; these would become legal nonconforming uses.
 - b. **Termination.**
 - (1) Legal nonconforming uses shall terminate six months after the operative date of the County ordinance regarding cannabis cultivation which is being studied by the Cannabis Land Use Ordinances and Licensing Program EIR (Project Case Nos.: 17ORD-00000-00009, -00010, and -00013) (collectively, "County cannabis ordinance") or 18 months from the effective date of this Ordinance (Project Case No. 17ORD-00000-00007) which adds this Section 35-1003.A.2.b (Termination), whichever is longer.
 - (2) If the County cannabis ordinance referenced above allows for cultivation of medical cannabis but requires a zoning permit to do so, operators of nonconforming medical marijuana cultivation locations that have submitted a complete application to the Santa Barbara County Planning and Development Department to permit their nonconforming cultivation site by the termination date listed above may continue to operate their same existing nonconforming medical marijuana cultivation site while their permit application is being processed, as long as the operator continues to manage the cultivation location in compliance with the requirements of Article X, State law, and the applicable provision of either the County Land Use and Development Code Section 35.101.020 (Nonconforming Uses of Land and Structures), the Montecito Land Use and Development Code Section 35.491.020 (Nonconforming Uses of Land and Structures), or Article II, the Coastal Zoning Ordinance Section 35-161 (Nonconforming Uses of Land, Buildings, and Structures). It is solely within the Department's discretion to determine if it has received a complete permit application.
 - (3) If the permit application is denied, the applicant shall cease all cannabis cultivation operations until a permit is obtained.

SECTION 2:

Except as amended by this Ordinance, Article X, Medical Marijuana Regulations, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and

effect.

SECTION 3:

This ordinance shall take effect and be in force 30 days from the date of its passage 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 14th day of November, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JOAN HARTMANN, 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