

ATTACHMENT 1

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ORDINANCE NO. _____

ORDINANCE OF THE COUNTY OF SANTA BARBARA, ESTABLISHING A LIMITED TERM NON-PERSONAL CANNABIS CULTIVATION AND RELATED OPERATIONS REGISTRY PROGRAM WITHIN THE UNINCORPORATED AREAS OF SANTA BARBARA COUNTY.

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

SECTION 1: Purpose and Intent.

The purpose and intent of this Ordinance is to:

- A. Establish a limited term registry, that shall be open until June 30, 2017, of non-personal cannabis cultivation and related operations within the unincorporated areas of the County; and
- B. Collect data on past, current and planned cannabis cultivation or related operations in the unincorporated area of the County; and
- C. Inform future County cannabis studies including, but not limited to, California Environmental Quality Act analysis of potential regulation of cannabis within the unincorporated area of the County and economic impacts of cannabis.

This Ordinance is separate and distinct from County Ordinance Number 4954, which added Article X, "Medical Marijuana Regulations," to Section 35, Zoning, of the Santa Barbara County Code and shall not be interpreted to effect or impair any prohibition or exemption contained within County Ordinance Number 4954.

This Ordinance and registration through the County's Registry Program does not guarantee issuance of a local or State license and/or permit.

SECTION 2: Definitions.

For purposes of this Ordinance, the terms shall mean:

- A. "Cannabis," also referred to as "marijuana," shall have the same meaning as set forth in California Health and Safety Code section 11018 as that section now appears and may be amended or renumbered.

- B. “County Registration Form” means the form, prepared by the County Executive Office and posted on the County of Santa Barbara’s website, which may be used to register with the County pursuant to the Registry Program established by this Ordinance.
- C. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. As used in this Ordinance, cultivation does not include personal cultivation of medical cannabis pursuant to County Code section 35-1003.A.1 or personal cultivation of six or fewer cannabis plants pursuant to California Health and Safety Code section 11362.2.
- D. “Related operation(s)” means any operation(s) related to cannabis cultivation or subject to State licensure under the Medical Cannabis Regulation and Safety Act, California Business and Professions Code section 19300 *et seq.*, or the Control, Regulate and Tax Adult Use of Marijuana Act, Proposition 64 approved by the voters on November 8, 2016.

SECTION 3: Registry Program.

The County of Santa Barbara hereby establishes a non-personal cannabis cultivation and related operations registry program, referred to as the Registry Program, as follows:

- A. Any person cultivating or intending to cultivate cannabis or intending to engage in any related cannabis operation(s) within the unincorporated area of the County may register with the County of Santa Barbara.
- B. The County Executive Office shall create a County Registration Form for prospective registrants, and post the County Registration Form on the County of Santa Barbara’s website. The County Registration Form may be completed and submitted online through the County of Santa Barbara’s website.
- C. The registry shall be open until June 30, 2017.
- D. Any person who registers with the County on a County Registration Form by June 30, 2017, may be eligible for priority license application review by the County when any potential County ordinance(s) regulating cannabis cultivation or related cannabis operations become effective.

SECTION 4: CEQA.

This Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), as it has no potential for causing a significant impact on the environment, and Section 15378(b)(5), as organizational and administrative activities that will not result in direct or indirect physical changes in the environment.

SECTION 5: Severability.

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provision(s) of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are severable. The Board of Supervisors hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 6: Effective Date.

This Ordinance shall take effect and be in force thirty (30) days after its adoption. The Clerk of the Board shall certify the adoption of this Ordinance and before the expiration of fifteen (15) days after its passage a summary of the Ordinance shall be published once together with the names of the members of the Board of Supervisors voting for and against the Ordinance, in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JOAN HARTMANN
Chair, Board of Supervisors

ATTEST:
MONA MIYASATO
COUNTY EXECUTIVE OFFICER

CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

BY:  _____
Deputy County Counsel