



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: 01/05/ 2016
Placement: Set Hearing for
01/19/ 2016
Estimated Time: One hour on 01/19/2016
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn S. Russell, Ph.D., Director, Planning and Development
Director(s) (805) 568-2085
Contact Info: Matt Schneider, Deputy Director, Long Range Planning
(805) 568-2072
SUBJECT: Medical Marijuana Regulations – Cultivation and Delivery
All Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On January 5, 2016, set a hearing for January 19, 2016 to consider the recommendations of the County and Montecito Planning Commissions to approve Case Number 15ORD-00000-00018, which would add a new Article X, titled “Medical Marijuana Regulations,” to Chapter 35, Zoning, of the Santa Barbara County Code, to implement regulations to prohibit medical marijuana cultivation and delivery with a limited exemption for marijuana cultivation for personal medical use.

On January 19, 2016, staff recommends that the Board of Supervisors take the following actions:

- a) Make the findings for approval, including CEQA findings, of the proposed ordinance;
- b) Determine that the adoption of the proposed ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA; and.
- c) Adopt an ordinance, Case Number 15ORD-00000-00018, adding a new Article X, titled “Medical Marijuana Regulations” to Chapter 35, Zoning, of the Santa Barbara County Code, to implement new regulations regarding the cultivation and delivery of medical marijuana.

Refer back to staff if the Board of Supervisors takes other than the recommended actions for appropriate findings.

Summary Text:

On October 9, 2015, Governor Brown signed Assembly Bills (AB) 243 and 266 and Senate Bill (SB) 643 implementing the Medical Marijuana Regulation and Safety Act into law. According to the act, the state will become the sole licensing authority for medical marijuana cultivation if the County does not have an ordinance regulating or prohibiting this activity in effect by March 1, 2016. Similarly, the state will become the sole licensing authority for medical marijuana delivery if the County does not have an ordinance regulating or prohibiting this activity in effect when the state begins issuing licenses for medical marijuana dispensaries, expected by January 2018. The act includes exemptions for marijuana cultivation for personal medical use.

The short statutory timeframe does not allow sufficient time for the County to develop a comprehensive ordinance to regulate medical marijuana cultivation. In addition, great uncertainty exists regarding future state regulations for medical marijuana cultivation and delivery.

Staff recommends that the County retain local control by immediately adopting a new ordinance to prohibit medical marijuana cultivation and delivery within unincorporated Santa Barbara County, with a limited exemption for marijuana cultivation for personal medical use. The County may reconsider this decision when additional information is available, including new state regulations for licensing medical marijuana cultivation and delivery.

Special Instructions:

The Planning and Development Department will fulfill all noticing requirements and provide a copy of the notice and proof of publication to the Clerk of the Board of Supervisors.

Authored by:

Allen Bell, Supervising Planner, Long Range Planning Division, (805) 568-2056