

ATTACHMENT 4

Previous County of Santa Barbara Actions on Cannabis Operations

Between 1996 and 2015, voters and the state legislature took a series of actions to allow individuals, then collectives and cooperatives, to cultivate medical marijuana.

In 2011, the County prohibited medical marijuana dispensaries in all zone districts.

In 2016 and 2017, the State of California took major steps to increase regulation of medical marijuana across the State of California. State agencies continue to develop regulations and anticipate accepting applications to issue state licenses starting in January 2018. Failure to comply with the regulations will prevent initial licensure and, once a licensee obtains a license for a cannabis operation, failure to continue to comply with the State regulations could lead to revocation of the license and/or civil and criminal penalties. Additionally, local government retains the ability to regulate or prohibit medical marijuana activities separately or completely.

In January 2016, the Board of Supervisors prohibited medical marijuana cultivation in all land use zones except for: (1) limited personal medical cultivation of up to 100 square feet, and (2) operations which were in existence prior to January 19, 2016, and compliant with California State law and local zoning ordinances.

On November 8, 2016, California voters approved Proposition 64 (Adult Use of Marijuana Act) which decriminalized possession of cannabis for personal use and established a state regulated cannabis business licensing system. Proposition 64 allows local jurisdictions to prohibit or enforce local regulations of cannabis-related commercial activities.

In February 2017, the Board received a report on the impacts of voter approval of Proposition 64 on the cannabis industry. The Board directed staff to return with an urgency ordinance prohibiting cultivation and other cannabis activities in unincorporated Santa Barbara County while staff develops an ordinance to prohibit or regulate cannabis. The Board also appointed Supervisors Lavagnino and Williams as an Ad Hoc Subcommittee on Cannabis Activities.

On April 4, 2017, the Board approved an urgency ordinance to prohibit all non-medical (recreational) cannabis operations in the unincorporated area of Santa Barbara County – except for limited amounts of cultivation for non-medical personal use (Health & Safety Code §§ 11362.1 and 11362.2). The urgency ordinance will expire in March 2019. The purpose of the prohibition was to provide the County with time to consider, develop, and approve local regulations or a permanent prohibition.

On April 11, 2017, the Board also approved an ordinance establishing a limited term non-personal cultivation and related activities registry program. The purpose of the registry program was to collect data on past, current, and planned cannabis cultivation or related operations and to inform future cannabis studies including environmental and economic impact studies. The registry closed on June 30, 2017, as required by the ordinance.

On April 25th, June 30th and August 25th, 2017, public workshops on regulating cannabis operations were conducted by the Ad Hoc Subcommittee in Santa Barbara, Santa Maria and Carpinteria. Attendance was slightly over 100 for each of the three sessions.

On July 11, 2017, The Board received a status report on the work of the Board-appointed Ad Hoc Subcommittee on Cannabis Operations. Additionally, the Board provided direction to staff to prepare and return to the Board with ordinance amendments to Chapter 35, Article X that:

- Establish a process for the determination of legal non-conforming status pursuant to County Code Section § 35-1003.A.2 for existing medicinal cannabis cultivators; and
- Establish a date by which all legal non-conforming cultivation sites must either obtain County permits or cease operations.

The County Planning Commission will consider the draft ordinance amendments will be considered by the County Planning Commission on September 13, 2017, and staff anticipates presenting the County Planning Commission's recommendation on the draft ordinance amendments to the Board are anticipate to be presented to your Board in October 2017.

On July 25 & 26, 2017, public workshops on the Notice of Preparation for the EIR, Scoping Document and Proposed Draft Cannabis Land Use Ordinance were held in Santa Barbara and Santa Maria.

On August 16 and September 13, 2017, informational presentations on regulating cannabis operations by staff were provided to the Montecito Planning Commission and the County Planning Commission.