



County of Santa Barbara
BOARD OF SUPERVISORS

Minute Order
November 01, 2011

RECEIVED

NOV 08 2011

S.B. COUNTY
PLANNING & DEVELOPMENT

Present: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray,
and Supervisor Lavagnino

File Reference No. 11-00733

RE: HEARING - Consider recommendations of the County and Montecito Planning Commissions to approve Case Nos. 11ORD-00000-00029, 11ORD-00000-00030, and 11ORD-00000-00031 which would amend the County Land Use and Development Code, Montecito Land Use and Development Code, and the Coastal Zoning Ordinance to prohibit Medical Marijuana Dispensary storefronts, as follows: (EST. TIME: 30 MIN.)

a) Consider recommendations regarding Case No. 11ORD-00000-00029 (County LUDC Amendments), as follows:

i) Make the findings for approval of the proposed amendments, including CEQA findings;

ii) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA; and

iii) Approve Case No. 11ORD-00000-00029, and adopt an Ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code;

b) Consider recommendations regarding Case No. 11ORD-00000-00030 (Montecito LUDC Amendments), as follows:

i) Make the findings for approval of the proposed amendments, including CEQA findings;

ii) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA; and

iii) Approve Case No. 11ORD-00000-00030, and adopt an Ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code; and

c) Consider recommendations regarding Case No. 11ORD-00000-00031 (Coastal Zoning Ordinance Amendments), as follows:

i) Make the findings for approval of the proposed amendments, including CEQA findings;

ii) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA; and

iii) Approve Case No. 11ORD-00000-00031, and adopt an Ordinance amending Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Received and filed staff presentation and conducted public comment.

A motion was made by Supervisor Wolf, seconded by Supervisor Lavagnino, that this matter be Acted on as follows:

a) Approved Case No. 11ORD-00000-00029

- i) Adopted required findings;
- ii) Authorized;
- iii) Adopted.

ORDINANCE NO. 4806

b) Approved Case No. 11ORD-00000-00030

- i) Adopted required findings;
- ii) Authorized;
- iii) Adopted.

ORDINANCE NO. 4807

c) Approved Case No. 11ORD-00000-00031

- i) Adopted required findings;
- ii) Authorized;
- iii) Adopted.

ORDINANCE NO. 4808

The motion carried by the following vote.

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Gray, and Supervisor Lavagnino

Noes: 1 - Supervisor Farr

EXHIBIT 1.1ORDINANCE NO. 4806

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE USES, ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, AND ARTICLE 35.11, GLOSSARY, TO IMPLEMENT NEW REGULATIONS PROHIBITING MEDICAL MARIJUANA DISPENSARIES.

Case No. 11ORD-00000-00029

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

SECTION 1:

ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the Section 35.20.030 (Allowable Development and Planning Permit Requirements), of Chapter 35.20 (Development and Land Use Approval Requirements), to read as follows:

35.20.030 - Allowable Development and Planning Permit Requirements

- A. **Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in Chapters 35.21 through 35.28, together with the type of planning permit required for each use. Each listed land use type is defined in Article 35.11 (Glossary).
1. **Establishment of an allowable use.** Any land use identified by Chapters 35.21 through 35.28 as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B. (Permit requirements) below, and compliance with all applicable requirements of this Development Code.
 2. **Use not listed.** A land use not listed in Chapters 35.21 through 35.28 or not shown in the table of allowable land uses and permit requirements for a particular zone is not allowed, except as otherwise provided in Subsection A.3 (Similar and compatible use may be allowed) below.
 3. **Similar and compatible use may be allowed.** In the following zones the Commission may determine that a proposed use not listed in this Chapter is allowable in compliance with Section 35.82.190 (Use Determinations).
 - a. **Applicable zones:**
 - (1) C-1 (Limited Commercial);
 - (2) C-2 (Retail Commercial);
 - (3) C-3 (General Commercial);
 - (4) CH (Highway Commercial);
 - (5) CM-LA (Community Mixed Use - Los Alamos)
 - (6) CN (Neighborhood Commercial);
 - (7) CS (Service Commercial);
 - (8) M-1 (Light Industry);

- (9) MRP (Industrial Research Park);
- (10) OT-R/GC (Old Town Residential/General Commercial);
- (11) OT-R/LC (Old Town Residential/Light Commercial);
- (12) PI (Professional and Institutional);
- (13) PU (Public Utilities);
- (14) REC (Recreation);
- (15) SC (Shopping Center); and
- (16) TC (Transportation Corridor).

- b. Applicable standards and permit requirements.** When the Commission determines that a proposed but unlisted use is similar to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.
- c. Medical Marijuana Dispensaries.** Medical Marijuana Dispensaries are not allowed in any zone district and shall not be approved through a Use Determination (Section 35.82.190).

SECTION 2:

ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Chapter 35.42, Standards for Specific Land Uses, to add a new Section 35.42.195 titled "Medical Marijuana Dispensaries" to read as follows:

35.42.195 – MEDICAL MARIJUANA DISPENSARIES (MMD)

Medical Marijuana Dispensaries Prohibited. Medical Marijuana Dispensaries are not allowed in any zone district and shall not be approved through a Use Determination (Section 35.82.190).

SECTION 3:

ARTICLE 35.11, GLOSSARY, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.110.020 (Definitions of Specialized Terms and Phrases) of Chapter 35.110 (Definitions) to add new Medical Marijuana definitions to read as follows:

- 1. **Medical Marijuana.** Shall mean marijuana, as set forth in the California Health and Safety Code Section 11018 (as that Section now appears and may be amended or renumbered) as used for medical purposes, in compliance with Health and Safety Code Section 11362.5 et seq.
- 2. **Medical Marijuana Dispensary.** A facility or location that dispenses marijuana through a storefront, including but not limited to storefronts organized and operated by a collective or a cooperative.
 - a. **Medical Marijuana Cooperative.** Shall mean a statutory Cooperative which conducts its business for the mutual benefit of its members, must file articles of incorporation, is a non-profit entity, and is subject to all legal requirements of a statutory Cooperative, as outlined in the California Corporations Code or Food and Agriculture Code.

b. **Medical Marijuana Collective.** Shall mean a non-profit organization, with five or more members, which exists merely to facilitate the collaborative efforts of Qualified Patient, Persons with ID Card, and Primary Caregiver members and to coordinate transactions between members involving Medical Marijuana.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in Articles 35.2, 35.4, and 35.11 of the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

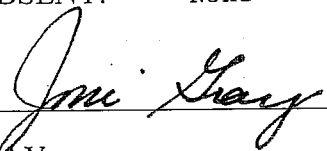
Except as amended by this Ordinance, Article 35.2, Article 35.4, and Article 35.11, of the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

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, it, or 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 15th day of November, 2011, by the following vote:

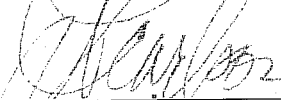
AYES:	Supervisor Carbajal, Supervisor Wolf, Supervisor Gray, Supervisor Lavagnino
NOES:	Supervisor Farr
ABSTAINED:	None
ABSENT:	None



 JONI GRAY
 Chair, Board of Supervisors
 County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By 

 Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By Rachel Jen Mullen
Deputy County Counsel

EXHIBIT 1.2

ORDINANCE NO. 4807

AN ORDINANCE AMENDING SECTION 35-2, THE MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE USES, DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USE, AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT NEW REGULATIONS PROHIBITING MEDICAL MARIJUANA DISPENSARIES.

Case No. 11ORD-00000-00030

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

SECTION 1:

DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the Section 35.420.030 (Allowable Development and Planning Permit Requirements), of Chapter 35.420 (Development and Land Use Approval Requirements), to read as follows:

35.420.030 - Allowable Development and Planning Permit Requirements

- A. Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in Chapters 35.421 through 35.428, together with the type of planning permit required for each use. Each listed land use type is defined in Division 35.10 (Glossary).
- 1. Establishment of an allowable use.** Any land use identified by Chapter 35.421 through Chapter 35.428 as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B. (Permit requirements) below and compliance with all applicable requirements of this Development Code.
 - 2. Use not listed.** A land use not listed in Chapter 35.421 through Chapter 35.428 or not shown in the table of allowable land uses and permit requirements for a particular zone is not allowed, except as otherwise provided in Subsection A.3 (Similar and compatible use may be allowed) below.
 - 3. Similar and compatible use may be allowed.** In the following zones the Montecito Commission may determine that a proposed use not listed in this Division is allowable in compliance with Section 35.472.170 (Use Determinations):
 - a. Applicable zones:**
 - (1) CN (Neighborhood Commercial)

- (2) PU (Public Utilities)
 - (3) REC (Recreation)
 - (4) TC (Transportation Corridor)
- b. **Applicable standards and permit requirements.** When the Montecito Commission determines that a proposed but unlisted use is similar to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.
- c. **Medical Marijuana Dispensaries.** Medical Marijuana Dispensaries are not allowed in any zone district and shall not be approved through a Use Determination (Section 35.472.180).

SECTION 2:

DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, of Section 35-2, the Santa Barbara Montecito County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Chapter 35.430, Montecito Standards for Specific Land Uses, to add a new Section 35.430.125 titled "Medical Marijuana Dispensaries" to read as follows:

35.430.125 – MEDICAL MARIJUANA DISPENSARIES (MMD)

Medical Marijuana Dispensaries Prohibited. Medical Marijuana Dispensaries are not allowed in any zone district and shall not be approved through a Use Determination (Section 35.472.170).

SECTION 3:

DIVISION 35.10, GLOSSARY, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Sections 35.500.020 (Definition of Specialized Terms and Phrases) of Chapter 35.500 (Definitions) to add new Medical Marijuana definitions to read as follows:

1. **Medical Marijuana.** Shall mean marijuana, as set forth in the California Health and Safety Code Section 11018 (as that Section now appears and may be amended or renumbered) as used for medical purposes, in compliance with Health and Safety Code Section 11362.5 et seq.
2. **Medical Marijuana Dispensary.** A facility or location that dispenses marijuana through a storefront, including but not limited to storefronts organized and operated by a collective or a cooperative as defined by the 2008 California Attorney General Guidelines or its successor.
 - a. **Medical Marijuana Cooperative.** Shall mean a statutory Cooperative which conducts its business for the mutual benefit of its members, must file articles of incorporation, is

a non-profit entity, and is subject to all legal requirements of a statutory Cooperative, as outlined in the California Corporations Code or Food and Agriculture Code.

- b. **Medical Marijuana Collective.** Shall mean a non-profit organization, with five or more members, which exists merely to facilitate the collaborative efforts of Qualified Patient, Persons with ID Card, and Primary Caregiver members and to coordinate transactions between members involving Medical Marijuana.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in Divisions 35.2, 32.4, and 35.10 of the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, Divisions 35.2, 35.4, and 35.10, of Article 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

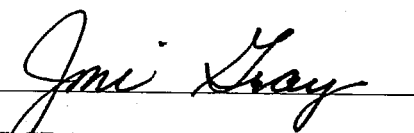
4 b
111

SECTION 6:

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 13 day of November, 2011, by the following vote:

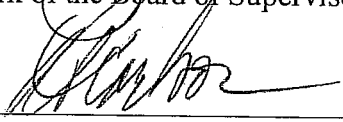
- AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Gray, Supervisor Lavagnin
- NOES: Supervisor Farr
- ABSTAINED: None
- ABSENT: None



JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By 
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

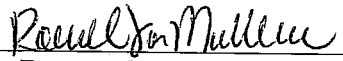
By 
Deputy County Counsel

EXHIBIT 2

ORDINANCE NO. 4808

AN ORDINANCE AMENDING ARTICLE II, COASTAL ZONING ORDINANCE, OF CHAPTER 35 OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, AND DIVISION 7, GENERAL REGULATIONS, TO IMPLEMENT NEW REGULATIONS PROHIBITING MEDICAL MARIJUANA DISPENSARIES.

Case No. 11ORD-00000-00031

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

SECTION 1:

DIVISION 2, DEFINITIONS, of the Article II Coastal Zoning Ordinance of Chapter 35 Zoning, of the Santa Barbara County Code, is amended to add new Medical Marijuana definitions as part of Section 35.58, to read as follows:

1. **Medical Marijuana.** Shall mean marijuana, as set forth in the California Health and Safety Code Section 11018 (as that Section now appears and may be amended or renumbered) as used for medical purposes, in compliance with Health and Safety Code Section 11362.5 et seq.
2. **Medical Marijuana Dispensary.** A facility or location that dispenses marijuana through a storefront, including but not limited to storefronts organized and operated by a collective or a cooperative as defined by the 2008 California Attorney General Guidelines or its successor.
 - a. **Medical Marijuana Cooperative.** Shall mean a statutory Cooperative which conducts its business for the mutual benefit of its members, must file articles of incorporation, is a non-profit entity, and is subject to all legal requirements of a statutory Cooperative, as outlined in the California Corporations Code or Food and Agriculture Code.
 - b. **Medical Marijuana Collective.** Shall mean a non-profit organization, with five or more members, which exists merely to facilitate the collaborative efforts of Qualified Patient, Persons with ID Card, and Primary Caregiver members and to coordinate transactions between members involving Medical Marijuana.

SECTION 2:

DIVISION 7, GENERAL REGULATIONS, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section (35-144I) Medical Marijuana Dispensaries), to read as follows:

35.144I – MEDICAL MARIJUANA DISPENSARIES (MMD)

Medical Marijuana Dispensaries Prohibited. Medical Marijuana Dispensaries are not allowed in any zone district and shall not be considered similar use under Division 4, Zone Districts

(Sections 35-68 through 35-93A).

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Division 2 and Division 7, of Article II, Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this Ordinance, Division 2 and Division 7 of Article II, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

4 C III

SECTION 5:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or 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.

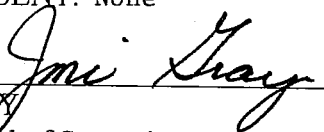
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 18th day of November, 2011, by the following vote:

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Gray, Supervisor Lavagnino

NOES: Supervisor Farr

ABSTAINED: None

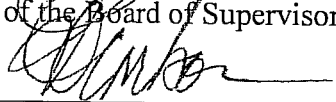
ABSENT: None



JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

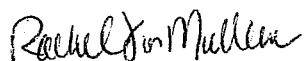
CHANDRA L. WALIAR
Clerk of the Board of Supervisors



By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel



By _____
Deputy County Counsel