

EXHIBIT 1

ORDINANCE NO. _____

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, AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT NEW REGULATIONS FOR MEDICAL MARIJUANA COLLECTIVE/COOPERATIVE STOREFRONTS.

Case No. 11ORD-00000-00020

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 “Services- Business, Financial, Professional” Section of Table 2-12, of Section 35.424.030 (Commercial Zones Allowable Land Uses), of Chapter 35.424 (Commercial Zones), to read as follows:

Table 2-12 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services	P	P	—	—	
Business support service	P	P	—	—	
Drive-through facility	CUP	CUP	—	—	35.442.100
Medical services - Clinic, urgent care	P	P	—	—	
Medical services - Doctor office	P	P	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
<u>Medical Services-Medical Marijuana Collective/Cooperative Storefront</u>	=	=	=	=	
Office - Business/service	P	P	—	—	
Office - Professional/administrative	P	P	—	—	
Public safety facility	P	P	—	—	

SECTION 2:

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:

Medical Marijuana. The following terms are defined for the purposes this Development Code.

1. **Marijuana.** Shall have the meaning as set forth in the California Health and Safety Code Section 11018 as that Section now appears and may be amended or renumbered.
2. **Medical Marijuana.** Shall mean marijuana used by Qualified Patients and Persons with ID Cards for medical purposes, in compliance with Health and Safety Code Section 11362.5 et seq.
3. **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.
4. **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.
5. **Medical Marijuana Collective/Cooperative (MMC) Storefront.** A storefront facility or location that is organized and operated by a Medical Marijuana Collective or Medical Marijuana Cooperative, that provides, exchanges, or gives away Medical Marijuana, to its members who are Qualified Patients, Persons with an Identification Card, or Primary Caregivers.
6. **Marijuana drug paraphernalia.** Items incidental to the use of marijuana, including, but not limited to, rolling papers and related tools, pipes, water pipes, and vaporizers.
7. **Person with an ID Card.** Shall mean an individual who is a qualified patient who has applied for and received a valid identification card pursuant to Health and Safety Code Section 11362.5 et seq..
8. **Primary Caregiver.** Shall mean the person, designated by a Qualified Patient, who has consistently assumed responsibility for the housing, health, or safety of that Patient, and

consistent with the definition provided in Health and Safety Code 11362.7(d) and (e). Primary Caregiver shall not include an MMC Storefront.

9. **Qualified Patient.** A person who is entitled to the protections of Health and Safety Code 11362.5.

10. **Attending Physician.** A person, as defined in Health and Safety Code Section 11362.7(a) as that Section now appears and may be amended or renumbered, who (1) possesses a license in good standing to practice medicine in California; (2) has taken responsibility for some aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient; and (3) has recommended or approved Medical Marijuana for the treatment of his or her patient.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in Divisions 35.2 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 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.

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 ____ day of _____, 2011, by the following vote:

- AYES:
- NOES:
- ABSTAINED:
- ABSENT:

Montecito LUDC

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