

EXHIBIT 1

ORDINANCE NO. _____

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 FOR MEDICAL MARIJUANA COLLECTIVE/COOPERATIVE STOREFRONTS.

Case No. 10ORD-00000-00007

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 “Services- Business, Financial, Professional” Sections of Tables 2-14, 2-15, and 2-16 of Section 35.24.030 (Commercial Zones Allowable Land Uses), of Chapter 35.24 (Commercial Zones), to read as follows:

<p>Table 2-14</p> <p>Allowed Land Uses and Permit Requirements for Commercial Zones</p>	<p>E Allowed use, no permit required (Exempt)</p> <p>P Permitted use, Land Use or Coastal Permit required (2)</p> <p>MCUP Minor Conditional Use Permit required</p> <p>CUP Conditional Use Permit required</p> <p>S Permit determined by Specific Use Regulations</p> <p>— Use Not Allowed</p>											
LAND USE (1)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5" style="text-align: center; padding: 2px;">PERMIT REQUIRED BY ZONE</th> <th rowspan="2" style="text-align: center; padding: 2px;">Specific Use Regulations</th> </tr> <tr> <th style="text-align: center; padding: 2px;">CN</th> <th style="text-align: center; padding: 2px;">C-1</th> <th style="text-align: center; padding: 2px;">C-1 CZ</th> <th style="text-align: center; padding: 2px;">C-2</th> <th style="text-align: center; padding: 2px;">C-2 CZ</th> </tr> </table>	PERMIT REQUIRED BY ZONE					Specific Use Regulations	CN	C-1	C-1 CZ	C-2	C-2 CZ
PERMIT REQUIRED BY ZONE					Specific Use Regulations							
CN	C-1	C-1 CZ	C-2	C-2 CZ								

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services - Branch facility	—	P	P	P	P	
Bank, financial services - Complete facility	—	—	—	P	P	
Business support service	—	—	—	P	P	
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Medical services - Animal hospital, small animals	—	CUP	CUP	MCUP	MCUP	35.42.250
Medical services - Clinic	CUP	CUP	CUP	CUP	CUP	
Medical services - Doctor office	—	P	P	P	P	
Medical services - Extended care	CUP	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	CUP	
<u>Medical services- Medical Marijuana Collective/Cooperative Storefront</u>	—	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	35.42.195
Office - Business/service	—	P	P	P	P	
Office - Professional/administrative	—	—	—	P	P	

Table 2-15 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)			
	MCUP	Minor Conditional Use Permit required			
	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
	C-3	CS	CH	CH CZ	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services - Branch facility	P	—	—	—	
Bank, financial services - Complete facility	P	—	—	—	
Business support service	P	P	—	—	
Drive-through facility	CUP	CUP	CUP	CUP	35.42.130
Medical services - Animal hospital, small animals	P	P	—	—	35.42.250
Medical services - Clinic	CUP	CUP	CUP	CUP	
Medical services - Doctor office	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>	<u>CUP</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>35.42.195</u>
Office - Business/service	P	—	—	—	
Office - Professional/administrative	P	—	—	—	

Table 2-16 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)			
	MCUP	Minor Conditional Use Permit required			
	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
	C-V	C-V CZ	SC	PI PI CZ	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services - Branch facility	—	—	—	P	P	
Bank, financial services - Complete facility	—	—	—	P	P	
Business support service	—	—	—	P	P	
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Medical services - Animal hospital, small animals	—	—	P	CUP	CUP	35.42.250
Medical services - Clinic	CUP	CUP	CUP	P	P	
Medical services - Doctor office	—	—	—	P	P	
Medical services - Extended care	CUP	CUP	CUP	P	P	
Medical services - Hospital	CUP	CUP	CUP	P	P	
<u>Medical services- Medical Marijuana Collective/Cooperative Storefront</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>35.42.195</u>
Office - Business/service	—	—	S(3)	P	P	
Office - Professional/administrative	—	—	S(3)	P	P	

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 Collective/Cooperative Storefronts" to read as follows:

35.42.195 – MEDICAL MARIJUANA COLLECTIVE/COOPERATIVE (MMC) STOREFRONT

- A. Purpose and intent.** This Section provides standards for the operation of Medical Marijuana Collective/Cooperative (MMC) Storefronts where allowed in compliance with Article 35.2 (Zones and Allowable Land Uses). The intent is to protect the rights of both medical-marijuana patients and County residents, in compliance with California Health and Safety Code Sections 11362.5 et. seq.
- B. Locations where allowed.** Medical Marijuana Collective/Cooperative Storefronts may only be allowed in C-1, C-2, and C-3 zones, as designated on the County Zoning Map, in compliance with all of the following:
1. The distance from the exterior wall of a building or unit or lot containing a MMC Storefront shall be a minimum of 1,500 linear feet from the exterior wall of any other building or unit or lot containing an existing MMC Storefront.
 2. On lots where the linear distance between the lot containing the MMC Storefront to the a lot containing any of the following is at least 1000 feet:
 - a. A public or private school, as defined in California Health and Safety Code Section 11362.768.
 - b. A licensed Family day care or Child care center permitted in compliance with Section 35.42.090 (Community Care Facilities).
 - c. A park or recreation center serving youths up to 18 years old, owned or operated on land or facilities owned or operated by a government entity.
 3. On lots where the linear distance between the closest exterior wall of the unit or building containing the MMC Storefront and any of the Residential Zones listed under Table 1-1 (Zones) Residential Zones, CM-LA (Community Mixed Use Los Alamos), or MU-SYV (Mixed Use - Santa Ynez Valley Overlay) lot is at least 300 feet.
 4. The linear distance from the exterior wall of the building or unit containing the MMC Storefront is at least 100 feet from the exterior wall of any conforming dwelling unit.
 5. No more than one MMC Storefront shall be allowed on any lot.
- C. Permit and Submittal Requirements.** An application for an MMC Storefront shall contain the following items:
1. The application must be signed by the owner of the property, if the applicant it not the owner.
 2. An application for a Conditional Use Permit submitted to the Planning and Development Department in compliance with Section 35.80.030 (Application Preparation and Filing). The application shall contain a description by address and assessor's parcel number of the property on which the MMC Storefront is to be located, and such plans, elevations, descriptions, or other information as the Director may require.
 3. A completed MMC Storefront Supplemental Information Sheet.

4. All other permits required by the County for an MMC Storefront, except those permits required by the Building and Safety Division of the Planning and Development Department, shall be obtained prior to or as a condition of approval for a Conditional Use Permit.

D. MMC Storefront Supplemental Information Sheet contents. The Supplemental Information Sheet for an MMC Storefront required in compliance with Subsection C, above, shall include the following items:

1. The full name, address, and Qualified Patient Identification Card number (if applicable) of the applicant.
2. The name of the Medical Marijuana Cooperative or Collective associated with the proposed MMC Storefront.
3. A vicinity map, at a scale acceptable to the County showing the roads (labeled), parcel boundaries, and location(s) of any of the uses or structures listed in Subsection B, above that are 1,500 feet or less from the lot containing the proposed MMC Storefront, as well as the distance between said uses and the applicant's proposed MMC Storefront, measured in compliance with this Section.
4. Evidence that the proposed MMC Storefront will operate as a Cooperative or Collective, pursuant to the requirements outlined in California Corporations Code 12310 *et seq.* (e.g., articles of incorporation).
5. A business plan for the proposed operation.
6. A security plan, including but not limited to, alarms, locations of entrances and exits, security cameras, security guard provisions, safes, and locked storage areas.
7. An exterior lighting and lighting maintenance plan.
8. Any proposed exterior signage accompanied by the applicable sign permit application.
9. Any other plans, elevations, descriptions, or information as the Director may require.

E. Appeals. The action of the review authority to approve, conditionally approve, or deny a Conditional Use Permit for a Medical Marijuana Collective/Cooperative Storefront shall be final subject to appeal in compliance with Chapter 35.102 (Appeals).

F. Development and Operational Standards. An MMC Storefront shall comply with all of the following standards:

1. MMC Storefront activities, including the exchanges or distribution of marijuana for medical purposes, or incidental marijuana drug paraphernalia, shall be conducted within a completely enclosed building.
2. A MMC Storefront shall not be located in any temporary or portable structure.
3. Parking shall be provided in compliance with the requirements of 35.36.060 (Required Number of Spaces: Services and Offices– Business, Financial, Professional).
4. A MMC Storefront shall not be open to patients or members between the hours of 8:00 p.m. and 7:00 a.m. of any day.
5. A MMC Storefront shall not conduct or sponsor any temporary uses or special events, promotions, festivals, concerts or similar activities onsite (indoors or outdoors).

6. Any waste receptacles and facilities required or used by an MMC Storefront shall be locked to prevent access thereto by the public.
7. A MMC Storefront shall not do any of the following:
 - a) Operate for profit.
 - b) Sell marijuana to or purchase marijuana from illicit markets or individuals who are not bona fide members of the Medical Marijuana Cooperative or Collective operating said MMC Storefront.
 - c) Produce or sell edible products.
 - d) Violate the provisions of applicable state law, including the State of California Compassionate Use Act and the Medical Marijuana Program.
8. No MMC Storefront shall allow or employ a Attending Physician onsite.
9. No MMC Storefront shall provide off-site medical marijuana deliveries to any person.

G. Lighting Standards. The premises or the portion of the premises, where the MMC Storefront is located, shall be lighted in such a manner that all areas are clearly visible during hours of operation and one hour after closing.

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:

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

1. **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.
2. **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.
3. **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.
4. **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.
5. **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.
6. **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.

7. **Marijuana Paraphernalia.** Items incidental to the use of marijuana, including rolling papers and related tools, pipes, water pipes, and vaporizers.
8. **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.
9. **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.
10. **Qualified Patient.** A person who is entitled to the protections of Health and Safety Code 11362.5.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in Articles 35.2 and 35.4 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 _____ day of _____, 2011, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara
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LUDC

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