

EXHIBIT 2

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, COASTAL ZONING ORDINANCE, OF CHAPTER 35 OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS AND DIVISION 11, PERMIT PROCEDURES, TO IMPLEMENT NEW REGULATIONS FOR MEDICAL MARIJUANA COLLECTIVE/COOPERATIVE STOREFRONT.

Case No. 11ORD-00000-00021

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:

Medical Marijuana. The following terms are defined for the purposes of this Article.

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

SECTION 2:

DIVISION 4, ZONING DISTRICTS, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-77A.4 (Uses Permitted with a Major Conditional Use Permit, of Section 35-77A C-1 Limited Commercial) to read as follows:

Sec. 35-77A.4 Uses Permitted with a Major Conditional Use Permit.

1. Small animal hospitals, provided all animals are kept within a completely enclosed, soundproofed building designed to eliminate outdoor odor and reduce the level of noise from such animals to the extent that adjacent residential properties will not be adversely affected in any way by noise or odors.
2. Hotels and motels.
3. Medical Marijuana Collective/Cooperative (MMC) Storefronts, subject to the provisions of Sec. 35-172.

SECTION 3:

DIVISION 4, ZONING DISTRICTS, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-78.4 (Uses Permitted with a Major Conditional Use Permit, of Section 35-78.4 C-2 Retail Commercial) to read as follows:

Sec. 35-78.4 Uses Permitted With a Major Conditional Use Permit.

1. Amusement enterprises conducted partially or wholly outdoors.
2. Bus terminal.
3. Outdoor theater.
4. Swap meet.
5. Medical Marijuana Collective/Cooperative (MMC) Storefront, subject to the provisions of Sec. 35-172.

SECTION 4:

DIVISION 11, PERMIT PROCEDURES, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-172.13 (Additional Requirements) of Section 35-172 (Conditional Use Permits), to add a new subsection 6 (Medical Marijuana Collective/Cooperative (MMC) Storefront, to read as follows:

6. 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 pursuant to Division 4 (Zoning Districts). 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 and C-2 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 an MMC Storefront shall be a minimum of 1500 linear feet from the exterior wall of the building or unit or lot containing an existing MMC Storefront, whichever is greater.
 2. On lots where the linear distance between the lot lines of the lot containing the MMC Storefront to the nearest lot line of 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 Child Care Facility.
 - 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 following zone districts is at least 300 feet.
 - a. RR (Rural Residential)
 - b. R-1/E-1 (Single-Family Residential)
 - c. R-2 (Two-Family Residential)
 - d. EX-1 (One-Family Exclusive Residential)
 - e. DR (Design Residential)
 - f. PRD (Planned Residential Development)
 - g. SR-M (Medium Density Student Residential)
 - h. SR-H (High Density Student Residential)
 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.** In addition to an application as required by Section 35.172.6, an applicant for an MMC Storefront must comply with the following requirements:
 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 submitted pursuant to Section 35-172 (Conditional Use Permits). 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 pursuant to 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 1500 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 pursuant to this Section.
4. Evidence that the proposed MMC Storefront will operate as a Medical Marijuana Collective or Medical Marijuana Cooperative, 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 the Director may require.

e. Appeals.

The action of the decision-maker to approve, conditionally approve, or deny a Conditional Use Permit for a Medical Marijuana Collective/Cooperative Storefront shall be final subject to appeal pursuant to Section 35.182 (Appeals).

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

1. All MMC Storefront activities, including exchanges or distribution of Medical Marijuana, 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, pursuant to the requirements of Section 35.110.8 – (Required Number of Spaces: Commercial, medical office).
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 a 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 an 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 5:

All existing indices, section references, and figure and table numbers contained in Division 2, Division 4, and Division 11 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 6:

Except as amended by this Ordinance, Division 2, Division 4, and Division 11 of Article II, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 7:

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

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

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