

**ATTACHMENT 4:
MLUDC ORDINANCE CODE AMENDMENTS**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, TO IMPLEMENT NEW DEVELOPMENT STANDARDS, PERMIT REQUIREMENTS AND PROCEDURES REGARDING COMMERCIAL CANNABIS ACTIVITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

17ORD-00000-00009

The Board of Supervisors of the County of Santa Barbara, State of California, 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 hereby amended to revise Paragraph A, Allowable land uses, of Section 35.420.030, Allowable Development and Planning Permit Requirements, of Chapter 35.420, Development and Land Use Approval Requirements 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, unless the approval and/or issuance of a planning permit is not required in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements).
 - 2. Use not listed.** A land use not listed in Chapter 35.422 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)
 - 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~~ **Retail Cannabis Activities.** **Retail cannabis activities** are not allowed in any zone district and shall not be approved through a Use Determination (Section 35.472.170).

SECTION 2:

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 hereby amended to change the Agricultural, Mining & Energy Facilities section of Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.424, Resource Protection Zone, to read as follows:

Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zone	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use 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	
	RMZ	
		Specific Use Regulations

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping	S	35.442.040
Aquaculture	CUP	
<u>Cannabis - Cultivation and microbusiness</u>	=	
Cultivated agriculture, orchard, vineyard, new	CUP	
Cultivated agriculture, orchard, vineyard, historic legal use	CUP	
Grazing	E	
Mining	CUP	35.472.140

Key to Zone Symbols

RMZ	Resource Management
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Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.422.030.C (Development Plan approval required).

SECTION 3:

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 hereby amended to change the Transportation, Communications & Infrastructure section of Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.424, Resource Protection Zone, to read as follows:

Table 2-4 - Continued Allowed Land Uses and Permit Requirements for Resource Protection Zone	E Allowed use, no permit required (Exempt) P Permitted use, Land Use 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	
	RMZ	Specific Use Regulations
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE		
<u>Cannabis - Distribution</u>	=	
Electrical substation - Minor (3)	CUP	
Electrical substation - Major (3)	CUP	
Electrical transmission line (4)	CUP	
Private services and utilities	CUP	
Public works and utilities	CUP	
Telecommunications facility	S	35.444

Key to Zone Symbols

RMZ	Resource Management
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Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.422.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.

SECTION 4:

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 hereby amended to change the Agricultural, Mining, & Energy Facilities section of Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use 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	
	R-1/E-1	R-2
	Specific Use Regulations	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	P	P	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	35.442.040
<u>Cannabis - Cultivation, nursery, and microbusiness</u>	==	==	
Cultivated agriculture, orchard, vineyard	E	E	
Greenhouse - commercial or noncommercial, 300 sf or less	P	P	35.442.110
Greenhouse - commercial or noncommercial, greater than 300 sf to less than 800 sf	CUP	CUP	35.442.110

Key to Zone Symbols

R-1/E-1	Single-Family Residential
R-2	Two-Family Residential

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.442.140 (Mobile Homes on Foundations).

SECTION 5:

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 hereby amended to change the Transportation, Communications & Infrastructure section of Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use 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
	R-1/E-1	R-2	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

<u>Cannabis - Distribution</u>	==	==	
Drainage channel, watercourse, storm drain less than 20,000 sf	—	—	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	—	
Electrical substation - Minor (3)	CUP	CUP	
Electrical substation - Major (3)	CUP	CUP	
Electrical transmission line (4)	CUP	CUP	
Flood control project less than 20,000 sf total area (5)	—	—	
Flood control project 20,000 sf or more total area (5)	—	—	
Public safety facility (6)	CUP	CUP	
Public works and utilities	CUP	CUP	
Road, street less than 20,000 sf total area (5)	—	—	
Road, street 20,000 sf or more total area (5)	—	—	
Sea wall, revetment, groin or other shoreline structure	—	—	
Telecommunications facility	S	S	35.444
Utility service line with 4 or fewer connections (5)	—	—	
Utility service line with 5 or more connections (5)	—	—	

Key to Zone Symbols

R-1/E-1	Single-Family Residential
R-2	Two-Family Residential

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.
- (6) May include paramedic services associated with a fire station.

SECTION 6:

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 hereby amended to change the Agricultural, Mining, & Energy Facilities section of Table 2-8 Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-8 Allowed Land Uses and Permit Requirements for Residential Zones	E Allowed use, no permit required (Exempt)		
	P Permitted use, Land Use 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
	DR	PRD	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	—	—	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	35.442.040
<u>Cannabis - Cultivation nursery, and microbusiness</u>	==	==	
Cultivated agriculture, orchard, vineyard	—	—	
Greenhouse, commercial or noncommercial 300 sf or more	P (3)	—	35.442.110
Greenhouse, commercial or noncommercial greater than 300 sf to less than 800 sf	—	—	

Key to Zone Symbols

DR	Design Residential
PRD	Planned Residential Development

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
- (3) Non-commercial only.

SECTION 7:

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 hereby amended to change the Transportation, Communications & Infrastructure section of Table 2-8 Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use 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
	DR	PRD	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

<u>Cannabis - Distribution</u>	==	==	
Drainage channel, watercourse, storm drain less than 20,000 sf	—	—	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	—	
Electrical substation - Minor (3)	CUP	CUP	
Electrical substation - Major (3)	CUP	CUP	
Electrical transmission line (4)	CUP	CUP	
Flood control project less than 20,000 sf total area (6)	—	—	
Flood control project 20,000 sf or more total area (6)	—	—	
Public safety facility (7)	CUP	CUP	
Public works and utilities	CUP	CUP	
Road, street less than 20,000 sf total area (6)	—	—	
Road, street 20,000 sf or more total area (6)	—	—	
Sea wall, revetment, groin or other shoreline structure	—	—	
Telecommunications facility	S	S	35.444
Utility service line with 4 or fewer connections (6)	—	—	
Utility service line with 5 or more connections (6)	—	—	

Key to Zone Symbols

DR	Design Residential
PRD	Planned Residential Development

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.
- (6) May include paramedic services associated with a fire station

SECTION 8:

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 hereby amended to change the Agricultural, Mining & Energy Facilities section of Table 2-12 Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.424.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, to read as follows:

Table 2-12 Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use 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	
	CN	CV
		Specific Use Regulations

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping	S	S	35.442.040
<u>Cannabis – Cultivation, nursery, and microbusiness</u>	=	=	

Key to Zone Symbols

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Must comply with standards of Section 35.424.050.A (Mixed use affordable residential unit standards) or 35.424.060.D (Mixed use affordable residential unit standards) as applicable to the specific zone.

SECTION 9:

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 hereby amended to change the Retail Trade section of Table 2-12 Allowed Land Uses and Permit Requirements for Commercial Zones, 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 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	CV	

RETAIL TRADE

<u>Cannabis - Non-Storefront Retailer</u>	—	—	
<u>Cannabis - Retail</u>	—	—	
Drive-through facility	CUP	—	35.442.100
General retail	P	—	
Grocery and specialty food stores	P	—	
Health club, spa	P	P (3)	
Restaurant, café, coffee shop	P	P (3)	
Service station	P	—	35.442.050
Visitor serving commercial	—	P (3)	

Key to Zone Symbols

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Use only allowed accessory and incidental to an approved resort or guest ranch.

SECTION 10:

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 hereby amended to change the Transportation, Communications, Infrastructure section of Table 2-12 Allowed Land Uses and Permit Requirements for Commercial Zones, 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 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	CV	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

<u>Cannabis - Distribution</u>	==	==	
Drainage channel, water course, storm drain less than 20,000 sf	—	—	
Drainage channel, water course, storm drain 20,000 sf or more	—	—	
Electrical substation - Minor (3)	CUP	CUP	
Electrical substation - Major (3)	CUP	CUP	
Electrical transmission line (4)	CUP	CUP	
Flood control project less than 20,000 sf total area (5)	—	—	
Flood control project 20,000 sf or more total area (5)	—	—	
Public works and utilities	CUP	CUP	
Road, street less than 20,000 sf total area (5)	—	—	
Road, street 20,000 sf or more total area (5)	—	—	
Sea wall, revetment, groin, or other shoreline structure	—	—	
Telecommunications facility	S	S	
Utility service line with 4 or fewer connections (5)	—	—	
Utility service line with 5 or more connections (5)	—	—	

Key to Zone Symbols

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.

SECTION 11:

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 hereby amended to change the Agricultural, Mining & Energy Facilities section of Table 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.425.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.4254, Special Purpose Zones, to read as follows:

Table 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use 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
	REC	PU	

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping (except equestrian facilities- see RECREATION below)	S	S	35.442.040
<u>Cannabis – Cultivation, nursery, and microbusiness</u>	=	=	

RETAIL TRADE

<u>Cannabis - Non-Storefront Retailer</u>	=	=	
<u>Cannabis - Retail</u>	=	=	
Restaurant, café, coffee shop, accessory to allowed recreation use	CUP	—	

Key to Zone Symbols

REC	Recreation
PU	Public Utilities

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.425.030.C (Development Plan approval required).

SECTION 12:

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 hereby amended to change the Transportation, Communications, Infrastructure section of Table 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.425.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.4254, Special Purpose Zones, to read as follows:

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use 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
	REC	PU	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

<u>Cannabis - Distribution</u>	==	==	
Electrical substation - Minor (3)	CUP	P	
Electrical substation - Major (3)	CUP	P	
Electrical transmission line (4)	CUP	CUP	
Public works and utilities	CUP	CUP	
Telecommunications facility	S	S	35.444

Key to Zone Symbols

REC	Recreation
PU	Public Utilities

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.425.030.C.
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.

SECTION 13:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, 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 hereby amended to delete Section 35.430.125, Medical Marijuana Cultivation and Dispensaries, from Chapter 35.442, Standards for Specific Land Uses, and reserve the Section number for future use.

35.430.125 – Reserved for Future Use ~~Medical Marijuana Cultivation and Dispensaries~~

A. ~~Medical Marijuana Cultivation.~~ See Article X, Medical Marijuana Regulations, of Chapter 35 of the County Code regarding regulations pertaining to the cultivation of medical marijuana.

B. ~~Medical Marijuana Dispensaries prohibited.~~ Medical Marijuana Dispensaries are not allowed in any zone district and shall not be approved through a Use Determination in compliance with (Section

~~35.472.170 (Use Determinations).~~

SECTION 14:

DIVISION 35.4, Montecito Standards for Specific 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 hereby amended to add Section 35.442.055, Cannabis Regulation, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

35.442.055 - Cannabis Regulations

A. Purpose and applicability.

- 1. Purpose.** This Section establishes standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of and in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing and sales.
- 2. Applicability.** The standards of this Section shall apply to all commercial cannabis activities as defined in Section 35-2 (Glossary).
 - a. Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance.
 - b. Nothing in this Section is intended, nor shall it be construed, to exempt the cultivation of cannabis from compliance with all other applicable County zoning and land use regulations, as well as other applicable provisions of the County Code, State and local cannabis licensing requirements, or compliance with any applicable State laws.
 - c. All persons operating facilities and conducting cannabis activities, as defined in this Section, are subject to possible federal prosecution, regardless of State licensure. Any land use or other entitlement from the County does not assert or provide any federal protections.
 - d. The provisions of this Section shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, use of and/or any other activity associated with controlled substances, or to authorize conduct that is unlawful under State or Federal law. Moreover, cultivation, sale, possession, distribution, and use of cannabis remain violations of Federal law as of the date of adoption of the ordinance creating this Section and this Section is not intended to, and does not authorize conduct or acts that violate Federal law and does not protect any person from arrest or prosecution under those Federal laws. Persons engaged in cannabis activities assume any and all risk and any and all liability that may arise or result under State and Federal laws from the cultivation, sale, possession, distribution, use of cannabis and/or any other cannabis activity.

B. Cultivation for personal use allowed. The cultivation of cannabis for personal use is allowed without a land use entitlement, provided that it complies with the following standards:

- a. Only adults 21 years or older may cultivate cannabis for personal use.
 - b. Cultivation of cannabis for individual use shall only occur within:
 - (1) a legally established private residence, or
 - (2) an enclosed, legally established building that is accessory to the private residence.Outdoor cultivation is prohibited.
 - c. Possession, storage, and/or cultivation of cannabis shall only be exclusively for the cultivator’s personal use, and the cannabis shall not be provided, donated, sold, and/or distributed to any other person except, as allowed by and as described in the Compassionate Use Act for primary caregivers who cultivate medicinal cannabis.
 - d. Personal cultivation of cannabis is limited to six plants per legally established dwelling, unless otherwise allowed by State law in the Compassionate Use Act for medicinal cannabis.
 - e. The area dedicated to cultivation shall not be located in an area that is designated for a use that is required in order to comply with a regulation of this ordinance (e.g., in a garage if the growing area would occupy required parking spaces for the residential use of the property).
 - f. None of the cannabis cultivation or consumption activities shall be detectable (e.g., due to odor or lighting) outside of the dwelling or building in which the activities occur.
- C. Commercial cannabis activities prohibited.** All commercial cannabis activities for medicinal and/or adult use are prohibited. Commercial cannabis activities that are subject to this prohibition include, but are not limited to, all cannabis activities that require the issuance of a State license.

SECTION 15:

ARTICLE 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 hereby amended to add the following new definition of “Cannabis” and the following terms associated with this new definition, to “Definitions, C.” set forth in Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to read as follows:

Cannabis. All parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica* or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including, but not limited to, separated resin. Cannabis also means medical and non-medical marijuana. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code, as may be amended.

Additionally, the following terms and phrases are defined for the purposes of Division 35.2 - Montecito Zones and Allowable Land Uses and Chapter 35.442.055 (Cannabis). In cases where a definition is provided in both State law and the latest edition standard dictionary, and the definitions conflict with one-another, the definition set forth in State law shall take precedent.

Commercial cannabis activity. Any activity, recreational or medicinal, including the cultivation, possession, manufacture, distribution, processing, storing laboratory

testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products.

Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis, as well as grading of land to conduct any such activity. Cultivation includes outdoor cultivation, indoor cultivation, and mixed light cultivation, as follows:

1. **Indoor cultivation.** The cultivation of cannabis within a structure using exclusively artificial light.
2. **Outdoor cultivation.** The cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop house or hoop structure is considered outdoor cultivation. No artificial lighting is permissible for outdoor cultivation, including within hoop houses or structures.
3. **Mixed-light cultivation.** The cultivation of cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop-houses.

Distributor. A facility for the distribution of cannabis and cannabis products.

Distribution. The procurement, sale, and transport of cannabis and cannabis products between licensees.

Manufacturing. All aspects of the extraction and/or infusion process, including preparing, holding, storing, packaging, or labeling of cannabis products. Manufacturing also includes any preparing, holding, or storing of components and ingredients.

Microbusiness. Permit by an owner or entity to engage in three of the four following cannabis activities: cultivation, distribution, non-volatile manufacturing, and/or retail. Microbusiness permits must demonstrate compliance with all requirements imposed by this Article on cultivators, distributors, non-volatile manufacturers, and retailers to the extent the permit is to engage in such activities.

Private residence. A house, an apartment unit, a mobile home, a condominium, a townhome, an accessory dwelling unit, or other similar dwelling.

Personal Use. The cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for their qualified patient(s) in accordance with State law.

Retail.

- 1. Non-Storefront Retailer.** Delivery-only retail of commercial cannabis or cannabis products.
- 2. Storefront Retail.** The retail sale and delivery of cannabis or cannabis products to customers, also referred to as a Storefront Retailer. A retailer shall operate from a licensed premise, which is a physical location from which commercial cannabis activities are conducted. A retailer’s premise may be closed to the public. A storefront retailer may also conduct some sales by delivery.

SECTION 16:

ARTICLE 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 hereby amended to revise Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, by deleting the existing definitions of “Medical Marijuana” and “Medical Marijuana Dispensary.”

M. ——— Definitions, "M."

~~**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.*~~

~~**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.~~

~~**1. 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 Corporation Code or Food and Agriculture Code.~~

~~**2. 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 17:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito 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 18:

Except as amended by this Ordinance, Division 35.2 Montecito Zones and Allowable Land Uses, Division 35.3 Montecito Site Planning and Other Project Standards, and Division 35.10 Glossary, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 19:

This Ordinance shall take effect and be in force 30 days from the date of its adoption by the Board of Supervisors 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.

Once this Ordinance is operational, the provisions of interim urgency ordinance numbers 4492 and 4995, applicable in this Ordinance, shall automatically expire.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel