

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50, LICENSING OF COMMERCIAL CANNABIS OPERATIONS, OF THE SANTA BARBARA COUNTY CODE

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

SECTION 1. Chapter 50 of the Santa Barbara County Code titled “Licensing of Cannabis Operations” is hereby amended, and the table of contents and Sections 50-2 Definitions, 50-10 Application Review by Planning & Development & Community Services Departments - Energy Conservation Plan and Odor Control Systems, 50-11 Application Review by the Sheriff’s Department - Criminal History Check and Site Security Plan, 50-17 Grounds for Denial of License, and 50-25 Cannabis Business License Operating Requirements shall read as follows:

Chapter 50 – Licensing of Cannabis Operations

- Section 50-1. Purpose and Authority.
- Section 50-2. Definitions.
- Section 50-3. Cannabis Business Licenses Required.
- Section 50-4. Cannabis Business License Term.
- Section 50-5. Cannabis Business License Exemptions.
- Section 50-6. Other Licenses and Permits.
- Section 50-7. Limits on Cannabis Business Licenses.
- Section 50-8. Application Content for an Annual Cannabis Business License.
- Section 50-9. Review Process of Application for Cannabis Business License.
- Section 50-10. Application Review by Planning & Development & Community Services Departments - Energy Conservation Plan and Odor Control Systems.
- Section 50-11. Application Review by the Sheriff’s Department - Criminal History Check and Site Security Plan.
- Section 50-12. Application Review by the Agricultural Commissioner’s Department – Cultivation Operations, Pesticides & Measuring Devices.
- Section 50-13. Application Review by the Fire Department – Cannabis Operation Site and Manufacturing Equipment Safety.
- Section 50-14. Application Review by the Public Health Department – Manufacturing and Testing Operations and Facilities.
- Section 50-15. County Executive Office- Review and Coordination of Licenses.
- Section 50-16. License Issuance by the Treasurer-Tax Collector’s Department.

- Section 50-17. Grounds for Denial of License.
- Section 50-18. Procedure and Notice of Denial.
- Section 50-19. Cannabis Business License Renewal Process.
- Section 50-20. Denial of Renewal License.
- Section 50-21. Fees.
- Section 50-22. Cannabis Business Licenses Limits- Nontransferable.
- Section 50-23. Change in Ownership.
- Section 50-24. Change in Premises.
- Section 50-25. Cannabis Business License Operating Requirements.
- Section 50-26. Suspension or Revocation of a Cannabis Business License.
- Section 50-27. Procedure for Denial, Suspension or Revocation.
- Section 50-28. Misdemeanor to Operate Without a License.
- Section 50-29. Enforcement and Penalties.
- Section 50-30. Cannabis Complaints.
- Section 50-31. State Licensing Contact.

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Section 50-7. Limits on Cannabis Business Licenses.

a) Limits on Cannabis Cultivation, Nursery and Microbusiness Licenses. To avoid visual impacts and nuisances associated with significant concentrations of cannabis cultivation:

1. No outdoor cultivation, nurseries or microbusinesses with outdoor cultivation will be licensed in the Coastal Zone. In addition, no outdoor cultivation, nurseries or microbusinesses with outdoor cultivation will be licensed within two (2) miles of the ~~Urban~~ Rural Boundary limit line or city boundary in the Coastal Zone.
 - i. This limitation shall not apply to legal nonconforming cannabis cultivation sites operating in compliance with County Code § 35-1003, until said sites are terminated as legal nonconforming uses.
2. No more than 186 acres of cannabis cultivation, nurseries and microbusinesses with cultivation shall be licensed at any one time within the boundaries of *Area A* and *Area B* of the Carpinteria Agricultural Overlay District as defined in County Ordinance 4529.
 - i. Applications for cannabis cultivation, nursery and microbusinesses business licenses will be processed and license will be issued up to the acre limit established in Subsection 2 above, based on the order of submission of complete applications, as determined by the County Executive Office. A licensed cultivator will be allowed to continue to operate as long as the

licensed cultivator timely files for renewal of the cannabis business license and complies with this Chapter.

- ii. Once, and whenever, the 186 acre limit is reached no additional licenses will be issued unless and until an issued license is revoked or not renewed, or otherwise becomes available. Whenever 5 or more acres becomes available for cannabis cultivation, nursery and microbusinesses, licenses will be subject to the Selection Process pursuant to Subsection c) below.
- iii. This limitation shall not apply to legal nonconforming cannabis cultivation sites operating in compliance with County Code § 35-1003, until said sites are terminated as legal nonconforming uses.

b) Limits on Cannabis Retail Licenses. No more than eight storefront retail cannabis operations may be licensed by the County with a cannabis business license at any time.

1. To avoid excessive concentration of storefront retail operations within the County, a maximum of ~~two~~one storefront retail operations may be allowed in each ~~of six community plan areas: 1) Orcutt, 2) Los Alamos, 3) Santa Ynez, 4) Eastern Goleta Valley, 5) Isla Vista/Goleta, and a combined 6) Summerland & Toro Canyon, plus up to two countywide for all sites in areas not covered by the six community plan areas listed above.~~Supervisorial District, as defined on the effective date of the Ordinance adding this Section. If after the issuance of 7 cannabis business licenses there are not storefront retail operations in each Supervisorial District community plan areas, the 8th cannabis business license shall only be issued if proposed to operate in the Supervisorial District community plan area without a cannabis storefront retail operation.

2. This limitation also applies to microbusinesses seeking to operate a storefront retail as part of the microbusiness.

c) Selection Process. The limited retail and cultivation licenses as outlined in Subsections a) and b) above will be issued to those pre-qualified applicants who comply with the requirements of the County Code and are randomly selected through a process administered by the County Executive Office as follows:

1. Notice of Pre-Qualification and Random Drawing. The County Executive Office will publish notice of the timeframe that pre-qualification applications will be accepted, the posting of the Pre-Qualified Retail Applicants List or Pre-Qualified Cultivation Applicants List, and when and where the random drawing of these pre-qualified

applicants will occur in a newspaper of general circulation and will post the timeframe on the County's website.

2. Separate Selection Process. There will be separate Pre-Qualification, Random Drawing, and License Eligibility Lists for retail and for cultivation licenses.
3. Pre-Qualification.
 - i. Any person interested in obtaining a cannabis business license described in this section must first submit an application for pre-qualification to the County Executive Office to be part of a random drawing.
 - ii. The application shall include:
 - A. The location for the proposed operation, including physical address and assessor's parcel number;
 - B. Proof of ownership of the site of the proposed operation or written authorization from the owner to operate a cannabis operation;
 - C. An attestation of ability to participate in and meet the requirements of the cannabis business license application process in accordance with Section 50-8, *et seq.*;
 - D. An attestation of ability to conform to and maintain all permitting and licensing requirements;
 - E. A non-refundable application fee; and
 - F. For cultivators, the amount of acres to be cultivated.
 - iii. The County will only accept one application per person per proposed operation location.
 - iv. The County Executive Office will review all timely submitted applications. The County Executive Office will forward the applications to the Planning and Development Department to determine whether each applicant's cannabis operation site preliminarily meets zoning and permitting standards (i.e. that the location for the proposed operation is allowable in the zone, that the location meets all setback requirements, etc.).
 - v. Applicants that submit a complete application with the required fee and that preliminarily meet the zoning and permitting standards will be placed on a "Pre-Qualified Retail Applicants

List” for each community plan area and a list for all non-community plan areas or will be placed on a “Pre-Qualified Cultivation Applicants List” and will be referred to as pre-qualified applicants.

- vi. The County Executive Office will post the Pre-Qualification Retail Applicants List for each community plan area and a list for all non-community plan areas or a Pre-Qualified Cultivation Applicants List on the County’s website and a copy of the list will be available in the County Executive Office. Any applicant not on a List will have three (3) business days after the posting of a List on the County’s website to file an appeal with the County Executive Office. Appeals will be considered by the County Executive Office and all decisions of the County Executive Office are final.

d) Cannabis Retail or Cultivation License Eligibility Lists.

1. Once the Pre-Qualification Retail Applicants List for each community plan area and a list for all non-community plan areas or the Pre-Qualified Cultivation Applicants List is complete, the County Executive Office will schedule a random drawing of the pre-qualified applicants to occur in an open and public location. The pre-qualified applicants will be selected at random to form the Cannabis Retail License Eligibility Lists for each community plan area and a list for all non-community plan areas or the Cannabis Cultivation License Eligibility Lists.
2. The Cannabis Retail License Eligibility Lists or the Cannabis Cultivation License Eligibility Lists will be valid for three years or until all names are exhausted from the List. Upon exhaustion of the List or at the end of three years, the process listed above begins anew.
3. Qualified applicants on the Cannabis Retail License Eligibility Lists or the Cannabis Cultivation License Eligibility Lists will need to renew their interest in remaining on the Lists annually, by submitting a written request to the County Executive Office on the anniversary of creation of the Lists.

e) Permitting and Licensing of Retail Cannabis Operations.

1. The first 8 selected pre-qualified applicants, subject to the limitations in Subsection b) above of no more than ~~2-per-District~~ one per community plan area and two in non-community plan areas, will then be able to start the process to obtain a land use entitlement/permit and ultimately a cannabis business license.

2. The selected pre-qualified applicants will have 90 days to submit an application to the Planning and Development Department. If the Planning and Development Department deems the application incomplete, the Department will establish a deadline by which they need to complete the application or lose their qualification. Failure to timely file an application will result in the selected pre-qualified applicant being removed from the Qualified List and losing their status and the next applicant on the Qualified List who meets the limitations of Subsection b) above to submit an application for a permit.
3. Once a selected pre-qualified applicant has obtained a land use entitlement, they must then apply for a cannabis business license. Withdraw, suspension, or abandonment of the cannabis business license application in accordance with Sections 50-8.d or 50-9.b will result in the selected pre-qualified applicant being removed from the Qualified List and losing their status.
4. Once a selected pre-qualified applicant has obtained a land use entitlement, ~~and~~ a cannabis business license and applicable State cannabis retail licenses that individual will be referred to as a licensed retailer and will be allowed to continue to operate as long as the licensed retailer timely files for renewal of the cannabis business license and complies with this Chapter. If the cannabis business license is revoked or not timely renewed the licensed retailer will lose their status and the next pre-qualified applicant on the Qualified List who meets the limitations of Subsection b) may start the permitting and licensing process.

f) Permitting and Licensing of Cannabis Cultivation Operations.

1. The first selected pre-qualified applicants, in order of selection and subject to the maximum amount of acreage available, will be able to start the process to obtain a land use entitlement/permit and ultimately a cannabis cultivation business license for an operation no larger than the available acreage pursuant to Subsection a).
2. The selected pre-qualified applicants will have 90 days to submit an application for land use entitlements to the Planning and Development Department. If the Planning and Development Department deems the application incomplete, the Department will establish a deadline by which they need to complete the application or lose their qualification. Failure to timely file an application will result in the selected pre-qualified applicant being removed from the Qualified List and losing their status and the next

- applicant on the Qualified List who meets the limitations of Subsection a) above to submit an application for a permit.
3. Once a selected pre-qualified applicant has obtained a land use entitlement, they must then apply for a cannabis business license. Withdraw, suspension, or abandonment of the cannabis business license application in accordance with Sections 50-8.d or 50-9.b will result in the selected pre-qualified applicant being removed from the Qualified List and losing their status.
 4. Once a selected pre-qualified applicant has obtained a land use entitlement and a cannabis business license that individual will be referred to a licensed cultivator and will be allowed to continue to operate as long as the licensed cultivator timely files for renewal of the cannabis business license and complies with this Chapter. If the cannabis business license is revoked or not timely renewed the licensed cultivator will lose their status and the next pre-qualified applicant on the Qualified List who meets the limitations of Subsection a) may start the permitting and licensing process.

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Section 50-10. Application Review by the Planning and Development & Community Services Departments –Energy Conservation Plan and Odor Control System.

- a) The County Executive Officer will forward applications to the Planning and Development & Community Services Departments and request confirmation by Planning and Development & Community Services Departments that:
 1. The Applicant has the proper land use entitlement and odor control system;
 2. The Applicant is in compliance with the commercial cannabis activities development standards required in Chapter 35, Zoning; and
 3. The Applicant has an Energy Conservation Plan approved by the Sustainability Division of the Community Services Department.
- b) Energy Conservation Plan. The Applicant for a cannabis business license proposing to engage in indoor cultivation, mixed-light cultivation, nursery operations, manufacturing (volatile or non-volatile), and/or distribution shall prepare and submit to the County Executive Officer an Energy Conservation Plan with their application. The Energy Conservation Plan shall comply with the following.
 1. Net Energy Demand. The Plan must establish the proposed operation's net energy demand. Net energy demand may be determined by projecting the proposed operation's electrical demand and subtracting the historical electricity use data (if available). Historical electricity use data shall be derived from the operation site's utility provider. The Plan must

demonstrate the following, as applicable given the historical electricity use on the operation site.

- i. For an operation site that involved energy usage in 2007, the operator must demonstrate that the proposed cannabis operation will achieve a 15% reduction in the energy usage in 2007.
 - ii. For an operation site that involved energy usage after, but not during, 2007, the operator must demonstrate that the proposed cannabis operation will achieve a 15% reduction in the average energy usage either (a) since the time at which energy usage began on the operation site or (b) during the ten years prior to the date of the application, whichever is the shorter period of time.
 - iii. If no energy usage has occurred on the operation site, then 100 percent of the proposed operation's electrical demand shall be considered net energy demand.
2. Energy Conservation. To demonstrate the required energy reduction or no net increase, the Applicant may (1) directly implement any one or more of the following energy conservation and reduction measures, and/or (2) indirectly implement energy conservation and reduction measures through the purchase of credits offered through any one or more of the following renewable energy programs:
- i. Renewable Energy. Energy reduction may be satisfied by sourcing energy demands from renewable energy sources.
 - ii. Renewable Energy Choice Program. An Applicant may purchase renewable electricity from a County approved renewable energy source (i.e., Regional Renewable Choice program, Green Rate program, Community Renewable program, or similar equivalent renewable energy program) to offset any net increase of energy demand.
 - iii. Energy Conservation Measures. To demonstrate energy reduction or no net increase in energy demand, the Applicant may include energy conservation measures in their Energy Conservation Plan Conservation measures may include, but are not limited to:
 - A. Participating in an annual energy audit.
 - B. Measuring and recording net energy use.
 - C. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.

- D. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high pressure sodium (HPS) lighting where feasible.
 - E. Implementing automated lighting systems.
 - F. Utilizing natural light when possible.
 - G. Utilizing an efficient circulation system.
 - H. Ensuring that energy use is below or in-line with industry benchmarks.
 - I. Implementing phase-out plans for the replacement of inefficient equipment.
 - J. Adopting all or some elements of CalGreen Tier 1 and 2 voluntary elective measures to increase energy efficiency in new buildings, remodels, and additions.
 - K. Participating in the Smart Build Santa Barbara (SB2) Program, including plan review by the County Green Building Committee.
 - L. Appendix F of the Santa Barbara County Energy and Climate Action Plan.
3. Implementation. The Energy Conservation Plan shall be implemented prior to the issuance of final building inspection, if this has not occurred prior to issuance of a cannabis business license, and/or throughout operation of the cannabis business as applicable.

Section 50-11. Application Review by the Sheriff’s Department -- Criminal History Check and Security Plan.

- a) The Sheriff’s Department functions as lead reviewer for all applications and compliance or renewal site visits of cannabis business licenses for distributor and retail operations; including microbusiness. The Sheriff’s Department will also participate in reviewing site security plans and criminal history backgrounds for all cannabis business license applications and renewals.
- b) Criminal History Checks.
 - 1. All applicants, owners, persons having at least a 20% financial interest, managers, and supervisors ~~and employees~~ of a cannabis operation must contact the Sheriff’s Department to conduct a live scan criminal check, that show no felonies in accordance with California Business and

Professions Code section 26057, as may be amended. Upon completion of the background check the Sheriff's Department will issue an identification card to be worn by all employees at all times while on the licensed premises.

2. The Sheriff shall obtain a copy of criminal records in the United States, if any, and may obtain the criminal records, if any, in any other country, if obtaining such foreign criminal records is feasible for each person listed in Subsection 1 above.
3. All applicants are required to establish criminal background check procedures and retain criminal background check records for all non-owner and non-supervisory employees equivalent to standards established in Subsection 1 & 2 above. Upon satisfactory completion of a background check and review, the Sheriff's Office shall issue an identification card to the qualifying employee. This identification card is to be worn by employees at all times while on the licensed premises as required by state regulations.
34. The Sheriff in making his/her recommendation on the application to the County Executive Office may conduct further investigation of the applicant as deemed appropriate and shall consider compliance with Business and Professions Code section 26057, as may be amended.
45. If the Sheriff disapproves the application, the Sheriff shall notify the County Executive Office in writing giving the reason(s) for the disapproval.
56. No applicant, owner, person having at least a 20% financial interest, manager, supervisor or employee engaged in the operation of the commercial cannabis operation may have been convicted of a felony or other crime as set forth in Business and Professions Code section 26057, as may be amended.

c) Site Security Plan.

1. All applicants shall prepare and submit a site security plan to the County Executive Office.
2. The County Executive Office will forward the Plan to the Sheriff's Department for review and approval.
3. The Plan shall include at a minimum perimeter security system, lighting, 24-hour video monitoring with 45-day archiving of video that cover all areas of the licensed operation, employee training program on company policies and cannabis laws, color coded identification cards based on

access, system for obtaining and managing Sheriff's Department cannabis access identification cards, policies for employees that do not wear identification cards while on the premises, prevention of product diversion, theft, and loss, as may be required by the Sheriff's Department to protect the public safety.

4. If upon review an Applicant's Site Security Plan and/or its implementation is inadequate, Sheriff may provide an opportunity to improve the Plan to meet necessary standards.

5. If the Sheriff disapproves the Plan or its implementation, the Sheriff shall notify the County Executive Office in writing giving the reason(s) for the disapproval.

5-6. All security plans must be implemented and approved before a cannabis business license will be issued.

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Section 50-17. Grounds for Denial of License.

Any application for a cannabis business license may be denied based on any of the following criteria:

a) Any grounds for denial listed in Section 22-55, 22-56 or 22-57 of the Santa Barbara County Code;

b) The Applicant has knowingly, willfully or negligently made a false statement of material fact or omitted a material fact from:

1) The application for a cannabis business license; or

2) Any prior affidavit to the County concerning cannabis, whether medical marijuana or non-medical marijuana;

~~b)c)~~ c) Any Applicant, owner, person having at least a 20% financial interest, manager, supervisor or employee has been convicted of a felony or other crime as set forth in Business and Professions Code section 26057, as may be amended and was not approved by the Sheriff;

~~e)d)~~ d) The applicant's operations, energy conservation, equipment, inventory control, quality control, security waste management or cultivation plans, or other information in the application are determined to be insufficient to maintain the health, safety and general welfare of employees or the public or fail to comply State law or the County Code by staff from the Agricultural Commissioner, Fire, Planning and Development, Community Services, Public Health or Sheriff's departments;

- d)e) If applicable, the Applicant failed to obtain and/or maintain a valid seller's permit required pursuant to the Revenue and Taxation Code, as may be amended;
- e)f) The proposed commercial cannabis operation does not comply with the provisions of this Chapter, Chapter 50A or State law;
- f)g) The Applicant has not received all necessary land use entitlements as required by Chapter 35, Zoning, of the Santa Barbara County Code;
- g)h) The Applicant has been denied a license to engage in commercial cannabis activity by a State licensing authority;
- h)i) The application exceeds the limitations or has not complied with the selection process established in Section 50-7;
- i)j) The Applicant has denied the County access to the premises to conduct an inspection; or
- j)k) Failure to pay County taxes pursuant to Chapter 50A, license or permitting fees.

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Sec. 50-25. Cannabis Business License Operating Requirements.

- a) Throughout the term of the cannabis business license, each and every licensee shall comply with this Chapter, the County Code, and State law, including, but not limited to, all of the following:
 - 1. Premises Restrictions:
 - i. No cannabis shall be smoked, ingested or otherwise consumed on the premises.
 - ii. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of the premises.
 - iii. No licensee may hold a license for the premise from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, nor may the cannabis operation include a business that sells alcoholic beverages.
 - iv. No alcohol may be stored, sold, dispensed or consumed on the premises.
 - v. A licensee shall not sell, store or allow consumption of any tobacco or nicotine products on or at any premises licensed under this Chapter.

- vi. No person or employee shall be under the influence of a controlled substance.
2. Display License and ID Cards.
 - i. Each licensee shall conspicuously display its license on the premises. Each commercial cannabis operation that engages in delivery or distribution shall carry a copy of the license in all vehicles that deliver or transport cannabis or cannabis products.
 - ii. Employee identification cards shall be worn at all times while on the premises and cards shall be color coded to identify levels of access to portions of the operations.
 3. Odor. Odor prevention devices and techniques for cannabis cultivation, in compliance with Chapter 35, Zoning, of the County Code.
 4. Records. Each licensee shall keep accurate records of the licensee's commercial cannabis activities in a manner readily accessible for examination by the County for six months onsite and a total of seven years pursuant to Business and Professions Code Sections 26160 through 26162.5, as may be amended.
 5. Security Requirements:
 - i. Each licensee shall be responsible and liable for safety and security in and around the commercial cannabis operation, and shall provide adequate security on the premises including the cleanup of graffiti, trash around the premises within 48 hours.
 - ii. Each licensee shall maintain such surveillance video recordings for a period of at least forty five (45) days and shall make such video recordings available to the County upon demand.
 - iii. Following harvest, all cannabis and cannabis products shall be stored in a secured and locked safe room, safe or vault, and in a manner to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, testing samples or immediate sale.
 - iv. Each licensee shall notify the Sheriff within 12-24 hours after discovering any of the following: diversion, theft, loss, or any criminal activity involving the commercial cannabis operation; significant discrepancies identified during inventory; or any other breach of security.
 6. 24-Hour Contact. Each licensee shall provide the County Executive Office with the name, telephone number and e-mail address of the licensee's

designated community relations contact who the public may contact 24-hours a day regarding problems or concerns associated with the commercial cannabis operation. The licensee shall update the County if any changes occur to the community relations contact. The licensee shall make a good faith effort to resolve problems without the need for intervention by the County.

7. Taxes. A licensee shall pay all applicable State and County taxes pursuant to Chapter 50A and fees.
8. Insurance. A licensee shall have and maintain for the duration of the license a general liability insurance policy naming the County as an additional insured with minimum coverage requirements of \$1 million per occurrence and \$2 million per aggregate.
9. Valid Permits and State Licenses:
 - i. The property owner(s) who own(s) the premises where the commercial cannabis operation is located must at all times have all necessary land use entitlements/permits as required by Chapter 35, Zoning, of the Santa Barbara County Code and the land use entitlements must be operative.
 - ii. A licensee must legally hold all required State Licenses under the Medicinal and Adult-Use of Cannabis Regulatory and Safety Act (Business & Professions Code §§ 26000, *et seq.*), as may be amended, and under all other applicable State laws.
- b) In the interest of public safety, County officials may enter the licensee's premises during standard operating hours for the purpose of observing compliance of the commercial cannabis operation with this Chapter.
- c) County officials, including the County Executive Office or Treasurer-Tax Collector, may inspect the commercial cannabis operation's records, books, accounts, financial data, and any and all data relevant to its licensed activities for the purpose of conducting an audit or examination.
- d) It is a misdemeanor for any person having any responsibility over a commercial cannabis operation to impede, obstruct, or interfere with an inspection, or the review of the copying of records and monitoring (including recordings) including, but not limited to, the concealment, destruction, and falsification of any recordings or records.

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Sec. 50-31. State Licensing Contact.

- a) The County Executive Office (CEO) is the designated contact for all communications with the State Licensing Authorities regarding cannabis operations.
- b) The CEO shall provide written notification to the State, pursuant to Business and Professions Code Section 26055(g)(2)(E), as to the status of legal nonconforming operators that are no longer eligible for local authorization of temporary or provisional annual State cannabis license(s) for the following reasons including, but not limited to:
 - 1) Failure to submit a complete County land use application prior to the expiration of amortization periods in Santa Barbara County Code Section 35-1003.c;
 - 2) Rejection of a County land use or business license application; or
 - 3) Denial of a County land use permit or business license.

SECTION 2. Except as amended by this Ordinance the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. This Ordinance shall take effect and become operative 30 days from the date of its adoption by the Board of Supervisors. 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.

SECTION 5: Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory authority concerning cannabis activities. For example, even if the Ordinance becomes operative, the Board of Supervisors still may take action(s) later to change the zoning and/or licensing of cannabis activities to being prohibited. Changing the zoning and/or licensing of cannabis activities to being prohibited, could occur -- for example, but is not limited to -- if: 1) the County Treasurer is not able to deposit cannabis-related funds

in a suitable financial institution; and/or 2) the Board of Supervisors submits a proposed County tax on commercial cannabis activity to the voters and the voters do not approve the tax. In part because cannabis activities are highly regulated by both the state and federal governments and their regulation of cannabis activities is subject to rapid changes, the Board of Supervisors later may need to change the zoning and/or licensing of cannabis activities to being prohibited and may need to do so without cannabis activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE LAVAGNINO, 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