



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Health
Department No.: 041
For Agenda Of: October 14, 2014
Placement: Set Hearing
Estimated Tme: First Reading (D) on
11/4/14 (10 minutes)
Second Reading (A) on
12/2/14
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Takashi M. Wada, MD MPH, Director
Director Public Health Department
Contact Info: Lawrence Fay, Jr., Environmental Health Director (346-8463)
SUBJECT: **Adoption of Ordinances for the Repeal of Chapter 16, Article II and Chapter 18, Article X for Environmental Health Services related County Codes**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors consider the following recommendations:

- a) Receive and file a presentation regarding the repeal of Chapter 16, Article II, entitled "Milk", sections 16-7 through 16-16 and Chapter 18, Article X, entitled "Establishment and Operation of Medical Marijuana Dispensaries", sections 18-75 through 18-83;
- b) Approve the introduction (First Reading) of an Ordinance amending Chapter 16 of the Santa Barbara County Code to repeal Article II, entitled "Milk", sections 16-7 through 16-16;
- c) Approve the introduction (First Reading) of an Ordinance amending Chapter 18 of the Santa Barbara County Code to repeal Article X, entitled "Establishment and Operation of Medical Marijuana Dispensaries" sections 18-75 through 18-83;
- d) Read the titles of the Ordinances into the record and waive full reading of the Ordinances; and
- e) Set a hearing on the Administrative Agenda for December 2, 2014 to consider recommendations, as follows:

- i) Consider the adoption (Second Reading) of an Ordinance amending Chapter 16 of the Santa Barbara County Code to repeal Article II, entitled “Milk”, sections 16-7 through 16-16;
- ii) Consider the adoption (Second Reading) of an Ordinance amending Chapter 18 of the Santa Barbara County Code to repeal Article X, entitled “Establishment and Operation of Medical Marijuana Dispensaries” sections 18-75 through 18-83; and
- iii) Determine that these activities are exempt from California Environmental Quality Act review per CEQA Guideline Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment.

Summary Text:

This item is on the agenda for the approval of two Ordinances. The first Ordinance is for the repeal of Chapter 16, Article II, entitled “Milk”. The second Ordinance is for the repeal of Chapter 18, Article X entitled “*Establishment and Operation of Medical Marijuana Dispensaries*”.

Background:

Both of the Ordinances attached to this Board Letter are intended to repeal code that is outdated and no longer reflective of the current practices and regulations of Environmental Health Services (EHS). EHS is proposing these changes to the County Code in the interest of efficiency and clear public direction regarding official Santa Barbara County regulations. The proposed County Code changes are as follows:

Chapter	Needed Changes	Reason
Chapter 16: Food and Food Products	Repeal Article II, Sections 16-7 through 16-16.	Article relating to <i>Milk</i> is outdated and no longer needed. Dairy inspection services are provided by the State of California Department of Food and Agriculture Milk and Dairy Food Safety Branch.
Chapter 18: Health and Sanitation	Repeal Article X, Sections 18-75 through 18-83.	Outdated and no longer needed. This Ordinance extended the moratorium on the approval of the <i>Establishment and Operation of Medical Marijuana Dispensaries</i> for a period of one-year, and expired on December 7, 2011. Current regulations regarding medical marijuana dispensaries is located in the Land Use and Development Code, section 35.42.195, and are not allowed in any zone in the County.

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

There is no fiscal impact associated with either Ordinance in these Recommendations.

Staffing Impacts:

There is no increase or decrease in staff associated with any Recommendation.

Special Instructions:

1. Request the Clerk of the Board to publish notice of this hearing, per the attached Notice, in newspaper of general circulation, five (5) and ten (10) days prior to the hearing, in accordance with Government Code §6062a.
2. Request the Planning and Development Department to post the Notice of Exemption for the ordinance in the County Planning and Development Department at least six (6) days prior to consideration of the activity by the Board of Supervisors to comply with the County CEQA guidelines.
3. Request the Clerk of the Board to publish in a newspaper, within 15 days of passage of the ordinance, the ordinance along with names of members voting for and against the ordinance, in accordance with Government Code section 25124(a).
4. Return one electronic copy of each Ordinance and one electronic copy of the Minute order to PHDcu@sbcphd.org.

Attachments:

1. Public Notice for Ordinance Repealing Chapter 16, Article II and Chapter 18, Article X.
2. Ordinance Repealing Chapter 16, Article II.
3. Mark-Up Version of Chapter 16 code that is being changed.
4. Ordinance Repealing Chapter 18, Article X.
5. Mark-Up Version of Chapter 18 code that is being changed.
6. CEQA Notice of Exemption
7. Powerpoint Presentation for Ordinances to repeal Chapter 16, Article II and Chapter 18, Article X of the Santa Barbara County Code.

Authored by:

Larry Fay, Environmental Health Services Director