



County of Santa Barbara
BOARD OF SUPERVISORS
Minute Order

April 2, 2019

Present: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

COUNTY EXECUTIVE OFFICE

File Reference No. 19-00212

RE: HEARING - Consider recommendations regarding an amendment to Chapter 50 - Licensing of Commercial Cannabis Operations Ordinance, as follows: (EST. TIME: 2 HR. 30 MIN.)

- a) Consider the introduction (First Reading) of an Ordinance of the Board of Supervisors of the County of Santa Barbara amending Chapter 50 of the Santa Barbara County Code, Licensing of Commercial Cannabis Operations;
- b) Read title: “An Ordinance Amending Chapter 50, Licensing of Commercial Cannabis Operations, of The Santa Barbara County Code,” and waive reading of the Ordinance in full;
- c) Set a hearing on the Administrative Agenda for April 9, 2019 to consider the adoption (Second Reading) of an Ordinance Amending Chapter 50 of the Santa Barbara County Code, Licensing of Commercial Cannabis Operations; and
- d) Make the required California Environmental Quality Act (CEQA) findings and determine for the purposes of CEQA that:
 - i) These actions are within the scope of the Cannabis Land Use Ordinance and Licensing Program, and the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (PEIR) [Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016] adequately describes this activity for the purposes of CEQA; and
 - ii) Pursuant to CEQA Guidelines section 15162(a), after considering the PEIR certified by the Board of Supervisors on February 6, 2018, that no subsequent EIR or Negative Declaration is required because: i) no substantial changes are proposed which require major revisions of the PEIR; ii) no substantial changes have occurred with respect to the circumstances under which the Ordinance is undertaken which require major revisions of the PEIR; and iii) no new information of substantial importance concerning the Ordinance’s significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the PEIR was certified, has been received; and

That the Board on Administrative Agenda of April 9, 2019:

- a) Consider adoption (Second Reading) of an Ordinance of the Board of Supervisors of the



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County of Santa Barbara amending Chapter 50 to the Santa Barbara County Code, Licensing of Commercial Cannabis Operations; and

b) Make the required CEQA findings and determine for the purposes of CEQA that:

i) These actions are within the scope of the Cannabis Land Use Ordinance and Licensing Program, and the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (PEIR) [Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016] adequately describes this activity for the purposes of CEQA; and

ii) Pursuant to CEQA Guidelines section 15162(a), after considering the PEIR certified by the Board of Supervisors on February 6, 2018, that no subsequent EIR or Negative Declaration is required because: i) no substantial changes are proposed which require major revisions of the PEIR; ii) no substantial changes have occurred with respect to the circumstances under which the Ordinance is undertaken which require major revisions of the PEIR; and iii) no new information of substantial importance concerning the Ordinance's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the PEIR was certified, has been received.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 10:23 AM - 1:15 PM (2 HRS. 52 MIN.)



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Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Williams, seconded by Supervisor Hartmann, that this matter be acted on as follows:

Conceptually directed staff to amend the proposed ordinance as follows:

Section 50-17 (b) to read as follows:

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.

Section 50-31 to read as follows:

a) The County Executive Office (CEO) is the designated contact for all communications with the State Licensing Authorities regarding cannabis operations; and

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.

Further directed staff to trail the matter until later in the day for consideration of the first reading of the ordinance.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino



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- b) Read title: "An Ordinance Amending Chapter 50, Licensing of Commercial Cannabis Operations, of The Santa Barbara County Code," and waive reading of the Ordinance in full;
- c) Set a hearing on the Administrative Agenda for April 9, 2019 to consider the adoption (Second Reading) of an Ordinance Amending Chapter 50 of the Santa Barbara County Code, Licensing of Commercial Cannabis Operations; and
- d) Make the required California Environmental Quality Act (CEQA) findings and determine for the purposes of CEQA that:
 - i) These actions are within the scope of the Cannabis Land Use Ordinance and Licensing Program, and the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (PEIR) [Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016] adequately describes this activity for the purposes of CEQA; and
 - ii) Pursuant to CEQA Guidelines section 15162(a), after considering the PEIR certified by the Board of Supervisors on February 6, 2018, that no subsequent EIR or Negative Declaration is required because: i) no substantial changes are proposed which require major revisions of the PEIR; ii) no substantial changes have occurred with respect to the circumstances under which the Ordinance is undertaken which require major revisions of the PEIR; and iii) no new information of substantial importance concerning the Ordinance's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the PEIR was certified, has been received; and

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b) Make the required CEQA findings and determine for the purposes of CEQA that:

i) These actions are within the scope of the Cannabis Land Use Ordinance and Licensing Program, and the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (PEIR) [Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016] adequately describes this activity for the purposes of CEQA; and

ii) Pursuant to CEQA Guidelines section 15162(a), after considering the PEIR certified by the Board of Supervisors on February 6, 2018, that no subsequent EIR or Negative Declaration is required because: i) no substantial changes are proposed which require major revisions of the PEIR; ii) no substantial changes have occurred with respect to the circumstances under which the Ordinance is undertaken which require major revisions of the PEIR; and iii) no new information of substantial importance concerning the Ordinance's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the PEIR was certified, has been received.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY



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A motion was made by Supervisor Williams, seconded by Supervisor Hartmann, that this matter be acted on as follows:

a) and b) Read title, waived further reading of the ordinance. Introduction approved amended as follows:

Section 50-17 (b) to read as follows:

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.

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- 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.

Adoption (second reading) set for April 9, 2019 in Santa Maria on the Administrative Agenda.

c) and d) i) and ii) set for April 9, 2019 in Santa Maria on the Administrative Agenda.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino