

**County of Santa Barbara**  
**BOARD OF SUPERVISORS**



*First District - Das Williams, Chair*  
*Second District - Janet Wolf*  
*Third District - Joan Hartmann*  
*Fourth District - Peter Adam*  
*Fifth District - Steve Lavagnino, Vice Chair*

*Mona Miyasato, County Executive Officer*

**Action Summary**

**Tuesday, February 6, 2018**

**9:00 AM**

**COUNTY ADMINISTRATION BUILDING**  
**BOARD HEARING ROOM, FOURTH FLOOR**  
**105 EAST ANAPAMU STREET, SANTA BARBARA**

The Board of Supervisors meets concurrently as the Board of Directors of the Flood Control & Water Conservation District, Water Agency, the Santa Barbara Fund for Public and Educational Access and other Special Districts.

Live Web Streaming of the Board of Supervisors Meetings, Agendas, Supplemental Materials and Minutes of the Board of Supervisors are available on the internet at: [www.countyofsb.org](http://www.countyofsb.org).

**9:00 A.M. .... Convened to Regular Session**

**Roll Call**

**Present:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

**Pledge of Allegiance**

**Approval of Minutes of the January 30, 2018 Meeting**

**A motion was made by Supervisor Hartmann, seconded by Supervisor Lavagnino, to approve the Minutes. The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

County Executive Officer's Report

**18-00050**

**No report from the County Executive Officer.**

**12:00 P.M. .... Recessed to Closed Session****Closed Session is amended, as follows:****Closed Session****[18-00007](#)**CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Government Code section 54956.9)

- (Santa Barbara County Board of Supervisors, sitting as the Board of Supervisors and as the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District) Beveridge v. City of Goleta, et al., Santa Barbara County Superior Court case number 16CV05826.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
(Paragraph (2) of subdivision (d) of Government Code section 54956.9)

- Significant exposure to civil litigation: 2 cases.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
(Government Code section 54956.8)

- Property: Submerged lands off the coast of Carpinteria from platforms Hogan and Houchin to the onshore La Conchita Processing Facility (First Supervisorial District). Agency negotiator: General Services Director Janette D. Pell. Negotiating party: Signal Hills Services, Inc. and Pacific Operators Offshore, LLC. Under negotiation: price and terms of payment.

CONFERENCE WITH LABOR NEGOTIATORS  
(Subdivision (a) of Government Code section 54957.6)

- Employee organizations: all bargaining units, unrepresented employees, managers, and executives. Agency-designated representatives: County Executive Officer Mona Miyasato and Human Resources Director Lori Gentles.

**Report from Closed Session****No reportable action taken.**

**Administrative Agenda**

*All matters listed hereunder constitute a consent agenda, and will be acted upon by a single roll call vote of the Board. Matters listed on the Administrative Agenda will be read only on the request of a member of the Board or the public, in which event the matter shall be removed from the Administrative Agenda and considered as a separate item.*

**Administrative Items**

A-1) **COMMUNICATIONS FOR REFERRAL** **18-00089**

Lompoc Unified School District - Approve the request of the Lompoc Unified School District to call and give notice of an election to authorize the issuance of school bonds, establishing specifications of the election order and requesting consolidation with other elections occurring on June 5, 2018.

(APPROVE AND REFER TO THE COUNTY CLERK-RECORDER-ASSESSOR)

**A motion was made by Supervisor Lavagnino, seconded by Supervisor Adam, that this matter be Approved. The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-2) **COMMUNICATIONS FOR REFERRAL** **18-00090**

Hope School District - Approve the request of the Governing Board of the Hope School District to call and give notice of an election for an education parcel tax, establishing specifications of the election order and requesting consolidation with other elections occurring on June 5, 2018.

(APPROVE AND REFER TO THE COUNTY CLERK-RECORDER-ASSESSOR)

**A motion was made by Supervisor Lavagnino, seconded by Supervisor Adam, that this matter be Approved. The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-3) COUNTY EXECUTIVE OFFICE[18-00012](#)

Consider recommendations regarding re-ratification of the Proclamation of Local Emergency caused by drought conditions, last action January 9, 2018, (Thirty-Day Renewal), as follows:

- a) Adopt a Resolution re-ratifying the Proclamation of Local Emergency Caused by Drought Conditions that exist in Santa Barbara County pursuant to Government Code Section 8630(c);
- b) Direct the Office of Emergency Management to return monthly for re-ratification of the Emergency until such a time that weather and water supply conditions dictate otherwise; and
- c) Determine that this project was found by your Board to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant State CEQA Guidelines Sections 15061(b) (3) and 15269(a), and that the proposed actions are within the scope of the prior CEQA exemption.

**A motion was made by Supervisor Lavagnino, seconded by Supervisor Adam, that this matter be Acted on as follows:**

**a) Adopted.**

**RESOLUTION NO. 18-23**

**b) Directed; and**

**c) Approved.**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-4) COUNTY EXECUTIVE OFFICE[18-00092](#)

Consider recommendations regarding the Thomas Fire/Storm Incident Update and Local Proclamation re-ratification, as follows:

- a) Adopt a Resolution re-ratifying the Proclamations of Local Emergencies related to the Thomas Fire and subsequent Storm Emergency declared by the Director of Emergency Services on December 8, 2017, and January 8, 2018, respectively, when the Board of Supervisors was not in session, pursuant to Government Code Section 8550 et. seq. and Chapter 12, Section 12-5(a) of the Santa Barbara County Code, now combined and re-named Thomas Fire/Storm Incident;
- b) Direct the Office of Emergency Management to return monthly for re-ratification of the Emergency until such time that the response and recovery conditions dictate otherwise; and

c) Determine the above actions are not a “Project” within the meaning of the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(5) of the CEQA Guidelines, because the actions consist of organizational or administrative activities of the government that will not result in direct or indirect physical changes in the environment.

**A motion was made by Supervisor Lavagnino, seconded by Supervisor Adam, that this matter be Acted on as follows:**

**a) Adopted.**

**RESOLUTION NO. 18-24**

**b) Directed; and**

**c) Approved.**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

**A-5) DISTRICT ATTORNEY**

**18-00085**

Consider recommendations regarding the renewal of an Agreement with the California Department of Insurance for Life and Annuity Consumer Protection Program Grant, Fiscal Year 2017 - 2018, as follows:

a) Adopt a Resolution authorizing the District Attorney to execute a Grant Award Agreement with the California Department of Insurance for the Life and Annuity Consumer Protection Program Grant for the period of July 1, 2017 through June 30, 2018 in the amount of \$97,889.00; and

b) Determine that the above action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4), because it consists of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

**A motion was made by Supervisor Lavagnino, seconded by Supervisor Adam, that this matter be Acted on as follows:**

**a) Adopted.**

**RESOLUTION NO. 18-25**

**b) Approved.**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-6) GENERAL SERVICES

18-00031

Consider recommendations regarding ERG Operating Company, LLC Foxen Petroleum Pipeline (R/P File No.: 003822), Santa Maria, Fifth District, as follows:

a) Approve the adoption (Second Reading) of the Ordinance granting the Public Pipeline Franchise to ERG to facilitate ERG’s Foxen Petroleum Pipeline Project; and

b) Find that pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162, there are no substantial changes proposed in the recommended actions regarding a public franchise for the Foxen Petroleum Pipeline Project that will require major revisions to the Environmental Impact Report (13EIR-00000-00002), certified by the Santa Barbara County Planning Commission on March 11, 2015, on file with the State Clearinghouse as file No. 2013061011; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance that has come to light regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures; and therefore approval of the recommended actions is within the scope of the project covered by the previously certified EIR and no new environmental document is required.

**A motion was made by Supervisor Lavagnino, seconded by Supervisor Adam, that this matter be Acted on as follows:**

**a) Adopted.**

**ORDINANCE NO. 5021**

**b) Approved.**

**The motion carried by the following vote:**

**Ayes:**        5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-7) GENERAL SERVICES18-0086

Consider recommendations regarding a Resolution Declaring Forfeiture of the Public Franchise Agreement with Ellwood Pipeline, Inc., for New Line 96, Santa Barbara (R/P File No.: 003552), Third District, as follows:

a) Approve and authorize the Chair to execute the Resolution Declaring the Forfeiture of Public Franchise Agreement, which:

i) Declares the forfeiture of the County's public franchise agreement with Ellwood Pipeline Inc., a wholly-owned subsidiary of Venoco, Inc. (collectively "Venoco"), which has been previously rejected by Venoco in bankruptcy proceedings and relates to the currently idled common carrier pipeline known as New Line 96, which consists of approximately 8 ½ miles of pipeline located within the unincorporated area of the County of Santa Barbara, through certain County roadway along Calle Real Road; and

ii) Thereby makes payable to the County the \$100,000.00 bond posted by Venoco pursuant to the public franchise agreement; and

b) Determine that the proposed action of terminating the franchise agreement is not a "Project" as defined in the California Environmental Quality Act (CEQA) guidelines, Section 15378, finding that the action consists of government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and is therefore exempt from further review under CEQA.

**A motion was made by Supervisor Lavagnino, seconded by Supervisor Adam, that this matter be Acted on as follows:**

**a) i) and ii) Adopted; Chair to execute;**

**RESOLUTION NO. 18-26**

**b) Approved.**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino



A-8) HUMAN RESOURCES

18-00091

Consider recommendations regarding side letters authorizing use of vacation during the storm related disaster by employees with less than six months continuous employment, as follows:

- a) Approve the side letters which authorize the use of vacation during the storm related disaster by employees with less than six months continuous employment, and grant the same exception to unrepresented management and confidential employees; and
  
- b) Determine pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4) that the above action is a government fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and therefore is not a project subject to environmental review.

**A motion was made by Supervisor Lavagnino, seconded by Supervisor Adam, that this matter be Acted on as follows**

**a) and b) Approved**

**The motion carried by the following vote:**

**Ayes:**        5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-9) PROBATION

18-00083

Consider recommendations regarding a Federal Fiscal Year (FFY) 2017-2018 Contract with the University of California, Santa Barbara, for research, and data collection and analysis services under the Reducing Racial and Ethnic Disparity (R.E.D.) Grant, as follows:

a) Approve and authorize the Chair to execute the Agreement for Services of Independent Contractor with the University of California, Santa Barbara (UCSB) to provide research, data collection, and analysis services for FFY 2017-2018, with a total contract amount not to exceed \$75,000.00; and

b) Determine that the approval of the Agreement is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), finding that this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment, the activity is not subject to CEQA, and direct staff to file a Notice of Exemption.

**A motion was made by Supervisor Lavagnino, seconded by Supervisor Adam, that this matter be Acted on as follows:**

**a) Approved and authorized; Chair to execute; and**

**b) Approved.**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-10) SOCIAL SERVICES18-0084

Consider recommendations regarding a First Amendment to the Agreements with Goodwill Industries of Ventura and Santa Barbara Counties for Career Pathways for Youth Services, as follows:

- a) Approve and authorize the Chair to execute the First Amendment to the Agreement with Goodwill Industries of Ventura and Santa Barbara Counties (a local vendor) to extend Youth Recruitment and Case Management Services not to exceed \$65,000.00 for the period of October 1, 2016 through December 31, 2018;
- b) Approve and authorize the Chair to execute the First Amendment to the Agreement with Goodwill Industries of Ventura and Santa Barbara Counties (a local vendor) to extend Work Experience Coordination Services not to exceed \$39,000.00 for the period of October 1, 2016 through December 31, 2018;
- c) Approve and authorize the Chair to execute the First Amendment to the Agreement with Goodwill Industries of Ventura and Santa Barbara Counties (a local vendor) to extend Customer Service Certification Training not to exceed \$50,000.00 for the period of October 1, 2016 through December 31, 2018;
- d) Approve and authorize the Chair to execute the First Amendment to the Agreement with Goodwill Industries of Ventura and Santa Barbara Counties (a local vendor) to extend Employment and Career Connection Services not to exceed \$96,000.00 for the period of April 04, 2017 through December 31, 2018; and
- e) Determine that the approval and execution of the above Agreements are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), finding that the approval and execution of the Agreements are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activities are not subject to CEQA.

**A motion was made by Supervisor Lavagnino, seconded by Supervisor Adam, that this matter be Acted on as follows:**

**a) through d) Approved and authorized; Chair to execute; and**

**e) Approved.**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

**Resolutions to be Presented**

A-11) SUPERVISOR WILLIAMS [18-0088](#)

Adopt a Resolution of Commendation honoring Stacy Rosenberger, Jenn Adame, Nancy Silha, Norma Venegas and Hortensia Cruz of the Public Health Department as the February 2018 Employees of the Month in Santa Barbara County.

**A motion was made by Supervisor Hartmann, seconded by Supervisor Wolf, that this matter be Adopted.**

**RESOLUTION NO. 18-27**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-12) SUPERVISOR HARTMANN [18-0087](#)

Adopt a Resolution proclaiming the month of February 2018 as National Children’s Oral Health Awareness Month in Santa Barbara County.

**A motion was made by Supervisor Hartmann, seconded by Supervisor Wolf, that this matter be Adopted.**

**RESOLUTION NO. 18-28**

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

**Public Comment Period**

*Persons desiring to address the Board must complete and deliver to the Clerk the form which is available at the Hearing Room entrance prior to the commencement of this comment period. THE PUBLIC COMMENT PERIOD IS RESERVED FOR COMMENT ON MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD OF SUPERVISORS. EACH PERSON MAY ADDRESS THE BOARD FOR UP TO THREE MINUTES AT THE DISCRETION OF THE CHAIR, FOR A TOTAL PUBLIC COMMENT PERIOD OF NO MORE THAN 15 MINUTES. (Resolution No. 09-368) (18-00001)*

*WHEN TESTIFYING BEFORE THE BOARD OF SUPERVISORS, PERSONAL ATTACKS AND OTHER DISRUPTIVE BEHAVIOR ARE NOT APPROPRIATE.*

**Re: County Permitting Process - Ed Kalasky addressed the Board.**

**Departmental Agenda**  
**Planning Items and Public Hearings**

1) TREASURER-TAX COLLECTOR

18-00081

HEARING - Consider recommendations regarding the issuance of bonds by the Housing Authority of the County of Santa Barbara (Housing Authority) for financing the new construction development of The Residences at Depot Street, consisting of 80 units of affordable multifamily housing for individuals and families with special needs in the County of Santa Barbara (County), as follows: (EST. TIME: 10 MIN.)

a) Hold a public hearing in compliance with the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) regarding the Housing Authority of the County of Santa Barbara's plan to issue Private Activity Bonds, specifically multifamily housing revenue bonds (Bonds) for The Residences at Depot Street, and consider public comment;

b) Adopt a Resolution of the Board of Supervisors of the County of Santa Barbara approving the issuance of multifamily housing revenue bonds for The Residences at Depot Street by the Housing Authority of the County of Santa Barbara, in an amount not-to-exceed \$25,000,000.00; it is the purpose and intent of the Board of Supervisors that this Resolution constitute approval of the Bonds for the purposes of Section 147(f) of the Code;

c) Authorize and direct, jointly and severally, the officers of the County to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby; and

d) Determine that the above actions for The Residences at Depot Street are not approvals of a project subject to environmental review under the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(4) of the CEQA Guidelines.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

*HEARING TIME: 9:33 AM - 9:35 AM (2 MIN.)*

**Received and filed staff presentation and conducted public hearing.**

**A motion was made by Supervisor Wolf, seconded by Supervisor Adam, that this matter be acted on as follows:**

**a) Conducted public hearing;**

**b) Adopted;**

**RESOLUTION NO. 18-29**

**c) Authorized and directed; and**

**d) Approved.**

**The motion carried by the following vote:**

**Ayes:**        5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

2) TREASURER-TAX COLLECTOR18-00082

HEARING - Consider recommendations regarding the issuance of bonds by the Housing Authority of the County of Santa Barbara (Housing Authority) for financing the acquisition and rehabilitation of Parkside Gardens Apartments, consisting of 48 units of affordable multifamily housing for seniors in the County of Santa Barbara (County), as follows: (EST. TIME: 10 MIN.)

a) Conduct a public hearing in compliance with the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) regarding the Housing Authority of the County of Santa Barbara's plan to issue Private Activity Bonds, specifically multifamily housing revenue bonds (Bonds) for Parkside Gardens Apartments, and consider public comment;

b) Adopt a Resolution of the Board of Supervisors of the County of Santa Barbara approving the issuance of multifamily housing revenue bonds for Parkside Garden Apartments by the Housing Authority of the County of Santa Barbara, in an amount not-to-exceed \$8,000,000.00; it is the purpose and intent of the Board of Supervisors that this Resolution constitute approval of the Bonds for the purposes of Section 147(f) of the Code;

c) Authorize and direct, jointly and severally, the officers of the County to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution and the financing approved hereby; and

d) Determine that the above actions for the existing Parkside Gardens Apartments are not approvals of a project subject to environmental review under the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(4) of the CEQA Guidelines.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

*HEARING TIME: 9:36 AM - 9:39AM (3 MIN.)*



Received and filed staff presentation and conducted public hearing.

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

a) Conducted Public Hearing;

b) Adopted;

RESOLUTION NO. 18-30

c) Authorized; and

d) Approved.

The motion carried by the following vote:

**Ayes:**        5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

3) PLANNING AND DEVELOPMENT18-00066

HEARING - Consider the recommendations of the County and Montecito Planning Commissions regarding Case Nos. 17ORD-00000-00004, 17ORD-00000-00009, and 17ORD-00000-00010 which would amend, respectively the County Land Use and Development Code (LUDC), the Montecito Land Use and Development Code (MLUDC), and the Article II Coastal Zoning Ordinance (CZO), to establish regulations for cannabis; to consider the recommendation of the County Planning Commission to approve Case No. 18ORD-00000-00001 amending and partially rescinding Article X, Medical Marijuana Regulations; to consider the recommendation of the Agricultural Advisory Preserve Committee to approve Case No. 17ORD-00000-00019 for amendments to the Uniform Rules for Agricultural Preserves and Farmland Security Zones; and to submit a Resolution transmitting Case No. 17ORD-00000-00010 (CZO) to the Coastal Commission, as follows: (EST. TIME: 3 HR.)

## a) California Environmental Quality Act (CEQA):

- i) Determine that the adoption of the Coastal Zoning Ordinance amendments, Case No. 17ORD-00000-00010, is exempt from CEQA pursuant to CEQA Guideline section 15265;
- ii) Make the required findings for approval for the proposed Ordinances and Resolutions, including CEQA findings and the statement of overriding considerations; and
- iii) Certify the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) and the associated revision letter for Case Nos. 17ORD-00000-00004, 17ORD-00000-00009, 17ORD-00000-00019, and 18ORD-00000-00001, and adopt the mitigation monitoring and reporting program as incorporated in the above referenced Ordinances pursuant to the State CEQA Guidelines;

## b) Santa Barbara County Code Amendments:

- i) Adopt an Ordinance (Case No. 17ORD-00000-00004) amending Section 35-1 of the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code;
- ii) Adopt an Ordinance (Case No. 17ORD-00000-00010) amending Section 35 of the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code;
- iii) Adopt an Ordinance (Case No. 17ORD-00000-00009) amending Section 35-2 of the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code; and
- iv) Adopt a Resolution and an Ordinance (Case No. 17ORD-00000-00019) amending the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones;

## c) Article X Amendment and Partial Rescission:

- i) Adopt an Ordinance (Case No. 18ORD-00000-00001) amending and partially rescinding Article X, Medical Marijuana Regulations, of Chapter 35, Zoning, of the County Code;

d) Resolution Transmitting Case No. 17ORD-00000-00010 Coastal Zoning Ordinance to the Coastal Commission:

i) Adopt a Resolution transmitting Case No. 17ORD-00000-00010 Coastal Zoning Ordinance to the Coastal Commission for certification by the California Coastal Commission as an amendment to Santa Barbara County’s certified Local Coastal Program;

ii) Find that transmittal of the Resolution is an administrative activity of the County, which will not result in direct or indirect physical changes in the environment and is therefore not a “project” as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5); and

iii) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the Coastal Commission.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: POLICY

*HEARING TIME 9:35 AM - 7:35 PM (10 HRS.)*

**Received and filed staff presentation and conducted public hearing.**

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

**Conceptually approved County Planning Commission recommendations set forth in the memo dated January 31, 2018 as amended at the hearing by the Board of Supervisors and referenced in the chart labeled "Motion Attachment A dated February 6, 2018."**

**The motion carried by the following vote:**

- Ayes:** 4 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, and Supervisor Lavagnino
- Noes:** 1 - Supervisor Adam

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

a) i through iii) Approved and certified;

b) i through iv) Acted on as amended in Motion Attachment A dated February 6, 2018 as presented to the Board of Supervisors at the hearing of February 6, 2018 including additional amendments as follows:

Footnote (2) on Page 40 of Attachment 2, Land Use Development Code to read as follows:

"The cannabis operation shall not be located within 750 feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premise property, without regard to intervening structures"; and

Add a new Sub-Section 13. on Page 5 of Attachment 3, Coastal Zoning Ordinance, to read as follows:

"Cannabis, Distribution, subject to the provisions of Section 35-144U."

i) Adopted;

ORDINANCE NO. 5022

ii) Adopted;

ORDINANCE NO. 5023

iii) Adopted;

ORDINANCE NO. 5024

iv) Continued to March 13, 2018;

c) i) Adopted; and

ORDINANCE NO. 5025

d) i) through iii) Acted on as follows:

i) Adopted;

RESOLUTION NO. 18-31

ii) Approved; and

iii) Directed.

Further directed staff to return on March 13, 2018 for consideration of Uniform Rules Amendments and to consider capping retail permits to 8 with a maximum of two per district.

**The motion carried by the following vote:**

**Ayes:** 4 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, and Supervisor Lavagnino

**Absent:** 1 - Supervisor Adam

4) COUNTY EXECUTIVE OFFICE[18-00080](#)

HEARING - Consider recommendations regarding Cannabis Tax Ballot Measure, as follows:  
(EST. TIME: 2 HR.)

OPTION 1 - General Tax Measure: (4/5 Vote Required)

a) Receive and consider a report from staff regarding placing a measure on the June 5, 2018 Primary Election ballot establishing a possible Cannabis Operations General Tax on gross receipts at rates of 1% for nursery operations; 1% for distributor (excluding distributor transport only) operations; 3% for manufacturing operations; 4% for cultivation operations; 6% for retailer operations; and 6% for microbusiness operations; and a cap of 8% for each person engaged in three or more of the cannabis operations in lieu of each individual tax on operations established above, either in the unincorporated areas of the County or countywide;

b) Consider the introduction (First Reading) of an Ordinance of the Board of Supervisors of the County of Santa Barbara Adding Chapter 50A to the Santa Barbara County Code, imposing a Tax on Cannabis Operations;

c) Read title: "Ordinance of the Board of Supervisors of the County of Santa Barbara Adding Chapter 50A to the Santa Barbara County Code, Imposing a Tax on Cannabis Operations," and waive reading of the Ordinance in full;

d) Set a hearing on the Administrative Agenda for February 13, 2018 to consider recommendations, as follows:

i) Consider the adoption (Second Reading) of an Ordinance Adding Chapter 50A to the Santa Barbara County Code, Imposing a Tax on Cannabis Operations; and

ii) Consider the adoption of a Resolution proposing to impose a tax on cannabis operations, submitting the proposed Ordinance and ballot language to the electorate for approval, and requesting and ordering consolidation with the June 5, 2018 Primary Election;

e) Appoint member(s) of the Board of Supervisors to draft, on behalf of the Board, an argument in favor of the Tax on Cannabis Operations ballot measure and return to the Board for consideration prior to February 28, 2018; and

f) Determine that the above actions are not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) of the CEQA Guidelines because they consist of the creation of government funding mechanisms which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

## OPTION 2 - Special Tax Measure: (Majority Vote Required)

- a) Receive and consider a report from staff regarding placing a measure on the June 5, 2018 Primary Election ballot establishing a possible Cannabis Operations Special Tax on gross receipts at rates of 1% for nursery operations; 1% for distributor operations; 3% for manufacturing operations; 4% for cultivation operations; 6% for retailer and operations; and 6% for microbusiness operations; and a cap of 8% of gross receipts for each person engaged in three or more of the cannabis operations in lieu of each individual tax on operations established above, either in the unincorporated areas of the County or countywide;
- b) Consider the introduction (First Reading) of an Ordinance of the Board of Supervisors of the County of Santa Barbara Adding Chapter 50A to the Santa Barbara County Code, Imposing a Tax on Cannabis Operations;
- c) Read title: "Ordinance of the Board of Supervisors of the County of Santa Barbara Adding Chapter 50A to the Santa Barbara County Code, Imposing a Tax on Cannabis Operations," and waive reading of the Ordinance in full;
- d) Set a hearing on the Administrative Agenda for February 13, 2018 to consider recommendations, as follows:
- i) Consider the adoption (Second Reading) of an Ordinance Adding Chapter 50A to the Santa Barbara County Code, Imposing a Tax on Cannabis Operations; and
- ii) Consider the adoption of a Resolution proposing to impose a tax on cannabis operations, submitting the proposed Ordinance and ballot language to the electorate for approval, and requesting and ordering consolidation with the June 5, 2018 Primary Election; and
- e) Appoint member(s) of the Board of Supervisors to draft, on behalf of the Board, an argument in favor of the Tax on Cannabis Operations ballot measure and return to the Board for consideration prior to February 28, 2018; and
- f) Determine that the above actions are not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) of the CEQA Guidelines because they consist of the creation of government funding mechanisms which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

## COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

*HEARING TIME: 4:00 PM - 5:40 PM (1 HRS. 40 MIN.)*

Received and filed staff presentation and conducted public hearing.

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

Directed staff to remove the "Cap" language referenced in Section 50 A-1,a)7 of the ordinance as follows: "CAP: In no event shall any person conducting multiple of the above operations pay more than 8% of gross receipts."

The motion carried by the following vote:

**Ayes:** 4 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, and Supervisor Lavagnino

**Abstained:** 1 - Supervisor Adam

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

Approved Option 1 as follows:

a) Received and filed report. Directed that the proposed tax be a General Tax and that it be applicable only to the unincorporated areas of the County.

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

Delete Section 50 A-1,a)7 regarding cap on gross receipts.

Adoption (second reading) set for February 13, 2018 on the administrative agenda in Santa Maria.

d) i) and ii) Set for February 13, 2018 on the administrative agenda in Santa Maria.

e) Appointed Supervisor Williams and Supervisor Lavagnino.

f) Approved.

The motion carried by the following vote:

**Ayes:** 4 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, and Supervisor Lavagnino

**Noes:** 1 - Supervisor Adam

**Adjourned at 7:35 PM**

**Adjourned to**

**Tuesday, February 13, 2018**

**Joseph Centeno Betteravia Government Administration Building**

**Board Hearing Room**

**511 East Lakeside Parkway**

**Santa Maria**

**Challenges**

*IF YOU CHALLENGE A DETERMINATION MADE ON A MATTER ON THIS AGENDA IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE BOARD OF SUPERVISORS AT, OR PRIOR TO, THE PUBLIC HEARING.*

**Announcements**

*The meeting of Tuesday, February 6, 2018 will be telecast live on County of Santa Barbara TV Channel 20 at 9:00 AM, and will be rebroadcast on Thursday, February 8, 2018, at 5:00 PM and on Saturday, February 10, 2018, at 10:00 AM on CSBTV Channel 20.*

**<http://www.countyofsb.org>**