

CITY of CARPINTERIA, CALIFORNIA



August 20, 2019

Board of Supervisors
County of Santa Barbara
c/o The Clerk of the Board
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101

Delivered via email to: sbcob@co.santa-barbara.ca.us

Re: Proposed Chapter 50 Licensing of Commercial Cannabis Operations Ordinance Amendments

Dear Honorable Board of Supervisors:

I am writing on behalf of the City of Carpinteria (City) regarding the proposed amendments to Chapter 50 of the Santa Barbara County (County) Code titled "Licensing of Cannabis Operations" (Business License Ordinance). The City appreciates your efforts to address the City's concerns, raised in the City's June 17, 2019 letter, about the unintended public health, safety and welfare impacts resulting from commercial cannabis cultivation in the Carpinteria Valley.

As outlined in the City's June 17, 2019 letter, the City remains concerned with the County's enforcement capabilities to ensure that City residents do not bear the odor, noise, light and other nuisance impacts from commercial cultivation of cannabis. As you may recall, the City specifically requested that the County:

"Amend [its] Ordinance to Require Immediate Implementation of Effective Odor Control, Lighting, and Noise Plans. Establish a requirement for pending County permit applicants with legal nonconforming cannabis cultivation operations to immediately implement odor control systems, lighting plans, and noise plans that meet the County standards by a finite deadline, and once said plans are operational, require quarterly monitoring by County staff to ensure ongoing compliance. The odor control plan should also assign County Planning staff as the designated recipient to receive odor complaints rather than the cannabis cultivators themselves." (City's June 17, 2019 letter, p. 2.)

The proposed amendments to the County's Business License only partially address the City's concerns. The relevant portion of the amended Business License Ordinance, if adopted, would read:

"If the Applicant holds a State Provisional Cannabis Cultivation license(s) and is growing cannabis then a statement by the Applicant that the Applicant will demonstrate the operation of their odor control system(s) after obtaining a final issued land use entitlement and during the business license application review process as required in County Code § 50-25 (a)(3). Failure to adequately demonstrate that the odor control system(s) is operating in compliance with County Code § 50-25 (a)(3) is grounds for denial of a business license in accordance with Section 50-17." (Business License Ordinance, §50-8(b)(1)(iv).)

This proposed amendment to the County's Business License Ordinance is a positive step, but it does not adequately address the City's concerns on the impacts of nonconforming commercial cannabis cultivation operations on City residents. To address the City's concerns, the amendment must require cultivators to demonstrate the effective operation of lighting and noise plans, in addition to odor control, at the start of the County's business license application review process.

Further, the Business License Ordinance must include monitoring to ensure cultivators continued compliance during the business licensing process, and after approval as a condition of a business license. Although the City appreciates that the County will deny business licenses for operators that fail to adequately comply with the County's regulations (Business License Ordinance, §50-8(b)(1)(iv)), the County must enforce these requirements through monitoring. The County simply cannot rely solely on complaints from the public to enforce its regulations. The County must demonstrate it can enforce its regulations during the permit processing, and after, for the public to be confident that the County can address potential nuisance impacts from commercial cannabis cultivation.

The City strongly believes lighting and noise plans, and monitoring requirements must be included as amendments to the County's Business License Ordinance to begin eliminating impacts to the City's residents as soon as possible.

In addition to the Business License Ordinance amendments, the City looks forward to the County addressing the City's other concerns in its July 17, 2019 letter through future amendments to the County's Land Use and Development Code. Namely, the City looks forward to amendments that:

- Require commercial cannabis cultivation operations to obtain a Conditional Use Permit (CUP);
- Address the over-concentration of commercial cannabis cultivation operations in certain areas;
- Develop buffers from sensitive receptors, including residential zoned properties, where the buffer distance is measured from property line to property line; and
- Initiate regulations on hemp cultivation.

The City continues to believe these amendments to the County Land Use and Development Code are necessary to protect the City's residents from the public health, safety and welfare impacts associated with commercial cannabis and hemp production.

Thank you for revisiting the County's Business License Ordinance. The City hopes the County will continue taking meaningful action to address cannabis impacts through amendments to the County's Business License Ordinance and Cannabis Regulations in the County Land Use and Development Code.

Sincerely,



Steve Goggia
Community Development Director

CC: Nick Bobroff, Senior Planner
Dave Durlinger, City Manager
Mayor Wade Nomura
Carpinteria City Councilmembers