

CITY of CARPINTERIA, CALIFORNIA



June 24, 2019

Members of the City Council

Honorable Steve Lavagnino, Chair
Santa Barbara County Board of Supervisors
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101

Wade T. Nomura - *Mayor*
Al Clark - *Vice Mayor*
Fred Shaw
Gregg A. Carty
Roy Lee

Re: Commercial Cannabis Activities in Carpinteria Valley

Honorable Chair Lavagnino:

I am writing on behalf of the City of Carpinteria (City) City Council regarding the substantial impacts to Carpinteria residents resulting from ongoing cannabis activities within the County of Santa Barbara's (County) jurisdiction, specifically within the Carpinteria Valley. As you are aware, nearby residents, including City residents, bear the impacts of the County's expanding cannabis industry in the Carpinteria Valley, many of which are the unintended consequences of the County's efforts to regulate an unprecedented industry.

The attached City Resolution No. 5901 establishes a record of the issues and impacts experienced by Carpinteria residents and the resulting need for action by the County. It also reflects our conclusion that the County's approach to enforcement and regulation must change in order to effectively address issues and impacts our community is experiencing.

Of critical concern is the County's enforcement capability. To date, the City has been experiencing crime and nuisances associated with the County's permitting scheme. The County's investment in enforcement must be increased to match the amount and sophistication of illegal activity currently being experienced both within the City and across the greater Carpinteria Valley. The City requests that the County immediately initiate the following enforcement efforts:

Require Compliance with Odor Control Regulations. Conduct investigations as necessary to identify all odor emitting cannabis facilities, including locations where applications for permits/licenses have been filed with the County, and issue orders to cease operations until such time as the facility can demonstrate compliance with county regulations, including the County's odor control standards as codified in Article II, Coastal Zoning Ordinance, Section 34-144U(C)(6).

Shut Down Illegal Expansion of Nonconforming Uses. Identify and inspect all cannabis activities operating pursuant to the County's legal nonconforming use provisions (Article II, Coastal Zoning Ordinance, section 35-160) and issue cease and desist letters to operators of facilities determined to have violated Article X by illegally expanding their premises and/or completing improvements beyond those described in their affidavits. As part of compliance investigations, County should also validate the permitted status of all structures being used as part of the cultivation facilities.

The City also strongly supports the County Board of Supervisor's (Board) initiation of amendments to County Cannabis regulations and, in particular, supports the County Planning Commission's motion to recommend the Board require a Conditional Use Permit (CUP) subject to public hearing by the Planning Commission for all cannabis cultivation activities occurring on AG-I zoned parcels of 20 acres in size or less, including such parcels located within the Coastal Zone. Accordingly, the City requests the County to immediately initiate the following amendments:

Require CUP for all Cannabis Operations on AG-I Zoned Parcels. Require that all commercial cannabis applications on properties zoned AG-I, county-wide, including within the Coastal Zone, be approved only after a noticed public hearing before the County Planning Commission and issuance of a Conditional Use Permit. Such an approach would assist the County Planning Commission in imposing enforceable conditions of approval, particularly for odor control mitigation measures, and would allow for greater public participation by affected neighbors of proposed commercial cannabis facilities.

Amend 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.

Address Clustering of Cannabis Activities in Carpinteria Valley. Establish standards to address over-concentration of cannabis activities in the Carpinteria Valley. Possible measures could include, but are not limited to, adopting cultivation acreage caps on the size of individual cultivation operations, and requiring minimum separation requirements between cultivation operations. Such actions would serve to prohibit an over-concentration of cultivation activities in a constricted area.

Amend and Expand Buffer Requirement. Amend the County's sensitive receptors buffer requirements as follows:

- Revise the method for measuring the required sensitive receptors buffer to instead be measured from property line of the lot upon which the sensitive receptor is located to the property line of the lot upon which the commercial cannabis activity is located, without regard to intervening structures;
- Extend the required buffer from its current 750 feet to 1,000 feet; and
- Expand the qualifying sensitive receptors to include properties zoned for residential use, irrespective of within which jurisdiction said residential areas are located.

Initiate Regulations on Hemp Cultivation. In addition to cannabis, industrial hemp cultivation threatens to have similar impacts on both the Carpinteria Valley and City residents. Therefore, the City requests that the County initiate work on regulations and licensing for commercial hemp cultivation.

Once again, thank you for the County's willingness to remain engaged on cannabis issues. We want to acknowledge and thank the County for publicly opposing Senate Bill 67 in its May 14, 2019 letter to Assembly Member Susan Eggman. At the local level, we recognize that resolving the above matters will require a careful balancing of competing regulatory and policy interests, but we maintain that the current situation is untenable and requires meaningful action on the part of the County to ameliorate the impacts on Carpinteria residents. The City looks forward to continuing this discussion.

Yours,



Wade Nomura, Mayor
City of Carpinteria

Enc. City Council Resolution No. 5901

Cc. ✓ City Council Members
Dave Durflinger, City Manager
California Coastal Commission

RESOLUTION NO. 5901

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA REQUESTING THE COUNTY OF SANTA BARBARA BOARD OF SUPERVISORS TO TAKE ACTION TO MITIGATE THE IMPACTS OF CANNABIS ACTIVITIES IN THE CARPINTERIA VALLEY ON THE PUBLIC HEALTH, SAFETY, AND WELFARE OF CARPINTERIA RESIDENTS

WHEREAS, the City of Carpinteria (City) falls entirely within the Coastal Zone and is uniquely situated between the Pacific Ocean and the open-field agricultural "greenbelt" of the Carpinteria Valley (Valley) within the unincorporated Santa Barbara County (County). In addition to the City's small, beach town character, this open-field agricultural "greenbelt" is one of the most important attributes of the area that helps define the character of both the City and the southern portion of the County; and

WHEREAS, the City has an extensive history with the County, working in close collaboration regarding land use issues that affect the City and the greater Carpinteria Valley, including the creation of the Carpinteria Agricultural Overlay District; and

WHEREAS, during the County's consideration of commercial cannabis regulations, the City has repeatedly expressed its concern regarding the impacts and unintended consequences of permitting commercial cannabis activities within the Valley, particularly those in close proximity to the City's jurisdictional boundaries, including odor, traffic, noise, lighting, public safety, over-concentration of cannabis activities, and the potential for serious public health, safety and welfare issues; and

WHEREAS, throughout the County's extensive public hearing process, the City made numerous requests, attended public meetings, submitted written comments, and/or met with County or California Coastal Commission staff on August 10, 2017, November 14, 2017, December 12, 2017, January 19, 2018, January 29, 2018, February 6, 2018, February 23, 2018, March 19, 2018, April 5, 2018, July 23, 2018, August 22, 2018, September 17, 2018, October 5, 2018, October 8, 2018, October 10, 2018 and April 16, 2019, expressing concerns and offering to assist the County in developing cannabis regulations given the City's local knowledge and unique position to experience direct impacts from cannabis operations in the Valley; and

WHEREAS, the City of Carpinteria has expended significant staff resources and consultant services in reviewing and commenting upon the County's cannabis regulations in an attempt to ensure Carpinteria's concerns were adequately met, and since effectuation of the regulations, the City has continued to devote

significant staff time to researching, monitoring, and acting upon community concerns with respect to cannabis activities in the Valley; and

WHEREAS, the County's overly permissive commercial cannabis regulatory program has allowed for a proliferation and overconcentration of commercial cannabis cultivation operations in Carpinteria Valley, as evidenced by 187 of the State's 1,562 current provisional licenses, equivalent to approximately 12% of all provisional licenses statewide, having been issued to Carpinteria Valley cannabis cultivation operations despite the Carpinteria Valley comprising only 0.007% of the State's land area; and 34 of the 115 countywide currently pending or approved cannabis permit applications, equivalent to 30% of the permit applications, being concentrated in the Carpinteria Valley despite the Carpinteria Valley comprising only 0.3% of the County's land area; and

WHEREAS, the County Board of Supervisors has largely ignored the City's requests and downplayed the health, safety and welfare impacts of such intense commercial cannabis grow operations adjacent to City and Valley residents, even though residents have reported numerous odor complaints and associated health concerns since early in 2016; and

WHEREAS, the complaints have not diminished, and on the contrary, have grown substantially amid a firestorm of public protest appearances at City and County public meetings, reams of protest letters, social media, and news articles criticizing the County's cannabis regulations and attitude towards addressing the public health, safety and welfare issues; and

WHEREAS, many Carpinteria residents report ill effects, such as headaches, nausea and severe allergy or asthma-like symptoms, related to pungent cannabis odors and must take extreme measures to prevent the odor from constantly permeating their homes; and

WHEREAS, City and Valley residents located adjacent to cannabis cultivation facilities suffer ongoing nuisances resulting from operational noise and lighting associated with cultivation operations; and

WHEREAS, the City has received testimony that the above-described nuisance impacts associated with cannabis cultivation in the Valley are having a detrimental impact on visitor-serving commercial activity, discouraging tourism to Carpinteria and economic activity for some area businesses; and

WHEREAS, the City has received testimony suggesting that commercial cannabis cultivation operations in the Valley threaten the long-term viability of other established open field agricultural crops, including avocados, due to potential concerns over cross-contamination between adjacent uses; and

WHEREAS, incidents of crime related to cannabis operations in the Valley have been on the rise affecting not only the cannabis growers but neighbors and innocent bystanders having nothing to do with the cannabis industry; and

WHEREAS, the mostly unchecked proliferation of cannabis cultivation activities in the Valley is incrementally degrading the rural character of the Valley as a result of new or augmented security fencing, employee parking demands, unpermitted construction and improvements, new and more intensive lighting, and an increased security presence on area roadways, including but not limited to Casitas Pass Road, Foothill Road, Cravens Lane and Via Real; and

WHEREAS, all of these negative impacts, and more, can have an adverse impact on Carpinteria property values.

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The recitals above are true and correct.

SECTION 2. The City of Carpinteria finds that the current County regulatory and enforcement actions are inadequate and that cannabis activities are having a negative effect on, or are threatening, public health, safety and welfare, elements of the local economy, property values, and the established rural, small beach town character in the City of Carpinteria and the greater Carpinteria Valley.

SECTION 3. The City Council requests that the County take action immediately to address the above-described issues related to cannabis activity in the Carpinteria Valley.

SECTION 4. The City Council commits to working with the County Board of Supervisors to help craft amendments to the County's cannabis regulations to address the aforementioned unintended consequences.

PASSED, APPROVED AND ADOPTED on this 17th day of June, 2019, by the following vote:

AYES: COUNCILMEMBER(S): CARTY, LEE, SHAW, CLARK, NOMURA

NOES: COUNCILMEMBER(S): NONE

ABSENT: COUNCILMEMBER(S): NONE

ABSTAIN: COUNCILMEMBER(S): NONE



Mayor, City of Carpinteria

ATTEST:



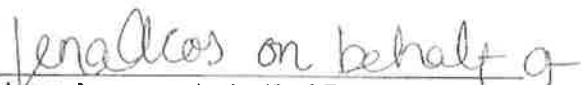
City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was adopted at a regular meeting of the City Council of the City of Carpinteria held on June 17, 2019.



City Clerk, City of Carpinteria

APPROVED AS TO FORM:



Jena Acos, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney of the City of Carpinteria