



Agenda Item A.1
DISCUSSION/ACTION ITEM
Meeting Date: July 2, 2019

TO: Mayor and Councilmembers

FROM: Peter T. Imhof, Planning and Environmental Review Director

CONTACT: Anne Wells, Advance Planning Manager

SUBJECT: Consider a Resolution and Comment Letter Concerning the Santa Barbara County Cannabis Land Use Ordinance

RECOMMENDATION:

- A. Adopt a Resolution No. 19-__ entitled, "A Resolution of the City Council of the City of Goleta, California, Requesting the County of Santa Barbara Take Immediate Action to Address and Mitigate the Impacts of Outdoor Cannabis Cultivation in AG-1 and AG-II Zoning Districts Abutting or in Close Proximity to the Urban-Rural Interface in County Unincorporated Lands" (Attachment 1).
- B. Authorize the Mayor to sign a comment letter to the County of Santa Barbara (Attachment 2).

BACKGROUND:

Cannabis activities allowed in California are controlled, primarily, by the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) passed by the California legislature in 2017. MAUCRSA creates the framework for commercial medicinal and adult use cannabis activities previously approved by California voters. Cities and counties have authority under the law to establish local regulations for most cannabis activities. The County of Santa Barbara (County) has adopted a Cannabis Land Use Ordinance regulating cannabis activities in the unincorporated areas of the County, including cannabis cultivation on both Ag-I and Ag-II lands adjacent to the City of Goleta.

The City of Goleta previously provided extensive comments to the County during its legislative process because outdoor cannabis cultivation uses have the potential to impact residents and businesses within the City. More specifically, the City requested an outright prohibition of cultivation and accessory uses on AG-1 parcels and a significant setback from residential zones on AG-II parcels. City comment letters are provided in Attachment 3.

On February 27, 2018, the County adopted cannabis land use regulations that allow cannabis uses in the County with a Land Use Permit, Coastal Development Permit, or Conditional Use Permit. Since adoption, a number of cannabis operations, including outdoor cultivation, have been proposed or permitted adjacent to or in the vicinity of the City. The number of complaints has increased significantly over the past year in response to the impacts associated with County cannabis uses.

The City of Carpinteria adopted a similar resolution on June 17, 2019 and has requested the City of Goleta and other jurisdictions join it in requesting that the County Board of Supervisors take immediate action to address the negative health, safety, and welfare impacts of the County's Cannabis Land Use Ordinance (Attachment 3).

DISCUSSION:

The purpose of this item is to allow for the City Council to consider a resolution and comment letter requesting that that County take action to impose restrictions on cannabis cultivation and other cannabis uses in the vicinity of the City and mitigate the negative impacts of cannabis activities on Goleta residents.

The attached resolution and comment letter express the City's concern regarding the County's cannabis land use regulations. Issues relating to County cannabis uses are listed below and described in more detail in Attachments 1 and 2:

- Cannabis Cultivation Abutting or in Close Proximity to the Urban-Rural Interface Creating Neighborhood Incompatibility Issues
- Inadequate Permitting Requirements on Abutting Parcels
- Urban-Rural Interface Protections Should Be Based on a Set Distance from the Urban Boundary, Not the Width of Abutting Parcels, Which Is Variable
- No Requirement for Odor Abatement Plan for Cannabis Cultivation in Ag-II
- Negative Economic Impacts Associated with the County's Cannabis Regulations

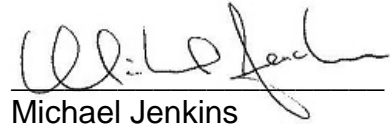
FISCAL IMPACTS:

There is no fiscal impact associated with this item.

ALTERNATIVES:

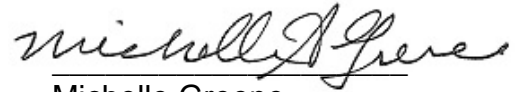
None are recommended.

Legal Review By:



Michael Jenkins
City Attorney

Approved By:



Michelle Greene
City Manager

ATTACHMENTS:

1. A Resolution of the City Council of the City of Goleta, California, Requesting the County of Santa Barbara Take Immediate Action to Address and Mitigate the Impacts of Outdoor Cannabis Cultivation in AG-1 and AG-II Zoning Districts Abutting or in Close Proximity to the Urban-Rural Interface in County Unincorporated Lands
2. City Comment Letter
3. City of Carpinteria letter, dated June 24, 2019, and Resolution No. 5901

ATTACHMENT 1:

A Resolution of the City Council of the City of Goleta, California, Requesting the County of Santa Barbara Take Immediate Action to Address and Mitigate the Impacts of Outdoor Cannabis Cultivation in AG-1 and AG-II Zoning Districts Abutting or in Close Proximity to the Urban-Rural Interface in County Unincorporated Lands

RESOLUTION NO. 19-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, REQUESTING THE COUNTY OF SANTA BARBARA TAKE IMMEDIATE ACTION TO ADDRESS AND MITIGATE THE IMPACTS OF OUTDOOR CANNABIS CULTIVATION IN AG-I AND AG-II ZONING DISTRICTS ABUTTING OR IN CLOSE PROXIMITY TO THE URBAN-RURAL INTERFACE IN COUNTY UNINCORPORATED LANDS

WHEREAS the City of Goleta (City) has an extensive history with the County of Santa Barbara (County), working in close collaboration regarding land use issues that affect the City; 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 adjacent to or in close proximity of the urban-rural interface; and

WHEREAS throughout the County's public hearing process, the City made numerous requests, attended public meetings, submitted written comments, and /or met with the County staff; and

WHEREAS the City has expended significant staff resources in reviewing and commenting on the County's cannabis regulations in an attempt to ensure Goleta's concerns were adequately met, and since effectuation of the regulations, the City continues to devote significant staff time to researching, monitoring, and acting upon community concerns with respect to cannabis activities in the Goleta vicinity; and

WHEREAS the County's overly permissive commercial cannabis regulatory program has allowed for a proliferation and overconcentration of commercial cannabis cultivation operations in the lands north of the City of Goleta; and

WHEREAS the County Board of Supervisors has largely ignored the City's requests to address land use compatibility, odor complaints, safety concerns, and economic impacts associated with County cannabis regulations; and

WHEREAS many City residents report ill effects related to pungent cannabis odors and must take extreme measures to prevent the odor from constantly permeating their homes; and

WHEREAS the City is concerned that cannabis cultivation in the vicinity of the City will have detrimental impacts on visitor-serving commercial activity, discouraging tourism to the region and economic activity for some area businesses; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, AS FOLLOWS:

SECTION 1. *Recitals.* The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. *Findings.*

- A. The City Council 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 town character in the City.
- B. The City Council requests that the County take action immediately to address the above-described issues related to cannabis activity in the Goleta area.

SECTION 3. *Action.* 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.

SECTION 4. *Reliance on Record.* Each and every one of the recommendations in this Resolution is based on the competent and substantial evidence, both oral and written. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 5. *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact

SECTION 6. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 7. *Certification.* The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 2nd day of July, 2019.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 19-__ was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 2nd day of
July, 2019, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 2:

City Comment Letter



July 2, 2019

CITY COUNCIL

Paula Perotte
Mayor

Kyle Richards
Mayor Pro Tempore

Roger S. Aceves
Councilmember

Stuart Kasdin
Councilmember

James Kyriaco
Councilmember

CITY MANAGER
Michelle Greene

Board of Supervisors
Attn. Steve Lavagnino
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Santa Barbara County Planning Commission Item for January 24, 2018 - Cannabis Land Use Ordinance (17ORD-00000-00004)

Honorable Chair Lavagnino and Supervisors:

Cannabis uses allowed in the unincorporated area of the County are impacting residents and businesses within the City of Goleta (City). The limited regulation of various cannabis cultivation and accessory uses proposed by the County within the AG-I and AG-II zoning districts fails to provide adequate protection against these impacts. Both agricultural districts abut the City, including many instances of direct adjacency to residences. As stated in our letter submitted at the February 6, 2018 County Board of Supervisors hearing, we request an outright prohibition of cultivation and accessory uses on AG-I parcels and a significant setback of at least one mile from residential zones for cannabis cultivation on AG-II parcels. We reiterate this request in view of the fact that permitted and proposed cannabis cultivation and associated uses in the County are materially and negatively impacting Goleta residents and our community as a result of the County's adopted regulations.

In addition to the compatibility issues where cultivation abuts or is in close proximity to the urban-rural interface, there are a number of other issues associated with the County's cannabis regulations. These issues are summarized below.

CUP Requirement on Abutting Parcels Is Inadequate to Protect Neighboring Residential Areas. The requirement for a Conditional Use Permit (CUP), rather than an outright prohibition, for cultivation on parcels directly abutting residential neighborhoods creates uncertainty and does not provide adequate protection for affected residential neighborhoods. This CUP requirement requires neighboring residents and affected jurisdictions, such as the City of Goleta, to remain

constantly vigilant and monitor County permit applications into the future in order to ensure cannabis cultivation does not impact them. An outright prohibition of outdoor cultivation and substantial buffer from urban areas on properties abutting and near the urban-rural interface would address incompatibilities between cannabis cultivation and residential land uses and be a much clearer, more consistent approach that ensures protection for residential areas.

Protections Should Be Based on a Set Distance from the Urban Boundary, Not the Width of Abutting Parcels, Which Is Variable. Limiting the CUP requirement for cultivation, or even an outright ban for all cultivation activities, to only AG-II parcels directly abutting the urban-rural interface results in a buffer whose width depends on the size of the abutting parcels. In some locations, the first abutting parcels are small and inadequate to protect adjacent residential areas. Cannabis cultivation on parcels not immediately adjacent to the urban/rural interface still severely impacts the residential neighborhoods in our City. Tying a CUP requirement or buffer to parcel boundaries results in differential buffer widths and inadequate protections for affected, nearby neighborhoods. For consistency of application and uniform protection, the County ordinance must state that any CUP requirement, or preferably ban, be based on a substantial set distance of at least one mile from the urban-rural interface, regardless of parcel size.

No Odor Abatement Plan for Cannabis Cultivation in Ag-II Unacceptable. Perhaps the most alarming result from the County's cannabis regulations is the removal of the requirement for an Odor Abatement Plan where a CUP is not required for a cannabis cultivation in AG-II. This change means that cultivation on AG-II parcels very near the City is allowable with a Land Use Permit (LUP) with no odor abatement required. In effect, parcels that are the second AG-II parcel back from the interface are conducting all types of cultivation with an LUP and no odor abatement. This is unacceptable to the nearby Goleta residents who must have to endure the odors.

The removal of the requirement for an Odor Abatement Plan was done in contradiction to the mitigation measure MM AQ-5 in the Final Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program (FEIR) to address Impacts AQ-5 and LU-2. Impact AQ-5 in the FEIR is a significant and unavoidable (Class I) impact resulting from cannabis activities exposing sensitive receptors to objectionable odors affecting a substantial number of people. Impact AQ-5 acknowledges the lack of a setback from residential uses and also explicitly acknowledges odor impacts emanating from greenhouses. Impact LU-2 in the FEIR notes that cannabis cultivation could result in adverse quality of life effects to existing communities. LU-2 specifically references impacts to existing communities that could result from land use conflicts related to the construction of new cannabis cultivation. Consequently, MM AQ-5 is a critical mitigation measure to address air quality and land use impacts to residences. There is no justification for the complete removal of this mitigation which was designed to address a Class I impact.

Incompatible, Intensive Accessory Uses. The County's cannabis regulations for distribution uses on AG-I require an LUP/Coastal Development Permit, an unacceptable

permit path. Cannabis distribution under the County's adopted regulations essentially allows for significant, non-agricultural industrial operations on agricultural parcels with only an LUP. These changes may lead to significant new environmental impacts that may not have been analyzed in the FEIR. These impacts include impacts to visual resources of great significance to the City and traffic impacts to the City's road network from additional trips. Changing the permit path from a LUP to a CUP would allow for analysis of impacts and necessary mitigation requirements.

Economic Concerns. The City is concerned that patronage of local hotels/motels, retail, restaurants, etc., in the Goleta area may be impacted as a result of the cannabis cultivation impacts, including odor, crime, and other negative effects of cannabis activities. Members of the public have expressed concern that residential property values would similarly be negatively affected in neighborhoods experiencing the same impacts.

In summary, we recognize that cannabis cultivation activities associated with the impacts being described are outside of the City's jurisdiction, and instead within the jurisdiction of the County. Addressing our concerns will protect the livability of our urban areas and ensure that the land uses along the boundaries of the City and County are compatible.

Thank you for considering the City's request to address its concerns. Please feel free to contact our Planning and Environmental Review Director, Peter Imhof by email at pimhof@cityofgoleta.org or by phone at 805.961.7541, if you would like to discuss our comments.

Sincerely,

Paula Perotte
City of Goleta Mayor

cc: Kyle Richards, City of Goleta Mayor Pro Tempore
Roger S. Aceves, City of Goleta Councilmember
Stuart Kasdin, City of Goleta Mayor Pro Tempore
James Kyriaco, City of Goleta Councilmember
Michelle Greene, Goleta City Manager
Peter Imhof, Planning and Environmental Review Department Director

ATTACHMENT 3:

City of Carpinteria letter, dated June 24, 2019, and Resolution No. 5901

CITY of CARPINTERIA, CALIFORNIA



June 24, 2019

Honorable Paula Perotte and Councilmembers
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Members of the City Council

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

Re: Santa Barbara County Cannabis Regulations and Enforcement -
Resolution of the City Council

Honorable Paula Perotte and Councilmembers,

I am writing to you on behalf of the City of Carpinteria City Council to ask you to consider joining the City of Carpinteria in adopting a resolution to request that the Santa Barbara County Board of Supervisors take immediate action to address unintended public health, safety and welfare impacts resulting from the implementation of the County's Cannabis Land Use Ordinance.

Thank you in advance for taking a few minutes out of your busy schedule to read through the attached City of Carpinteria resolution and letter to the Santa Barbara County Board of Supervisors. We believe the untenable situation here in the Carpinteria Valley is likely shared by other places in the County where cannabis cultivation activities are being allowed by the County in close proximity to cities or other urbanized areas. Also, because the County has initiated a process to make certain changes to its cannabis rules, we believe there exists a window of opportunity to advocate for the changes we have identified as being necessary. We believe that your city may also find that these changes are needed. By raising our voices together, we hope to bring greater attention to this important county-wide issue and to hasten much needed change.

Should you have any questions or wish to discuss this matter further, please contact our City Manager, Dave Durflinger at (805) 755-4400.

Sincerely,

Wade Nomura, Mayor
City of Carpinteria

Enc. City of Carpinteria Resolution No. 5901 and letter, dated June 24, 2019

Cc: ✓ Michelle Greene, City Manager
City Councilmembers
Dave Durflinger, City Manager

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:



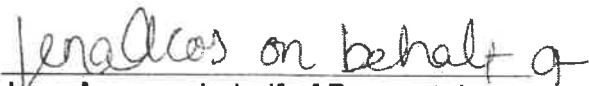
City Clerk, City of Carpinteria

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