

Public Comment Group 7



#3

de la Guerra, Sheila

From: Kendra Duncan O'Connor <sbbunnys@icloud.com>
Sent: Friday, July 12, 2019 2:02 PM
To: sbcob
Cc: Hart, Gregg; Lavagnino, Steve; Adam, Peter; Williams, Das; Hartmann, Joan; Nelson, Bob; Bozanich, Dennis
Subject: Comment for 7/16/2019 BOS Meeting
Attachments: Comment for 7162019 BOS Meeting.pdf; ATT00001.txt

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Please submit the below letter for public comment on agenda item D3 for the BOD meeting of Tuesday 7/16/2019

Thank you,

Kendra Duncan O'Connor

Chairman Lavagnino
Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, Ca. 93101

July 12, 2019

Re: Meeting of 7/16/2019 , agenda item 3. 19-0016

Chair Lavagnino and Members of the Board of Supervisors,

As residents of the Eastern Goleta Valley, we support the conceptual motion made by your board on July 9, 2019 to prohibit cannabis operations on AG I parcels of 20 acres or less in the inland area. The 4-1 approval of this motion demonstrates your understanding of the neighborhood impacts and land use conflicts arising from commercial cannabis operations within our county. We are urging you to consider a similar motion to prohibit cannabis operations on AG II parcels of 20 acres or less which are adjacent to residential neighborhoods.

Along the Urban/Rural boundary in the Eastern Goleta Valley, residential neighborhoods share property lines with parcels designated AG II 40. Yet many of these parcels are only 5, 10 or 20 acres in size, making them comparable to the AG I parcels included in your recent motion. Commercial cannabis operations on these unique parcels are incompatible with the surrounding urban area. We are asking your board to consider:

- Prohibiting all commercial cannabis operations on AG II parcels < 20 acres adjacent to the Urban/ Rural Boundary.
- Require a one mile setback from urbanized areas for all commercial cannabis operations.
- Require a setback between commercial cannabis cultivation and existing agriculture.
- Require all commercial cannabis operators seeking land use entitlement to obtain permits through approval of a Conditional Use Permit.
- Identify and revoke provisional licenses of operators who were not "Legal Non Conforming" prior to January 19, 2016.

All AG II parcels are not created equal, especially in the Eastern Goleta Valley. Land use conflicts have continued to escalate since approval of cannabis regulations in our county. Many of these issues can be resolved with restrictions on cultivation acreage, cultivation location and enforcement of existing land use policy. With sensible policies, a little humility and a little compromise, Santa Barbara County residents can coexist with the legal cannabis industry.

Sincerely,

Eastern Goleta Valley Neighborhood Organizers:

Kendra Duncan O'Connor : San Antonio Creek
Jo Ellen Watson : Park Highlands Association
Lauren Gleason : San Marcos/ Via Regina
Britt Andreatta : San Marcos/ Via Regina
Chris Sneathan, : San Marcos/ Via Regina
Anna & Jan Roestel : San Marcos / Via Regina
Karen & Nathan Field : Via Campobello
Denise Fellows : Rancho Del Ciervo
Barbara Kloos : Hope Ranch Annex/ More Mesa

de la Guerra, Sheila

From: SB Coalition for Responsible Cannabis <coalition4responsiblecannabis@gmail.com>
Sent: Friday, July 12, 2019 2:17 PM
To: Williams, Das; Hartmann, Joan; Hart, Gregg; Adam, Peter; Lavagnino, Steve
Cc: Miyasato, Mona; sbcob
Subject: Fwd: D3- Cannabis Licensing- Proposed amendments
Attachments: Proposed amendments to licensing ordinance FINAL 7 12 2019 (3).pdf

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

The Coalition for Responsible Cannabis and the Concerned Carpinterians ask that your Board consider the attached proposed amendments to the licensing ordinance at your hearing on July 16, 2019.

Our previous requests, specific to land use changes on AG-II, remain as stated in our letter submitted for the July 9 hearing. We urge you to utilize whatever tools at your disposal to insure robust buffers, and license caps on AG-II acreage be adopted to significantly reduce the ever-increasing conflicts between the unrestricted cannabis grows now allowed on AG II and the adjacent and nearby residential, existing agriculture and visitor-serving uses.

The attached proposed amendments are narrowly crafted to promptly address the nuisance impacts of ongoing cultivation.

Sincerely,
SB Coalition for Responsible Cannabis
Concerned Carpinterians

To: Board of Supervisors

From: Concerned Carpenterians and SB Coalition for Responsible Cannabis

Re: Suggested language for revisions to Cannabis Licensing Ordinance

Date of hearing: July 16, 2019

Dear Chair Lavagnino and Honorable Supervisors:

This is to provide specific suggestions for direction to staff on language revisions to the Cannabis Licensing Ordinance. While we appreciate the improvements that the Board considered on July 9, we must point out that there is no rational basis for the unequal treatment of AG-I parcels inside and outside the coastal zone, especially since priorities for protection of visitor serving recreational uses and ranching and farming are so strongly stated in the Coastal Act.

In addition, we remain concerned that odor and other impacts from cultivation on AG-II lands has not been addressed through the proposed zoning ordinance provisions, and we are concerned that amendments to the licensing ordinance described on July 9 will not be sufficient to require immediate implementation of odor controls, specifically in Carpinteria and Eastern Goleta.

We ask that you direct County Counsel and staff to review the attached proposed language, and include the substance of these proposed amendments. The intention is to require all cultivators to *promptly* install odor abatement technology for all indoor grows, and for outdoor grows, to implement buffers to prevent odors from being perceived beyond the parcel line on which the cultivation occurs. Specifically, the revisions we propose are intended to accomplish the following:

1. Express the intent of the Board of Supervisors to require odor control or mitigation for both indoor and outdoor grows at the earliest legally feasible time ;
2. Define legal and illegal nonconforming cultivation to assure that illegal operators do not reap any additional benefit or exemption from this ordinance, and to clarify that applying for a business license and installing odor controls is a condition of maintaining a nonconforming use;
3. Delete all exemptions from license requirements for 'legal nonconforming' operators, since the amortization period in Chapter X has expired;
4. Specify requirements for timing and interim standards for odor control, for both indoor and outdoor cultivation;
5. Specify that the County shall notify the State Licensing authorities of any failure to comply with the County licensing ordinance;
6. Clarify the provisions on Revocation to address those cultivators who have illegally initiated or expanded a previously legal nonconforming use.
7. Delete exemption from business license for nonconforming outdoor grows in Carpinteria, since the amortization period has ended, and they are not permitted under the certified ordinance.

Once again, the Board has heard ample testimony and received evidence of the need to promptly address the nuisance impacts of ongoing cultivation. The majority of Board members have acknowledged this to be the case. All of this evidence is sufficient to support a requirement that nuisance odors be abated promptly.

Thank you.

Suggested Language for amendments to the Cannabis Business License Ordinance:

1. Add: 50-1(d)

It is the intent of the Board of Supervisors to bring all legal, nonconforming cannabis cultivation into compliance with applicable standards and regulations, including but not limited to odor control, in order to eliminate ongoing public and private nuisances associated with unregulated cultivation at the earliest possible time.

2. Add to: 50-2 Definitions:

Legal Nonconforming cultivation: For purposes of this ordinance, a commercial cannabis cultivation operation is legal nonconforming if the operation was lawfully established prior to January 16, 2016, is ongoing as of the date of this ordinance, and:

- (1) The operator has filed a complete application for a final zoning or land use entitlement, CEQA review has commenced, but the entitlement has not been approved and issued, and
- (2) The cultivator is not operating consistent with zoning ordinance standards, including but not limited to odor control.

A commercial cannabis operation is not legal, nonconforming if:

The operation was not legal as a medicinal marijuana cultivation site prior to January 16, 2016, or was legally established prior to January 16, 2016 but the operation has expanded in scope, volume of business, or area cultivated since January 16, 2016.

3. Delete: 50-5(a)(3) exemptions from Business License:

~~Legal nonconforming medical marijuana cultivation sites established by County Code Section 35-1003, until they are terminated, pursuant to County Code Section 35-1003.C, as may be amended.~~

ADD new 50-5(a)(3)

(i): All owners and operators of legal, nonconforming cultivation sites shall apply for a business license under this ordinance within 30 days of the effective date of this section 50-5(a)(3), regardless of whether a final zoning or land use entitlement has been approved or issued.

(ii) In addition to any other requirement, for indoor cultivation, the application shall include evidence of purchase and installation of odor control, and verification by an independent third party, under penalty of perjury, that best available odor control technology has been installed and is operational as of the date of the application.

(iii) For outdoor cultivation, the applicant shall submit evidence that the boundary of the parcel on which cultivation is occurring is at least 1500 feet from the parcel boundary of a residential use, a school, or a pre-existing agricultural operation, including but not limited to avocado and viticulture.

(iv) The County Planning and Development Department shall inspect the cultivation site within 14 days of submittal the license application, to verify that odor controls have been installed, are operational, and that odor cannot be detected beyond the property line. For any site where odor controls are not operational and effective, the application for business license shall be summarily denied, and the State licensing authorities notified.

(v) Installation of a particular method of odor control under this section shall not vest a right to continue to implement that method of odor control if, upon permit approval or compliance review, the County determines that another method of odor control is more effective.

(vi) The County shall post and maintain a list of legal nonconforming operators for which odor controls have been installed and verified on its website.

(vii) For any site which the Planning and Development Department determines is an illegal nonconforming site by reason of illegal initiation or expansion of cultivation since January 16, 2016, the Board of Supervisors shall set a termination hearing as authorized under the zoning code.

ADD to 50-6:

Section 50-6. Other Licenses and Permits. a) An applicant must receive all necessary land use entitlements/permits as required by Chapter 35, Zoning, of the Santa Barbara County Code before the County will issue a cannabis business license under this Chapter. **Notwithstanding the foregoing, any person who has submitted an application for a land use permit shall apply for a business license and implement odor controls as required in Section 50-5(a)(3) as a condition of maintaining the application for a business license, and as a condition of maintaining any legal nonconforming operation. The County shall summarily deny any application for land use entitlement, revoke any provisional license, notify the State licensing authorities of that fact, and direct the owner or operator to terminate operations where an owner or operator fails to comply with Section 50-5(a)(3).**

4. AMEND 50-7 (1)(i) and (2)(iii): to delete exemption for nonconforming outdoor grows.

~~Delete: i. This limitation shall not apply to legal nonconforming cannabis cultivation sites operating in compliance with County Code § 35-1003, until said sites are terminated as legal nonconforming uses.~~

~~Delete: iii. This limitation shall not apply to legal nonconforming cannabis cultivation sites operating in compliance with County Code § 35-1003, until said sites are terminated as legal nonconforming uses.~~

5. AMEND 50-8(a) to add:
50-8(b)(2)(vii)(B):

Documentation that the applicant has installed and is operating an odor control system which prevents odors from being perceived beyond the boundary of the parcel on which the cultivation operation occurs, and verification of inspection by County staff. This documentation and verification shall be submitted annually.

6. AMEND 50-9 to add 50-9(b)(3):

Notwithstanding the foregoing, for legal nonconforming operations, if the application does not include the verification required that an effective odor control system is operating, the application for a business license shall be summarily denied, the County shall notify the State Licensing authorities that the applicant is ineligible for any permit or license, and the Board of Supervisors shall immediately set a termination hearing under the zoning code.

7. Amend Section 50-24. Change in Premises.

- a) A licensee shall not change or alter the premises in a manner which materially or substantially alters the premises, the usage of the premises, or the mode or character of the business operation conducted from the premises, from the site plan or other plans on file with the application, unless and until the licensee obtains written approval by the County Executive Office and the licensee has first obtained approval of an amended or new land use entitlement, as determined by the Planning and Development Department.

8. Amend Section 50-26(a)(2) Revocation:

The cannabis business license was granted on the basis of false material information, written or oral, given unknowingly, willfully or negligently by the applicant, including but not limited to representations as to the scope, volume of business and cultivation areas of the lawful nonconforming use on the property prior to January, 2016. Determination of any allegation of noncompliance with the zoning code, the terms and conditions of a land use entitlement, or any allegation of illegal expansion of a nonconforming use shall be within the sole jurisdiction of the permit issuing authority, or, in the case of illegal initiation or expansion of nonconforming uses, the Board of Supervisors, pursuant to the procedures in the zoning ordinance. Whenever the zoning authority determines that a violation has occurred, the license shall be revoked, the State licensing authorities shall be notified, and the operator shall be directed to cease operations.