



February 26, 2018

CITY COUNCIL

Paula Perotte
Mayor

Stuart Kasdin
Mayor Pro Tempore

Roger S. Aceves
Councilmember

Michael T. Bennett
Councilmember

Kyle Richards
Councilmember

CITY MANAGER

Michelle Greene

Clerk of the Board
105 E. Anapamu Street, Room 407
Santa Barbara CA, 93101

RE: Santa Barbara County Board of Supervisors Item for February 27, 2018 - Cannabis Land Use Ordinances (File #: 18-00149)

Dear Chair Williams and Board of Supervisors:

Cannabis uses allowed in the unincorporated area of the County have the potential to impact residents and businesses within the City of Goleta (City). The limited regulation of various 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 provided in our letter for the February 6, 2018 County Board of Supervisors hearing (included with this letter), we suggested an outright prohibition of cultivation and accessory uses on AG-I parcels and a significant setback from residential zones on AG-II parcels. We continue to support these recommendations.

The City also identified significant problems with the changes made to the ordinance at the February 6, 2018 hearing. While the February 6th hearing included a lengthy discussion of compatibility issues where cultivation abuts or is in close proximity to the urban-rural interface, the end result of these discussions does not provide sufficient protection to established residential neighborhoods. The revisions to the ordinance actually provide less protection for residences than the version of the ordinance recommended by the County Planning Commission.

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 abutting residential neighborhoods creates uncertainty and does not provide adequate protection for affected residential neighborhoods. This CUP requirement will require 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 or substantial buffer on properties abutting 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 preferably 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. As shown in the map enclosed with this letter, there are several instances along the northern City of Goleta boundary with the County where the second parcel back is quite close to the interface. This distance is, at one point, 165 feet from the boundary of the City. In other instances, existing large parcels may be subject to subdivision in the future, consistent with existing County zoning, agricultural viability and minimum parcel sizes. Cannabis cultivation on parcels not immediately adjacent to the urban/rural interface could still severely impact 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 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 February 6th hearing is the proposed 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 will be allowable with a Land Use Permit (LUP) with no odor abatement required. In effect, the second AG-II parcel back from the interface could conduct all types of cultivation with an LUP and no odor abatement. This is unacceptable.

The Odor Abatement Plan is included as 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 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 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 from the ordinance. This submittal requirement in the draft

ordinance was clearly feasible, as recommended by the Planning Commission, and therefore must be included for all cannabis use applications.

Incompatible, Intensive Accessory Uses. The change to the ordinance from requiring a CUP for distribution on AG-I to an LUP/Coastal Development Permit is unacceptable. This change, when viewed together with the changes to accessory use standards by the County Planning Commission for both AG-I and AG-II, 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.

Thank you for the opportunity to comment on the County's cannabis regulations and for your consideration of the critical problems we have highlighted with the cannabis ordinance. 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

Enclosures

cc: Michelle Greene, Goleta City Manager
Stuart Kasdin, City of Goleta Mayor Pro Tempore
Roger S. Aceves, City of Goleta Councilmember
Michael T. Bennett, City of Goleta Councilmember
Kyle Richards, City of Goleta Councilmember



February 6, 2018

CITY COUNCIL

Paula Perotte
Mayor

Stuart Kasdin
Mayor Pro Tempore

Roger S. Aceves
Councilmember

Michael T. Bennett
Councilmember

Kyle Richards
Councilmember

CITY MANAGER
Michelle Greene

Clerk of the Board
105 E. Anapamu Street, Room 407
Santa Barbara CA, 93101

RE: Santa Barbara County Board of Supervisors Item for February 6, 2018 - Cannabis Land Use Ordinances (File #: 18-00066)

Dear Chair Williams and Board of Supervisors:

The City of Goleta (City) appreciates the effort the County has undertaken to develop cannabis regulations. The City is also presently engaged in developing its own cannabis use ordinance. The City has not yet finally determined what cannabis-related uses will be allowable within the City or what restrictions, buffers, and development standards will ultimately apply. However, the goal of our regulations will be to ensure that adequate regulations and procedures are in place to minimize impacts associated with cannabis uses on neighboring parcels and the community.

Cannabis uses allowed in the unincorporated area of the County have the potential to impact residents and businesses within our City. Because of the potential impacts of certain cannabis uses, the City takes an interest in how cannabis businesses and uses will be regulated in the County. Below is a summary of our concerns and suggested revisions to the draft regulations to better address our concerns.

Cultivation

Through the City's process to date, we have identified that outdoor and mixed-light cultivation pose potentially significant compatibility issues with neighboring parcels, including odor, reduced public safety, visual resource degradation, and increased traffic. We are aware, in particular, of the negative experiences of the City of Carpinteria resulting from nearby cannabis cultivation in the unincorporated County and we do not want to repeat those experiences in Goleta.

We acknowledge that the County has extensive agriculturally zoned land near and adjacent to the City of Goleta. However, cannabis cultivation warrants a heightened level of scrutiny and oversight than other agricultural endeavors. The draft regulations allow cannabis cultivation in the AG-I and AG-II zoning districts with a Land Use Permit as well as a variety of accessory uses. The City believes the currently drafted regulations fall short of ensuring that the impacts of this new industry do not negatively impact neighboring property owners.

Cannabis Activities in the AG-I Zoning District

As noted in the January 3 Planning Commission staff report, the purpose of the AG-I zone is to designate and protect lands appropriate for long-term agricultural use within or adjacent to urbanized areas, and to preserve prime agricultural soils. While the draft regulations only allow AG-I lots of more than 20 acres to cultivate cannabis outdoors, the reality is that many AG-I parcels are larger than 20 acres. These agricultural lands include several parcels directly adjacent to residential parcels within the City. Furthermore, mixed-light cultivation and nurseries are allowed on all AG-I parcels. These cultivation activities also have the risk of significant impacts on neighboring parcels and should not be allowed near developed areas.

Because of the potential environmental and land use compatibility impacts associated with outdoor and mixed-light cannabis cultivation and nurseries, specifically those related to odor, safety, and land use compatibility, we suggested a prohibition of these uses on AG-I parcels. This approach is consistent with Alternative 1 in the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (FEIR).

Short of an outright prohibition, the City suggests taking further steps to protect adjacent properties as outlined for the AG-II zoning district discussion below.

Cannabis Activities in the AG-II Zoning District

While the AG-II zoning district is intended for more rural agricultural operations, the reality is that many AG-II zoned parcels within the County's jurisdiction abut residential areas, including residential areas within the City of Goleta. We are concerned about the incompatibility of cultivation and accessory uses on residential neighborhoods.

Aesthetic and Visual Impacts. An essential aspect of Goleta's character is derived from the scenic resources within and around our City. Views of these resources, including idyllic citrus and avocado orchards, from public and private areas contribute to the overall attractiveness of the City, property values, and the quality of life enjoyed by its residents, visitors, and workforce. The City aims to protect and preserve these scenic resources, including views of agriculture and prominent natural landforms, such as the foothills and the Santa Ynez Mountains. The inclusion of more intensive agricultural operations related to cannabis cultivation and associated accessory uses threaten these resources.

The FEIR identifies a Class II impact (AV-1) for visual impacts from cannabis cultivation. The mitigation provided in the FEIR to address this impact (MM AV-1) requires a Screening Plan as part of the Landscape Plan required for all projects. The County's draft ordinance includes the requirement for a Landscape Plan and Screening Plan. However, this requirement is insufficient to ensure that cultivation in close proximity to the City does not create visual impacts. As drafted, the Landscape Plan and Screening Plan only requires adequate screening "to the maximum extent feasible" and only to avoid being seen from public places. Additionally, this plan provides exceptions from screening on slopes and because of other site-specific conditions. Many AG-1 parcels north of the City are on slopes, and the language of the Landscape Plan and Screening Plan suggests these sites would not have to screen cannabis operations located there. As such, the Landscape Plan and Screening Plan fails to adequately address Impact AV-1 from the FEIR. The City strongly requests removing the "where feasible" language and site-condition exception to the screening requirements in the Landscape Plan and Screening Plan. Removal will help address the identified impact. If a site cannot adequately screen its operations, then the site is not appropriate for that use. The City suggested the County Planning Commission consider a one-mile buffer between cannabis cultivation and residential zoning districts. This approach would help address visual and aesthetic impact concerns. The City continues to suggest a buffer approach, as described in this letter below.

Odor. We understand that the intent of the Odor Abatement Plan is to address Impact AQ-5 from the FEIR. The City wants to stress that odor abatement is critical in AG-II as many parcels in this district do in fact abut or are upwind of residential neighborhoods. However, this Odor Abatement Plan requirement for AG-II zoned parcels is insufficient to address odor concerns. More robust and enforceable development standards and a more thorough permitting process with strong post-approval monitoring are needed, at minimum, to ensure that compatibility is met and maintained. As drafted, County planning staff is required to do a comprehensive assessment of an Odor Abatement Plan while processing a ministerial Land Use Permit. This is a significant burden on the planning staff. Relying on the Planning Director to determine whether odors are prevented from being experienced within residential zones introduces subjectivity and creates uncertainty. In addition, the enforcement of the Odor Abatement Plan requires aggrieved parties to contact the violator rather than the County. This creates an unreasonable burden for those impacted by operations.

Enforceable development standards that separate cultivation activities from residential zones is a much clearer and manageable way to address this compatibility issue. This separation approach ensures that cannabis impacts are addressed when families are at home, in addition to when the children are at school, daycare, or a youth center, while also ensuring the vast majority of agricultural parcels in the County can still cultivate cannabis.

Objective Standards. In addition to improving the above-mentioned required planning document submittals for cannabis cultivation permits, the City suggests the following objective development standards that will help address compatibility issues:

First, the City suggests an outright prohibition for cannabis cultivation where a property is near or adjacent to a residential zone, whether this residential zone is within the unincorporated County or within a City. This approach is the only measure really adequate to provide protection for established residential neighborhoods from the impacts of cultivation, while also retaining cultivation as an allowed use on the vast majority of AG-II parcels within the County. This restriction would ensure that no residentially zoned parcel would have cannabis plants growing directly adjacent to them or close enough to impact them.

Either in addition to or in lieu of the above standard, consider a substantial, minimum required setback from any residential zone for the actual cultivation activities. This standard setback would apply regardless of whether the AG-II zoned parcel was directly adjacent to the residentially zoned parcel or not. A strict minimum buffer provides much more clarity for neighbors than any application-specific buffer that may or may not come out of planning staff's analysis of an Odor Abatement Plan. We suggest a significant buffer of at least one mile.

Permit Process. Regardless of whether the above standards are included, the City believes it is important to include a more thorough permitting process when cultivation activities are in close proximity to a residential zone, whether that zone is within the unincorporated County or within a City. The City suggests requiring a Major Conditional Use Permit with a 1,000-foot noticing buffer. The Major Conditional Use Permit process would allow for a public hearing where concerned citizens could address the Planning Commission. This process would also allow for more extensive public review and commenting on the Odor Abatement Plan and other required plan submittals, including the Landscape Plan and Screening and Lighting Plan. The City believes this approach would help better address the unique impacts associated with cannabis cultivation on a case-by-case basis.

Accessory Uses. Cultivation in AG-II allows for accessory uses that are not in accordance with the agriculture vision for this zoning district. The City is concerned with the impacts of cultivation alone, however, when manufacturing, distribution, and retail activities are included, the impacts to surrounding neighborhoods are exacerbated. This City is especially concerned by a suggested revision provided by the County Planning Commission that is now included in the draft regulations for your review. These revisions allow for 90% of cannabis manufactured and distributed from the site to come from off-site. This change nullifies manufacturing and distribution as "accessory" uses to cultivation. This change may lead to significant new environmental impacts that may not have been analyzed and to a distortion of the intention of the underlying zoning district. We suggest limited manufacturing and distribution to cannabis cultivated on site. This will ensure that these uses are truly accessory to cultivation. Additionally, the allowance of Microbusinesses distorts the intent of the AG-II zoning district. Intensive

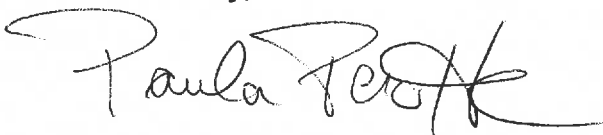
manufacturing, distribution, and microbusiness uses are incompatible with agricultural land designations and these business types simply should not be allowed in agricultural districts. The additional traffic alone makes these uses unacceptable.

Storefront Retail

The City also believes the County should apply greater protections for residential areas regarding the siting of and permit process applicable to storefront retail cannabis businesses. While a proposed 1000-foot buffer from schools, day care centers, and youth centers as suggested by the County Planning Commission is included, the City suggests also considering a minimum 100-foot buffer around residentially zoned parcels, whether this residential zone is within the unincorporated County or within a City. This buffer could serve as an area where storefront retail cannabis is simply prohibited or, at the very least, where a Major Conditional Use Permit would be required. As noted above, this process would include notice to nearby residents and a public hearing where concerned citizens could address County decision-makers. The City believes this approach would help better address the unique impacts associated with cannabis cultivation on a case-by-case basis.

Thank you for the opportunity to comment on the County's draft cannabis regulations. 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.

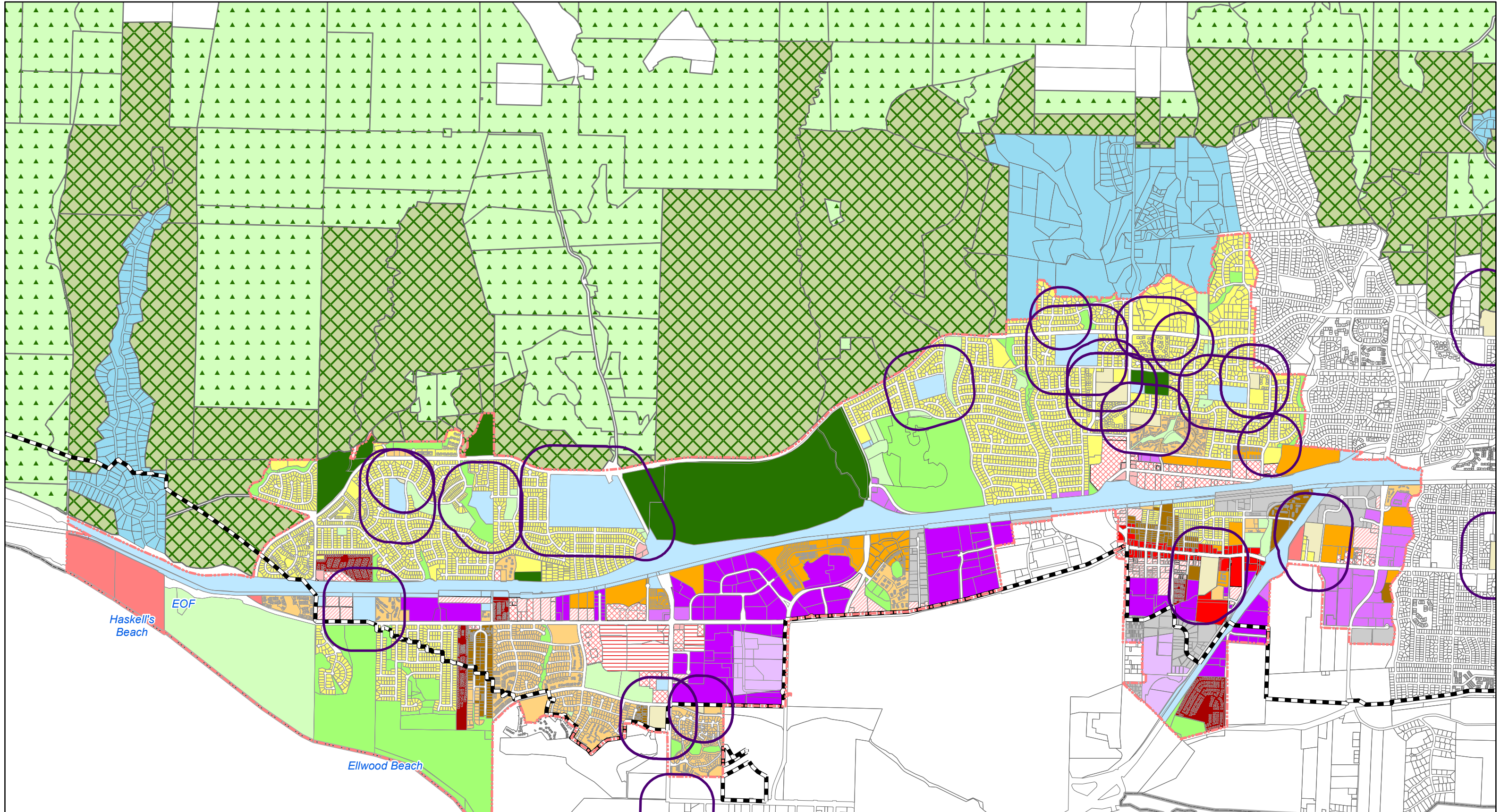
Sincerely,







Paula Perotte
City of Goleta Mayor



cc: Michelle Greene, Goleta City Manager
Stuart Kasdin, City of Goleta Mayor Pro Tempore
Roger S. Aceves, City of Goleta Councilmember
Michael T. Bennett, City of Goleta Councilmember
Kyle Richards, City of Goleta Councilmember

Permit Types for Cultivation on County AG-II Parcels



 AG-II Parcels Requiring a CUP
 AG-II Parcels Requiring an LUP

 Existing Developed Rural Neighborhood (County)
 750 ft. Buffer for Sensitive Receptors

 City of Goleta
 Coastal Zone

