

February 2, 2018

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Santa Barbara County Board of Supervisors
Attention: Clerk of the Board
105 E. Anapamu Street
Santa Barbara, CA 93101-2058
Via email to: sbcob@co.santa-barbara.ca.us and cannabisinfo@countyofsb.org

RE: Public Comment – February 6, 2018 Meeting
Supplement to January 29 Comment Letter from City of Carpinteria re County Cannabis Land
Use Ordinance and Licensing Program and Final Environmental Impact Report

Dear Chair Williams and Members of the Board:

Brownstein Hyatt Farber Schreck, LLP serves as legal counsel for the City of Carpinteria. This letter is being submitted on behalf of the City as a supplement to the City's previous comment letter dated January 29, 2018, in response to the County's request to provide a proposal for specific amendments to the County's proposed Cannabis Land Use Ordinance. The City proposes the amendments set forth in the attachment to this letter as a means to implement many of the mitigation measures recommended in the City's January 29 letter. To be clear, incorporation of the proposed amendments would not mitigate all of the impacts to the City. Specifically, the City still believes that some mechanism must be established for the County to provide funding to the City to mitigate impacts to City housing and police services.

The City respectfully requests that the Board adopt the proposed amendments attached to this letter. Thank for you considering these comments.

Sincerely,



Dylan K. Johnson

Copy to: City Council for the City of Carpinteria
Dave Durlinger, City Manager for the City of Carpinteria
Michael Ghizzoni, County Counsel for the County of Santa Barbara

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**Proposed Amendments to
Santa Barbara County Cannabis Land Use Ordinance and Licensing Program**

1. Prohibit volatile manufacturing in the AG-I zone if allowed in a neighboring city.

Proposed addition to Coastal Zoning Ordinance § 35-144U.D.4:

d. Volatile manufacturing is prohibited on lots located within 2.5 miles of a municipal boundary in the County if that municipality allows volatile manufacturing, either as a ministerial or discretionary use, anywhere in its jurisdiction.

OR

d. Volatile manufacturing shall be prohibited on lots located within the Carpinteria Agricultural Overlay District so long as volatile manufacturing is allowed, either as a ministerial or discretionary use, in one or more zone districts in the City of Carpinteria.

2. Improve odor control requirements

Proposed modification to Coastal Zoning Ordinance § 35-144U.C.7:

7. Odor Abatement Plan. The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. The Odor Abatement Plan must reduce odors that are experienced within residential zones and on properties containing sensitive receptors, to the maximum extent ~~feasible~~ achievable through use of best available control technology and best practices, as determined by the Director. The Odor Abatement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Odor Abatement Plan must include the following:

- a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
- b. A description of the specific odor-emitting activity(ies) that will occur.
- c. A description of the phases (e.g., frequency and length of each phase) of odor emitting activity(ies).

- d. A description of all equipment and ~~methods~~best practices to be used for reducing odors. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and ~~methods~~best practices to be used for reducing odors are consistent with accepted and available industry-specific best available control technologies and ~~methods~~best practices designed to mitigate odor.
- e. Approved odor control systems representing best available control technology, subject to certification as required in Subsection d above. The following systems meet the best available control technology standard.; may include, but are not limited to:
 - 1) ~~Activated carbon filtration systems.~~
 - 21) Vapor-phase systems. Vapor-phase systems must comply with the following:
 - a) The resulting odors must be odor-neutralizing, not odor-masking.
 - b) The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus).
 - c) Use of these systems must have supporting documentation which meet United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.
 - 32) Other odor controls systems or project siting practices that demonstrate effectiveness in controlling odors that meet or exceed the level of odor control achieved by the odor control system set forth in 1) above.

3. Cap and phase cannabis licensing in the Carpinteria Valley.

Addition to Coastal Zoning Ordinance, Sec. 35-144U.D.1 as l. and m.:

l. No more than 146 acres of cannabis canopy shall be permitted within the Carpinteria Agricultural Overlay District.

m. During the first year after this Section becomes operative, licenses and permits may only be issued to operators who claim legal, non-conforming status under Article

X of Chapter 35 of the County Code and were operating legally under a temporary state license at the date this Section becomes operative. To approve a permit or license, the County must make a finding, based on substantial evidence, that the existing use qualifies as legal, non-conforming.