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de la Guerra, Sheila

## Public Comment.

**From:** Kim Dominguez <kdominguez@cityofgoleta.org>  
**Sent:** Wednesday, July 3, 2019 9:40 AM  
**To:** Lenzi, Chelsea  
**Subject:** FW: Comment letter on Cannabis Ordinance Amendments 19ORD-00000-00001 and 19ORD-00000-00002 for the Santa Barbara County Board of Supervisor's July 9, 2019 meeting  
**Attachments:** County Cannabis Board Letter 7.02.19.pdf  
**Importance:** High

**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.**

Dear Ms. Lenzi,

Please find attached the electronic copy of the comment letter I sent to Mike Allen, Clerk of the Board, yesterday evening. My email to him is shown below. I received his out of office reply and wanted to forward this information to you as according to his email you are covering the Board of Supervisor Agenda Items. I wanted to make sure that you were aware of the comment letter from the City of Goleta's Mayor, Paula Perotte for the July 9, 2019 Board of Supervisors Meeting for the Cannabis Ordinances – 19ORD-00000-00001 and 19ORD-00000-00002. The original letter was sent via USPS 1<sup>st</sup> class yesterday to the attention of the Steve Lavagnino c/o the Board of Supervisors.

Best,  
**Kim Dominguez**  
*Management Assistant*  
Planning and Environmental Review Department  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117  
(805)961-7540 (direct)

**From:** Kim Dominguez  
**Sent:** Tuesday, July 02, 2019 5:24 PM  
**To:** 'allen@co.santa-barbara.ca.us'  
**Subject:** Comment letter on Cannabis Ordinance Amendments 19ORD-00000-00001 and 19ORD-00000-00002 for the Santa Barbara County Board of Supervisor's July 9, 2019 meeting

Dear Chief Deputy Clerk of the Board,

Please find attached the electronic copy of the comment letter from City of Goleta's Mayor Paula Perotte, regarding Santa Barbara County's Cannabis Ordinance Amendments that are scheduled to be addressed at the upcoming July 9, 2019 Santa Barbara County Board of Supervisors Meeting. This comment letter relates to Case No.'s 19ORD00000-00001 and 19ORD00000-00002; I was unable to reference the Agenda Item specifically as the Agenda for July 9, 2019 has not yet been published to the County Board of Supervisors website.

The original letter was sent via USPS 1<sup>st</sup> class mail this evening.

Best Regards,  
***Kim Dominguez***  
*Management Assistant*  
Planning and Environmental Review Department  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117  
(805)961-7540 (direct)



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 Board of Supervisors Item for July 9, 2019 - Cannabis Ordinance Amendments (Case No.'s 19ORD-00000-00001 and 19ORD-00000-00002)**

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](mailto: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

**Relis, Mia**

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**From:** Kim Dominguez <kdominguez@cityofgoleta.org>  
**Sent:** Wednesday, July 3, 2019 5:07 PM  
**To:** Lenzi, Chelsea; sbcob  
**Cc:** Peter Imhof; Ann Wells  
**Subject:** City of Goleta Resolution No. 19-40  
**Attachments:** Resolution No. 19-40 Requesting the County of Santa Barbara Take Immediate Action to Address and Mitigate the Impacts of Outdoor Cannabis Cultivation.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.**

Dear Chelsea,

I wanted to also send over a copy of the City of Goleta's Resolution No. 19-40 that was passed, approved and adopted on July 2, 2019; Requesting the County of Santa Barbara take immediate action to address and mitigate the impacts of outdoor cannabis cultivation. Would also like this to be delivered to the County Board of Supervisors as well.

Best Regards,  
**Kim Dominguez**  
*Management Assistant*  
Planning and Environmental Review Department  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117  
(805)961-7540 (direct)

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**From:** Lenzi, Chelsea <clenzi@countyofsb.org>  
**Sent:** Wednesday, July 03, 2019 10:03 AM  
**To:** Kim Dominguez <kdominguez@cityofgoleta.org>  
**Subject:** RE: Comment letter on Cannabis Ordinance Amendments 19ORD-00000-00001 and 19ORD-00000-00002 for the Santa Barbara County Board of Supervisor's July 9, 2019 meeting

Hi Kim,

Thank you for the email. I'll be sure this is included in the record. For future reference, we have an email dedicated to comment items related to items scheduled on the Board of Supervisors' Agenda. Please send these emails to: [sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us). Please feel free to contact me with any questions regarding the Board of Supervisors' Agendas.

Best,

**Chelsea Lenzi**  
Clerk of the Board of Supervisors  
County of Santa Barbara  
105 E. Anapamu Street, Suite 407

Santa Barbara, CA 93101  
Direct: 805.568.2242  
Fax: 805.568.2249  
[clenzi@countyofsb.org](mailto:clenzi@countyofsb.org)



[www.countyofsb.org](http://www.countyofsb.org)

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Best,

**Kim Dominguez**

Management Assistant

Planning and Environmental Review Department

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Dear Chief Deputy Clerk of the Board,

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The original letter was sent via USPS 1<sup>st</sup> class mail this evening.

Best Regards,

***Kim Dominguez***

*Management Assistant*

Planning and Environmental Review Department

City of Goleta

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Goleta, CA 93117

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**RESOLUTION NO. 19-40**

**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 abutting or in close proximity to 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.

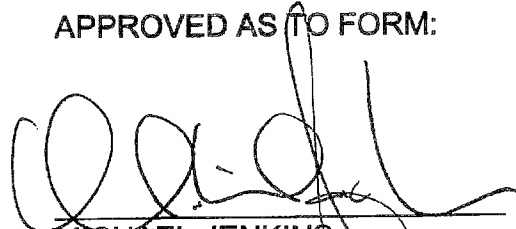
**PASSED, APPROVED AND ADOPTED** this 2<sup>nd</sup> day of July, 2019.

  
PAULA PEROTTE, MAYOR

ATTEST:

  
DEBORAH S. LOPEZ  
CITY CLERK

APPROVED AS TO FORM:

  
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. 19-40 was duly adopted by  
the City Council of the City of Goleta at a special meeting held on the 2<sup>nd</sup> day of  
July, 2019, by the following vote of the Council:

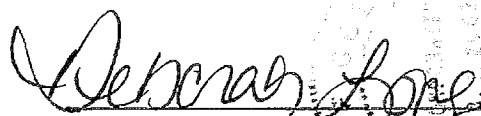
AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE RICHARDS,  
COUNCILMEMBERS ACEVES, KASDIN AND KYRIACO

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)

  
DEBORAH S. LOPEZ  
CITY CLERK

