

Public Comment



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City of Buellton

January 10, 2020

Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Microenterprise Home Kitchen - Policy and Direction (MEHKOs)
January 28, 2020 Agenda Item 20-00075

Chair Hart and Members of the Board of Supervisors:

It has been brought to the attention of the City of Buellton that the Santa Barbara County Board of Supervisors will be receiving a presentation at the January 28, 2020 meeting from Environmental Health Department regarding Microenterprise Home Kitchen Operations (MEHKOs) and potentially providing direction to Environmental Health Department on whether or not the County would like to consider "opting-in" to allowing such operations within all jurisdictions within the County. The decision of the board could have direct impacts to our local community. Therefore, the City of Buellton offers the following comments on the matter at this time for the Board's consideration:

The City of Buellton recognizes and generally supports the intent of the legislation allowing MEHKOs; to further economic opportunities, to improve food access in residential communities, and to provide guidelines, training, and safety to existing and future home-cooks. However, the City has several concerns that should be considered as part of the County's consideration of the matter:

Local Permitting and Oversight. Cities, including Buellton, would have little or no discretion on the issuance of these permits within City boundaries, essentially eliminating cities' local control of land use decisions with regard to these facilities. The City could not review or issue any type of land use permit for these uses, nor place any conditions on such operations. The peace and enjoyment typically expected in residential neighborhoods could be impacted by the allowance of these operations in Buellton that are typically found in commercial zones within our City.

Home Occupation Regulations. Many of the requirements for MEHKO operations are inconsistent with the City's Home Occupation regulations; including maximum number

of customers allowed on the premises at any one time. This has the potential to create parking, traffic and noise impacts in our residential neighborhoods. Such problems would be largely beyond the City's control to correct except through the onerous nuisance abatement process given the pre-emption of permitting authority by the County.

Code Compliance. Although the City would have no discretion in the issuance of these types of permits, additional code enforcement resources would likely be needed to ensure compliance with local nuisance regulations. Concerns with noise, trash, traffic, parking, and signage are some potential anticipated issues.

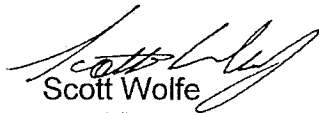
Building Code and Fire Code. Because MEHKOs would be considered a residential use, the Building and Fire Codes that are typically applied to restaurants would not apply to these types of operations.

FOG Permits. In order to protect the City sewer system, the City requires Fats, Oils and Grease (FOG) Permits for all restaurant uses. It remains unclear whether or not the City would be able to require these permits for MEHKO operations if they were to be allowed. This could conceivably place the City's sewer system at risk, and require considerable work at City expense to correct should problems arise.

Local (County) Discretion. It seems that there remains a lack of clarity as to whether or not counties that choose to opt in can adopt limiting standards within their Ordinances, including limiting number of MEHKOs per parcel, hours of operation, minimum distances between MEHKOs, etc. Such uncertainty has the potential to result in future difficulties when problems arise with no available means to correct them.

For these reasons, the City requests that the Board of Supervisors decline to consider the allowance of such operations within the County. At a minimum, the City requests that these items be considered and investigated further before a decision is made on the matter. Thank you for your time and consideration in reviewing the City's request.

Respectfully submitted for your consideration,


Scott Wolfe
City Manager