

February 16, 2018

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Santa Barbara County Board of Supervisors
Attention: Clerk of the Board
105 East Anapamu Street
Santa Barbara, CA 93101-2058

RE: County Cannabis Land Use Ordinance and Licensing Program

Dear Chair Williams and Members of the Board:

The Cate School (Cate) appreciates the thoughtful amendments to the Cannabis Land Use Ordinance (Ordinance) made by the Board of Supervisors (Board) at last week's hearing, including banning outdoor cultivation on lots zoned Ag-I-5 and Ag-I-10 and 1,500 feet from sensitive receptors. However, Cate remains concerned that the regulations do not sufficiently protect sensitive receptors and thus urges the Board to consider the following amendments at its February 27, 2018 Board Meeting:

1) Strengthening the Odor Abatement Plan

On February 6, 2018, the County approved this odor standard:

Odor Abatement Plan must [only] prevent odors from being experienced within residential zones, as determined by the Director. (Cannabis Regulations, §35-144U(C)(7), emphasis added.)

As we pointed out in our January 31, 2018 letter and at the February 6, 2018 Hearing, this standard is ambiguous because the regulation seems to exclude cannabis operations that impact non-residentially zoned districts from having to develop a plan that actually reduces odors.

Additionally, because the Ordinance allows outdoor cultivation on Ag-I-40 parcels (over 20 acres) and it is impossible to sequester odors from outdoor operations, the Ordinance appears to allow outdoor growers to operate in Ag-I zones even if sensitive receptors are impacted. Although the 1,500 foot buffer from sensitive receptors is an improvement, we know from experience that odors travel further than 1,500 feet. Likewise, as written, it is unclear if *indoor* cannabis operations in Ag-I zones are required to develop a functioning odor abatement plan that prevents

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odors from impacting sensitive receptors (as opposed to only residential zones). This is highly problematic for sensitive receptors, such as Cate, which are located outside residentially zoned districts but are currently experiencing noxious odors in Ag-I zones.

Based on the attached map, there are at least 10 lots north of Highway 192 within the Coastal Zone between La Mirada, Carpinteria High School and Cate School that are eligible to grow cannabis outdoors. In fact, during the January 2018 flooding event, numerous marijuana plants washed onto the roadway surrounding the Cate property, which demonstrates that there are currently outdoor cultivation operations in the vicinity of Cate. Without regulations that require growers in Ag-I zones to reduce or eliminate odors that impact sensitive receptors, Cate, Carpinteria High School, La Mirada Neighborhood and the surrounding Carpinteria community will continue to be plagued with strong, noxious odors.

At the February 6, 2018 Hearing, there was consensus that the Odor Abatement Plan requirements would apply to all cannabis operations within Ag-I zones¹ in order to protect sensitive receptors, but the odor standard was not updated to reflect that consensus. We urge that you eliminate this ambiguity by adding the redlined language to this regulation:

Proposed Language:

The Odor Abatement Plan must prevent odors from being experienced by sensitive receptors within Ag-I and residential zones, as determined by the Director. (Cannabis Regulations, §35-144U(C)(7).)

2) Cap on Cannabis Cultivation Operations in the Coastal Zone

We appreciate the Board's willingness to discuss caps on cannabis operations at its February 27 (or March 13) meeting. We continue to strongly support a permanent cap on the number of cannabis operations in the Coastal Zone or within Ag-I zone districts. As set forth in the EIR, limiting the extent of cannabis development would result in substantial reductions in the severity of many impacts and protect sensitive receptors (see Alternatives 1 and 3). In addition, courts have upheld caps on marijuana operations imposed by local governments. (See *420 Caregivers, LLC v. City of Los Angeles* (2012) 219 Cal.App.4th 1316, 1335-1338; *City of Vallejo v. NCORP4, Inc.* (2017) 15 Cal. App. 5th 1078, 1086-87.)

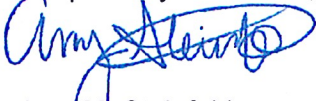
Further, the County has a rational basis for distinguishing between both Ag-1 and Ag-2 zones and the coastal and inland zones for the purpose of developing caps to protect sensitive receptors. Sensitive receptors are more densely located in and adjacent to AG-I zones and the Coastal Zone contains unique coastal resources including prime coastal farmland and sensitive coastal habitat that warrant different protections than inland areas. In fact, the County already has a separate coastal zoning ordinance to protect these unique resources. (See Coastal Act, §§30500 – 30504; see also Carpinteria Agricultural Overlay Zone.)

¹ The Ordinance was amended to provide: "No odor abatement plan shall be required on lots zoned AG-II, unless a Conditional Use Permit is required." (Cannabis Regulations, §35-144U(C)(7).)

Proposed Language: The maximum number of Land Use Permits for cannabis operations that may be issued by the County in the Coastal Zone [or Ag-I zone] is 45. Note: Cannabis activity sites currently operating within the AG-I zone district could potentially become legal nonconforming uses upon adoption.

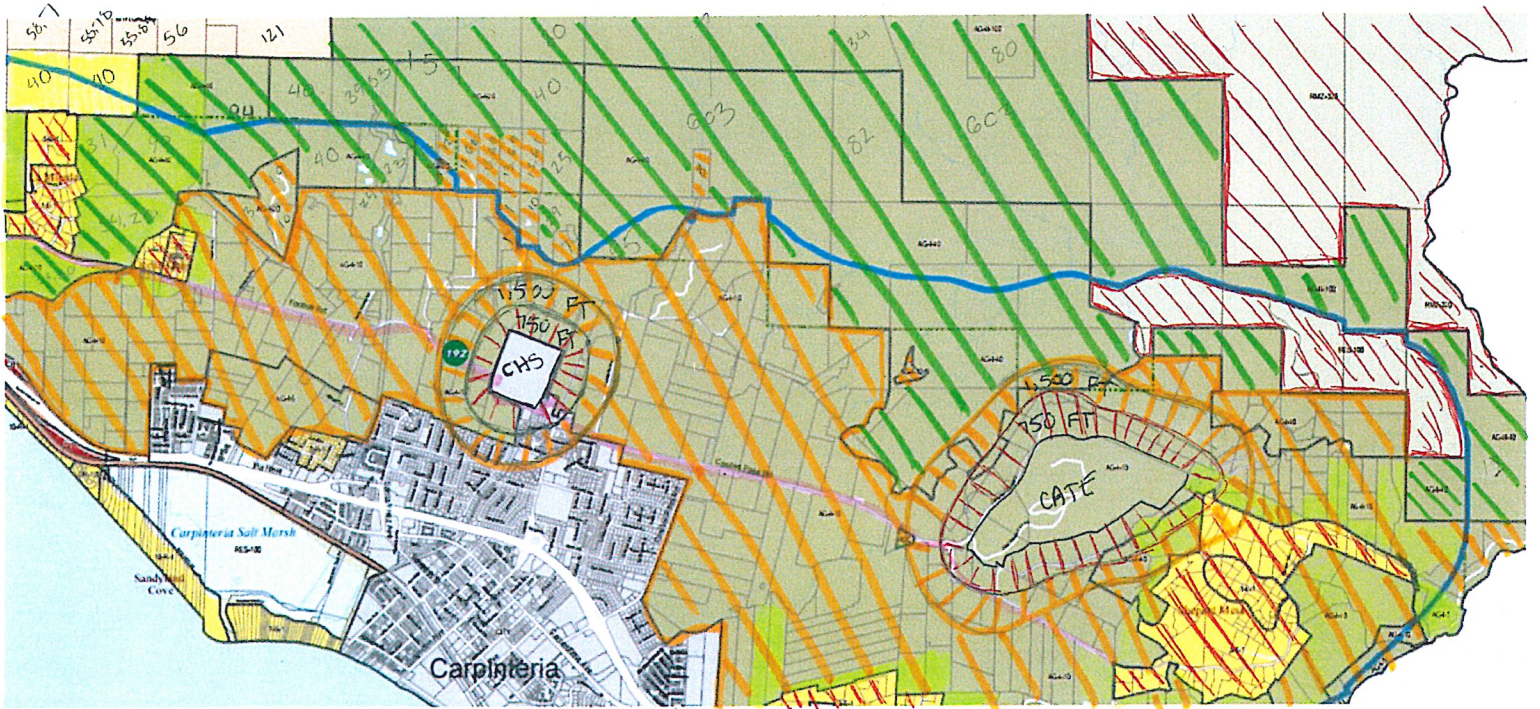
Cate appreciates the Board's consideration of these suggested edits to the Ordinance and regulations. Should you have any questions or require additional information, I can be reached at 805-882-1409.


Respectfully Submitted,






Amy M. Steinfeld

16506169.2



 = outdoor and indoor cultivation permitted

 = No cannabis operations
 = No outdoor cultivation (indoor only)

 = All cannabis operations require a CUP