

From: Marc Chytilo <marc@lomcsb.com>
Sent: Monday, July 8, 2019 11:28 AM
To: sbcob
Cc: Lavagnino, Steve; Adam, Peter; Williams, Das; Hartmann, Joan; Hart, Gregg; Miyasato, Mona; Ghizzoni, Michael
Subject: Summary of Recommended Asks for Cannabis hearings 7-9-19
Attachments: LOMC Recommended Board Actions 7-8-19.pdf

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Clerk, Staff and Members of the Board of Supervisors:

Enclosed please find, for your consideration at the hearing tomorrow, a one page summary of my office's Recommended Actions to 1) address exigent conditions and 2) advance and improve the regulatory process.

My personal thanks to each of you for the effort you are undertaking to address this issue

Marc

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LOMC Recommended Board Actions

Immediate County Board Actions to Address Nuisance:

- Clean the Closet – stop all nonconforming grows to Abate Nuisances.
 - Use Urgency Ordinance or Chapter 50 to make every cannabis grow in Santa Barbara County demonstrate (with tangible evidence) the extent of their legally authorized operations on January 19, 2016, which sets the limit on permissible legal nonconforming grows. Then Enforcement Blitz to shut down every other grow!
- Mandate Interim Mandatory Odor Plan* implementation for all legal nonconforming grows (AG-I technology and AG-II buffers or technology) to stop nuisances.
- Suspend processing of authorizations of new Provisional Licenses

Immediate Actions on Planning Issues Reviewed by the Planning Commission:

- No cannabis on all AG-I parcels below 20 acres
- Require CUPs for ALL County cannabis permits
- Adopt PC proposed changes and expand EDRN noticing for grows adjacent to EDRN**

Future Legislative Actions for Planning Commission Consideration and Recommendations:

- “No detect at property line” olfactometer-verified odor standard for cannabis operations
- Set limits on cannabis acreage per AG-II parcels – e.g. 1 acre grow per 300 acres of land
- Adopt total County acreage cap and regional sub-limits
- Expand definition of “sensitive receptors” and enhance their protection
- Increase minimum setbacks for grows and between grows
- Evaluate need for upgraded greenhouse design and construction to control odors in future
- Disallow Permit Stacking during the initial 5 year period

* Interim Mandatory Odor Control Plan: within 30 days all existing grows:

Mixed light (greenhouses) – must submit and implement Interim Odor Abatement Plan. Includes description of interim odor technology designed to prevent odors at property line and operator contact number. Technology is operator’s choice, but must include reasonable measures intended to eliminate odor at property line. Subject to Enforcement by Complaint System.

Outdoor grows – submit and implement Interim Odor Abatement Plan, which can either implement technology, reach interim accommodation agreement with all impacted neighbors, locate all grow areas at least 1500’ from property line or close operations pending permits. Subject to Enforcement by Complaint System.

Complaint System: operator notified of first and second verified air pollution or odor complaint. At third complaint, operator must immediately employ (3 calendar days after receipt) additional corrective action responding to complaints and report by 5 calendar days (after notification of 3rd complaint) to County, copies available to Complainants. If odors unabated, at fifth complaint, Facilitation Step process initiated.

Facilitation Step: County or Complainant Notification to all parties of continuing odor nuisance (after 5 complaints). Ten calendar day period begins for parties meet and confer in good faith to address odors and nuisance. Significant corrective action that is reasonably calculated to resolve nuisance or complaint creates new 10 day period meet and confer regarding revised controls/actions. If corrective action resolves issue, matter dismissed. If Corrective action does not resolve, or operator does not participate, Board/Hearing Officer to schedule termination hearing within 30 days.

** EDRN Noticing - As proposed by Planning Commission with Proposed addition in CAPS, bold and underlined:

§ 35.42.075.3.b “Located within an Existing Developed Rural Neighborhood (EDRN), if the proposed use is to be located within the boundaries of an EDRN, **ON A PARCEL ADJACENT TO AN EDRN**, or requires the use of a roadway within an EDRN as the sole means of access to the lot on which commercial cannabis activities will occur.”