ITEM FOR COUNCIL CONSIDERATION

Ordinance No. 721, extending urgency Ordinance Nos. 715 & 716, establishing a moratorium on commercial cannabis activities in the City of Carpinteria.

STAFF RECOMMENDATION

Action Item __X__; Non-Action Item ___

Issue this Report, which describes the measures taken, to date, to alleviate the conditions that led to the adoption of the Moratorium, and extend the Moratorium for an additional one year (365 days) from May 8, 2018 by approving and adopting Ordinance No. 721.

Sample Motion 1: I move that the Staff Report dated April 9, 2018, be issued by the City Council for the purposes of meeting the requirements of subsection (d) of section 65858 of the Government Code concerning moratorium extensions.

Sample Motion 2: I move to approve and adopt Ordinance No. 721, as read by title only, an extension of an urgency ordinance establishing a moratorium on commercial cannabis activities in the City of Carpinteria. (This Motion requires a four fifths vote of the Council.)

BACKGROUND

On November 8, 2016, Proposition 64, known as the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA"), was approved by California voters. The AUMA legalized, under state law, nonmedical cannabis activities for personal use, as well as commercial nonmedical cannabis activities, upon issuance of a state license. More recently, in June 2017, the state legislature passed a budget trailer bill, Senate Bill 94, that integrated AUMA with the state's already existing Medical Cannabis Regulation and Safety Act (2015/16) ("MCRSA") to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). MAUCRSA creates a single regulatory system to govern the cannabis industry (both medicinal and non-medicinal use) at the state level. Under MAUCRSA, the Bureau of Cannabis Control ("Bureau") is charged
with the licensing, regulation, and enforcement of state-level cannabis regulations on the following types of commercial cannabis activities: distributors, retailers, microbusinesses, temporary cannabis events, and testing laboratories. Cultivation, which is also regulated under MAUCRSA, is handled by the Department of Food and Agriculture. Manufacturing of cannabis for either the medicinal-use or recreational (adult-use) markets, is regulated by the Department of Public Health. Pursuant to MAUCRSA, the issuance of state cannabis licenses began in January 2018, where not otherwise prohibited by local regulations.

The MAUCRSA does not limit local authority to regulate commercial cannabis activities. Thus, in May 2017, the City Council approved a moratorium to establish regulations imposing a temporary prohibition on commercial medical and nonmedical (i.e., adult-use or recreational) cannabis activities as an urgency measure via Ordinance No. 715. In June 2017, the Council took action to extend the temporary moratorium for an additional 10 months and 15 days (to May 8, 2018). The moratorium prevents any potential commercial cannabis business from obtaining a state license to operate commercial cannabis activities within the City while City staff studies the potential impacts of such activities, and develops and adopts appropriate regulatory measures. The City may extend the moratorium for up to one additional year beyond the May 8, 2018 expiration date, if necessary, to allow sufficient time to complete this effort.

In December 2017, staff initiated a discussion with the City Council concerning the possible development of commercial cannabis regulations for the City. The discussion included an overview of current State law concerning commercial cannabis activities, consideration of preliminary recommendations from the Council’s Cannabis Subcommittee, and introductory deliberations about the possible scope and content of a future citywide cannabis regulatory program. Ultimately, the Council directed staff to conduct additional public outreach to gauge the community’s interests and/or concerns with commercial cannabis activities and to return to a future hearing with the results of the outreach efforts, before the Council was prepared to provide any definitive direction concerning development of such an ordinance.

Staff returned to the Council at their January 22, 2018 hearing to share findings from the additional public outreach efforts, and to continue the discussion concerning the development of citywide commercial cannabis regulations. Staff’s public outreach efforts took the form of an online survey hosted on the City’s website to gauge the community’s feelings toward possible allowances and/or regulation of the various types of commercial cannabis activities permissible under State law. While results varied by types of activities, the results generally suggested a moderate to high level of concern with all types of commercial cannabis activities, and strong agreement that if such uses are to be allowed, they should be adequately regulated through application of buffers, caps, and similar means to limit the location, and number of such uses within the City.  

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1 An overview of the initial survey results as of January 9, 2018 are available as Attachment A to the City Council staff report presented at the January 22, 2018 City Council meeting. The staff report and survey results are available on the City website at: 

N:\Project Files\2017 (1850- 1900)\1873 Commercial Marijuana Moratorium\April 9, 2018 CC hearing- 2nd moratorium extension\CC SR- Commercial Cannabis Moratorium 2nd Extension 20180409.docx
The Council also reached consensus that, at this time, they were primarily interested in further exploring allowances for commercial cannabis manufacturing, distribution and testing facilities. They were not in support of allowing commercial (medicinal or adult-use/recreational) cannabis cultivation or retail dispensaries/delivery. Council asked staff to return with additional details concerning the identified uses of interest, including "pros and cons" of such uses, initial thoughts on zoning districts and regulations under which such uses could be allowed, and examples of how other jurisdictions have regulated these types of uses. Subsequent to discussions concerning the estimated timing for completion of developing and adopting a commercial cannabis ordinance, the Council acknowledged the need for extending the City's urgency ordinance to allow sufficient time to complete the local ordinance adoption and California Coastal Commission LCPA certification processes. A copy of the approved Minutes from the January 22, 2018 City Council deliberation is included as Attachment C.

**DISCUSSION**

**Commercial Cannabis Moratorium Extension**

As previously discussed, in May 2017 the Council approved a moratorium on all commercial cannabis activities as an urgency ordinance via Ordinance No. 715 in order to allow the City to study the potential effects of commercial cannabis activities, to enact whatever local regulations, may, ultimately, be deemed appropriate, and to ensure that the regulations are in place prior to the State issuing licenses for these activities in the City of Carpinteria. The urgency ordinance would have automatically expired 45 days after initial adoption had the Council not taken a subsequent action at their June 12, 2017 hearing to instead extend the moratorium via Ordinance No. 716 for an additional 10 months and 15 days, bringing the moratorium's current expiration date to May 8, 2018.

Pursuant to Government Code §65858, the City may extend a moratorium for a total of 22 months and 15 days (beyond the initial 45-day moratorium period), for a cumulative total moratorium period of two years. Hence the Council is being asked at this time to extend the City's current commercial cannabis moratorium for one additional year (365 days) beyond its current set expiration date (i.e., May 8, 2018) to allow needed time for the ordinance adoption and certification process to be completed. This additional one-year extension, which would be in place until May 8, 2019, would be the maximum allowed under State law. If, prior to the May 8, 2019 expiration of the moratorium period, the City has completed and formally adopted commercial cannabis regulations, the Council could lift the moratorium at that time.

Government Code §65858(d) requires that 10 days prior to the expiration of an urgency ordinance, the City Council shall issue a report describing the measures taken to

alleviate the condition that led to the adoption of the (urgency) ordinance. Publishing of this report and the information contained therein would satisfy this requirement.

Since the initial moratorium extension in June 2017, staff has continued researching possible cannabis regulations and issues related to commercial cannabis activities. This includes gaining familiarity with State commercial cannabis regulations, and looking into how other municipalities have elected to regulate such uses. A significant amount of time and effort on behalf of the City has been engaged in the County of Santa Barbara's commercial cannabis regulations process, both to ensure that the County's regulations adequately address the interests of the City and its constituents, as well as to learn from the County's ordinance adoption process and contemplated regulations. More recently, in December 2017 and January 2018, staff has also initiated discussions with the City Council and engaged in public outreach efforts to aid in focusing the scope and content of possible City commercial cannabis regulations. With the direction provided from Council to date, staff has continued to research and review how other municipalities have regulated commercial cannabis distribution, manufacturing, and testing activities.

Copies of the previously adopted Ordinance Nos. 715 and 716, establishing and granting (the first) extension to the commercial cannabis moratorium are provided as Attachment B to this report.

**Commercial Cannabis Regulations**

As discussed in the Background section above, at the January 22, 2018 hearing, the Council directed staff to complete further research on options for regulating commercial cannabis manufacturing, distribution and testing activities. Specifically, the Council sought further details to help understand the "pros and cons" of allowing these types of uses in the City, examples of how other municipalities have chosen to regulate these specific uses, and based on this research, some initial thoughts on where and how to regulate such uses within the City of Carpinteria.

Staff has been researching and collecting the requested information, including reviewing how a number of other local Santa Barbara and Ventura County jurisdictions are regulating commercial cannabis activities. Unfortunately, staff was not able to complete the work effort in time for this hearing. Staff intends to bring the requested information back to the Council at an upcoming hearing for further discussion and direction in the ongoing development of a commercial cannabis ordinance.

**California Environmental Quality Act ("CEQA")**

The proposed moratorium extension can be found to not be subject to CEQA pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in section 15378); and 15061(b)(3) (the activity is covered by the general rule that
CEQA applies only to projects which have the potential for causing a significant effect on the environment). The proposed interim ordinance extension maintains the status quo and prevents changes in the environment pending the completion of study and any amendment to the municipal code deemed necessary. Because there is no possibility that this Ordinance may have a significant adverse effect on the environment, the adoption of this Ordinance would be exempt from CEQA. A copy of the CEQA Notice of Exemption for the moratorium extension is included as Attachment D.

POLICY CONSISTENCY

The City's duty to exercise its police powers occurs through the adoption of legislation that protects the public's health, safety, and welfare. Where, as here, the potential effects of commercial cannabis activities could outweigh the potential benefits, it is necessary for the City to establish appropriate regulations to ensure the City's interests are addressed. Accordingly, adoption of a local ordinance would be consistent with the City's duty to promote the public health, safety, and welfare. Likewise, maintaining a moratorium on commercial cannabis activities until such (permanent) regulations are in place, is also an appropriate use of the City's police powers in order to protect the public's health, safety and welfare, and to ensure that no potential commercial cannabis activities may become established prior to having appropriate regulations in place.

FINANCIAL CONSIDERATIONS

The extension of the subject moratorium is not expected to result in significant costs to the City. As discussed in prior staff reports, financial considerations related to the regulation of commercial cannabis activities, including but not limited to fees and taxation, will be subject of future staff reports.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

It is a well-established legal principle that a public agency's police power has broad application to protect the public health, safety and welfare of its residents. Further, section 65858 of the Government Code authorizes a city or county to adopt an urgency ordinance to temporarily prohibit certain land uses, including particular types of businesses in the community, upon a finding that the ordinance is necessary to address a current and immediate threat to the public health, safety, or welfare.

As presented in previous staff reports to the City Council, the potential establishment of medicinal and adult-use (i.e., recreational) commercial cannabis activities could create threats to the public health, safety and welfare. It is reasonable to assume that negative impacts experienced elsewhere could be, and are being, experienced in Carpinteria if commercial cannabis activities were established without proper regulations. For example, in December 2017, local news outlets widely reported the arrest of two individuals from outside of Carpinteria, for the burglary of a cannabis cultivation business located in the Carpinteria Valley. Commercial cannabis activities also have the
potential to create serious nuisance issues. Over the last two years, as both the City of Carpinteria and the County of Santa Barbara have considered commercial cannabis regulations, both the City and County have received numerous complaints from local residents related to objectionable odors generated from cannabis growing operations within the unincorporated Carpinteria Valley that are purportedly causing discomfort and negative health effects.

The extension of the moratorium is necessary to ensure that no potential cannabis operator can obtain a State license to operate commercial cannabis activities within the City while City staff completes their ordinance adoption process. Since the State began issuing licenses on January 1, 2018 and the City has not yet completed and adopted its own ordinance, the need for the proposed moratorium is current and immediate.

Urgency Ordinance No. 715, by law, was in effect for an initial period of 45 days. It was extended via Ordinance No. 716 on June 12, 2017 for an additional 10 months and 15 days. If not extended, it will expire on May 8, 2018. This City Council public meeting concerning the extension of the moratorium on commercial cannabis activities established by Ordinance Nos. 715 and 716, has been duly noticed by publication of an advertisement in the Coastal View News and posting of the meeting in the usual places.

A moratorium may be extended for a total of 22 months and 15 days beyond the initial 45-day period. As such, if necessary and appropriate, following the subject proposed one-year extension, the City Council will have reached the maximum allowed limit, i.e., a total moratorium period of two years. The proposed extension requires a four-fifths vote of the local legislative body.

OPTIONS

The City Council may choose to:

1. Approve and adopt Ordinance No. 721. This action will extend the existing moratorium on commercial cannabis activities in the City of Carpinteria until May 8, 2019.

2. Direct staff to make revisions to Ordinance No. 721 and bring the matter back at a later date for further consideration. In order to extend the current moratorium, an extension must be acted upon prior to the expiration of Ordinance No. 716, i.e., May 8, 2018.

3. Direct that the matter be tabled. Should the Council table the matter, the current moratorium will expire on May 8, 2018. If, and until the City elects to establish local commercial cannabis regulations, State law and regulations would govern the establishment of commercial cannabis activities in the City of Carpinteria.
Commercial Cannabis Moratorium Extension
April 9, 2018
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PRINCIPAL PARTIES EXPECTED AT MEETING

Interested citizens
Cannabis industry representatives

ATTACHMENTS

Attachment A: Ordinance No. 721
Attachment B: Adopted Ordinance Nos. 715 & 716 (Commercial Cannabis Moratorium)
Attachment C: January 22, 2018 City Council Meeting Minutes
Attachment D: CEQA Notice of Exemption

Staff contact: Nick Bobroff, Senior Planner
(805) 755-4407/ nickb@ci.carpinteria.ca.us

Reviewed by: Steve Goggia, Director
Community Development Director

Reviewed by: Dave Durflinger, City Manager

Signature

Signature

Signature
Attachment A

Ordinance No. 721

Commercial Cannabis Moratorium Extension
April 9, 2018 City Council Meeting
ORDINANCE NO. 721
EXTENSION OF AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ESTABLISHING A MORATORIUM ON COMMERCIAL MARIJUANA ACTIVITIES

CITY AUTHORITY TO ENACT THIS MORATORIUM:

WHEREAS, pursuant to the City of Carpinteria’s (“City”) police power, as granted under Article XI, section 7 of the California Constitution, the City Council of the City (“City Council”) has the authority to enact and enforce ordinances and regulations for public health, safety and welfare; and

WHEREAS, pursuant to its police powers, the City has authority to regulate and prohibit medical marijuana activities, including the establishment of cooperatives and collectives (City of Riverside v Inland Empire Patients Health & Wellness Ctr., Inc. (2013) 56 Cal.4th 729); and

EXISTING CITY AND STATE MARIJUANA LAWS:

WHEREAS, as set forth in Chapter 14.59 of the Carpinteria Municipal Code (“CMC”), the City currently prohibits the establishment, operation or maintenance of medical marijuana dispensaries, as well as the cultivation and delivery of medical marijuana, with the exception of cultivation by a primary caregiver or qualified patient or delivery by a primary caregiver to a qualified patient, when conducted in strict compliance with applicable state law; and

WHEREAS, on November 8, 2016, the voters of the State of California approved Proposition 64, entitled the “Control, Regulate and Tax Adult Use of Marijuana Act”; and

WHEREAS, Proposition 64 legalizes and regulates nonmedical marijuana in California and requires nonmedical marijuana businesses, including cultivators, manufacturers, distributors, retailers, and testing laboratories, to obtain a state license in order to operate lawfully. The state will not issue licenses if the proposed nonmedical marijuana business violates a local ordinance. The state began issuing licenses for nonmedical marijuana businesses on January 1, 2018; and

WHEREAS, Business and Professions Code section 26200, which is part of Proposition 64, expressly recognizes the ability of cities to completely prohibit all nonmedical marijuana commercial activities or to regulate such activities; and

WHEREAS, under Proposition 64, individuals may possess and use specified amounts of marijuana and may cultivate up to six marijuana plants per private residence for personal use. Under Health and Safety Code section 11362.2(b), cities may prohibit private outdoor marijuana cultivation, but may not prohibit completely private indoor cultivation of six marijuana plants or less. Cities, however, may reasonably regulate private indoor cultivation of six marijuana plants or less; and

WHEREAS, as set forth in Chapter 8.14 of the CMC, the City has imposed regulations on the individual cultivation of marijuana for nonmedical purposes in accord with the restrictions of Proposition 64; and
NEED FOR THIS MORATORIUM:

WHEREAS, it is imperative that the City maintain local control over all marijuana land uses to the fullest extent allowed by law. The City anticipates that Proposition 64 may encourage the establishment of various marijuana businesses within the City. The Municipal Code does not currently address commercial marijuana activities. While no one may conduct such activities in the City without a state license, express Municipal Code regulations regarding marijuana cultivation facilities, manufacturing sites, transporters, distributors, testing laboratories, and other business activities are necessary to provide clear guidelines regarding the scope of prohibited conduct and minimize the potential for confusion regarding the City’s policies; and

WHEREAS, the adoption of an ordinance that addresses commercial marijuana activities will take time and careful consideration and will require input from various community stakeholders and the general public. Until that process is complete, an interim urgency ordinance under Government Code section 65858(a) is necessary to protect the public health, safety, and welfare; and

WHEREAS, marijuana establishments and activities often present health, welfare, and public safety issues for cities. Several California cities and counties have experienced adverse impacts associated with and resulting from marijuana dispensaries, delivery services, and cultivation sites. According to these communities and according to news stories widely reported, marijuana land uses have resulted in and/or caused an increase in crime, including burglaries, robberies, violence, and illegal sales and use of marijuana in the areas immediately surrounding such marijuana activities. Carpinteria residents have complained about odors emanating from large-scale growing operations in the vicinity of the City. Marijuana cultivation sites have been associated with illegal construction, unsafe electrical wiring, excessive water use, and fire hazards; and

WHEREAS, manufacturing of cannabis products can involve the use of chemicals and solvents, and as a result, the manufacture of hash oil concentrate, often added to edibles, drink and liquids, carries a risk of explosion due to the distillation process utilized to extract tetrahydrocannabinol. Burn treatment centers at two hospitals in Northern California reported in 2015 that nearly 10 percent of severe burn cases were attributed to butane hash oil explosions, which was more than burn cases from car accidents and house fires combined; and

WHEREAS, in 2015, there were at least five marijuana-related wildfires in California linked to marijuana growing operations; and

WHEREAS, it is reasonable to conclude that commercial marijuana activities could cause similar adverse impacts on the public health, safety, and welfare in Carpinteria, and residents have already complained about negative impacts related to odors; and

WHEREAS, it may be necessary to adopt regulations on commercial marijuana activities to protect the public against potential negative health, safety, and welfare impacts, and this moratorium is necessary to ensure the orderly and effective implementation of any regulations the Council may adopt; and

WHEREAS, a temporary moratorium will permit City staff to undertake an investigation
of these matters and recommend a course of action to the City Council; and

WHEREAS, California Government Code section 65858 provides that for the purpose of protecting the public safety, health and welfare and without following the procedures otherwise required prior to adoption of a zoning ordinance, the City Council may adopt, as an urgency measure, an urgency ordinance prohibiting any uses which may be in conflict with “a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time”; and

NEED TO EXTEND THIS MORATORIUM:

WHEREAS, on May 8, 2017 the City Council determined by unanimous vote to enact Ordinance No. 715 pursuant to the requirements of Government Code section 65858 establishing a moratorium on commercial marijuana activities for a period of forty-five (45) days; and

WHEREAS, the provisions of Government Code section 65858 provide that the City Council may extend an interim ordinance for a period of ten (10) months and fifteen (15) days upon notice pursuant to Government Code section 65090 and a public hearing at which the City Council adopts the extension by at least a four-fifths (4/5) vote; and

WHEREAS, on June 12, 2017 the City Council determined to enact Ordinance No. 716 pursuant to the requirements of Government Code section 65858 extending the interim ordinance on commercial marijuana activities established by Ordinance No. 715 for a period of ten (10) months and fifteen (15) days; and

WHEREAS, the provisions of Government Code section 65858 provide that the City may subsequently extend the interim ordinance for an additional one (1) year (cumulative extensions to interim ordinance not to exceed twenty-two (22) months and fifteen (15) days) upon notice pursuant to Government Code section 65090 and a public hearing at which the City Council adopts the extension by at least a four-fifths (4/5) vote; and

WHEREAS, pursuant to the requirements of Government Code section 65858, a notice of public hearing about the proposed extension of this Ordinance, originally enacted on May 8, 2017, and extended for ten (10) months and fifteen (15) days on June 12, 2017, has been placed in a newspaper of general circulation within the City in compliance with section 65090; and

WHEREAS, at its April 9, 2018 meeting the City Council issued a written report describing measures taken to alleviate the conditions which led to the adoption of this Ordinance as required by subsection (d) of section 65858; and

WHEREAS, since the June 12, 2017 initial ordinance extension, and as outlined in the report, staff has continued researching possible cannabis regulations and issues related to commercial cannabis activities. Recent work efforts include researching evolving State and Federal law concerning commercial cannabis activities, actively participating in the County of Santa Barbara’s cannabis ordinance development process, meeting with the City Council on two occasions, December 11, 2017 and January 22, 2018 to discuss the possible scope and content of City commercial cannabis regulations, conducting public outreach in the form of a web survey made available to the general public to gauge community input of possible regulations, and
researching how other local jurisdictions are choosing to regulate commercial cannabis activities. Based on the work completed, additional time is necessary to complete a draft commercial cannabis ordinance for the Council’s consideration and adoption; and

WHEREAS, pursuant to the requirements of Government Code section 65858 the City Council has determined, by at least a four-fifths (4/5) vote, to extend this Ordinance for the immediate preservation and protection of the public health, safety and welfare of the community.

NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals Incorporated.

The above recitals are incorporated herein and are each relied upon independently by the City Council in its adoption of this Ordinance.

SECTION 2. Declaration of Urgency.

The City Council of the City hereby finds and declares that, for the reasons set forth in the above Recitals, there is a need to adopt this Ordinance establishing a moratorium on commercial marijuana activities within the City. City staff requires time to study issues surrounding commercial marijuana activities, including evolving state and federal laws, so that it can propose appropriate regulations ensuring that the effects of commercial marijuana activities on the health, safety and welfare of the residents and businesses of Carpinteria are adequately addressed.

SECTION 3. Moratorium.

In accordance with Government Code section 65858(a), and pursuant to the findings stated herein, the City Council hereby: (1) finds that there exists a current and immediate threat to the public health, safety, and welfare requiring this interim Urgency Ordinance; (2) finds that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety as set forth herein; and (3) declares and imposes a temporary moratorium for the immediate preservation of the public health, safety and welfare as set forth below:

A. Commercial marijuana activities are prohibited in all zoning districts in the City and may not be established or operated anywhere in the City.

B. For purposes of this Ordinance, the following definitions apply:

1. “Commercial marijuana activity” means any business, enterprise, or commercial activity of any kind whatsoever related to marijuana, whether licensed under state law or not, and whether operated for profit or not, including but not limited to:

   a) Possession, manufacture, distribution, processing, storing, laboratory testing, labeling, or sale of marijuana or marijuana products; cultivation of marijuana, as defined in CMC section 8.14.020; and transportation or delivery of marijuana or marijuana products within the City, whether originating inside or outside of the City’s jurisdiction, with the exception of transportation or delivery with both an origination and destination point outside of the City’s
jurisdiction. Notwithstanding the foregoing, any marijuana activities conducted in accordance with Chapter 8.14 or 14.59 of the Carpinteria Municipal Code, as well as all applicable state laws, are not considered “commercial marijuana activities” prohibited by this Ordinance.

b) The association of qualified patients, persons with valid identification cards, or primary caregivers, who associate in order to collectively or cooperatively cultivate, manufacture, distribute, sell, or deliver marijuana or marijuana products for medical purposes.

2. “Marijuana” shall have the meaning set forth in Health and Safety Code section 11018, and includes marijuana for both medical and nonmedical use.

3. “Marijuana products” shall have the meaning set forth in Health and Safety Code section 11018.1, and includes marijuana products for both medical and nonmedical use.

SECTION 4: Effective Date and Duration.

This ordinance is an urgency ordinance enacted under Government Code section 65858(a). This urgency ordinance becomes effective on the date immediately following the expiration date of Ordinance No. 716, i.e., May 8, 2018 and will extend for a period of one (1) year, at which time it will automatically expire on May 8, 2019.

SECTION 5: Amendment of Ordinance.

The City Council by ordinance after notice of public hearing and by the affirmative vote of at least four-fifths (4/5) of the City Council may modify, amend, delete or add to this Ordinance upon a finding that such action will implement and enforce the goals, policies, and purposes of this Ordinance.

SECTION 6: Publication.

The City Clerk is directed to certify this Ordinance and cause it to be published in the manner required by law.

SECTION 7: Study.

Staff is directed to study and analyze issues related to the establishment or operation of commercial marijuana activities within the City, including but not limited to, evaluating conflicts in state and federal law concerning the validity of the legislation, the potential impacts of such activities on public health, safety and welfare of the community, the desirability of such activities in various zones, and the extent of regulatory controls, if any, to impose on such activities.

SECTION 8: Report.

Staff is directed to provide a written report to the City Council at least ten days prior to the expiration of this Ordinance, describing the measures taken to alleviate the conditions that led to the adoption of this Ordinance, in accordance with state law.
SECTION 9: Interpretation and Severability.

This Ordinance is intended to be consistent with state and federal law, and is not intended to regulate in any area preempted by state or federal law. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 10: CEQA Exemption.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in section 15378); and 15061(b)(3) (the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment). The proposed interim ordinance extension maintains the status quo and prevents changes in the environment pending the completion of study and any amendment to the municipal code deemed necessary. Because there is no possibility that this Ordinance may have a significant adverse effect on the environment, the adoption of this Ordinance is exempt from CEQA.

PASSED, APPROVED, AND ADOPTED this 9th day of April, 2018, by the following called vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBER:

Mayor of the City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria
I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held this 9th day of April, 2018.

City Clerk, City of Carpinteria

APPROVED AS TO FORM

____________________________
Dylan K. Johnson, on behalf of
Brownstein Hyatt Farber Schreck, LLP
Acting as City Attorney of the City of
Carpinteria
Attachment B

Adopted Ordinance No. 715 & 716

Commercial Cannabis Moratorium Extension
April 9, 2018 City Council Meeting
ORDINANCE NO. 715

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA ESTABLISHING A MORATORIUM ON COMMERCIAL MARIJUANA ACTIVITIES

WHEREAS, pursuant to the City of Carpinteria’s (“City”) police power, as granted under Article XI, section 7 of the California Constitution, the City Council of the City (“City Council”) has the authority to enact and enforce ordinances and regulations for public health, safety and welfare; and

WHEREAS, pursuant to its police powers, the City has authority to regulate and prohibit medical marijuana activities, including the establishment of cooperatives and collectives (City of Riverside v Inland Empire Patients Health & Wellness Ctr., Inc. (2013) 56 Cal.4th 729); and

WHEREAS, as set forth in Chapter 14.59 of the Carpinteria Municipal Code (“CMC”), the City currently prohibits the establishment, operation or maintenance of medical marijuana dispensaries, as well as the cultivation and delivery of medical marijuana, with the exception of cultivation by a primary caregiver or qualified patient or delivery by a primary caregiver to a qualified patient, when conducted in strict compliance with applicable state law; and

WHEREAS, on November 8, 2016, the voters of the State of California approved Proposition 64, entitled the “Control, Regulate and Tax Adult Use of Marijuana Act”; and

WHEREAS, Proposition 64 legalizes and regulates nonmedical marijuana in California and requires nonmedical marijuana businesses, including cultivators, manufacturers, distributors, retailers, and testing laboratories, to obtain a state license in order to operate lawfully. The state will not issue licenses if the proposed nonmedical marijuana business violates a local ordinance. The state anticipates that it will begin issuing licenses for nonmedical marijuana businesses on or about January 1, 2018; and

WHEREAS, Business and Professions Code section 26200, which is part of Proposition 64, expressly recognizes the ability of cities to completely prohibit all nonmedical marijuana commercial activities or to regulate such activities; and

WHEREAS, under Proposition 64, individuals may possess and use specified amounts of marijuana and may cultivate up to six marijuana plants per private residence. Under Health and Safety Code section 11362.2(b), cities may prohibit private outdoor marijuana cultivation, but may not prohibit completely private indoor cultivation of six marijuana plants or less. Cities, however, may reasonably regulate private indoor cultivation of six marijuana plants or less; and

WHEREAS, as set forth in Chapter 8.14 of the CMC, the City has imposed regulations on the individual cultivation of marijuana for nonmedical purposes in accord with the restrictions of Proposition 64; and

WHEREAS, it is imperative that the City maintain local control over all marijuana land uses to the fullest extent allowed by law. The City anticipates that Proposition 64 may encourage the establishment of various marijuana businesses within the City. The Municipal Code does not currently address commercial marijuana activities. While no one may conduct such activities in
the City without a state license, express Municipal Code regulations regarding marijuana cultivation facilities, manufacturing sites, transporters, distributors, testing laboratories, and other business activities are necessary to provide clear guidelines regarding the scope of prohibited conduct and minimize the potential for confusion regarding the City's policies; and

WHEREAS, the adoption of an ordinance that addresses commercial marijuana activities will take time and careful consideration and will require input from various community stakeholders and the general public. Until that process is complete, an interim urgency ordinance under Government Code section 65858(a) is necessary to protect the public health, safety, and welfare; and

WHEREAS, marijuana establishments and activities often present health, welfare, and public safety issues for cities. Several California cities and counties have experienced adverse impacts associated with and resulting from marijuana dispensaries, delivery services, and cultivation sites. According to these communities and according to news stories widely reported, marijuana land uses have resulted in and/or caused an increase in crime, including burglaries, robberies, violence, and illegal sales and use of marijuana in the areas immediately surrounding such marijuana activities. Carpinteria residents have complained about odors emanating from large-scale growing operations in the vicinity of the City. Marijuana cultivation sites have been associated with illegal construction, unsafe electrical wiring, excessive water use, and fire hazards; and

WHEREAS, manufacturing of cannabis products can involve the use of chemicals and solvents, and as a result, the manufacture of hash oil concentrate, often added to edibles, drink and liquids, carries a risk of explosion due to the distillation process utilized to extract tetrahydrocannabinol. Burn treatment centers at two hospitals in Northern California reported in 2015 that nearly 10 percent of severe burn cases were attributed to butane hash oil explosions, which was more than burn cases from car accidents and house fires combined; and

WHEREAS, in 2015, there were at least five marijuana-related wildfires in California linked to marijuana growing operations; and

WHEREAS, it is reasonable to conclude that commercial marijuana activities could cause similar adverse impacts on the public health, safety, and welfare in Carpinteria, and residents have already complained about negative impacts related to odors; and

WHEREAS, it may be necessary to adopt regulations on commercial marijuana activities to protect the public against potential negative health, safety, and welfare impacts, and this moratorium is necessary to ensure the orderly and effective implementation of any regulations the Council may adopt; and

WHEREAS, an initial period of 45 days will permit City staff to undertake an initial investigation of these matters and recommend a course of action to the City Council; and

WHEREAS, California Government Code section 65858 provides that for the purpose of protecting the public safety, health and welfare and without following the procedures otherwise required prior to adoption of a zoning ordinance, the City Council may adopt, as an urgency measure, an urgency ordinance prohibiting any uses which may be in conflict with “a
contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time.”

NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals Incorporated.

The above recitals are incorporated herein and are each relied upon independently by the City Council in its adoption of this Ordinance.

SECTION 2. Declaration of Urgency.

The City Council of the City hereby finds and declares that, for the reasons set forth in the above Recitals, there is a need to adopt this Ordinance establishing a moratorium on commercial marijuana activities within the City. City staff requires time to study issues surrounding commercial marijuana activities, including evolving state and federal laws, so that it can propose appropriate regulations ensuring that the effects of commercial marijuana activities on the health, safety and welfare of the residents and businesses of Carpinteria are adequately addressed.

SECTION 3. Moratorium.

In accordance with Government Code section 65858(a), and pursuant to the findings stated herein, the City Council hereby: (1) finds that there exists a current and immediate threat to the public health, safety, and welfare requiring this interim Urgency Ordinance; (2) finds that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety as set forth herein; and (3) declares and imposes a temporary moratorium for the immediate preservation of the public health, safety and welfare as set forth below:

A. Commercial marijuana activities are prohibited in all zoning districts in the City and may not be established or operated anywhere in the City.

B. For purposes of this Ordinance, the following definitions apply:

1. “Commercial marijuana activity” means any business, enterprise, or commercial activity of any kind whatsoever related to marijuana, whether licensed under state law or not, and whether operated for profit or not, including but not limited to:

   a) Possession, manufacture, distribution, processing, storing, laboratory testing, labeling, or sale of marijuana or marijuana products; cultivation of marijuana, as defined in CMC section 8.14.020; and transportation or delivery of marijuana or marijuana products within the City, whether originating inside or outside of the City’s jurisdiction, with the exception of transportation or delivery with both an origination and destination point outside of the City’s jurisdiction. Notwithstanding the foregoing, any marijuana activities conducted in accordance with Chapter 8.14 or
14.59 of the Carpinteria Municipal Code, as well as all applicable state laws, are not considered “commercial marijuana activities” prohibited by this Ordinance.

b) The association of qualified patients, persons with valid identification cards, or primary caregivers, who associate in order to collectively or cooperatively cultivate, manufacture, distribute, sell, or deliver marijuana or marijuana products for medical purposes.

2. “Marijuana” shall have the meaning set forth in Health and Safety Code section 11018, and includes marijuana for both medical and nonmedical use.

3. “Marijuana products” shall have the meaning set forth in Health and Safety Code section 11018.1, and includes marijuana products for both medical and nonmedical use.

SECTION 4: Effective Date and Duration.

This ordinance is an urgency ordinance enacted under Government Code section 65858(a). This urgency ordinance is effective May 8, 2017 and will extend for a period of 45 days at which time it will automatically expire unless extended by the City Council under Government Code section 65858.

SECTION 5: Amendment of Ordinance.

The City Council by ordinance after notice of public hearing and by the affirmative vote of at least four-fifths (4/5) of the City Councils may modify, amend, delete or add to this Ordinance upon a finding that such action will implement and enforce the goals, policies, and purposes of this Ordinance.

SECTION 6: Publication.

The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

SECTION 7: Study.

Staff is directed to study and analyze issues related to the establishment or operation of commercial marijuana activities within the City, including but not limited to, evaluating conflicts in state and federal law concerning the validity of the legislation, the potential impacts of such activities on public health, safety and welfare of the community, the desirability of such activities in various zones, and the extent of regulatory controls, if any, to impose on such activities.

SECTION 8: Report.

Staff is directed to provide a written report to the City Council at least ten days prior to the expiration of this ordinance, describing the measures taken to alleviate the conditions that led to the adoption of this ordinance, in accordance with state law.

SECTION 9: Interpretation and Severability.
This Ordinance is intended to be consistent with state and federal law, and is not intended to regulate in any area preempted by state or federal law. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 10: CEQA Exemption.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in section 15378); and 15061(b)(3) (the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment). The proposed ordinance maintains the status quo and prevents changes in the environment pending the completion of study and any amendment to the municipal code deemed necessary. Because there is no possibility that this Ordinance may have a significant adverse effect on the environment, the adoption of this Ordinance is exempt from CEQA.

PASSED, APPROVED, AND ADOPTED this 8th day of May, 2017, by the following called vote:

AYES: COUNCILMEMBERS: Carty, Clark, Nomura, Stein, Shaw

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

Mayor of the City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria
I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the this 8th day of May, 2017.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Dylan K. Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria
ORDINANCE NO. 716

EXTENSION OF AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF CARPINTERIA, CALIFORNIA ESTABLISHING A MORATORIUM ON
COMMERCIAL MARIJUANA ACTIVITIES

CITY AUTHORITY TO ENACT THIS MORATORIUM:

WHEREAS, pursuant to the City of Carpinteria’s (“City”) police power, as granted under Article XI, section 7 of the California Constitution, the City Council of the City (“City Council”) has the authority to enact and enforce ordinances and regulations for public health, safety and welfare; and

WHEREAS, pursuant to its police powers, the City has authority to regulate and prohibit medical marijuana activities, including the establishment of cooperatives and collectives (City of Riverside v Inland Empire Patients Health & Wellness Ctr., Inc. (2013) 56 Cal.4th 729); and

EXISTING CITY AND STATE MARIJUANA LAWS:

WHEREAS, as set forth in Chapter 14.59 of the Carpinteria Municipal Code (“CMC”), the City currently prohibits the establishment, operation or maintenance of medical marijuana dispensaries, as well as the cultivation and delivery of medical marijuana, with the exception of cultivation by a primary caregiver or qualified patient or delivery by a primary caregiver to a qualified patient, when conducted in strict compliance with applicable state law; and

WHEREAS, on November 8, 2016, the voters of the State of California approved Proposition 64, entitled the “Control, Regulate and Tax Adult Use of Marijuana Act”; and

WHEREAS, Proposition 64 legalizes and regulates nonmedical marijuana in California and requires nonmedical marijuana businesses, including cultivators, manufacturers, distributors, retailers, and testing laboratories, to obtain a state license in order to operate lawfully. The state will not issue licenses if the proposed nonmedical marijuana business violates a local ordinance. The state anticipates that it will begin issuing licenses for nonmedical marijuana businesses on or about January 1, 2018; and

WHEREAS, Business and Professions Code section 26200, which is part of Proposition 64, expressly recognizes the ability of cities to completely prohibit all nonmedical marijuana commercial activities or to regulate such activities; and

WHEREAS, under Proposition 64, individuals may possess and use specified amounts of marijuana and may cultivate up to six marijuana plants per private residence. Under Health and Safety Code section 11362.2(b), cities may prohibit private outdoor marijuana cultivation, but may not prohibit completely private indoor cultivation of six marijuana plants or less. Cities, however, may reasonably regulate private indoor cultivation of six marijuana plants or less; and

WHEREAS, as set forth in Chapter 8.14 of the CMC, the City has imposed regulations on the individual cultivation of marijuana for nonmedical purposes in accord with the restrictions of Proposition 64; and
NEED FOR THIS MORATORIUM:

WHEREAS, it is imperative that the City maintain local control over all marijuana land uses to the fullest extent allowed by law. The City anticipates that Proposition 64 may encourage the establishment of various marijuana businesses within the City. The Municipal Code does not currently address commercial marijuana activities. While no one may conduct such activities in the City without a state license, express Municipal Code regulations regarding marijuana cultivation facilities, manufacturing sites, transporters, distributors, testing laboratories, and other business activities are necessary to provide clear guidelines regarding the scope of prohibited conduct and minimize the potential for confusion regarding the City’s policies; and

WHEREAS, the adoption of an ordinance that addresses commercial marijuana activities will take time and careful consideration and will require input from various community stakeholders and the general public. Until that process is complete, an interim urgency ordinance under Government Code section 65858(a) is necessary to protect the public health, safety, and welfare; and

WHEREAS, marijuana establishments and activities often present health, welfare, and public safety issues for cities. Several California cities and counties have experienced adverse impacts associated with and resulting from marijuana dispensaries, delivery services, and cultivation sites. According to these communities and according to news stories widely reported, marijuana land uses have resulted in and/or caused an increase in crime, including burglaries, robberies, violence, and illegal sales and use of marijuana in the areas immediately surrounding such marijuana activities. Carpinteria residents have complained about odors emanating from large-scale growing operations in the vicinity of the City. Marijuana cultivation sites have been associated with illegal construction, unsafe electrical wiring, excessive water use, and fire hazards; and

WHEREAS, manufacturing of cannabis products can involve the use of chemicals and solvents, and as a result, the manufacture of hash oil concentrate, often added to edibles, drink and liquids, carries a risk of explosion due to the distillation process utilized to extract tetrahydrocannabinol. Burn treatment centers at two hospitals in Northern California reported in 2015 that nearly 10 percent of severe burn cases were attributed to butane hash oil explosions, which was more than burn cases from car accidents and house fires combined; and

WHEREAS, in 2015, there were at least five marijuana-related wildfires in California linked to marijuana growing operations; and

WHEREAS, it is reasonable to conclude that commercial marijuana activities could cause similar adverse impacts on the public health, safety, and welfare in Carpinteria, and residents have already complained about negative impacts related to odors; and

WHEREAS, it may be necessary to adopt regulations on commercial marijuana activities to protect the public against potential negative health, safety, and welfare impacts, and this moratorium is necessary to ensure the orderly and effective implementation of any regulations the Council may adopt; and

WHEREAS, a temporary moratorium will permit City staff to undertake an investigation
of these matters and recommend a course of action to the City Council; and

WHEREAS, California Government Code section 65858 provides that for the purpose of protecting the public safety, health and welfare and without following the procedures otherwise required prior to adoption of a zoning ordinance, the City Council may adopt, as an urgency measure, an urgency ordinance prohibiting any uses which may be in conflict with "a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time"; and

NEED TO EXTEND THIS MORATORIUM:

WHEREAS, on May 8, 2017 the City Council determined by unanimous vote to enact Ordinance No. 715 pursuant to the requirements of Government Code section 65858 establishing a moratorium on commercial marijuana activities for a period of forty-five (45) days; and

WHEREAS, the provisions of Government Code section 65858 provide that the City Council may extend an interim ordinance for a period of ten (10) months and fifteen (15) days upon notice pursuant to Government Code section 65090 and a public hearing at which the City Council adopts the extension by at least a four-fifths (4/5) vote; and

WHEREAS, pursuant to the requirements of Government Code section 65858, a notice of public hearing about the proposed extension of this Ordinance, originally enacted on May 8, 2017, has been placed in a newspaper of general circulation within the City in compliance with section 65090; and

WHEREAS, at its June 12, 2017 meeting the City Council issued a written report describing measures taken to alleviate the conditions which led to the adoption of this Ordinance as required by subsection (d) of section 65858; and

WHEREAS, although the City has made progress, as outlined in the report, the City has not completed evaluating potential regulatory options to address commercial marijuana activities; and

WHEREAS, pursuant to the requirements of Government Code section 65858 the City Council has determined, by at least a four-fifths (4/5) vote, to extend this Ordinance for the immediate preservation and protection of the public health, safety and welfare of the community.

NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals Incorporated.

The above recitals are incorporated herein and are each relied upon independently by the City Council in its adoption of this Ordinance.

SECTION 2. Declaration of Urgency.

The City Council of the City hereby finds and declares that, for the reasons set forth in the above Recitals, there is a need to adopt this Ordinance establishing a moratorium on commercial...
marijuana activities within the City. City staff requires time to study issues surrounding commercial marijuana activities, including evolving state and federal laws, so that it can propose appropriate regulations ensuring that the effects of commercial marijuana activities on the health, safety and welfare of the residents and businesses of Carpinteria are adequately addressed.

SECTION 3. Moratorium.

In accordance with Government Code section 65858(a), and pursuant to the findings stated herein, the City Council hereby: (1) finds that there exists a current and immediate threat to the public health, safety, and welfare requiring this interim Urgency Ordinance; (2) finds that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety as set forth herein; and (3) declares and imposes a temporary moratorium for the immediate preservation of the public health, safety and welfare as set forth below:

A. Commercial marijuana activities are prohibited in all zoning districts in the City and may not be established or operated anywhere in the City.

B. For purposes of this Ordinance, the following definitions apply:

1. “Commercial marijuana activity” means any business, enterprise, or commercial activity of any kind whatsoever related to marijuana, whether licensed under state law or not, and whether operated for profit or not, including but not limited to:

   a) Possession, manufacture, distribution, processing, storing, laboratory testing, labeling, or sale of marijuana or marijuana products; cultivation of marijuana, as defined in CMC section 8.14.020; and transportation or delivery of marijuana or marijuana products within the City, whether originating inside or outside of the City’s jurisdiction, with the exception of transportation or delivery with both an origination and destination point outside of the City’s jurisdiction. Notwithstanding the foregoing, any marijuana activities conducted in accordance with Chapter 8.14 or 14.59 of the Carpinteria Municipal Code, as well as all applicable state laws, are not considered “commercial marijuana activities” prohibited by this Ordinance.

   b) The association of qualified patients, persons with valid identification cards, or primary caregivers, who associate in order to collectively or cooperatively cultivate, manufacture, distribute, sell, or deliver marijuana or marijuana products for medical purposes.

2. “Marijuana” shall have the meaning set forth in Health and Safety Code section 11018, and includes marijuana for both medical and nonmedical use.

3. “Marijuana products” shall have the meaning set forth in Health and Safety Code section 11018.1, and includes marijuana products for both medical and nonmedical use.
SECTION 4: Effective Date and Duration.

This ordinance is an urgency ordinance enacted under Government Code section 65858(a). This urgency ordinance becomes effective on the date immediately following the expiration date of Ordinance No. 715 and will extend for a period of ten (10) months and fifteen (15) days, at which time it will automatically expire unless extended by the City Council under Government Code section 65858.

SECTION 5: Amendment of Ordinance.

The City Council by ordinance after notice of public hearing and by the affirmative vote of at least four-fifths (4/5) of the City Council may modify, amend, delete or add to this Ordinance upon a finding that such action will implement and enforce the goals, policies, and purposes of this Ordinance.

SECTION 6: Publication.

The City Clerk is directed to certify this Ordinance and cause it to be published in the manner required by law.

SECTION 7: Study.

Staff is directed to study and analyze issues related to the establishment or operation of commercial marijuana activities within the City, including but not limited to, evaluating conflicts in state and federal law concerning the validity of the legislation, the potential impacts of such activities on public health, safety and welfare of the community, the desirability of such activities in various zones, and the extent of regulatory controls, if any, to impose on such activities.

SECTION 8: Report.

Staff is directed to provide a written report to the City Council at least ten days prior to the expiration of this Ordinance, describing the measures taken to alleviate the conditions that led to the adoption of this Ordinance, in accordance with state law.

SECTION 9: Interpretation and Severability.

This Ordinance is intended to be consistent with state and federal law, and is not intended to regulate in any area preempted by state or federal law. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 10: CEQA Exemption.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably...
foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in section 15378); and 15061(b)(3) (the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment). The proposed ordinance maintains the status quo and prevents changes in the environment pending the completion of study and any amendment to the municipal code deemed necessary. Because there is no possibility that this Ordinance may have a significant adverse effect on the environment, the adoption of this Ordinance is exempt from CEQA.

PASSED, APPROVED, AND ADOPTED this 12th day of June, 2017, by the following called vote:

AYES: COUNCILMEMBERS: CARTY, CLARK, STEIN, SHAW

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NOMURA

ATTEST:

[Signature]
Mayor of the City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the this 12th day of June, 2017.

[Signature]
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

[Signature]
Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria
Attachment C

January 22, 2018 City Council Meeting Minutes

Commercial Cannabis Moratorium Extension
April 9, 2018 City Council Meeting
8. **Initiation of Local Cannabis Regulations Pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)**

Recommendation: Provide guidance and direction to staff to develop, and return to the Council with, a comprehensive draft Cannabis Ordinance.

Nick Bobroff, Senior Planner, presented the staff report and PowerPoint presentation.

Councilmember Clark referred to the recent online survey and expressed his concern that there is confusion regarding which areas are within the City limits and which areas are governed by the County. Mr. Bobroff responded that City staff is working with the County and providing comment on their proposed regulations.

Councilmember Carty noted that he had the same concerns as Councilmember Clark. He commented that if the City Council chooses to regulate commercial marijuana that it would be much easier to set regulations rather than add them later, and it would be easier to remove them if they are not needed. Mr. Bobroff responded that he agreed it would be more conservative and safer to be more restrictive upfront and ease regulations back over time as opposed to being overly permissive upfront and then to try to reign them back in.

Councilmember Carty commented that it seemed that the City has a time to extend the moratorium on May 7 to another year; however, going to the Coastal Commission will require a 60-day period, which shortens the time. Mr. Bobroff responded that it would be hard to say how long it would take to get through the Coastal Commission’s permitting process, but it would be better to get started sooner rather than later.

Councilmember Stein noted that last week the Santa Maria City Council banned everything within the city limits and people said they would go to Lompoc, who is dealing with the same issues with the County. He commented that it appeared the County has a lassiez faire attitude towards the cannabis industry and the incorporated cities are the ones complaining due to living with the impacts. He suggested uniting with the other cities in order to have more impact with the County.

Mayor Shaw commented that if the City Council were to ban everything within the city limits, the City would also lose the rights to any of the money from the County, such as funds for law enforcement. Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, responded that there is a provision in the law that provides for some funding related to public safety that would derive from State tax revenue from cannabis uses, and it provides that if the City prohibits all cultivation in the city then the city is not eligible to receive those funds. He noted that the money that the County would be deriving from its program would not go to the City anyway because it would be County tax revenue.
Mayor Shaw inquired if the City were to conduct another survey whether it would behoove the City to extend the moratorium. Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, responded that regardless of the City Council's decision, the City Council may want to extend the moratorium because the City Council is still considering options. He stated that if the City Council has formulated and adopted regulations and forwards them to the Coastal Commission, the City Council would still need to extend the moratorium due to the Coastal Commission timeline for review.

Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria provided an update on compliance with Federal law. He noted that more recently there have been a few memoranda from the Department of Justice (DOJ) over the years that laid out parameters on what jurisdictions could do to protect themselves from a federal enforcement action. The primary memo is called the Cole Memorandum, which directed DOJ attorneys to focus their enforcement efforts on true criminal activity related to cannabis, such as gang activity. The memo said to avoid interfering with States where cannabis has been legalized and programs are being properly implemented to protect against gang activity related to cannabis and minors' use of cannabis. He noted that on January 4, 2018, the Attorney General rescinded all of the memoranda. Although these memoranda did not have the force of law, they did provide direction to the DOJ. The Attorney General provided discretion to the local United States attorneys in the States to determine how they want to enforce cannabis related activities. There is a lot of uncertainty because it will be up to who the local United States attorney is and what they consider to be a priority. There is uncertainty on how the DOJ will enforce cannabis because it remains a Schedule 1 substance under federal law. There is theoretically the possibility that the federal government could bring something like an aiding and abetting charge against city officials that issued authorizations for marijuana activities, which are illegal from the DOJ’s perspective. Another uncertainty issue is banking. It is unclear on whether banking institutions will hold money derived from marijuana activities since the memorandum that provided some clarity on that issue was rescinded. This means that it may be difficult for a local agency to find a banking institution that will hold the funds, such as tax revenues or fees that are derived from authorizing marijuana activities, and it also means that there is a potential prosecutorial path from a DOJ attorney who could seek disgorgement of illegally obtained funds rather than seeking criminal prosecution of city officials. It places more uncertainty in the financial realm with respect to marijuana laws as well for local agencies. There is a protection in federal law called Rohrabacher-Blumenauer amendment that indicates that the federal government shall not spend any money in enforcing marijuana laws in States where it has been legalized if programs are being properly implemented; however, this was only specific to medical marijuana laws and it does not address commercial cannabis. The Attorney General has also said that the federal government should not readopt this provision. He stated that he believed that in the most recent stopgap bill this is still a present element in federal law, but there is uncertainty whether this will continue.
Councilmember Carty stated that there is much confusion with the State passing a law that is against a federal law. He commented that one would think that the federal government would say that the State broke federal law. He inquired how this would play out or get resolved. Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, responded that the way that these State laws work is that it is not affirmatively legalizing this activity. The California law is about medical marijuana, commercial activity and commercial marijuana, and simply says that it is no longer a crime under State law if they abide by the regulatory scheme. California is not saying that it is not a crime under federal law and the Federal government says it is still a crime under federal law. It is more like the State has removed a barrier under State law, but is not trying to interfere or conflict with Federal law.

Paul Ekstrom stated marijuana would provide business opportunities, taxation fees, and penalty fees. He also stated that if Carpinteria were to become an island and ban marijuana outright that the City may regret it. He commented that the City's residents would go to Ventura or Santa Barbara and spend their money there. He stated that he believed marijuana is here and the City needs to deal with it.

Roberta Leghtinen stated that she would prefer to not allow cannabis dispensaries within the city limits, or put them outside of town in industrial areas in the west end and away from populated areas. She noted that Santa Maria does not allow dispensaries, and Lompoc's petition was shot down and they have many dispensaries. She stated that the County has not yet set any regulations, and Carpinteria needs to deal with the Coastal Commission. She commented that at this point marijuana is a cash business, which is tempting to criminal activity. She stated that marijuana is the most commonly used illicit drug in the United States, it is used widespread among young people, and causes many health issues.

Valerie Bentz expressed concern that components regarding odor issues are not being addressed to neutralize the odor. She noted that she has been unable to open her windows for over one year due to odor and allergy reactions. She also noted that one of the companies is currently using a machine that mixes essential oils with surfactants, which supposedly change the composition of the molecules to neutralize the odor. She stated that she believes this is misleading because the odors still go into the air and the people still breathe it in. She asked the City Council to not believe that mitigation measures will alleviate odor issues.

Mike Wondolowski, representing the Carpinteria Valley Association (CVA), stated that CVA has been very disappointed with how badly the County has handled their cannabis regulation process. He stated that the County has been unable to determine which medical marijuana growers may be grandfathered in. He also stated that Carpinteria Valley residents have been subjected to odor issues with no reasonable recourse. He recommended that the City learn from the County's mistakes. He stated that he believed the County's biggest mistake is that they had dollar signs in their eyes and they
expect cannabis to be a cash cow and solve financial issues. He also stated that at this point CVA is not taking a position for or against cannabis operations or taxation issues inside the city limits; however, they urge the City Council to take active control by either drafting an ordinance that includes comprehensive regulations or by prohibiting all commercial operations within the city. He commented that should the City decide to allow some type of commercial operation that the City needs to consider the negative impacts to the community. He stated that any odors are completely unacceptable. He also stated that regardless of what the City forecasts, there would be less revenue than anticipated. He further stated that if there were adequate regulations to control the impacts, the cost of enforcement would be far higher than anticipated.

Steve Figler expressed concern with odors and health issues. He addressed the proposed mitigation measures of the cannabis-generated skunk odor by adding chemicals. He expressed concern that they would be putting more chemicals into the air, which would be breathed in by himself and everyone in town including youth. He stated that the City Council should also consider the signs on the streets regarding Carpinteria being a clean and green and smoke-free city.

Jodi Wright noted that she grew up in New Hampshire in the 1960s and 1970s. She stated that when she was a teenager she volunteered at the state hospital where many of the patients were institutionalized due to alcohol abuse. She noted that she subsequently worked with the homeless who lived on the streets. She stated that homeless people cannot purchase hard drugs due to lack of funds, and none of her homeless clients used anything other than alcohol and marijuana. She stated that she was against any form of substance because she is a grandmother, and she is against her grandchildren drinking or smoking marijuana. She commented that her friends from the 1960s and the 1970s who used marijuana still have the propensity to continue its use.

Lt. Brian Olmstead stated that he has been working with the County through their cannabis regulations process. He suggested the City Council consider regulating cannabis whether it is a total ban other than what is allowed by State law, whether to allow residents to grow six plants either outside or inside of their home, and making the regulations very clear in order to allow law enforcement to enforce the regulations.

Councilmember Clark inquired whether the County's ordinance includes dispensaries. Lt. Olmstead responded that the County is still considering dispensaries. He noted that the County has not made any decisions regarding deliveries, and they are also exploring size and volatile and nonvolatile manufacturing.

Councilmember Clark inquired whether the Sheriff's Department would need more personnel in the narcotics force with any type of cannabis ordinance. Lt. Olmstead responded that the Sheriff's Department would need additional investigators with any type of cannabis or marijuana enforcement.
Councilmember Clark inquired if the City Council were to decide to ban everything and the City is aware that deliveries are taking place in Carpinteria, what would the Sheriff’s Department experience be with enforcement. Lt. Olmstead responded that it becomes difficult because part of it would be training all of the Deputies to learn both the City and the County’s ordinances.

Councilmember Stein inquired whether deliveries could be made from Ventura or Santa Barbara if the City and the County do not allow delivery services. Lt. Olmstead responded that it was his understanding that if the City were to outlaw delivery services, then there could be no delivery services in the City’s jurisdiction; however, they could transport through the City’s jurisdiction.

Mr. Bobroff addressed Councilmember Clark’s question on retail and deliveries and noted that the County is considering retail in their commercial zone districts. He stated that the only commercial areas in Carpinteria is the thin strip along Santa Claus Lane, which is restricted commercial use, and there is no County zoned commercial properties in the Carpinteria Valley. He also stated that in regards to deliveries, staff was not certain whether the County’s ordinance would allow deliveries; however, staff recalls that County Supervisor Williams indicated that he was opposed to any deliveries occurring as part of the County’s ordinance.

Councilmember Stein stated that he agreed with Lt. Olmstead that the more restrictive an ordinance the better. He also stated that he could not see any way that the City Council could approve a retail outlet or processing in the city limits, and that he believed the City should move forward with an ordinance.

Vice Mayor Nomura stated that he agreed with Councilmember Stein. He stated that one of the hardships was that the City Council did not have a true model. He also stated that the City Council would need time to create an ordinance, and that he agreed with having something more restrictive. He commented that he has seen the positive in medical marijuana use.

Councilmember Clark stated that he agreed that the City Council needed more information, and that it made sense to be more restrictive now and if more information comes later then the City Council may revisit its regulations.

Councilmember Carty stated that he agreed the City Council needed to adopt regulations and do whatever they could to protect the City’s public health, safety, and welfare. He expressed concern that the very young have easy access to marijuana right now. He also stated that he has seen there is a need for medical marijuana.

Mayor Shaw stated that he agreed it would be easier to adopt more restrictive regulations and then ease away as the City learns more. He also stated that the City Council would need to extend the moratorium because there is much going on and it
changes daily. He commented that he supported the idea of organizing the regulations into once ordinance.

Dave Durflinger, City Manager, stated that it was staff’s understanding that the City Council was interested in regulating marijuana and interested in combining the regulations. He noted that the focus at this time was commercial regulation, and previously the City Council adopted regulations concerning personal use as allowed under Proposition 64 and medical marijuana use as allowed by State law. He referred to Page 4 of the staff report and the series of five questions with options for regulating commercial cannabis.

Mr. Bobroff reviewed the types of uses permitting under State law: indoor and outdoor cultivation; volatile and nonvolatile manufacturing; processing and packaging; distribution; testing; and retail considerations.

Councilmember Carty stated that he believed there was plenty of marijuana being grown in the valley and there did not need to be cultivation in the city. He noted that the City already allows six plants to be grown for personal use. He stated that he would be against any further cultivation in the City.

Councilmember Stein stated that he agreed with Councilmember Carty, and that he would be opposed to retail dispensary and delivery.

Vice Mayor Nomura stated that he agreed with Councilmember Stein.

Councilmember Stein referred to manufacturing and inquired whether this would involve growing it in the valley and bring it into the city and processing it. Mr. Bobroff responded that there was an option that was discussed by staff and the cannabis subcommittee to have manufacturing facilities located in the industrial zones that take the raw product and process it either through volatile or nonvolatile processes to extract the oils to make a product from it. Lt. Olmstead added that for manufacturing a person could obtain different types of licenses through the State and through the local jurisdiction. He stated that in regards to the manufacturing license, there are two different ways to extract the desired product from the leaves and the bud. He noted that nonvolatile manufacturing is usually used in carbon dioxide as an extraction solvent, and it is not flammable but it works under high pressure. He noted that volatile manufacturing is used in flammable such as butane. He stated that the City Council could regulate both volatile and nonvolatile standards. He noted that throughout the country volatile laboratories have blown up, and there is commercial grade extraction equipment that makes this method safe.

Councilmember Carty inquired whether manufacturing is allowed in the agricultural zone. Mr. Durflinger responded that in the draft County regulations, volatile manufacturing would be permitted with a conditional use permit in the agricultural zone.
He noted that the City has written and commented in opposition to allowing volatile manufacturing in the agricultural zone.

Councilmember Clark inquired whether there was anything else in the City’s industrial areas that deal with hazardous substances such as butane. Lt. Olmstead responded that he was aware of extraction in County areas, such as lavender extraction, that use the same process and equipment. He stated that it could be safe such as any other volatile manufacturing process as long as it is regulated, certified equipment is used, and people are trained to use it. Mr. Bobroff added that he was not aware of any other businesses in the industrial parks that are using dangerous chemicals such as butane; however, there are a number of industrial businesses that are storing large quantities of polyester resin, nitrogen gas tanks, and other dangerous chemicals.

Councilmember Stein stated that it was his understanding that the bulk of the growing in the County is occurring in the Carpinteria Valley. Lt. Olmstead responded that he would say it is being grown throughout the County.

Mayor Shaw stated that he agreed with Councilmember Stein that there was no need for cultivation within the city limits. He stated that he would support manufacturing if it was done safely and permitted in industrial areas with very strict requirements.

Vice Mayor Nomura expressed an interest in learning more details regarding the pros and cons for the geographical areas and medicinal marijuana.

Mayor Shaw stated that he did not support retail or distribution within the city limits. He also stated that he agreed with Vice Mayor Nomura that the City Council needed more information on the pros and cons.

Councilmember Clark inquired regarding the definition of distribution. Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, responded that according to the statute, distribution means the procurement, sale, and transport of cannabis and cannabis products between licensees. He stated that the City may define distribution for its own purposes to allow or prohibit some form of that.

Mr. Bobroff noted that the County is looking into vertical integration where one operator may obtain multiple different licenses. He stated that they might do their own cultivation, processing and packaging, and their own distribution all in one location.

Mr. Durflinger stated that staff would bring back the next level of information in regards to manufacturing, processing and packaging, and testing for pros and cons. He noted that staff heard definite opposition to cultivation and retail.

Vice Mayor Nomura inquired whether retail would include medicinal marijuana. Councilmember Clark inquired whether this meant that the City Council would be
combining medicinal and recreational marijuana. Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, responded that at present the concept that staff would be bringing forward would be what kind of regulations the City Council wants for commercial, recreational, and nonmedical marijuana. He noted that the City's current regulations for medical marijuana limits it to patients and primary caregivers, and the City does not allow deliveries and dispensaries for medical marijuana. He stated that if the City Council was interested in not allowing dispensaries for recreational marijuana but allow dispensaries for medical marijuana that this could be direction that the City Council could give to staff. He stated that he believed that the concept tonight was to see how the City Council wants to regulate the commercial side of marijuana and leave the current regulations in place for medical marijuana, and then staff would bring back an ordinance that would combine both uses.

Vice Mayor Nomura expressed concern with combining commercial and medical marijuana. He stated that he seen the benefits for medicinal use. Councilmember Stein commented that he has seen medicinal marijuana being abused.

Mayor Shaw inquired whether the ordinance could keep medical marijuana use separate and keep the current regulations. Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, responded that this was correct. He stated that he would not propose trying to regulate medical marijuana through the commercial regulations. He noted that currently the City has three different sections in three different locations in the Municipal Code that deal with marijuana. He noted that staff was discussing putting them in a central location in the Municipal Code. Mr. Bobroff added that there may be some areas where the City Council allows commercial manufacturing and that it would make sense to allow medicinal marijuana as well because there is no difference between processing for medicinal purposes as opposed to recreational purposes.

Mayor Shaw inquired what type of direction staff was seeking. Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, responded that once the City Council has finished with its discussion on what they would like to have staff explore and what issues they are not interested in such as cultivation, then the City Council could make a motion and to direct staff to follow the City Council's direction.

Mr. Durflinger suggested that staff could take the three areas and come back with some of the details that are inherent to allow the City Council to deliberate on the next questions. He stated that he believed the City Council was at a logical stopping point for tonight and staff could bring back additional information on manufacturing, processing and packaging, testing, and distribution. He also stated that staff could also bring back sample regulations and examples based on locations and zone districts where these things logically fall and what they look like in our community in relation to sensitive uses and other potential use conflicts.
Councilmember Carty asked that staff also look into the odorants in the County.

Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, stated that the direction that staff was hearing was that the City Council is not interested in exploring allowances for cultivation either indoor or outdoor, or manufacturing nonvolatile and volatile or retail. The City Council wants to receive more information on manufacturing, processing, packaging, distribution, and testing. He stated that staff would return with further information and details on regulations and other approaches that other jurisdictions have taken and the pros and cons for the City Council’s consideration.

Motion by Vice Mayor Nomura, seconded by Councilmember Stein, to receive more information on manufacturing, processing, packaging, distribution, and testing, and that staff bring back further information and details on regulations and other approaches that other jurisdictions have taken and the pros and cons for the City Council’s consideration.

Councilmember Carty expressed concern that the public may not be aware that personal cultivation is currently allowed. Mayor Shaw agreed and noted that the City Council was only considering commercial/recreational cultivation, but not personal cultivation. Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, noted that this was correct, and that personal use regulation in terms of use and possession are mandated by State law.

Councilmember Carty inquired whether people with medical prescriptions for medical marijuana are allowed to grow more plants. Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria, responded that he believed people could exceed the six plants limit that is imposed on recreational use if they have a prescription, but that his recollection was that the prescription must say this is how much that person will need.

Upon voice vote, motion carried unanimously.

LEGISLATIVE UPDATE:

Dave Durflinger, City Manager, noted that the League of California Cities has put out some talking points and information regarding SB 1 that established a comprehensive transportation support, including new taxes and fees. He stated that the League of California Cities was anticipating that there would be ballot measures to revoke that law; therefore, they want to get the word out regarding the need for SB 1. He noted that the League of California Cities released its annual strategic goals, and that the City uses these goals in the City’s annual strategic planning and legislative advocacy work plan item. He also noted that there was a very good summary of the Governor's draft budget.
Attachment D

CEQA Notice of Exemption

Commercial Cannabis Moratorium Extension
April 9, 2018 City Council Meeting
Notice of Exemption

To: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044  
County Clerk  
County of: Santa Barbara  
105 East Anapamu Street  
Santa Barbara, CA 93101

From: (Public Agency): City of Carpinteria  
5775 Carpinteria Avenue  
Carpinteria, CA 93013

Project Title: Urgency Ordinance extension establishing a moratorium on commercial cannabis activities

Project Applicant: City of Carpinteria

Project Location - Specific:  
Citywide- Carpinteria

Project Location - City: Carpinteria  
Project Location - County: Santa Barbara

Description of Nature, Purpose and Beneficiaries of Project:  
The proposed Urgency Ordinance extension would establish a moratorium on commercial cannabis activities in the City of Carpinteria, maintaining the status quo and preventing changes in the environment pending the completion of study and any amendments to the Municipal Code deemed necessary.

Name of Public Agency Approving Project: City of Carpinteria

Name of Person or Agency Carrying Out Project: City of Carpinteria

Exempt Status: (check one):  
☐ Ministerial (Sec. 21080(b)(1); 15268);  
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));  
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));  
☐ Categorical Exemption. State type and section number: 15060(c)(2), 15060(c)(3), 15061(b)(3)

Reasons why project is exempt:  
The project is not subject to CEQA as the activity proposed in the project would not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not considered a project as defined in Section 15378; and the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

Lead Agency Contact Person: Nick Bobroff, Senior Planner  
Area Code/Telephone/Extension: (805) 755-4407

If filed by applicant:  
1. Attach certified document of exemption finding.  
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: __________________________ Date: __________________________ Title: __________________________

☐ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: __________________________

Revised 2011