

de la Guerra, Sheila **Public Comment**

From: Alexander, Jacquelyne
Sent: Thursday, June 27, 2019 4:02 PM
To: Board Letters
Subject: Cannabis Public Comment - July 9th
Attachments: Friends of Shepard Mesa - Cannabis Public Comment - July 9, 2019.pdf



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FRIENDS OF SHEPARD MESA

To: The SB Board of Supervisors for Distribution

c/o Clerk J. Alexander: sbcob@countyofsb.org or 105 East Anapamu, Room 407

From: Friends of Shepard Mesa

Re: BOS Meeting —July 9, 2019

We are an Unincorporated Association representing 30+ Carpinteria residents and homeowners.

We hereby **Incorporate by Reference** the letter dated June 4, 2019, by Patricia Holden, PHD, concerning various environmental impacts. This letter was addressed to Lisa Plowman, Director of the DPD and copied to the BOS. Hereinafter referred to as "Holden Letter".

Appearance of Impropriety & Recusal

Given the Los Angeles Times article by Joe Mozingo, dated June 12, we believe there is a need to restore the public trust and to avoid the appearance of impropriety. **RECOMMEND** the voluntary and immediate recusal of the three Supervisors mentioned in the article from all Cannabis-related decisions. **FURTHER RECOMMEND** that *sua sponte* the BOS request an independent subpoena-powered investigation to "dig deeper", bolster public trust and ensure there were no violations.

Coastal Commission Communication

The Mozingo article stated that certain BOS correspondence to the Coastal Commission was drafted by CA Strategies, a cannabis lobby firm and sent—unedited—by the BOS to the CC. **RECOMMEND** that the BOS notify the CC that certain communications sent under the BOS letterhead were drafted by CA Strategies and forwarded, unedited, by the BOS.

Consistent Treatment

- **RECOMMEND** that the Ag-II Existing Developed Residential Neighborhood [EDRN] protections be applied to EDRN in the Ag-I zone as well. This is a loophole that makes no sense.
- **RECOGNIZE** that all county taxpayers are equal. **RECOMMEND** that in **both** the Coastal and Inland zones lot size minimums be increased.

Nuisance Abatement & Odor Eradication

- **RECOMMEND** that the BOS-controlled APCD neither implicitly nor explicitly "endorse 'deodorizing systems' which could—by their own uncertain emissions of other VOCs and additive chemicals – actually exacerbate ground level ozone formation..." Holden Letter
- **RECOGNIZE** that Nuisance Abatement is the county's responsibility. As such, require the Best Practices of other States and the independent vetting of competing technologies. Carbon Filtration and sealed greenhouses may work best—even if this requires newly constructed greenhouses rather than the existing circa 1950s-era facilities. **RECOMMEND** Carbon Filtration and sealed greenhouses unless/until other abatement technologies are vetted as it relates to long term low level exposure, are approved, and shown to be effective. Provisional Licenses should never vest (a Condition Precedent) until there is **complete and safe** odor eradication. **FURTHER RECOMMEND** annual and public compliance review hearings to ensure working emission controls and agreeable neighbor experience.

- **ROCOGNIZE** that it is a federal crime to “possess for distribution” MJ within 1,000’ of a school. **RECOMMEND** the immediate eradication of Terpene/VOC odors at schools and require a 1000’ county/city setback. VOC’s need more study, especially as it relates to children.

High Volume Cash Businesses Bring Crime:

- **RECOMMEND** that the county supplement additional police presence and protection in concentrated grow-areas and cities. The criminal aspect of MJ was recently highlighted on June 6, 2019 when industry laborers were detained and suspected of being part of an Armenian human trafficking ring. Of course, there were guns as well which is par for the course in any cash business whether licensed or not.

Recognize that MJ is not a “Crop” under the Right to Farm Act, unlike aother pre-Prop 64 Crops:

- **RECOMMEND** that the *APCD* and *Agricultural Commissioner* recognize that pursuant to state statutory and constitutional law Cannabis is not a “Crop” and manufacturing is not an “Ag Operation” under the Right to Farm Act. This is a psychoactive drug, illegal at the federal level, regulated by the BCC, with odors and environmental impacts that make most cultivation sites Nuisances—there is no Nuisance exemption.

The BOS is not omnipotent and there are too many long-term/open issues to continue:

- **RECOMMEND** a Moratorium on issuance of any new permits to cultivate to cool the community and re-examine the Ordinance.
- **RECOMMEND** an Economic Impact Study. First year Gross Revenues across **ALL** MJ revenue-buckets was just \$5.1M. Against this we have the potential for MJ to cause revenue decreases: property tax reductions from impacts to property values, impacts to other Ag, hospitality, tourism and the various SB-brands.
- **RECOMMEND** Health Studies re: VOC’s, among other things. We need to **know** through independent testing the **low level long-term 24/7 effects** of VOC’s, **including those used in Odor Mitigation Systems** on children, those with sensitivities, pregnant women and the general population. These studies are wholly different than studies on acute high-level exposures. **RECOGNIZE:** *“Odors are merely a symptom of VOC’s and the APCD’s continued “conflation” of “odor” and “VOCs” “is problematic, as emitted VOCs in amounts below an odor threshold are uncertain with regards to their potential to contribute to health or environmental impacts.”* Holden Letter

We live in a fractured media county & many actions were taken during evacuation periods:

- Many important hearings leading to the final Cannabis Ordinance occurred while we were evacuated and/or focused on fires, floods, and loss of life in early 2018. **RECOMMEND:** A transparent, unbiased community education campaign about Cannabis that informs our 400,000 residents: 1. We have issued more permits than any other County in CA; 2. We allow permit “stacking” such that one grower can hold hundreds of ¼ acre permits; 3. Many permit holders, some with scores of permits, have yet to plant/start growing—if you don’t smell it yet, you will; and 4. Our county doesn’t truly have neutral agencies or checks and balances as the BOS essentially controls the APCD and Planning Commission.

These Permits and Provisional Licenses are temporary and have yet to vest. Together we need to “put the genie back in the bottle” so that we fairly manage grower expectations with a narrowed Cannabis ordinance, more rigorous permits, and cool a very heated community.