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Dear Board of Supervisors,

My name is Michael Avramidis. I am an attorney based out of San Jose, California and I have been working with Medical Cannabis Dispensaries, Cultivators, and Producers for the past five (5) years. As you may or may not know the Cannabis industry has seen significant changes in the last several years, with the seminal Riverside County v. Inland Empire Patients Group ruling supporting the right of localities to regulate the zoning and operations of Cannabis businesses. Some localities, such as San Jose, severely changed their zoning regulations immediately on the coattails of the case, resulting in a referendum which is slated for the November 2016 ballot, while others such as Santa Barbara County are only now contemplating change. My clients, who are operating in Santa Barbara County and have been for the last year without incident, have reached out to local and county planning and law enforcement in order to get clarification and create a discourse. I first contacted Matthew Schneider Deputy Director of the Long Range Planning Division in October of last year to confirm that Santa Barbara County follows state guidelines as it relates to cannabis cultivation. Matthew has been extremely helpful and patient as it relates to my numerous inquiries. As evidenced by the Staff Report attachment existing county regulations do not distinguish between specific crops and agricultural products and goes on to say that the zoning and permit requirements are identical for all agricultural products. *See Attachment 4 to Agenda PC Staff Report page 3, paragraphs entitled 'Existing County Regulations.'* ”

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As you contemplate adding Article X, titled 'Medical Marijuana Regulations,' to Chapter 35, Zoning, of the Santa Barbara Municipal Ordinance I implore you to consider some of the following:

**Permit cultivation to continue under the state guidelines and Santa Barbara County agricultural zoning pending a new comprehensive ordinance**

As evidenced by other letters accompanying the agenda for this meeting my clients are not the only group operating cultivation facilities within the county. Although I do not personally have information as it relates these cultivation sites the lack of media coverage and police intervention would lead me to conclude that much like my clients other cultivators have been good actors. Through my experience working in other counties throughout California nuisance complaints are at the top of the list of concerns for both citizens and government officials. These complaints relate to smell, noise, activity and light pollution; however, under the existing Santa Barbara ordinance restricting larger scale cultivation facilities to agriculturally zoned areas would help eliminate these nuisances because of the size and characterization of agriculturally zoned parcels.

Although both the Montecito and Santa Barbara County Planning Commissions unanimously voted to not adopt the proposed ordinance, Case No. 15ORD-00000-00018, it is not to say that there is not room for improvement in the zoning and regulation of cannabis cultivation in this county. I have volunteered my expertise to the Santa Barbara County Planning Department as it contemplates new regulations. What I have found on numerous occasion is that regulations are implemented or recommendations are given without impute from cultivators and industry experts resulting in unreasonable and irresponsible regulations. Together I believe that Santa Barbara County and cannabis experts can create a reasonable and responsible zoning ordinance that works for the all of the citizens of the county and creates a new revenue stream for the public coffers.

**AB 21 sponsored by Assemblymember Jim Wood will remove the March 1 deadline to enact local regulation of cannabis cultivation**

On Wednesday January 13, 2015 Assemblymember Jim Wood's office issued a press release stating that AB 21 was unanimously passed by the Senate Government and Finance Committee. The bill will remove the March 1 deadline from the Medical Marijuana Regulation

and Safety Act (MMRSA). The March 1 deadline has been a huge issue for Planning as evidenced by its reference throughout their recommendations stating that "The County lacks sufficient time to prepare a comprehensive ordinance to regulate medical marijuana cultivation and delivery in order to minimize negative impacts by March 1, 2016. *See* Attachment 1 Findings case no. 15ORD-00000-00018 page 1 ¶2.1. Now with the March 1 deadline slated for removal Planning will have the time to create a comprehensive ordinance rather than ban a practice that can easily be regulated and conducted in a responsible manner.

### **Conclusion**

There is no need to rush to ban cultivation in Santa Barbara County now that the March 1 deadline is no longer an issue; however, there are concerns and always room for improvement. It would be in the best interest of the county Planning Department and Board of Supervisors to work closely with industry experts to create a reasonable and responsible zoning ordinance that works for everyone. Fortunately this County has numerous large agricultural parcels that are well suited to cannabis cultivation which can be done in a manner to eliminate nuisance to neighbors. Thank you very much for taking the time to review this letter and consider my suggestions.

Sincerely,

Michael Avramidis  
Medical Cannabis Compliance Attorney