

LATE
DIST

#1

Ramirez, Angelica

Public Comment Group 1

From: Anna Carrillo <annacarp@cox.net>
Sent: Sunday, January 26, 2020 1:38 PM
To: sbcob; Williams, Das; Hart, Gregg; Hartmann, Joan; Adam, Peter; Lavagnino, Steve
Cc: Melekian, Barney; Yee, Steven H - CEO
Subject: Update on Cannabis Compliance

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To: Board of Supervisors
From: Anna Carrillo
January 26, 2020

It's unbelievable to me that in the 1st fiscal quarter of 2019-2020 Aug-Oct.2019, that only 34 operators out of 90 operators paid their taxes to the county. Staff states that 34 operators claimed "No Receipts" and 22 failed to even file reports. Is this due to self-reporting versus acreage and/or state provisional licenses received for cultivation, nursery, and processing? I have heard that Santa Barbara County is the only jurisdiction that relies on self-reporting for taxes.

In Carpinteria currently as of 1/15/2020 my data from the CDFA site shows that there are a total of 314 Provisional Licenses for cultivation, 17 Nursery licenses, 14 Processor licenses for a total of 304 with almost half (146) expiring by the end of March. Only 1 of the 3 with a CDP has acquired 14 state cultivation licenses and his totals are not included in my above numbers. From what I hear of the locations of where the odor complaints are occurring, 104 of the expiring provisional licenses are assigned to 8 properties that seem to be possible origins of those complaints. 6 of these properties have processing provisional licenses and I am hearing from everyone in the know that processing is the most smelly part of the operations and need more restrictions.

Since the state has extended provisional licenses till Jan.1, 2022, the Board needs to direct the county CEO's office not to arbitrarily let these provisional licenses be renewed for another year without some action taken - by making sure 1. Reports are submitted within 2 weeks, 2. tax monies are estimated and collected, 3. verification that no odor is emitted outside of their premises from those reported for previous odor violations, 4. substantial progress is being made on their LUPs/CDPs applications, not having "awaiting applicant action" stated, and 5. operators report track and trace not only to the state, but also to the CEO's office.

I, of course, don't know who hasn't paid their taxes by either not filing a report, or reporting no receipts. The County Cannabis Tax Ordinance permits the Treasurer to complete an Audit. The Ordinance also authorizes the Treasurer to estimate taxes when an operator fails to pay. The Ordinance also allows the Treasurer to examine/audit books of all operators. This needs to be done now! Even though the state hasn't yet facilitated the "track and trace" system, the county is being negligent in not having the County Treasurer institute an audit.

In the staff letter, it is stated that in the 1st quarter (Aug.-Oct. 2019) out of 234 odor complaints received 94.4% or 221 were received from Carpinteria. This has occurred even though it was brought up at a Board meeting in July 2019 to have odor abatement systems in place by Labor Day 2019. Odors in some places have gotten worse. Again requiring neighbors to complain is extremely laborious only to get a stock answer back that "nothing can be done till permits are issued". This can't go on for 2 more years!

Since the state has extended the time period that provisional licenses can be used, I feel that the current operators in the Carpinteria Valley have NO INCENTIVE to complete their applications for a Coastal Development Permit. There are many, many owners of greenhouses that have built structures in the past that were never permitted and I have heard are now trying to find the “paperwork” to permit these structures. Just like the affidavits that were signed with no verification required, I feel that many of the greenhouse owners are taking advantage of a very loose system that allows them to keep cultivating.

Please equip the CEO’s office with “teeth” to not just renew state provisional cannabis cultivation and processing licenses with operators having to do nothing in return.

Remember, the city of Carpinteria and the many EDRNs, schools, day care facilities and residents in the Carpinteria Valley that are surrounded by lots and lots of greenhouses (two 4 mile stretches of roadways) who deserve to have our quality of life returned to us ASAP.

Ramirez, Angelica

From: SB Coalition for Responsible Cannabis <coalition4responsiblecannabis@gmail.com>
Sent: Sunday, January 26, 2020 2:52 PM
To: Williams, Das; Hart, Gregg; Hartmann, Joan; Adam, Peter; Lavagnino, Steve
Cc: sbcob; Melekian, Barney
Subject: D-1 Cannabis Compliance, Enforcement and Taxation presentation

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Chair Hart and Board Members:

We would first like to thank County Assistant CEO Melekian and Fiscal Analyst Yee, for such a detailed, thorough and objective summary of the current status of Cannabis licensing, permitting, taxation and enforcement in the County. It makes such a difference for community members who possess varying degrees of familiarity with County codes, acronyms and multi-layered land use issues to have things spelled out so clearly. We also appreciate that your Board previously directed the item be on the Departmental, rather than Consent agenda.

Thank you.

While the Coalition was aware of much of the data presented, it is still shocking and troubling to *not* see improvements, and to observe the ever-increasing backlog of applications [since the "door" is not shut] and the failure of a majority of State license holders to pay any tax to the County.

It is staggering to learn that *158 Cannabis Land Use permit applications of one type or another are PENDING at the Planning Department.* This seems to be an untenable number, short of hiring dozens of contract staff members to help process, especially considering dozens of these require public hearings.

It is also clear in the Board letter that despite the temptation of many to blame the County's "slow" permitting process, or the few resident appeals, for this backlog, the reality is that much of the delay is due to the *applicant's* "lack of response to deficiencies", combined with the overly permissive land use ordinance in re: zones allowing cannabis cultivation. Applicants who were given authorization for State licenses despite longstanding land use/zoning violations, or their failure to provide accurate or consistent information, should be required to cease operation until they are in compliance.

We were shocked to learn that 56 of the 90 licensed operators failed to pay any taxes to the County, and many of those did not even submit reports or claim any "receipts". While we appreciate that the County is pursuing an MOU to gain access to the State's track and trace system, it would still seem within the County's purview, according to the County's Cannabis tax ordinance, to request the Treasurer to complete an audit, inspect the books, or estimate a tax, as explicitly authorized in the Ordinance. At the very least, those operators who failed to report receipts or submit reports, should no longer receive County authorization for Provisional State Licenses.

Finally, as we have opined many times, we remain troubled by the County's position that your hands are tied when it comes to authorizing the issuance or renewal of State Provisional licenses. While it is true that AB 97 provided for renewal of Provisional licenses, it also reiterated- *as with all commercial*

cannabis operations- that the local jurisdiction truly is in charge. **Business and Professions Code Section 26055** is copied below, with highlighted sections that stress the fact that if the local jurisdiction notifies the State when a grower is "not in compliance with any local ordinance or regulation", that license shall not be issued or renewed. The 1186 State licenses most recently reported by CDFA in our County comprise about 25% of cultivation licenses Statewide, and are concentrated in Carpinteria and mid-County. Please provide relief to the residents and businesses in those areas of high concentration by fully exercising your powers under State law. In addition to rescinding authorization for those licensees not in compliance with County regulations, we also urge you to implement a process to verify alleged "legal" non-conforming status of growers who signed affidavits based upon the December 2017 decision of your Board. We know that the Planning Commission will continue to deliberate and discuss the direction you provided in July 2019 re: possible Ordinance amendments. However, in the interim we urge you to exercise those powers now available to you in re: authorization of State licenses and verification of affidavits.

Sincerely,
Coalition for Responsible Cannabis

from California Business & Professions Code:

26055

- (a) Licensing authorities may issue state licenses only to qualified applicants.
- (b) Revocation of a state license issued under this division shall terminate the ability of the licensee to operate pursuant to that license within California until a new license is obtained.
- (c) A licensee shall not change or alter the premises in a manner which materially or substantially alters the premises, the usage of the premises, or the mode or character of business operation conducted from the premises, from the plan contained in the diagram on file with the application, unless and until written approval by the licensing authority has been obtained. For purposes of this section, material or substantial physical changes of the premises, or in the usage of the premises, shall include, but not be limited to, a substantial increase or decrease in the total area of the licensed premises previously diagrammed, or any other physical modification resulting in substantial change in the mode or character of business operation.
- (d) Licensing authorities shall not approve an application for a state license under this division if approval of the state license will violate the provisions of any local ordinance or regulation adopted in accordance with Section 26200.
- (e) An applicant may voluntarily provide proof of a license, permit, or other authorization from the local jurisdiction verifying that the applicant is in compliance with the local jurisdiction. An applicant that voluntarily submits a valid, unexpired license, permit, or other authorization from the local jurisdiction shall be presumed to be in compliance with all local ordinances unless the licensing authority is notified otherwise by the local jurisdiction. The licensing authority shall notify the contact person for the local jurisdiction of any applicant that voluntarily submits a valid, unexpired license, permit, or other authorization from the local jurisdiction.
- (f) (1) A local jurisdiction shall provide to the bureau a copy of any ordinance or regulation related to commercial cannabis activity and the name and contact information for the person who will serve as the contact for state licensing authorities regarding commercial cannabis activity within the jurisdiction. If a local jurisdiction does not provide a contact person, the bureau shall assume that the clerk of the legislative body of the local jurisdiction is the contact person.
- (2) Whenever there is a change in a local ordinance or regulation adopted pursuant to Section 26200 or a change in the contact person for the jurisdiction, the local jurisdiction shall provide that information to the bureau.
- (3) The bureau shall share the information required by this subdivision with the other licensing authorities.

(g) (1) The licensing authority shall deny an application for a license under this division for a commercial cannabis activity that the local jurisdiction has notified the bureau is prohibited in accordance with subdivision (f). The licensing authority shall notify the contact person for the local jurisdiction of each application denied due to the local jurisdiction's indication that the commercial cannabis activity for which a license is sought is prohibited by a local ordinance or regulation.

(2) Prior to issuing a state license under this division for any commercial cannabis activity, if an applicant has not provided adequate proof of compliance with local laws pursuant to subdivision (e):

(A) The licensing authority shall notify the contact person for the local jurisdiction of the receipt of an application for commercial cannabis activity within their jurisdiction.

(B) A local jurisdiction may notify the licensing authority that the applicant is not in compliance with a local ordinance or regulation. In this instance, the licensing authority shall deny the application.

(C) A local jurisdiction may notify the licensing authority that the applicant is in compliance with all applicable local ordinances and regulations. In this instance, the licensing authority may proceed with the licensing process.

(D) If the local jurisdiction does not provide notification of compliance or noncompliance with applicable local ordinances or regulations, or otherwise does not provide notification indicating that the completion of the local permitting process is still pending, within 60 business days of receiving the inquiry from a licensing authority submitted pursuant to subparagraph (A), the licensing authority shall make a rebuttable presumption that the applicant is in compliance with all local ordinances and regulations adopted in accordance with Section 26200, except as provided in subparagraphs (E) and (F).

(E) At any time after expiration of the 60-business-day period set forth in subparagraph (D), the local jurisdiction may provide written notification to the licensing authority that the applicant or licensee is not in compliance with a local ordinance or regulation adopted in accordance with Section 26200. Upon receiving this notification, the licensing authority shall not presume that the applicant or licensee has complied with all local ordinances and regulations adopted in accordance with Section 26200, and may commence disciplinary action in accordance with Chapter 3 (commencing with Section 26030). If the licensing authority does not take action against the licensee before the time of the renewal of the license, the license shall not be renewed until and unless the local jurisdiction notifies the licensing authority that the licensee is once again in compliance with local ordinances.

Ramirez, Angelica

From: Sarah Trigueiro <sarah.trigueiro@gmail.com>
Sent: Sunday, January 26, 2020 2:34 PM
To: Hart, Gregg; Hartmann, Joan; Adam, Peter; Lavagnino, Steve; Williams, Das; sbcob
Cc: Melekian, Barney; Yee, Steven H - CEO; Miyasato, Mona
Subject: Quarterly Cannabis Update - Comments

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Board of Supervisors,

I am writing to share my perspective in advance of your Departmental Public Hearing (Quarterly Cannabis Update) item on Wednesday's agenda. First off, I am grateful to see these updates being departmental now, since I believe this promotes better transparency for us residents. I'll be short and sweet, but I wanted to note my dismay at reading about the proliferated unpermitted growing situation, as well as the inauspicious tax reporting we're seeing from growers.

You have the power to reverse your prior guidance and instruct County staff to stop authorizing provisional state licenses for unpermitted incomplete land use applicants, since this is how the industry has operated carte blanche without County oversight. The past approach of asking County staff to authorize provisionals based upon a **very** liberal interpretation of compliance with local law is clearly not working, given that many unpermitted growers do not appear to be making sincere efforts toward compliance with permitting, and the egregious 2/3 who are not paying taxes to the County.

Please also establish a better system for taxation based on acreage (like other counties who have allowed commercial cannabis cultivation), not based upon self-reported gross receipts) to avoid the clearly-inadequate self-reporting fiasco we are seeing play out here. At minimum, there should be an immediate County Treasurer audit of growers. The current taxation methodology seems to me to only encourage black market operations. The reported statistics here speak louder than words. Self-reporting is just not a reliable way for the County to raise the money needed to support enforcement of the ordinance.

Please revisit prior decision-making and listen to the Planning Commission's recommendations as relates to unsustainable density of and proximity of commercial grows to EDRNs, homes and schools, as the current situation in Carpinteria is not tenable given our open-venting greenhouses.

Public faith in government is eroded when County staff have no means by which to determine where reported issues emanate from and are unable/unwilling to take action. The growers have adopted a "not me, it's them" approach to dealing with complaints, which deflects attention from them but leaves us residents holding the bag of having to endure a significant loss to our quality of life and property values. So long as the County has no effective means to discern source and enforce, all grows should be held accountable, as opposed to none at all.

On a personal level, my husband and I continue to suffer from the horrific air quality and odor issues. Even with our windows closed at night, the odor comes in sometimes and wakes us up in its fierce intensity. Throughout the day, we can often smell the cannabis odors too, which make me nauseated and bothers our visiting family as well. I believe there may be processing activities nearby and certainly I see through the permitting applications that additional are planned. This is by far the smelliest activity and we

residents are feeling it. When driving through my neighborhood and along Via Real, Santa Claus and Padaro Lanes, I can often also smell what I believe are noxious masking agents, with an odor that is arguably just as bad as the cannabis itself.

Thank you,
Sarah Trigueiro
Carpinteria

Ramirez, Angelica

From: robyn geddes <robyn_geddes@hotmail.com>
Sent: Sunday, January 26, 2020 5:37 PM
To: Adam, Peter; Lavagnino, Steve; Hartmann, Joan; Hart, Gregg; Williams, Das; sbcob
Cc: Melekian, Barney; Yee, Steven H - CEO
Subject: Quarterly Cannabis Update

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Board of Supervisors:

As you are aware, CA 192 running through Carpinteria is an arbitrary line delineating the ocean properties from the mountain properties. In truth there is no difference, there are homes and agriculture on both sides of the line. The odors from the recent cannabis growing know no boundaries.

As a resident of the Polo Condos, we are downwind of the strong odor which emanates from the greenhouses just off the Santa Claus Lane exit. And now if the plans for Island View go through, it will be too much.

I speak for myself and many others who sincerely wish for a limit on grows. And in particular for those grows to be self-contained concerning odor. Certainly with the amount of money the cannabis growers are making, they can well afford to seal the greenhouses and install good carbon filtration systems. It is hard to imagine that anyone who has smelled the stench of a cannabis grow would argue!

Sincerely,
Robyn Geddes
3375 Foothill Rd.
Carpinteria

Ramirez, Angelica

From: Renee O'Neill <chasingstar2701@yahoo.com>
Sent: Sunday, January 26, 2020 8:05 PM
To: sbcob; Hart, Gregg; Hartmann, Joan; Adam, Peter; Lavagnino, Steve; Williams, Das
Subject: Letter for Public Comment re Cannabis, 1-28-2020
Attachments: O'Neill's letter to BOS, 1-28-2020, re taxes, permits....docx

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Clerk of the Board and Supervisors,

Attached, please find my letter regarding Cannabis Tax, Licensing, etc., for the hearing on January 28th, 2020.

Sincerely,

Renée O'Neill

Dear Supervisors,

January 26, 2020

“We the People,” wish to express our appreciation to SBC CEO’s Mona Miyasato, Barney Melekian and Fiscal and Policy Analyst, Steven Yee, for their diligence in providing a detailed summary of the issues associated with cannabis industry’s unethical practices, specified in the BOS letter. We also appreciate their honesty and objectivity in describing the numerous problems we are faced with.

Re Cannabis Compliance: Land Use Planning Permits:

- Rescind licenses of all growers that have falsified applications and/or have violated County/State/Federal laws. Many cannabis operators have proven themselves to be, “deceitful actors” and have no intention of complying with ordinances, especially in Tepusquet.
- Deny Cannabis growers that purposely delay their application process and are noted by State for, “Awaiting response from applicant.” These operators persistently impede their application process, burden our Planning/Enforcement Departments and hinder the process for legitimate applicants that are striving to comply, without delay.

Re Cannabis Taxes:

- County must amend Tax Ordinance to procure “Real Revenue” and not “Self-Reported Income” from cannabis operators. It is imprudent to expect this illicit industry to report *actual* profits, as is blatantly obvious by current reports reflecting that 62% of cannabis operators failed to pay any taxes at all. Your letter reflects that 2/3 of the growers failed to even report. Preposterous!
- Revoke licenses of cannabis growers who claim they have, “No gross receipts,” or fail to submit tax reports. These “players” have proven themselves to be “fraudulent actors.” They repeatedly evade paying taxes and/or promised income to employees/landowners, by claiming they made no profit. *We know they are lying through their teeth... so do YOU.* This County has the authority to rescind Provisional Licenses, immediately. Why are you not using the power of your office to do this? I suspect private coffers are still profiting.
- The Treasurer must audit these deceitful operators. This office is authorized to “estimate taxes,” when any operator fails to pay (County Cannabis Tax Ordinance, Chapter 50A-9). The Treasurer is also allowed to examine/audit books/accounts of all operators.
- There is no need to wait for “State to provide access to their Track and Trace data.” County has the authority to implement an Internal Audit. The number of Law Enforcement Actions and identified value of confiscated product reflect the value of what these operators generate. This should give County/Treasurer an excellent standard for “estimating taxes.” In addition, the number of Provisional Licenses with regard to their allowable use would provide a proper standard for estimating taxes.

Re State Provisional and Annual Licenses:

- Hire *more* County P&D and Enforcement Teams. I have repeatedly requested this! These departments are overburdened by the chaos you created when you blatantly supported the cannabis industry, put the cart-before-the-horse and opened Pandora’s Box. The current number of applications that are in the pipeline would require a multitude of people to process them, not to mention the number of Appeals that will ultimately be generated from them. In addition, there are a huge number of *purportedly*, “Legal non-conforming” growers who are NOT Conforming to County/State/Federal Regulations! You have the authority to remove them.

- Retroactively prohibit license stacking; limit each parcel to one license per parcel, regardless of size.

What is the average number of licenses issued per operation?

- Revoke licenses of cannabis growers who demonstrate and fail to comply with County/State/Federal Regulations. We have observed, documented and repeatedly reported non-compliant activity, to all county authorities, regarding Tepusquet growers.

Last September, State authorities inspected the farms near us for required “State Tags.” For the first time, growers were given less than 24-hour notice. The night before this inspection occurred, a caravan of people showed up very late and were scrambling to put tags on their plants until 11:45pm. Witnesses can testify to this. If State inspectors had not given this grower *any* prior notice, they would have discovered that there were NO TAGS on the plants. We have photographs documenting numerous times this particularly bad actor hauls out truckloads of product, worth multi-millions of dollars, before any authority inspects, approves, let alone, prices/taxes this operator, successfully.

- **Promote small cannabis growers, per State’s mandate, by not allowing commercial operations until 2023!**

- Limit timeframe for cannabis operators to come into compliance (one-year max). The operator near us has been playing the “evasion game” for many years and has yet to become compliant. He continues to use generators, transport water, fuel, etc. He has multiple, documented violations (county/state/federal) on his county file and yet, last summer, our County granted him permission to continue to operate under his Provisional Licenses for another year (Emphasis Added).

The Santa Barbara Coalition for Responsible Cannabis (SBCRC) detailed information re Business and Professions Code, Section 26055, including this section:

“(2) Prior to issuing a state license under this division for any commercial cannabis activity, if an applicant has not provided adequate proof of compliance with local laws pursuant to subdivision (e):

(A) The licensing authority shall notify the contact person for the local jurisdiction of the receipt of an application for commercial cannabis activity within their jurisdiction.

(B) A local jurisdiction may (this should be changed to **must**) notify the licensing authority that the applicant is not in compliance with a local ordinance or regulation. In this instance, the licensing authority shall deny the application.”

“We the People,” are fed up with the way our county legislators have blatantly supported the cannabis industry and failed to listen to or protect us from the illicit practices of the cannabis industry. We are appalled by, “cart-before-the-horse” tactics and the fact that this county is the *only county* that failed to put in Caps and Restrictions, from the get-go. Now, our county has the unique *dishonorable reputation* of having the largest cannabis industry in the world. We insist that this outrageous crisis be remedied! Remove the Bad Actors! Free up the valuable time of P&D and authorities to streamline applications process for the Good Actors.

Respectfully Submitted,

Renée O’Neill

Ramirez, Angelica

From: S. Van Der Kar <ranch.public@cox.net>
Sent: Monday, January 27, 2020 8:54 AM
To: Hart, Gregg; Hartmann, Joan; Adam, Peter; Lavagnino, Steve; Williams, Das; sbcob
Cc: Melekian, Barney; Yee, Steven H - CEO
Subject: Public Comment Regarding Cannabis Issue

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear members of the Santa Barbara County Board of Supervisors:

My name is Scott Van Der Kar and I manage my family's farm in Carpinteria where we grow avocados, lemons and cherimoyas. I have worked my entire career in the ag industry and have served on several ag and community boards and committees, including the Santa Barbara County Ag Advisory Committee as First District Supervisor Naomi Schwartz's appointee and the Santa Barbara County Farm Bureau Board of Directors. I am also licensed by the State of California as a pest control adviser.

While odor and other impacts are important, I would like to address the pesticide application and cultural practice impacts of cannabis grows, as this directly affects my livelihood and future of our ag operations.

As both an organic and conventional farmer, I know that there are pros and cons of both systems and that the best farmer uses both practices in achieving maximum production, in combination with sustainable, long-term farming strategies. The more options that are available, the better the choices that can be made; the best outcomes result from incorporating this approach.

The cannabis industry impacts have significantly increased our cost of doing business and have severely limited our ability to choose the best methods of crop production and pest control.

Our efforts to comply with the State-coordinated program to control the Asian Citrus Psyllid/Huanglongbing infection of our citrus, our ability to control thrips in our avocado orchards and other pests and diseases that might arise have been jeopardized by the cannabis limitations and negative impacts imposed by cannabis cultivation. Analysis of these impacts seem to have been one-sided in favor of cannabis and have been made on a basis of tax revenue predictions rather than accurate, fact-based knowledge and data.

I ask that you proceed cautiously and with these concerns in mind, recognizing the long-term consequences of your decisions.

Thank you for your consideration.

Sincerely,

Scott Van Der Kar

Ramirez, Angelica

From: Villalobos, David
Sent: Monday, January 27, 2020 9:59 AM
To: sbcob
Subject: FW:
Attachments: leter to bos please regulate.pdf

Pretty sure she meant to say planning commission (they have a hearing on 1/29 regarding cannabis), but send it to you just in case.

David

From: Leigh Johnson <rlj.leigh@gmail.com>
Sent: Monday, January 27, 2020 9:55 AM
To: Villalobos, David <dvillalo@co.santa-barbara.ca.us>
Subject:

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Mr Villalobos :

Please include and distribute to supervisors 1-27-20
For 1-29 -20 hearing on cannabis regulations

Leigh and Ronnie Johnson
2740 Cebada Canyon
Lompoc, Ca. 93436

Attention : Santa Barbara County
Board of Supervisors

January 27, 2020

The following is an article from the Mendocino Voice a newspaper from Mendocino County.

I'm submitting this article to serve as an example to be considered when amending the cannabis ordinance and zoning regulations. I think when you read it you will also see the absurdity of the cannabis growers and the Sheriffs battle of trying to enforce an illegal industry amongst an empowered group. It's very similar to a 60 minutes episode from January 5 when public health officials in Washington State try to investigate a drug resistant salmonella outbreak from 2015. The outbreak was traced back to Montana where the pigs came from before the slaughter house in Washington State was ruled out. Pigs that have been overly given antibiotics can develop an immune to a bug or strain. The public health scientist in Washington was not allowed to enter the pig farms in Montana to test for drug resistant strain that had made 175 people in Washington State severely sick. The National Pork Producers Council the lead lobbying group for the 23 billion dollar pork industry was the denying entity working on behalf of the pork farmer with several locations in Montana. The scientists was not allowed access because they didn't want any bad publicity due to the pork finding mission. The scientist even offered to code the farms in the study to not reveal the name the farms studied. The pork lobby used bio security as the reason for not letting 60 minutes on the farms nor the public health scientist and not even the FDA. The lobbyists have the power to keep anyone off their clients property claiming anything they want to claim. Pork council says they have the safest practices available and there is no need for an inspection.

This seems all too possible with the cannabis industry and could happen when the money becomes prevalent the alcohol tobacco agencies buy out the smaller cannabis operations or the larger cannabis operations decide inspections and visits by the County of Santa Barbara become unnecessary an unwanted. The cannabis lobbyists are possibly as big or bigger than the pork council. How will anything be regulated for safety? How will the self auditing system work when local departments won't be allowed on premises? It's easy to claim that it will make them look bad / guilty when in reality it's just not in their best interest for making money. Where was Washington States authority or Montana States or the FDA'S authority? If it's happening in Pork and the feds have power over pork than it's happening everywhere. The public health official never got access in the four years since the initial pork breakout. It's also happening in Mendocino as small operations call foul on the authorities for confiscating and destroying their illegal grows. The rules and regulations more often than not get thrown out the window when money and power get in the way. The lobbyists teakettle over again!

MENDOCINO Co., 7/24/19 — Mendocino County Sheriff Tom Allman gave an unscheduled update on the ongoing cannabis garden raids during "public expression" portion of Tuesday's **board of supervisors** meeting, prior to the general meeting, recounting the number of plants cut down, the number of warrants served, and the 603 environmental charges to be issued — adding that the MCSO is "following the law of the land."

Allman was followed by the Mendocino Cannabis Alliance's Casey O'Neill, who spoke out against the raids, saying, "When militarized enforcement occurs in neighborhoods, the community feels terrorized by it — whether or not that is deemed appropriate by government, doesn't change the fact that on the ground that people are terrified."

The recent raids, dubbed "Operation Clean Sweep," officially began July 15, and marks the first major cannabis eradication operation since the passage of Prop 64, which legalized recreational cannabis consumption and production in the state of California — and with multi-agency convoys and military helicopters has reminded many in the county of the old prohibition CAMP operations. A similar multi-agency enforcement effort has also been taking place in Humboldt and Trinity counties, and other parts of the state.

At the meeting Allman told the supervisors that during the "Clean Sweep" officers from three multi-agency teams have so far cut down 42,638 plants and served 28 search warrants resulting in finding 603 alleged criminal acts related to environmental degradation, to be filed with the Mendocino County District Attorney's Office. Included in the teams were MCSO deputies, wardens from the CDFW, soldiers from the California National Guard, staff from the state's CalCannabis agency, Water Board staff, and representatives of Cal Fire.

Allman said that these recent raids are, "a very important historical mark for Mendocino and marijuana." He noted that he is aware of community concerns but that the MCSO is following through with enforcement laid out in Prop 64. However, he added that he would address any complaints about law enforcement behavior if evidence was provided or complaints were filed.

Mendocino County residents have expressed concerns over multi-agency enforcement over the last several months, as Blackhawk and other helicopters have been seen flying very low and hovering in the weeks prior to "Operation Clean Sweep." Allman has said the current operation will last through this week and perhaps beyond, and is focused on un-permitted cannabis grows causing environmental degradation, particularly in the Eel River watershed. *They were so indifferent to their violations and crimes that a heads up from helicopters didn't tip them off? The statement from the sheriff that operations will continue for another week or more wasn't a clue either?*

The Mendocino Cannabis Alliance (MCA), which represents a number of cultivators currently seeking or holding cannabis permits, has issued several statements concerning the raids — and encouraged people to document any flyovers or law enforcement activity that may be questionable. Following Allman's statements this morning, MCA policy chair and local permitted cannabis farmer, Casey O'Neill, spoke about his concerns over the effects of militarized enforcement on local communities, and called for an easier path for small cannabis farms to seek permits, especially for those who previously had been legally allowed to cultivate 25 plants in Mendocino. O'Neill also submitted an "open letter to law enforcement" he penned this week to the supervisors for consideration.

As he did prior to the supervisors' meeting last week, Allman got up during public comment and summarized the operation, then responded to questions from supervisors — an update was not on the regularly scheduled agenda, and therefore not open to lengthy discussion or action by the supervisors, or to direct comment from the general public.

Allman said that so far during Operation Clean Sweep, 28 search warrants had been served, but an additional four were written, but not executed, in Covelo, Iron Peak, and the Woodman Creek area. The effort had utilized a total of 110 personnel (although the number varied daily), in three teams (red, white, and blue), and that each team was accompanied by MCSO deputies. He added that while no arrests had been made, some could still occur, and emphasized that per the DA's request, MCSO was making sure all charges of environmental crimes had been fully investigated prior to filing charges. Allman added that the number of plants on each property visited so far had varied, with the lowest number being **65, but that some parcels had had thousands of plants. He said each property visited did not have a permit, that at least 10 environmental crimes had been found at each site — ranging from trash and fertilizer in the river, to unlawful grading of creek beds. Allman added that seven firearms had been found during the operation.** *65 plants per property or thousands of plants is considerably more than the 25 legally allowed per O'Neil's claims*

Tuesday afternoon, MCSO issued a press release stating that there were **142 violations to water quality, 197 "acts impacting water rights," and 264 CDFW violations found, including the presence of a Foothill Yellow Legged Frog, which has been petitioned for state endangered species status, in a creek being impacted by cultivation. Allman also told the supervisors that although 32 warrants had been issued so far, CDFW had initially informed him that staff had identified a potential 2,095 sites of potential interest for enforcement in north county.**

Both Allman and O'Neill highlighted the impacts of Proposition 64, which established a new system of *dual permitting* for California's commercial cannabis industry, on Mendocino's cannabis farmers, and addressed community concerns about how the operations would be managed. Allman told the supervisors that while he had been "actively against" Prop 64, he was conducting enforcement based on the new regulatory system, and that, "if people want to play by the rules, it's time for them to understand what the rules are." **Supervisor McCowen agreed, noting, "People who are unhappy with enforcement should reread Prop 64, which said with very limited exceptions, if you're growing cannabis, you need to have a permit locally and a license from the state."** *Yes that would seem to be common sense but that isn't what the enforced will say when they have a little power and money behind them. The cannabis lobbyists will see to claiming discrimination if the industry's legal conforming or non conforming are to be searched. They will say things like they denigrated my reputation as a reputable company by intruding on my operations!*

It doesn't matter what they agreed to during the permit process...it will be impossible to enforce! How will Santa Barbara County enforce such a widespread cannabis industry whether legal or not when the legal operations get into full production? While the Sheriff's Cannabis Compliance team/ Fish & Wildlife have performed well; its senseless to assume they can enforce what the county is ultimately planning. The Mendocino deputies, Fish & Wildlife, soldiers from The California National Guard, and various staff from regulating agencies couldn't adequately enforce in Mendocino so how will Santa Barbara County enforce everything cannabis including permitting. Mendocino County had Blackhawk helicopters at their disposal and it still was a month long "Clean and sweep" operation with many grows admittedly not raided.

Allman said he had received hate mail, but he hoped that when the full environmental crimes found were made public, that those people would be, "as angry as me." He also addressed rumors that law enforcement had trashed houses or flown low over permitted properties, saying he had not been provided any evidence, which he found notable with today's technology, but was prepared to fully investigate if complaints were filed. He added that MCSO deputies were placed on each enforcement

team and that there would be “hell to pay” if local enforcement was found acting inappropriately, and that he would also initiate an investigation into other agency staff for the same cause. He said if people are hesitant to file complaints out of fear that MCSO will contact Immigration and Customs Enforcement (ICE), that, “I want to publicly say that’s not the case right now,” and that people could also send complaints to the District Attorney or the Federal Bureau of Investigation. Allman said: “We want to know if our people have done anything wrong. I will stand on this firm ground right now and say our people did everything right, but if someone wants to disprove me wrong — I’ve said to you many times, I’ve been married for 35 years, I’m used to being wrong. But let me know what the facts are, and don’t make allegations and don’t throw false facts around without knowing the facts. When I get the information and it’s third hand, I’m going to tell you, I don’t put a lot of credibility into extreme stories. I think there’s some exaggerations happening.”

In his public comment following Allman, O’Neill pointed to his letter, emphasizing that he respected the difficult job of law enforcement, and appreciated Allman’s willingness to open an investigation if complaints were made. However, O’Neill underscored that the new regulations had left many Mendocino residents who had formerly grown a few dozen plants “stuck between this rock of enforcement and the hard place of nowhere to go,” saying that the new system wasn’t working.

O’Neill said he’d spoken with Governor Gavin Newsom’s office about the need for a more forgiving permit process for “the traditional small gardens,” and said he hoped the county would consider advocating for similar changes at the state level, as well as for reducing “heavy handed enforcement,” though he emphasized that he does not support environmental degradation.

To illustrate his policy point, O’Neill drew, as he often does, a comparison between his experience as a vegetable farmer and a cannabis farmer. “We have a cottage food producers permit, and we have a cottage industry permit in cannabis, but it doesn’t mean anything different,” he noted. “Cottage food producer has a significantly lower regulatory bar. Cottage cannabis producer has the same regulatory bar — we just called it a cottage!” O’Neill added he believed “For a 25 plant farmer, there is no percentage going forward at this point with the complicated regulatory structure.” Sheriff Allman said not a single farm raided had less than 65 plants and some had thousands!

Has Santa Barbara County taken into consideration that some individuals will be reluctant to report illegal activity due to fear of ICE Enforcement concerns even if they can anonymously report. How will individuals without computer access be aware of anonymous reporting? Possibly a campaign to educate the public but at the expense of the already dwindling budget surplus. Will Rule 303 nuisance complaints be anonymous? If not, then a portion of the community won’t be comfortable filing nuisance complaints as well as illegal complaints. It would be hard to imagine the District Attorney’s department, Public Health’s department could nor the Treasurer Tax-Collector’s department be able to handle such an increase in complaints. If Planning and Development can’t take the increase of complaints because of the need to increase and speed up license issuances... then what department will accept the complaints besides the sheriff’s? It seems that Mendocino county is onto something when stating some individuals won’t file due to fear of retribution. Even if ICE enforcement isn’t a fear; who will feel comfortable filing nuisance complaints if not anonymously? What information is given to the 24 hour cannabis-operated hotline when contacted by an individual or a department? How is the accuracy and effectiveness of complaints handled in real time when anonymously filed and or filed with a department that contacts the hotline the following day? Most nuisance complaints would be during non business hours and who could handle that if not the sheriffs or the actual cannabis-operated 24 hour hotline? It would make the study/experiment of analyzing nuisance complaints ineffective in real time and if people afraid or intimidated to complain. Not to mention how would individuals get the phone number to complain? The Planning Department has been less than transparent in contacting and informing neighbors of proposed cannabis permits and land use operations. Thus a large component of the community affected will not have the resources /ability to access County cannabis websites make complaints and the nuisance experiments accuracy is severely impaired.

MEDIA ADVISORY/NEWS RELEASE provide by Sheriff Allman

DATE: "July 23, 2019"

FOR IMMEDIATE RELEASE:

Incident Number:
2019

Crime/Incident:
Operation Clean Sweep – Summary

Location:
Eel River watershed in Mendocino County

Date of Incident:
07-15-2019

Time:
8:00 AM

Victim(s):
N/A

Suspect(s):
N/A

Written By:
Captain Gregory L. Van Patten #1184

Synopsis:
UPDATED PRESS RELEASE:

On 07-19-2019 Operation Clean Sweep concluded in Mendocino County and a debrief was conducted which developed the following information about the operation:

Search Warrants served:
28

Locations of Search Warrants:
Covelo (Round Valley), Dos Rios, Woodman Creek (Laytonville), Iron Peak Road/Simmerly Road (Laytonville)

Marijuana/Cannabis plants removed:
42,638

Independent acts of Environment based Crime(s) observed:
603

Independent acts impacting Water Quality:
142

Independent acts impacting Water Rights:
197

California Department of Fish & Wildlife violations observed:
264

Observed acts of Environmental Degradation:

Water/Stream Diversion, Water Pollution from trash, pesticides and generator fuel, Illegal Grading of land to include the unnatural damming of watersheds (streams/rivers/springs).

Significant Wildlife Impact(s):

Foothill Yellow Legged Frog was observed in a stream that was impacted by an act of Illegal damming and water diversion. In June 2017 the California Fish and Game Commission voted to make the Foothill Yellow Legged Frog a candidate species under the California Endangered Species Act.

Arrest(s):

None at this time as cases will be submitted to the Mendocino District Attorney's Office at a later date.

Participating Agencies:

Mendocino County Sheriff's Office, Mendocino County Marijuana Enforcement Team (COMMET), Mendocino County Search & Rescue, Mendocino County Probation Department, Mendocino Major Crimes Task Force (MMCTF), Glenn County Narcotics Task Force, CAMP (California Campaign Against Marijuana Planting), California Department of Food and Agriculture (CalCannabis Licensing), California Department of Fish and Wildlife, California State Water Resource Board, California State Water Board, CalFire and the California Army/Air Force National Guard.

ORIGINAL PRESS RELEASE:

During the week of July 15th-19th, the Mendocino County Sheriff's Office will be collaborating with the California Department of Food and Agriculture (CalCannabis Licensing), California Department of Fish and Wildlife, California State Water Resource Board, Cal Fire and the California Army National Guard to serve search warrants on public/private lands to investigate identified illegal cannabis cultivation sites.

All the sites will be those of non-permitted cannabis cultivation sites that are believed to be involved in water diversion and other situations of environmental degradation that impacts several watersheds in the greater Eel River area of Northern Mendocino County.

The collaboration includes pre-identified sites that do not have cannabis permits, state water permits for cannabis or permits from Cal Fire for deforestation and legal tree removal.

Cannabis farms that are licensed through the California Department of Food and Agriculture's CalCannabis Cultivation Licensing Division will not be the focus of this operation.

CalCannabis Licensing Inspectors will be participating in Operation Clean Sweep and have been an essential resource in the Operation's pre-identification process of the sites to be investigated.

Approved by:
Captain Gregory L. Van Patten #1184

MCSO press release, July 23, 2019.

The following is an open letter addressed to “law enforcement” from Casey O’Neill, policy chair for the Mendocino Cannabis Alliance (MCA). Printed in the Mendocino Voice

An open letter to Law Enforcement:

I write today as a son of Mendocino County, and as Policy Chair for the Mendocino Cannabis Alliance. I write as a farmer and homesteader to speak to the heavy-handed enforcement that is happening in our communities. I am appalled by what has been reported to me regarding law enforcement treatment of small-scale cannabis cultivation. There are two issues I grapple with: first, small cultivators being caught up as collateral damage when cannabis laws are enforced through militarization; and second, the atrocious and inhumane treatment of those enforced upon, whether “properly” targeted or not.

I am a child of the drug war; my family had our house ransacked by enforcement just before my third birthday. The ransacking of homes because of a few plants is wrong, and represents a deliberate terrorization of a populace that has suffered from decades of uneven enforcement. Is this what legalization of cannabis means? That people have their homes violated and their belongings thrown about as though by thieves? This is a betrayal of the public trust.

These tactics have been used in the past, which is why the community suffers from PTSD surrounding enforcement activities. There was hope that with legalization, these obscene prohibitionist tactics would end. People are afraid to speak out for fear of reprisals.

Land-owners have long believed they have a riparian right to use water on their land for beneficial uses including homesteading. The law has changed to disallow cannabis cultivation as one of those uses; as such, a vegetable garden is an acceptable use but a cannabis garden of the same size is now “environmental degradation”.

We can all agree that bulldozing mountaintops is environmental degradation, so let’s see the focus be on large-scale damage and avoid the collateral damage of tiny homestead gardens. There IS real environmental degradation happening; law enforcement must make the effort to distinguish the scale and effect of the damage.

Collateral actions should be limited and homes should not be violated. Chopping down plants is one thing, ransacking homes is another. Community members find themselves caught between the rock of enforcement and the hard place of a convoluted and unaffordable permitting process. Enforcement without opportunity is a broken paradigm.

In sadness,
Casey O’Neil

This is a striking example of how the cannabis industry is playing by their own rules and this just hours north of us.

Thank you for your consideration in making the sensible changes to the ordinance and zoning requirements that would protect us as a community,

Leigh and Ronnie Johnson

Ramirez, Angelica

From: Gail Herson <devesi@me.com>
Sent: Monday, January 27, 2020 11:41 AM
To: Lavagnino, Steve; sbcob; Hartmann, Joan; Hart, Gregg; Adam, Peter; Williams, Das; Melekian, Barney; Yee, Steven H - CEO
Subject: For Board of Supervisors meeting 1/28/20

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Please take action to fix the untenable problems we are experiencing from the proliferating unpermitted cannabis growing situation. Save our Paradise!

Please **limit the unsustainable density and proximity of commercial cannabis grows to EDRNs, homes and schools. The odor abatement is not working. Odors and emissions are worse and sickening, not better.** It's time to now **mandate sealed greenhouses and buildings to prevent emissions from leaving the site. Restaurants and other business have to conform and build to regulations, why shouldn't this new and noxious industry?** Yes, growers have already made considerable investments, but every business start up does, and the HUGE profit margins on cannabis make it not onerous to do so. Cannabis **businesses knew that this nascent industry could be subject to changes in regulations and requirements.** This is no surprise to anyone who chose to take this business risk to reap enormous millions of dollars. **Allowing open vented and leaky greenhouses is ridiculous, especially now that we see the unintended consequences-destruction to our way of life, sickness, loss of enjoyment of our very expensive homes and drops in property values as people know us as the cannabis Capitol of the world. Growers can afford it, just as they can afford to pay their taxes.**

Why is poor tax reporting from the cannabis growers and lack of adequate auditing tolerated? **Tax by the acre-not based on self reporting.** 2/3 are not paying taxes to the County! End this giveaway to the growers. **Rescind authorization for state provisional licenses on operators who have failed to pay taxes or submit records or who failed to complete requirements of a land-use application as they are no longer in compliance.**

End the differential zoning treatment between small Ag parcels inland (where commercial cannabis growing is banned) vs similarly-zoned parcels in the Coastal Zone (where it is allowed, despite similar incompatible use issues).

It is time to instruct County staff to **stop authorizing provisional state licenses for unpermitted incomplete land use applicants,** which allows the industry to operate carte blanche with no County oversight. It's not working- many unpermitted growers are not making efforts toward compliance with permitting. Check the affidavits, many look like they are false-we need to know the truth. **Require CUP's for cannabis cultivation.**

I am tired of logging noxious odor on the odor complaint website and getting responses that they can't do anything about it, it's time to enforce! **As long as the County has no effective means to discern odor source and enforce, all grows should be held accountable, as opposed to none at all.** We suffer as more and more grows come online. I can't go outside my house many days without being assaulted by the noxious odors. My neighbors have migraines and asthma from the cannabis odors AND the odor coverup sprays which smell as bad as cannabis! We are breathing twice the irritating emissions as a result. **What are the long term effects of breathing both cannabis fumes and the masking emissions? No one knows because it has never**

been tested! What noxious agents are used in processing that are even more worrisome? **Mandate sealed greenhouses and buildings with carbon filtering and alternative energy, to solve the problems have created with the ill conceived regulations.**

Thank you very much for your attention and efforts to relive us of our very real suffering caused by regulations that need to change now that we see the damage they caused.

Gail Herson

Carpinteria

Ramirez, Angelica

From: James Bailard <jbailard1150@gmail.com>
Sent: Monday, January 27, 2020 1:35 PM
To: sbcob; Williams, Das; Hart, Gregg; Hartmann, Joan; Adam, Peter; Lavagnino, Steve
Cc: Melekian, Barney; Yee, Steven H - CEO
Subject: Cannabis Zoning Ordinance Amendments

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

To: Board of Supervisors
From: Jim Bailard
27 January 2020

Existing cannabis growing operations in Carpinteria Valley are having a negative impact on our ability to control pests in our avocado groves. We have seen increased damage by insects to our current crop of avocados following the forced switch to a less effective type of pesticide this past summer. We won't know the true extent of the damage until we complete our picking this summer, but it is likely to be significant. If this situation is not resolved, it could eventually impact the long-term financial viability of our ranch.

Applying setback conditions to adjacent properties won't solve this problem because parcel sizes are too small in Carpinteria Valley. Often avocado trees are located just a few feet away from cannabis greenhouse walls. Modifying spraying methodologies is not likely to solve the problem either because tiny droplets of airborne spray can sometimes be carried large distances even when applied using the best available practices. This is a case of simple physics trumping pesticide regulations. My guess is that pesticide drift has never been a big problem in our area because adjacent crops have tended to be insensitive to tiny amounts of pesticide. Unfortunately, cannabis crops are "extremely sensitive" by nature of their stringent testing protocol for residual chemicals and their high dollar value. This situation is new and hence a big problem. In essence, cannabis greenhouses are consumer drug production facilities placed in close proximity to open field agriculture.

Easy solutions aren't obvious. A rather expensive solution might be to require cannabis greenhouse structures to be fully sealable with carbon filtering of their ventilation intake air. This sealing/filtering process could be done for the one day a year when adjacent avocado groves are sprayed for Thrips and Persea Mite insects. At other times, the greenhouses could be left unsealed and unfiltered. Alternatively, the filtering system could be reversed to remove odor producing chemicals from the ventilation output air, thus solving two problems with the same equipment.

--

Jim Bailard
Bailard Boys Farm, LLC
Carpinteria, CA