

Public Comment - Group 1

Daly, Julia Rutherford

From: Peter Candy <pcandy@hbsb.com>
Sent: Monday, July 10, 2017 3:12 PM
To: Williams, Das; Wolf, Janet; Hartmann, Joan; Adam, Peter; Lavagnino, Steve
Cc: Hartley, Johannah; sbcob; Bozanich, Dennis
Subject: Status Report on Ad Hoc Subcommittee on Cannabis Activities
Attachments: Board Letter (07-10-17).pdf

Honorable Board of Supervisors:

Please see the attached letter raising concerns with the actions that staff recommends in conjunction with its Status Report on Ad Hoc Subcommittee on Cannabis Activities.

This matter will be heard tomorrow, July 11, 2017, as Agenda Number D-10.

Thank you for considering the attached comments.

Respectfully submitted,



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July 10, 2017

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**Re: Agenda Number: D10
Board Hearing: July 11, 2017
Subject: Status Report on Ad Hoc Subcommittee on Cannabis Activities**

Dear Chair Hartmann and Honorable Supervisors:

This office represents several cannabis growers in Santa Barbara County. My clients' cultivation operations have been in existence since before January 19, 2016, and have at all times been in compliance with California state law and local zoning ordinances. My clients eagerly await the County's adoption of a "forward-looking" local pathway to compliance for both their existing cultivation operations, as well as future support license types, including packaging, manufacturing, transportation, distribution and testing laboratories. With that in mind, I am writing to express serious concerns regarding staff's recent proposal to establish a "backward-looking" process for making legal nonconforming use determinations pursuant to Article X, Section 35.1003.A.2 of the County Code. This matter will be heard by the Board during its meeting tomorrow, July 11, 2017,

As I understand it, staff is recommending that the Board amend Article X, Section 35.1003.A.2 to require existing cultivators to apply for a formal legal nonconforming use determination to be made by the Planning Director. Determinations made by the Planning Director would then be appealable to the Planning Commission and Board of Supervisors. (See **recommended action B1**, Board Agenda Letter for July 11, 2017.) In addition, staff is recommending that a "sunset" provision be established in Article X which requires all existing cultivation operations to obtain a permit under the County's new regulations by a certain date, or

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otherwise cease operations. (See **recommended action B2**, Board Agenda Letter for July 11, 2017.)

We strongly oppose recommended action B1, which would require existing operators to demonstrate compliance with a set of State statutory requirements that will soon become obsolete and supplanted by new medical and adult use regulatory requirements. While existing cannabis operators are currently focused on compliance with the new statutory framework, staff's proposal would require operators throughout the County to demonstrate their compliance with the old medicinal use "collective model" – a model which will become invalid in less than 5 months. The collective model (Prop 215 and SB 420) will be replaced with a new State regulatory program starting on January 1, 2018. Once the new State requirements are adopted, all operators in Santa Barbara County, regardless of their legal nonconforming status, will need to demonstrate compliance with the new State requirements as they pursue licensing.

We believe it is highly problematic for the County to implement a new process and institute new standards for making legal non-conforming use determinations a year and a half after Article X, Section 35.1003.A.2 was adopted – January 19, 2016. The County's approach to legal nonconforming use determinations has been ad hoc and inconsistent, due primarily to the fact that Article X, Section 35.1003.A.2 never articulated a process or clear criteria for the County to follow. Establishing a process now, and instituting new standards at the eleventh hour only a matter of months before the old medicinal use "collective model" will be phased out, will create further confusion for community stakeholders and existing operators. It would impose an immense burden on valuable staff time and limited resources, and ultimately expose the County to significant legal risk.

We strongly encourage staff to redirect its focus on creating a pathway to compliance that is "forward looking" – not based on what will soon become an outdated and obsolete set of State laws. Development and implementation of a comprehensive County ordinance for a new, highly regulated industry by the first quarter of 2018 is an enormous undertaking and should remain the sole priority of staff.

We agree that legal non-conforming cultivation operations in the County should not be allowed to continue indefinitely. In fact, beginning January 1, 2018, once the new State requirements are in place, all operators in Santa Barbara County, regardless of their legal nonconforming status, will need to demonstrate compliance with the new State requirements in order to continue their operations. As such, the new State legislation already effectively creates a "sunset."

Instead of staff's recommended actions B1 and B2, we suggest that the Board direct staff to return with an updated interim ordinance (to replace the existing interim ordinance adopted on January 19, 2016) to conform with new State laws and provide an interim permitting pathway. This would provide existing operators a "forward-looking" local pathway to compliance for both their existing cultivation operations, as well as future support license

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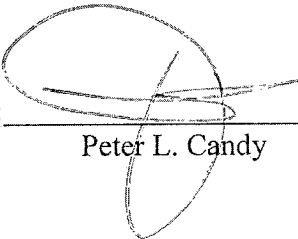
types – until the Board adopts its comprehensive ordinance and, where applicable, the ordinance is certified by the Coastal Commission. The interim permitting approach should be available to those who have faithfully participated in the County’s Registry process, which is now closed, and who have demonstrated an interest in being on a pathway to compliance.

The updated interim ordinance could also provide a mechanism for the County to better address community concerns, such as odor and water use, and require existing operators to address these issues when pursuing the interim licensing or permitting process.

We recognize the challenges facing the County, especially since the State laws and regulations have been dynamic as related to cannabis. However, my clients believe strongly in pursuing a clear compliance pathway that matches the statutory framework that was passed by the legislature and overwhelmingly supported by California voters.

Respectfully submitted,

HOLLISTER & BRACE

By: 
Peter L. Candy

PLC:cr

cc: Johannah Hartley
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Daly, Julia Rutherford

From: john culbertson <jculbertson@sbceo.org>
Sent: Monday, July 10, 2017 3:04 PM
To: Williams, Das; sbcob
Cc: Anna Carrillo; mwondolowski@zebra.com
Subject: Public Comment to Das Williams and SBCOB

To: Supervisor Williams and Santa Barbara County Clerk of the Board

Re: Agenda item #10, Marijuana items

I cannot attend the Board of Supervisors meeting on Tuesday the 11th. Please enter my comment.

I live in the City of Carpinteria adjacent to greenhouses located in the County.

Greenhouse lighting and Marijuana odor affect our family.

The way the County is handling complaints is unacceptable. It is a confused and non-transparent process. This will lead to further complication and is not in the public interest.

I urge you to require any grandfathered marijuana grow operations to follow the same rules and get the same permits as would be required of new applicants.

I further request that you include housing within 1000 feet of all greenhouse marijuana applicants (grandfathered or new) to be notified of permit applications and related hearings regardless if the housing is located in the County or in an incorporated City such as Carpinteria.

Time after time we have witnessed and born the burden of unpermitted greenhouses, oversize greenhouses, greenhouse lighting and now marijuana odor.

The County of Santa Barbara has left the people affected out of the process.

It is important to note the City housing affected in Carpinteria was built prior to the unpermitted greenhouse construction in County jurisdiction.

This letter will also be read to the Carpinteria City Council on 10 July.

John Culbertson

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