

FOR: Santa Barbara County Board of Supervisors
Copy: Jessica Metzger, Project Planner
RE: Agenda Item #4 – County Executive Office Hearing: Report on Cannabis Land Use Ord.
Amendments & Licensing
From: Bonnie Freeman Date: September 14, 2017 - **REVISED**

Good Day Chair Hartmann and fellow Commissioners,

While I was out of town for the two original informational meetings in Santa Barbara and Santa Maria, I since watched the televised Montecito PC, attended the Carpinteria meeting with Ad Hoc chairs and staff presentation, attended the Montecito Land Use Committee meeting --- read volumes of materials, talked with several officials, and testified at the County Planning Commission on September 13, 2017.. I STILL CAN'T GET A FIRM HANDLE ON HOW THIS PROGRAM WILL WORK... and neither can most of the people I talk to about this. These are HUGE CHANGES for our County.

And this is not to slight the staff and their comprehensive work; I'm the one unsure (along with the few associates I've worked with on this)... so I'm just going to write about two areas I am most familiar with: RESIDENTIAL and AGRICULTURE (AG-I) which was my focus over the 7 years I was a member of the EGVPC for the EGVCP. And mention other concerns in brief at the end.

AG-1

I would like to say right off that I am opposed to any allowed cannabis uses in AG-1. **
AG-II is another situation and I rely on the County and farmers to determine their uses.
During the EGVCP I worked with urban farmers and nursery operations in the urban area, almost all next to housing in residential zoning. We worked hard to add and update Policies that would help ensure the retention of agricultural and Ag-related uses without impairing the function or character of onsite and adjacent land uses:

POLICY LUA-EGV-1.1: SUSTAIN AND ENHANCE AGRICULTURE LAND, OPERATIONS, AND CHARACTERISTICS IN EASTERN GOLETA VALLEY.

It's in your discretion to prohibit the cultivation, distribution, manufacturing, and sale of Cannabis on AG-1 zoned lands that are next to our residential communities and part of the character of our land use. Please also consider the potential impacts of odor, noise, lighting, chemicals, safety and other aspects of commercializing marijuana growth in Ag-1 when food security and production is a greater need and a vital element to the sustainable mix of economic stability in the County. There is already a threat to Ag with dwindling workforces, and if workers move to the more lucrative cannabis operations, Ag will be further threatened.

The Unincorporated area of the County is greatly enhanced by the visual presence of historical agriculture; it's an authentic link to the CHARACTER of our communities.

POLICY LUA-EGV-1.2: Non-agricultural development adjacent to agriculturally-designated property shall include buffers to protect agricultural land, operations, and characteristics.

** I read a public comment letter with a Carpinteria perspective that a resident suggested as "Area Specific land use regulations" and after hearing everyone speak at the Carpinteria meeting, that might be a good thought to look into

RESIDENTIAL

While I understand that CLU activities are prohibited in Residential zone districts and that Indoor cultivation for personal use (up to six plants per residence) is allowed by State Law, a city or county can “reasonably” regulate indoor cultivation.

I am VERY CONCERNED over potential LOOPHOLES if careful regulations are not put in place to protect the character and safety of residential communities. Personal cultivation is personal. Selling the marijuana you cultivate requires a state license and for example, in San Jose’, you must grow your marijuana plants indoors, either inside the house or apartment where you live or in a secure accessory building. If you are a renter, you must get permission from the landlord before growing marijuana at the property.

It’s this last sentence that worries me. The very idea that you could rent a house from the primary owner (or an apartment) and get permission to cultivate as a LONG TERM RENTER (which is anything over 30 days) gives away the whole concept of community security.

The community I lived in just went through 8 years of division and mistrust over the Short Term Rental Ordinance, pitting neighbor against neighbor over this use. Some peace has come with the recent ban on whole house rentals but now it looks like a form of Home Sharing will be allowed – and WHAT IS TO PREVENT a current STR operation from turning their property into a Home Stay – or -giving permission to a 30-day plus renter or supposed “manager” who can operate the personal use allowance. Owners and/or long term (min. 1 year) renters can be known over time and trusted in a neighborhood but transient-based housing is unknown. With only a “complaint driven” enforcement mechanism, the community could be put in the same position as before with having to be the police. That was a disaster in our community, and drove people apart. And what’s a neighbor to do, file some police report or take aggressive action to see that this “long term renter” is abiding by the same regulations as the primary owner?

It’s also possible the owner/renter of a Home Stay could gain enhanced income by advertising that his/her property is set up with cannabis cultivation and rental costs climb even higher based upon the attraction to grow their own cannabis. It’s a MAJOR LOOPHOLE, asking for trouble down the line, and a regulation should be to firmly restrict use to the primary homeowner, including apartments, condos, ADUs, AUDs, granny flats, and any accessory dwelling units.

Either way a Home Stay/STR in of itself should not be allowed to cultivate AND be in the tourism business at the same time. That turns it into a commercial venture, maybe a double venture!

EXAMPLE of POTENTIAL DIVISIONS IN COMMUNITIES:

Another concern is when the personal use home has under-aged children living there. And two doors down the street live young friends who come over to visit or play. If they’re teens then the attraction is there to exploit. And if the parents down the street don’t approve of their kids going to that home, then the issue of having a divided neighborhood and safety and security concerns come to light with people at cross purposes. Well written regulations and enforcement tools must be in place to protect neighborhood trust and buy-in. **PERMITS, FEES & ENFORCEMENT FINES!**

I suggest that there should be a permit for an allowed personal residential use and development standards such as lighting requirements, water use limitations, odor control, electrical/mechanical/ Building permits, use permit, inspections at commencement and annually, security requirements, regulate access by those under 21, processing fees, and requiring a minimum lease of one year so a renter cannot abuse the Cannabis Ordinance that's allowed to primary owners.

And would every home in a HOA be allowed to grow, even if it conflicts with conditions and restrictions In their CC&Rs?

OTHER CONCERNS

Other areas of allowed uses in shopping centers, nearby schools, and public facilities need to be defined further to protect families and children, teens and young adults up to 21 years.

Residential and mixed use land policies need to be compatible and carefully scrutinized, and how that may affect the character of communities, as desired in the State law.

I am also a Park Commissioner but I'm speaking as a private citizen. However, under Proposition 64, it is illegal to use marijuana in public and I would hope there's oversight and some form of enforcement to prevent smoking, vaping, and ingesting edibles while driving or riding in a car, boat; in PARKS or on TRAILS; in restaurants or bars; near schools, near building entrances; on the sidewalk, at the bus/light rail stop, etc.

****IN SHORT**, consumption should be kept at home! If you light up, be respectful of your neighbors. Secondhand marijuana smoke can have serious impacts on children, seniors, those with asthma and allergies, and others. Can this be stated in a good neighbor policy on Cannabis use in general?

In conclusion, I concur with others and articles I've read and other States that allow recreational Cannabis that ******"As it becomes increasingly legal to grow in this country, more weed is on the market, and thus its wholesale price is dropping. Before Prop. 64, the market value went as high as \$3,000 a pound. Now, it ranges from \$1,600 to \$2,000. Next year, some experts say, the value could fall by half again." As other counties produce more and at lower rates, one has to consider how many growers and sellers should receive licenses, and how to control the amount of product distribution. Santa Barbara County, I would suggest, should stand apart from the over-saturated market, and maintain a higher standard to maintain a sustainable cannabis economy.

****** from a cover story in the Independent, Sept. 7-14

Thank you for considering my concerns,

Bonnie Freeman, citizen and community activist
Santa Barbara County, District II

Lenzi, Chelsea

From: htjameson@verizon.net
Sent: Friday, September 15, 2017 5:22 PM
To: sbcob; Williams, Das; Wolf, Janet; Hartmann, Joan; Adam, Peter; Lavagnino, Steve
Subject: Comments Against Licensing Marijuana Storefront Sales-For 9-19-17
Attachments: Comments Against Licensing Marijuana Storefront Sales-For 9-19-17 Meeting.pdf

Dear Santa Barbara CountySupervisors,

My preference is that you would not license any marijuana-related business in our county and that you would thus prevent another dangerous, addictive drug from harming individuals, families, and society. However, it seems that the county is likely to license cultivation of marijuana. If this is so, I would ask that you would provide our community and especially our young people some protection against the dangers of marijuana use by refusing to license storefront sales of marijuana.

It is now well established that marijuana use poses additional risks of addiction and harm for adolescents and young people, likely because their brains are still developing. (For further details and sources of statements in this cover e-mail, please see the attachment.) Proposition 64 recognized this danger by forbidding possession and use of marijuana by minors under age 21.

Marijuana storefronts increase the visibility and acceptability of the drug for young people and also (as shown below) open another channel of supply for them.

Colorado was one of the first two states to legalize recreational marijuana. After this legalization took effect in 2013, pot shops mushroomed. By the beginning of 2016, there were more pot shops in Colorado than McDonald's and Starbucks outlets combined. Do we really want our shopping centers to feature pot shops tucked in among clothing shops, jewelry shops, and toy stores? Do we want heavy advertising of pot shops? There is also evidence from Colorado that marijuana dealers are keen to make customers out of young people, who are more subject to addiction and will provide a growing future market. Some evidence is the heavy marketing of marijuana edibles, such as marijuana lollipops, cookies, and candies that are more attractive to young people than marijuana for smoking.

Although storefronts cannot legally sell marijuana to minors, they still provide an additional upstream source of the drug for young people. A Colorado survey in June 2016 of more than 100 mainly high school resource officers asked where students who were found to use marijuana got their supply. Two-thirds said it was passed along to them by other people including friends who had obtained it from legal sources or, sadly, from parents. Legal sources would certainly include pot shops.

In addition, legalizing pot shops will not do away with the black market. The survey found that nearly a quarter (24%) of youthful users got their marijuana from the black market. To help curtail the black market, please legally define any transaction that involves money changing hands as a sale. Do not let unlicensed individual adult growers "give away" marijuana to other adults in return for a so-called donation, thus perpetuating the black market.

Passage of Proposition 64 does not require allowing commercial cultivation or retail sales of marijuana, but leaves these decisions to local lawmakers, like you. Please protect young people and the community and help enforce the minimum age limit in Proposition 64 by continuing the present practice of not licensing storefronts to sell marijuana. In addition, please do not allow microbusinesses that grow marijuana to sell it. Also, please maintain original planning drafts NOT to license marijuana clubs, where patrons could buy marijuana, consume it onsite, and then stagger stoned to their cars to pose a deadly threat to other motorists on the highways.

Instead, please join the nearly two-thirds (63%) of counties in Colorado that have used their local authority to prohibit or impose a moratorium on recreational marijuana businesses.

Sincerely yours,
Hunter Jameson
Santa Maria, California

Comments Against Licensing Storefront Marijuana Sales – Santa Barbara County

Supplementing Oral Comments at the Sept. 19, 2017, public hearing of the Board of Supervisors in Santa Maria

Hunter Jameson, Santa Maria, htjameson@verizon.net

Date Submitted: September 15, 2017.

Seeking Continued Prohibition of Marijuana Dispensaries and Storefront Outlets

Marijuana use poses additional risks of addiction and harm for adolescents and young people compared with older people. (The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research, A report of the National Academies of Sciences, Engineering, Medicine. National Academies Press, January, 2017, <https://www.nap.edu/read/24625/chapter/13>; <https://www.nap.edu/read/24625/chapter/15>.) Measure 64, which legalizes recreational marijuana growth, possession, and use for individuals, recognizes this vulnerability. It forbids marijuana possession and use by youth under 21 years of age.

I urge supervisors, planners and other county officials to use licensing, zoning regulations and ordinances to protect young people and our community and to assure compliance with the minimum age requirement of the law by strictly regulating retail sales, and continuing the current practice of prohibiting any marijuana dispensaries or other storefront outlets.

Although storefronts would not be allowed to sell to minors legally, storefronts would provide increased visibility and availability of marijuana for young people. We can learn this from the example of Colorado, which by a vote in November 2012 became one of the first two states to legalize recreational marijuana. Colorado already had a medical marijuana industry, which had been heavily commercialized starting in 2009, with many medical marijuana dispensaries. (See The Legalization of Marijuana in Colorado: The Impact, Volume 4, September, 2016, pp. 9-10, Rocky Mountain High Intensity Drug Trafficking Area, <http://www.rmhidta.org/html/2016%20FINAL%20Legalization%20of%20Marijuana%20in%20Colorado%20The%20Impact.pdf> . Following references are to the same work, except as noted.) However, after recreational marijuana was legalized (effective 2013) under terms very similar to California's Proposition 64, pot shops mushroomed. By the beginning of 2016, there were more medical and recreational pot shops combined in Colorado than there were McDonald's and Starbucks outlets combined (Legalization, p. 153).

The visibility of storefront shops and advertising they will generate will make marijuana use more attractive to young people and tend to normalize it. There is also evidence from Colorado that marijuana dealers are keen to attract young people, who are more vulnerable to addiction than older people, because young people will provide a continuing and increasing future market.

Evidence comes from the heavy marketing of marijuana edibles, such as marijuana candies, which are more attractive to young people than marijuana for smoking (see Thomson, Rod, “Where There’s Smoke,” Citizen Magazine, August 2015, p. 24, “Aiming at the Children,” www.focusonthefamily.com/socialissues/citizen-magazine/marijuana/where-theres-smoke)

Pot shops also make marijuana more available to young people. Even before recreational legalization, marijuana use by youth ages 12-17 in Colorado under commercialized medical marijuana already was high. The state ranked fourth in the nation for youth use in the past 30 days, according to 2011/2012 survey results (Legalization, pp. 37-38). However, after legalization of recreational marijuana, the state earned the unhappy distinction of becoming highest in the nation for youth use in the past 30 days in 2013/2014 results (ibid.). For 2014/2015, Colorado again led the nation, with youth use 55% higher than the national average (Supplement to Legalization, published March 2017, p. 7).

A survey in June 2016 of more than 100 school resource officers (most in high schools) asked where students who were found to have used marijuana got their supply (Legalization, pp. 46-47). Two-thirds said it was passed along to them from other people – friends who had got it from legal sources or, sadly, from parents. Legal sources surely would include Colorado’s more than 900 pot shops (as of January 2016). In addition, 8% of students got their supply directly from pot shops.

The survey also supplied proof that the argument that legalizing the marijuana market will end the black market is false. Almost a quarter of the students (24%) got their marijuana from the black market. To help curtail black market availability, please classify any transaction involving transfer of marijuana where money changes hands as a sale. Adults are permitted to “give away” marijuana to other adults under Proposition 64. Please prevent by ordinance the scam under which a non-licensed adult could sell marijuana by calling any payment received for it a “donation.”

Please do not add another channel of supply of marijuana for young people. Instead, please continue the current policy and prohibit marijuana dispensaries and other storefronts by licensing, ordinances, and the EIR. In addition, please do not permit microbusinesses that grow marijuana to retail it. Also, please maintain the proposed draft EIR’s provisions that do not allow marijuana clubs. These establishments would allow a patron to buy marijuana, consume it on the premises, and then stagger out stoned to the driver’s seat of the car, posing a menace to society on the highway.

By prohibiting dispensaries and storefront retailing, you can protect our young people and community and promote compliance with the legal age limit. By doing so, you will be following, at least in part, the nearly two-thirds (63%) of Colorado counties that have used their authority to prohibit or impose a moratorium on recreational marijuana businesses (Legalization, p. 155).

MARIJUANA – THINGS TO KNOW, CONSIDER, QUESTIONS, CONCERNS

RESIDENTIAL NEIGHBORHOODS

- State regulations allow 6 plants to be grown indoors. Six plants can become the size of small trees. It is illegal to sell/operate a business from the residential 6 plant allowance - can only give away to those over 21 years of age.
- Marijuana plants are being grown outdoors with strong odor issues impacting neighbors.
- Presently, law enforcement can do nothing - only a zoning violation. No enforcement.
- Big problem for neighbors whose quality of life is greatly impacted. Hands are tied. Nowhere to go for help. Neighbors feel trapped, frustrated, and unsupported.
- More car and foot traffic to neighborhoods indicating potential selling from home.
- Consider noise from an increase of people, dogs, generators.
- How to enforce nuisance/quality of life issues (air quality, odor, increased traffic, illegal growing and/or selling, security, crime, residents' safety and well-being)?
- How will all the residential violations be enforced to protect our neighborhoods? We need detailed information.
- What can neighbors do if they are negatively impacted? Who to call? Will a renter need to get property owner's written permission to grow the 6 plants? I recommend that the owner have full knowledge of what takes place on his property, and if there are any violations he/she would also be held responsible.
- **I recommend that the County keep marijuana grown indoors so that there are fewer neighborhood issues.**

NEIGHBORHOODS NEAR LEGAL CULTIVATION SITES – CONCERNS

- Air quality – headaches, allergies, burning eyes, indoor smell, expensive air filters. Besides marijuana odors, some growers use sprayed deodorant to mask the marijuana smell. This odor is just as bad!
- Night lighting – disruptive to adjacent neighbors.
- Noise- barking dogs at night; noise from generators.
- Security issues: report of increase in crime.
- Will generators be allowed to run in the evenings to produce electricity and lighting? This won't occur in a commercial area, but in ag areas.

AGRICULTURE

- Will multiple leases with different lessors be allowed on one ag parcel? Currently one grower can grow up to 4 acres. Can a land owner with 25 acres lease to 6 separate growers? Advantages and disadvantages? Easier to enforce and oversee one location, but potentially more nuisance issues. This may depend upon the context of where the ag sites are located.

PUBLIC SAFETY

- Consider residents in high fire hazard areas of cannabis related activities.

RESIDENTIAL AND AGRICULTURE

- Cannabis is now being proposed for all Ag districts, but not all Ag is suitable for cannabis cultivation and activities. Many Ag-1 in the EGV are adjacent to residential areas, near schools, a hospital. Many EGV residential areas in foothills adjacent to Ag-2 parcels.

- Carpinteria is experiencing many, many conflicts between cannabis activities and residents. What is being done to not repeat these in other communities?

COMMERCIAL ZONE DISTRICT CONFLICTS

- Cannabis retail stores will have an influx of business with a steady stream of customers (per reports from other States and communities). These stores tend to be like magnets for local and out-of-area customers.
- How will surrounding businesses be impacted? Will it deter customers from doing business in those areas?
- Parking will be in high demand.
- Retail stores need to be located where there is ample parking for many businesses, unless it is a stand-alone store with its own parking. Small strip malls would not be able to handle the influx of business and provide adequate parking which likely will result in negative impacts for neighboring businesses.
- What hours will retail outlets be allowed to be open? Some cannabis shops in Colorado are open 24 hours. (I believe California has limited the hours from 6AM to 10PM but jurisdictions can enact hours within that range of hours.)
- Will security become an issue if marijuana shops are open longer hours than adjacent stores?
- Will 24-hour security be needed at these stores? How will this affect neighboring businesses?
- Will additional night lighting be needed and how will it impact surrounding areas?
- There needs to be a buffer between dispensaries in commercial areas and adjacent residential areas. A bigger buffer is needed if a commercial area is not separated by a road (i.e., alleyway behind Magnolia Shopping Center businesses butts up to some neighbors' back fences).
- Buffers will be needed between cannabis related businesses in commercial and industrial areas so there will not be an overconcentration of this type of business.

MIXED USE ZONING

- Residential zoned districts have been excluded from cannabis consideration except in mixed-use districts in the EGV. The EGV Community Plan considers mixed-use residential zoning. These are impacts to consider:
- Cannabis businesses will change the community character by potentially bringing in security, lighting, evening business hours, odor seeping through shared walls, increased traffic during the day and into the evening, parking issues which might not otherwise occur.
- Why would this be allowed in mixed-use zoned areas when it is not being allowed in residential areas?

PARKING

- Mixed-use zoning typically relies upon conjunctive use parking to "share" the parking spaces of the development with businesses taking the spaces during the day and residents using the same spaces at night.
- A cannabis business could potentially take over the parking to be used for residents and continue to draw traffic in the evenings, disrupting residential occupants' use of the spaces and potentially become a noise nuisance.

SECURITY – PUBLIC SAFETY

- There is concern about how cannabis related businesses will impact residential areas adjacent to commercial areas. Colorado reports an increase in robberies/burglaries since legalizing in 2012.

- Will buffers be needed between commercial areas where retail outlets are located adjacent to residential areas? A bigger buffer is needed if commercial area is not separated by a road from neighborhood. Potential conflicts and quality of life issues for adjacent neighbors.

FENCING

- Fencing – needed for security around ag fields and manufacturing/commercial areas.
- A development standard needs to be established as to what is acceptable and what is not. Regulations should include fencing materials, construction standards, heights, etc.
- Will there be maintenance and debris removal outside the fences.
- Will fencing block wildlife corridors?

HEALTH

- What about waste from cultivation and from other cannabis related manufacturing?
- Is any of the waste hazardous? If so, how will it be handled?
- Testing should be done by an independent person, not anyone connected with growing, selling, or any other aspect of the industry.
- Stress of neighbors dealing with unwanted effects of cannabis industry.
- Cannabis male plants have flowers which produce pollen that are carried by airflow.
- This pollen can produce allergies and allergic reactions in people and animals.
- "Allergic diseases associated with marijuana exposure and use has been reported with increased frequency." "Now as the prevalence [of marijuana use] is increasing, and with the legalization in many states, it is going to become increasingly more common." *Journal Annals of Allergy, Asthma & Immunology March 3, 2017.*

WATER

- Will drilling be allowed?

BUFFERS

- Will the State established 600 foot buffer be adequate?

ENFORCEMENT

- What will be the procedure for reporting an infraction, nuisance, public concerns?
- Why is the Sheriff having such difficulty enforcing regulations now? Are the regulations too lax?
- Is the Planning Department the only vehicle citizens will have to deal with a problem?
- Will the Planning Department be the enforcers? If so, what will the timeframe be for enforcement? What consequences? Will the Planning Department staff be qualified to respond to calls about illegal grows and violations, or will it be the role of law enforcement?
- How will money for enforcement be earmarked and spent ONLY for enforcing marijuana laws?
- What is the expected increase in the number of Sheriff deputies?
- Will there be dedicated deputies for enforcement?
- Licenses and permits should be renewed periodically so that violators will not be automatically re-permitted.
- Substantial fines should be levied when violations occur.

BLACK MARKET

- The ad-hoc committee and County staff are confidently asserting that allowing cannabis sales will, virtually, eliminate the black market. This statement is so preposterous that it makes me wonder what other ideas are being touted without any facts to support them?

- EVERYTHING you read or hear from credible sources points to the opposite. In fact, the black market (cultivation especially) is soaring out of control with little or no end in sight, according to a September 9th article in the *New York Times* (among many other reports). It is estimated that California grows seven times more marijuana than it consumes, and will probably continue to be a major exporter – illegally – to other states (see link below).
- This faulty rationale should not, and cannot, continue to be used for allowing the cannabis industry to move into our communities. Someone needs to bring the facts to bear on this faulty and deceptive reasoning.

LICENSES

- Each person requesting a license/permit should have to apply for it on an individual basis. For example, someone requesting a license for distribution should not also receive one for manufacturing without going through a separate permitting application. Only give multiple licenses for those that apply for them separately. (Perhaps this is covered in Prop 64 language?)
- With over 500 people registering for some kind of permit, how will the selection process be handled?

QUESTIONS AND CONSIDERATIONS

- The number of drivers involved in fatal crashes in Colorado who tested positive for marijuana has more than doubled since 2014, federal and state data show. (See link below for article.)
- How many acres of marijuana are currently being grown in the County?
- Do you know that there is already a glut of cannabis grown in California, much more than what is being used by people in California? What percentage of this overage is being illegally exported?
- How many people on the registry will be given permits? How will it be decided who gets permitted? What will be the exact process?
- Do you know that there is a way to find out who has legitimately been growing, and for how long? Each distributor has to have a copy of each client's "recommendation" (a cannabis prescription from a doctor). Without being able to produce these, the grower is not legitimate. There are 200 people who signed the registry as "legitimate growers" that need to be well vetted by asking to see their "recommendations". If they cannot produce them then they have not been growing cannabis legally and should not be automatically permitted.
- Will Cannabis Clubs/Vape Lounges be allowed? These clubs provide gathering places for the public to smoke pot. They are often open late into the night, some open 24 hours.
- Will there be licenses for people who want to start up an edible business (cooking, baking, selling) or other cannabis related businesses? Be aware that there are cannabis activities and public classes such as "painting from a mind altered state, making mind-altered ashtrays, THC infused bath bombs, cannabis massage studios, how to perfect your cannabis cooking skills and dosages", etc.

TRAFFIC FATALITIES UP IN COLORADO:

<https://durangoherald.com/articles/180963-potrelated-traffic-fatalities-are-up-sharply-in-colorado>

MARIJUANA GROWERS IN CALIFORNIA:

<https://www.nytimes.com/2017/09/09/us/california-marijuana-growers.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=second-column-region®ion=top-news&WT.nav=top-news>

Lenzi, Chelsea

From: Cori <corihayman@cox.net>
Sent: Monday, September 18, 2017 9:55 AM
To: sbcob
Subject: Board of Supervisors Hearing, Sept. 19, 2017; File No. 17-00546; Cannabis
Attachments: CCE18092017.pdf

Dear Clerk,

Please accept the attached as public comment in connection with the above-referenced matter.

Very truly yours,

Cori Hayman.

September 18, 2017

Re: Board of Supervisors Hearing, Sept. 19, 2017, File No. 17-00546; Cannabis

Dear Members of the Board of Supervisors,

My name is Cori Hayman. I am a resident of Montecito and a Board Member of the Montecito Association where I serve as Chair of the Land Use Committee. In connection with the above-referenced matter, I am resubmitting my public comments provided to the Montecito Planning Commission. I submit these comments in my individual capacity.

In addition to the comments provided in the attached letter, there has been discussion about prohibiting commercial cannabis cultivation (more than what is allowed under the personal use exemption) in not only residential zones, but also in AG-1 zones, since these parcels are primarily residential in nature. To the extent the County proceeds with allowing commercial cultivation, manufacturing, distribution, and sales of cannabis, in addition to those zones already outlined in the proposed ordinance, I encourage the Board of Supervisors to direct Long Range Planning to further prohibit such activities in AG-1 zones.

Thank you.

August 14, 2017

Dear Montecito Planning Commissioners,

My name is Cori Hayman. I am a resident of Montecito and a Board Member of the Montecito Association, where I serve as Chair of the Land Use Committee. I submit these comments in my individual capacity.

The County has immense discretion as to whether to allow cultivation, distribution, manufacturing, and sale, or any portion thereof, of cannabis beyond the personal use exemption. The County's draft ordinance is at a very preliminary stage and is based on the work of the Board of Supervisors Ad Hoc Committee. This draft ordinance has received some public input. The vast majority has been from local and non-local stakeholders in the marijuana industry. With such broad discretion, and a clean slate on which to proceed, I encourage the Montecito Planning Commission ("MPC") to independently exercise its judgment while applying the Montecito Community Plan during this rulemaking process and decide whether cannabis activities, in any form, should be permitted in Montecito, other than pursuant to the personal use exemption.

Residential Zones

Thus far, the County has indicated that, with the exception of the State permitted personal use exemption, all cannabis activities shall be prohibited in residential zones. It is critical that our residential neighborhoods remain protected in a manner consistent with the Montecito Community Plan. The MPC must ensure that any final ordinance prohibits all marijuana activity in residential zones except as mandated by State law regarding the personal use exemption. I encourage the MPC to make the record clear now in this regard.

Commercial Zones

The draft ordinance does not allow retail sale or other cannabis related activities within Montecito's only commercially zoned area (the Upper Village). Similar to residential neighborhoods, I encourage the MPC to make the record clear now with respect to such a prohibition.

AG-1 Zone in Montecito and Significant Impacts

With respect to other zones, it appears that the draft ordinance will permit commercial cultivation, limited manufacturing, testing, and distribution in agricultural zones. Montecito has AG-1 zoning between North Jameson Road and San Leandro Lane along Tiburon Bay Lane. This zone is essentially residential in character with primarily citrus production and is adjacent to single-family residential zones, in an area commonly known as the "Hedgerow District". This AG-1 zone is also adjacent to, or within close proximity to, Crane Country Day School.

The land use impacts of cannabis cultivation are significant and undisputed, primarily in the area of smells. The limited public testimony provided to the Ad Hoc Committee from non-grower residents mostly living in Carpinteria detailed the persistent and strong skunk odor permeating throughout the households located as high up as Foothill Road and beyond, including the public high school. One member of the public complained that the skunk smell is permanent not only in her house, but also in her vehicle. Another complained about the constant irritation in her eyes from some sort of gas or fume that is emitted from cannabis. In addition to the smell, some residents of Carpinteria complained about the significant negative impacts from the lights and noises from the greenhouses at night.

There are many other known and unknown impacts, including aesthetics and increased security measures. Unknown impacts pertain to the testing, limited manufacturing, and distribution that the current draft ordinance permits. I encourage the MPC to obtain a clear impact analysis from the County. The impact on real property values on neighboring properties also is unknown.

If Montecito's AG-1 zone were permitted to commercially cultivate cannabis, there is no doubt that the adjacent residential properties in the Hedgerow, as well as those within the AG-1 zone, would be significantly impacted. The entire character of the neighborhood is at risk of materially changing in a manner inconsistent with the Montecito Community Plan, particularly when coupled with the possible "homestay/farmstay" ordinance that may allow short-term rentals. In addition to the obvious land use impacts, there are potentially significant community health and sociological impacts with the legalization of adult recreational marijuana use that our community needs to carefully consider in connection with deciding whether marijuana on a commercial scale is consistent with the Montecito Community Plan.

Regarding development standards, if the MPC were inclined to pursue a permit pathway allowing for commercial cultivation, limited manufacturing, and distribution of cannabis in the AG-1 zone, standards of development should require, at a minimum, odor control that eliminates 100% of the smell, prohibition of nighttime lights and machinery, and a minimum of 1,000 feet distance between growth and neighboring properties (and schools and parks if relevant). All short-term rentals (homestay/farmstay) should be prohibited.

Personal Use Exemption

All residents seeking to grow under the personal use exemption should obtain a permit demonstrating compliance with County and State regulations. Furthermore, the ordinance should require, in addition to the existing proposals: (1) odor control eliminating 100% of any smell that could reach a neighboring property; and, (2) adequate security preventing children from obtaining access to plants.

Conclusion

The MPC is the first planning commission to obtain a status briefing on any proposed ordinance that would allow cannabis activities beyond those mandated by the State (personal use exemption). I encourage the MPC to ask the tough questions that, thus far, many residents have been reluctant to do so in the Ad Hoc hearings. The land use impacts are real and significant. The sociological and health risks, particularly to children and young adults, are significant. I urge the MPC to be unabashed and diligent in exercising its discretion regarding the proposed ordinance.

Thank you.