

de la Guerra, Sheila

Group 1



A-22

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**From:** John Faulkner <john@provignage.com>  
**Sent:** Friday, March 29, 2019 8:27 PM  
**To:** Villalobos, David  
**Cc:** sbcob  
**Subject:** Board of Supervisors letter 3.28.19 signed.pdf  
**Attachments:** Board of Supervisors letter 3.28.19 signed.pdf; ATT00001.txt

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 Whom It May Concern,

I'd like to submit this for the public record.

Sincerely,  
John Faulkner  
Winemaker/ Provignage

**March 29, 2019**

## **SANTA BARBARA COUNTY BOARD OF SUPERVISORS**

CLERK OF THE BOARD  
105 EAST ANAPAMU STREET  
SANTA BARBARA, CA 93101

Dear Supervisors,

I am a winemaker in the Santa Ynez Valley and have worked with a few wine businesses in my decade-long career. I know firsthand how dependent wineries are on wine tourism, and how dependent the tourism is, in turn, on the bucolic landscape that surrounds our Santa Ynez Valley vineyards.

I am not fundamentally opposed to cannabis growing in the Santa Ynez Valley. But I'm concerned that without thoughtful regulations in place, the cannabis industry will continue to cause costs external to itself: Not only will wine tourism suffer the eyesore of high-density hoop house operations, but it'll suffer the same noxious odor that residents of Carpinteria live with on a daily basis. This is not to mention the potential taint that these volatile cannabis oils (terpenes) will cause wine grapes, which are otherwise only tainted by eucalyptol, from proximity to eucalyptus trees; and by wildfire smoke. Eucalyptol is avoidable through proper siting of a vineyard. Wildfire is a natural catastrophe. But cannabis is a disaster of your making—without some thoughtful regulation. These regulations will ensure that the cannabis industry balances some costs and benefits: namely, the public costs of eyesore and odor and hampered tourism, against their own lucrative interests in growing cannabis with reckless abandon.

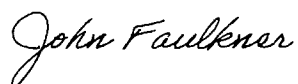
I urge you to consider the following:

- 1) Require setbacks of 1,500 feet of cannabis grows from property boundaries. The solution to pollution is dilution: the more fresh air between hoop houses and the vineyards and the general public, the more dilute the odor.

- 2) Limit the size of outdoor grow operations to five acres on AG-II parcels between 20-100 acres, allowing for five additional acres of cannabis cultivation for every hundred more acres of property. If these grow operations are dispersed and small, there are sure to be fewer conflicts.
- 3) Limit the use of hoop houses to 20% of allowable “canopy” size of a grow operation. Don’t underestimate the value of a bucolic Santa Ynez landscape to tourists!

Thank you for taking seriously our winegrowing community’s concerns.

SINCERELY,

A handwritten signature in cursive script that reads "John Faulkner".

JOHN FAULKNER

**de la Guerra, Sheila**

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**From:** Rob Salomon <robb.salomon@gmail.com>  
**Sent:** Sunday, March 31, 2019 4:01 PM  
**To:** Michael@igsb.com; jparke@aklaw.net; Brown, Cecilia; Villalobos, David; Williams, Das; Hart, Gregg; Hartmann, Joan; Adam, Peter; Lavagnino, Steve; sbcob; Miyasato, Mona; Mason, Steve; Plowman, Lisa; Bozanich, Dennis  
**Subject:** letter re April 2 BOS meeting  
**Attachments:** April 2 2019 letter.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.**

Thank you in advance for your consideration.

To: Santa Barbara County Board of Supervisors

Santa Barbara County Planning Commission

Santa Barbara County Executive Office

Date: March 31, 2019

Re: April 2, 2019 Meetings

I live in unincorporated Carpinteria. As you are well aware, the intensity of cannabis operations has raised strong and vocal opposition. The issues have included odor, air quality, visual impact, crime and the insufficient infrastructure.

I am writing about none of these issues.

Before I begin, I respectfully ask one specific thing from two individual Supervisors:

1. Mr. Lavagnino: Please refrain from the demeaning dismissal of our concerns you resorted to at the last Board meeting when you said it was time we recognize that a large majority of the County and the State voted in favor of cannabis legalization. That was clearly not the issue then and is not the issue now.
2. Mr. Williams: My letter will contain what are probably not so subtle suggestions of impropriety in how the County has responded to the legislative responsibilities vested in local governments through the passage of Proposition 64. I trust you will not repeat the possibly slanderous response you angrily delivered to Mr. Lapidus at the last Board meeting.

My vision of responsible, effective government is the impartial and transparent balancing of competing or conflicting interests found within a constituency. In order to minimize the likelihood of partiality, such a balance is best delivered by laws and regulations that are clear and based on readily identifiable objective standards. To the extent that they do not rely on such objectivity, they invite the reality and the appearance of, at best, partiality, at worst, improper collusion and dishonesty.

Since at least as early as January 19, 2016, the local entities of Santa Barbara County government have adopted a legislative, regulatory process that is intentionally convoluted, opaque to the point of secrecy, and heavily unbalanced. The result is a regulatory system without objective standards that has unfairly and, more importantly, unlawfully, stripped those opposed to the extraordinary intensity of cannabis operations throughout the County of access to otherwise normal & effective remedies.

1. **The status of legal nonconforming use unilaterally proclaimed and awarded by the Board of Supervisors on January 19, 2016**

a/ As of January 19, 2016, the legality of any medical marijuana cultivation beyond personal use level was based on the cooperative/collective model. To be legal, the laws required documentation of such cultivation from which the extent of cultivation could readily be determined;

b/ On January 19, 2016, the Board of Supervisors proclaimed in Code Chapter 35, Article X, that a medical marijuana cultivation site legally operating on or before that date was a legal nonconforming use;

c/ Despite the fact that to be legal prior to that date such a site MUST have had documentation of both cultivation and the extent of the cultivation, no Santa Barbara County governmental entity demanded, or even requested, such documentation or any other documentation that would normally be available from a legally operating commercial enterprise;

d/ There is California Supreme Court case law that expressly states that the burden of proof required to successfully claim the status of legal nonconforming use falls on the claimant and must be supported by a substantial record. Hansen Brothers Enterprise v Board of Supervisors of Nevada County (1996) 12 Cal 4<sup>th</sup> 559, 564. A “substantial record” normally includes consideration of evidence presented that is contradictory to the claimant’s assertion;

**The step taken by the Board on January 19, 2016 unlawfully accomplished the following:**

a/ The claimant was relieved of the substantial burden of proof to establish its status;

b/ No opposition to the claimed status could be presented because there was no identification of the claimant;

c/ The status & extent of each legal nonconforming use was attained in total secrecy.

2. **On November 14, 2017, the Board of Supervisors adopted the use of uncorroborated, unverified affidavits executed by those otherwise unidentified sites claiming legal nonconforming use status to support “Letters of Authorization” to be provided by the County to the State of California, enabling the sites to obtain State temporary licenses.**

- a. The Board rejected a County Planning Commission recommended form of affidavit that called for verification of the facts underlying the claimed legal nonconforming use status;
- b. The form of affidavit used by the Board coincided with the form requested by the cannabis industry;
- c. The Santa Barbara County Executive Office at first refused to provide copies of the affidavits to those requesting them. The Office then issued copies of the affidavits which redacted, allegedly to preserve public safety, all information identifying the site.
- d. In mid-March, 2019 the County released unredacted copies of the affidavits. The release was made immediately after a November 14, 2017 County-adopted process to obtain temporary State cannabis operation licenses that did not rely upon a claim of legal nonconforming use status became effective.

**The above steps taken by the Board unlawfully accomplished the following:**

a/ The claimant was again relieved of the substantial burden of proof to establish its status; in fact, the burden of proof was effectively shifted to those disputing it to demonstrate either that the claimant was not operating prior to January 19, 2016 or its operation had since expanded;

b/ As long as the status of legal nonconforming use was critical to obtaining a temporary State license, the identity and extent of each alleged legal nonconforming use was intentionally kept secret.

3. In mid-March, 2019, the Board-ordained process to obtain a State temporary, provisional license took effect. The new process required that the County certify to the State that a completed land use permit had been submitted. The Board further ordained that the Santa Barbara County Executive Office had discretionary authority to “deem” an otherwise incomplete application complete, make the certification to the State and trigger issuance of the State license.

The result of this Board-ordained process is that:

a/ For State licensing purposes, the veracity of claimed legal nonconforming use becomes moot;

b/ The “deemed complete” status of a permit application fails to trigger even the most limited notice to the public that an applicant has become eligible for a State license;

c/ Those who might oppose State licensing of the site are stripped of any opportunity to do so;

d/ By way of example: opposition has been presented to a permit in unincorporated Carpinteria that resulted in discovery of rampant safety and permitting violations. The application remains under investigation **BUT THE SITE RECENTLY RECEIVED AT LEAST 19 STATE PROVISIONAL LICENSES!**

e/ The Board-ordained process creates secrecy and encourages the exercise of subjective discretion by a government official.

The pattern of Santa Barbara County Government action has been consistent, calculating and effective in encouraging development of a monstrously robust cannabis industry. There has been only token consideration of conflicting, traditional community interests. Other letters to your attention have detailed the intensity of cannabis operations in Santa Barbara County, the financial magnitude of the industry is indisputable, the national and international clout of the investors in Santa Barbara County cannabis operations is becoming well known; when these facts are coupled with unequalled and unprecedented accommodation by local government through actions that create secrecy and subjective discretionary powers, it would be naïve not to suspect equally nefarious motivations and incentives.

Respectively submitted,

Rob Salomon

**de la Guerra, Sheila**

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**From:** Susan Ashbrook <sjashbrook@gmail.com>  
**Sent:** Sunday, March 31, 2019 5:04 PM  
**To:** sbcob  
**Subject:** No cannabis in an EDRN

**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 County Supervisors,

We live in Cebada Canyon, a beautiful residential area called "Rancho Santa Rita Estates" that qualifies as an EDRN. Our neighborhood consists of 20+acre parcels, zoned AGI.

Our concern is not the legalization of recreational marijuana, it is the problems we have experienced with commercial cannabis in our canyon. Many of us live next to several commercial cultivators that grow, process, and sell cannabis. We are asking for you to consider a "No Cannabis in an EDRN" policy.

Our reasons include:

**Traffic and noise** – we have witnessed a tremendous increase in traffic including semi-trucks, moving vans and heavy construction equipment. Cebada Canyon's road is privately maintained and most of the cannabis operators do not live in our canyon nor help to maintain our roads. In the past year our roads have really taken a beating from the traffic, the road committee has personally gone out to make these repairs. We also experience the constant rattle of generators and drying machines.

**The stench** – Anyone living next to a cannabis grow knows about the intense, skunk-like, eye-watering stench. During the summer days and nights, we are prevented from opening our windows. The stench has forced us to involuntarily limit our outdoor time, for work and play. Concentrated chemicals emitted by cannabis operations trigger severe headaches, asthma episodes and respiratory problems in several households.

**Water** – Cannabis requires irrigation water. Residential properties sharing a water well with cannabis cultivators have experienced large amounts of water used monthly along with water pumps breaking down due to commercial usage. At the January 29<sup>th</sup> meeting, the Board of Supervisors questioned if our ground water can sustain all the cannabis cultivation.

**Safety** – Cannabis is classified as an agricultural crop, but its security concerns produce a cartel-like cash atmosphere with guards, dogs and guns. There have already been three burglaries along with a stolen skip steer Bobcat in Cebada Canyon. Some neighbors have complained of intimidation and are moving away.

**Fire** – We are in a very high fire area, our canyon has only one entrance, for entry and exit. We have had to evacuate twice in the past 4 years. Some cannabis processing is considered highly volatile.

**Illegal RV's, trailers and tents** – During harvest cannabis cultivators' employee's live in temporary housing with illegal septic and electricity. We have called the County, but with a 10-day notice to visit the



property, these residences are moved for the visit and set up immediately after. The Fire Department has been called out at least 3 times to extinguish burning illegal trailers.

**The “element”**– We feel threatened and unsafe. Workers are seen on week-ends, evenings, holidays. It feels as if we are living next to a 24-hour factory. The growers lease properties under LLCs and often “pump and dump” leaving the owner to clean up their mess. The hired hands for cultivations have no respect for neighbors living on our private narrow roads. They frequently drive at high speeds around blind corners. Several near misses have been reported by residences.

**Crops** – Cannabis crops are grown 1,2 times per year unless in a controlled greenhouse or hoop house. In this case crops are harvested 4 times a year. Lighting in hoop houses is prohibited in an EDRN, however even with complaints there has been no enforcement of this regulation.

**Wildlife** – Plastic fencing, chemicals, night time activity disturb our wildlife.

**Watershed**- One grower operates in a creek bed with illegal sewers and grading. Another grow has illegally graded on a hillside of La Purisima Mission, run off will go directly into the State Park.

**Enforcement** – County enforcement requires a 10-day notice to investigate any complaint. We see growers in our canyon take-down hoop houses, move plants, move RV’s and re-locate other violations before the County visit, only to set up immediately afterwards.

**Grading** – At least two locations graded properties without permits. We have seen no remediation.

Please consider a “No Cannabis in an EDRN” policy.

Thank you,

Concerned Cebada Canyon residents

Tom & Denise Peterson  
Barry Campbell  
Bette Hornstein  
Chuck & Gina Osberg  
Doug & Sarah Boothe  
Greg & Debbie Campbell  
Iris Valle  
Jeanne Malone  
Jerry & Susan Williams  
Joe Miller  
Lee & Margaret Smith  
Mark & Kelly Gowing  
Roy & Laurie Gentry  
Scott & Estelle Iveland  
Susan Ashbrook  
Derek McLeish

Yvonne & Dennis Bailey  
Randy & Barbara Miller  
Pace and Carrie Hartmann  
Jerry and Inge Plier  
Steve Junac  
Keri Kirkland



**de la Guerra, Sheila**

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**From:** jstassinos@aol.com  
**Sent:** Sunday, March 31, 2019 11:52 PM  
**To:** sbcob  
**Cc:** Miyasato, Mona; Williams, Das  
**Subject:** Responsible Cannabis

**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 The Santa Barbara County Board of Supervisors:

My husband and I are teachers who cannot attend the April 2nd Board of Supervisors Meeting. However, as educators and supporters of the Santa Barbara Coalition for Responsible Cannabis we are requesting a stop to all cannabis licenses in Santa Barbara County.

We request that the Cannabis Ordinance be amended to protect students, residents, tourists, avocado growers, and everyone else that is negatively impacted by an over abundance of cannabis licenses in Santa Barbara County.

We believe in stricter rules to protect Santa Barbara County from the negative effects of too many cannabis licenses ie. toxic odors, falling property values, crime, etc.

We appreciate your taking our viewpoints into consideration prior to voting on approving any more cannabis licenses.

Sincerely Your Constituents,  
Jill Stassinos & Gary Delanoeye  
1760 Ocean Oaks Rd.  
Carpinteria, Calif. 93013

**de la Guerra, Sheila**

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**From:** SB Coalition for Responsible Cannabis <coalition4responsiblecannabis@gmail.com>  
**Sent:** Monday, April 1, 2019 9:50 AM  
**To:** Lavagnino, Steve; Adam, Peter; Hartmann, Joan; Hart, Gregg; Williams, Das; sbcob; Miyasato, Mona; Ghizzoni, Michael  
**Subject:** Request Item A22 be joined with D2- Cannabis Licensing Issues on 4/2/19

**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.**

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Dear Chair Lavagnino and Board members:

As you know, many individuals are planning to attend the 4/2/19 BOS hearing to voice our concerns about the County's Cannabis Licensing Ordinance program, item D2 on the Board Agenda.

We became aware late last night, while a Coalition member was reviewing the agenda, that Item A22 on the Board Administrative Agenda is **directly pertinent** to many of the issues raised in item D2. The A22 item provides an "*update on the status of cannabis land use permitting, business licensing, enforcement, and State licensing*", while item **D2** discusses "*amendments to the "Licensing of Commercial Cannabis Operations"*"

**We thus respectfully request that item A22 be joined with item D2, to allow the public, and Board members to thoroughly consider the overlapping and in some cases identical issues raised in both items. Bifurcating the discussion, deliberations and public comment on those issues, during the same public meeting, does not make sense and is counter to good public policy.**

Below the signature line are just a few excerpts from item A22 that have a direct bearing on some of the issues our Coalition has raised in our previous correspondence item on D2.

We believe the County's fundamental assertion (expressed repeatedly in the A22 Board letter) that there can be no enforcement of zoning complaints until cannabis permits are issued, and thus County must "increase the speed" of permit issuance is incorrect. This issue must be addressed by the BOS when it considers amendments to the licensing ordinance in item D2, pursuant to the Coalition letter previously submitted for that item.

Sincerely,  
Coalition for Responsible Cannabis

Pertinent Excerpts from Board letter on Item A22, bearing on D2 considerations\*:

Update on Cannabis Compliance, Licensing and Testing:

Pg 3-4

*"Many complaints have been received regarding odor in the Carpinteria area. However odor abatement in the AG-I zone is not yet mandatory for legal nonconforming medical cannabis cultivators holding Temporary or Provisional State licenses.....existing legal nonconforming medical cannabis cultivators holding Temporary or Provisional State licenses are allowed to continue to cultivate without odor abatement until their Temporary State license expires and they elect not to pursue a Provisional or Annual State license, or they commence operations pursuant to an approved County permit requiring odor abatement. Some cultivators in the Carpinteria area have voluntarily implemented odor abatement using essential oils vaporized and pumped into an air circulation system within a greenhouse to neutralize the smell of the cannabis with the intent"Complaints regarding night lighting are also difficult to address until County applications are submitted allowing Planning and Development staff to review permit applications to ensure that features are in place in greenhouses to mitigate lighting impacts. It should also be noted that night lighting is used for other crops in the Carpinteria area, not just for cannabis. These non-cannabis operations will be investigated and monitored through Planning and Development's existing enforcement program."*

*Pg 5 "To address the challenge of transitioning operators from State Temporary Licenses to Provisional Annual Licenses, the Board recently granted the County Executive Office Point of Contact the authority to provide any requested notification to the State licensing authority of evidence of engaging in the permitting and/or licensing with the County only if an applicant has either: a permit application accepted for processing by Planning and Development and paid the requisite processing fee; or obtained approval of the land use entitlement application for the proposed cannabis operation and submitted a complete application for the corresponding local cannabis business license."*

Pg 6

*"3. Increase the speed of permit and license issuance to provide the protections sought by residents."*

*\*Source: A22: Board Letter*

**de la Guerra, Sheila**

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**From:** Beth Geiger <bethgeiger5@gmail.com>  
**Sent:** Monday, April 1, 2019 10:55 AM  
**To:** sbcob  
**Cc:** Miyasato, Mona  
**Subject:** Cannabis

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 Whom It May Concern,

The standards and implementation of commercial cannabis regulations in the Carpinteria Valley are not satisfactory. The residents in the surrounding area are exposed to increased vehicular traffic, potentially hazardous fumes and odors, night lighting, etc. We smell the odors almost everyday at our residence on Padaro Lane in Carpinteria. Adequate regulations can ensure a better relationship between the the cannabis growers and Carpinteria Valley residents. Local supervisors need to represent ALL residents, not just the cannabis growers. Our way of life is at risk, as is our health and welfare! We have no issues with the cannabis industry per se, but we do take issue with lack of local controls over this industry. We urge you to take control while it is still possible.

Sincerely,  
Beth and Dodd Geiger  
Padaro Lane, Carpinteria

**de la Guerra, Sheila**

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**From:** Marret Krebs <Marretkrebs@cox.net>  
**Sent:** Monday, April 1, 2019 2:05 PM  
**To:** sbcob  
**Subject:** Cannabis in our neighborhood

**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: The Clerk of the Board  
Could you please make sure that this letter goes on record? Thank you!  
Marret Krebs

Cannabis in our neighborhood:

I am aware that today you are looking at AG-1 revisions, which are important to review in order to provide the best protections for residents. However, please consider our neighborhoods where we have AG-2 right in our own backyards (Klona Cannabis Nursery is less than 2 miles from our home) and especially the odor from cannabis nurseries which travel quite far. We have already seen the terrible effects of unregulated cannabis that Carpinteria residents are living with and how it has negatively impacted their daily lives and their lifestyles. OUR health, safety and welfare are at stake right now too. There are no protections on AG-2 parcels and we residents have no protection at this time. If cannabis is grown behind our homes it will devastate our quality of life, health, safety, and reduce our home values. We consider the Klona Cannabis Nursery to be a serious threat to our quality of life, our quality of air, our environment, health, and our crime-free history. Noise pollution, light pollution and more seriously, the offensive odor pollution should not be allowed to occur in the middle of our residential area. It is also our understanding that as an AG-2 zoned property, this nursery is not required to have an odor abatement plan.

Please take a hard look at allowing cannabis growers into our neighborhoods. So much is at stake for all of us!

Mrs. Marret Krebs (and my husband, Bill)