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Citizens Planning Association
912 Anacapa Street,
Santa Barbara, CA 93101
February 15, 2022

To: Board of Supervisors

RE: Item D-3 Chapter 50 Amendments- expansion of cannabis processing

Dear Chair Hartmann and Supervisors:

Citizens Planning Association urges you to “pause” before adopting the draft ordinance before you, and instead, direct staff to take a step back and better analyze the impacts of the proposed changes, which we believe go far beyond “minor changes”. A careful reading of the proposed ordinance changes raises serious concerns about the existence of the existing “cap” on cannabis cultivation, and seems to insert language, perhaps favored by cannabis industry representatives, as noted in the Board letter, that seems to open the door to significant land use changes.

Here are just a few examples of what we believe to be proposed changes that warrant further public engagement, input, and analysis:

- **Page 1 Section 50-7 (a)(2):** inserts the phrase “*planting, growing, and harvesting*” in the place of the word cultivation, when defining what shall be included in the cap of 186 acres in the Carpinteria Agricultural Overlay District. This is concerning, because there is no definition of “*planting, growing and harvesting*” within the body of the ordinance, and the language does not comport with any such language or definition within Article II [or in the inland area, the LUDC].

In the Board letter, at the bottom of Pg 2 staff asserts that the proposed amendment “*removes processing activities from the acreage cap by more narrowly defining the activities that count [towards the acreage]*”. Actually, the word “processing” does not appear within the original or the amended business licensing ordinance. In 2017-18, when the ordinance was developed, it was understood that “processing” was an activity distinct from “cultivation”, as described in the LUDC and Article II.

The above concerns are similarly raised in relation to the language describing the “inland” cap, on Pg 4, Section (3) of the draft ordinance.

- **Page 3, Section 50-7 B.:** adds further confusion and perhaps unintended consequences, when laying out what appears to be a “hypothetical” with the language: “*If the county removes cannabis drying, curing, and trimming from the acre limit, upon the effective date of that change, each operation on the list... and Carp Aq Overlay with acreage committed.... Will be given a right of first refusal to amend, revise or apply for a new land use entitlement to EXPAND [emphasis added] their operation by the amount of acreage of cannabis drying, curing, and*”

trimming previously committed.” Effectively, what this language does is REMOVE the existing cultivation caps in both the inland and coastal areas of the County and creates a path for a land use entitlement and expansion of operations. This goes far beyond the bounds of a “minor” ordinance change, and the public deserves the opportunity to understand the meaning and implications of the new language “*planting, growing, harvesting, and drying, curing and trimming*”.

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Citizens Planning Association has long advocated that the public as well as applicants have a right to an expectation of “truth in zoning”, especially in the Coastal zone where the potential for intensification of land use seems a real possibility with these ordinance changes. The existence of the “caps” has provided some sense of relief to the public in terms of what seemed to be unlimited commercial cannabis expansion. By changing the language surrounding the “caps”, the result would be to undermine that relief.

- **Page 4 # (iv): Legal Non-conforming operations:** It seems the County may finally be laying out a process for ending the unpermitted operations, since the State is soon sunsetting the issuance of Provisional licenses, and those operations would need to end in any event. However, we do not understand why the BOS would add yet ANOTHER extension, to December 2022 when, for years, the BOS has given multiple successive “deadlines” and warnings to unpermitted growers.

As the BOS knows, many of these unpermitted grows have wreaked havoc on the Carpinteria community by operating without permits or conditions, and thus residents who file complaints about odor are told by County staff “there is nothing we can do” because of the lack of permits. It is time that the Board acted definitively to end this cycle.

There are other proposed changes that raise some concerns. However, the primary concerns from the CPA perspective of “good and transparent planning”, revolve around what we believe to be significant alteration if not removal of the limits on cultivation. Such removal of limits will have considerable impact or implications for land use permitting inland and in the coastal zone and warrants an appropriate public process and further consideration before adopted. CPA urges the BOS to recommend that staff takes more time to analyze the impacts of the proposed changes.

Sincerely,

Marell Brooks, President

Citizens Planning Association