



COALITION

for responsible cannabis

October 30, 2021

Chairman Bob Nelson
Santa Barbara County Board of Supervisors
105 E. Anapamu Street, Fourth Floor
Santa Barbara, California 93101

RE: Items # D 2, November 2, 2021, Chapter 50 Cannabis Ordinance Amendments

Chair Nelson and Members of the Board of Supervisors:

The Santa Barbara Coalition for Responsible Cannabis is an active participant in the County's management of the cannabis industry. The Coalition supports a responsible cannabis industry that does not cause harm to other businesses, including farms, vineyards and wineries, and that does not cause odors that adversely impact publicly accessible areas.

Generally, the proposed amendments appear reasonable and appropriate, and set forth clarifications to facilitate the cessation of non-conforming cannabis operations that either don't have land use entitlements or business licenses, and manage the acreage cap through a waiting list.

The Coalition **objects to a staff decision to allow business license processing for cannabis operations whose land use entitlements are not final due to appeals.** The ordinance provides that land use entitlements must be final before the project may qualify for a business license. Staff's unilateral action improperly "reserves" cap acreage for grows under appeal, even though the approvals are not final. Appeals typically address cannabis operations that raise land use compatibility and related issues, and should disqualify that project from proceeding with business license processing. The existence of entitled grows in excess of the cap that were not appealed establishes that County revenues could be realized more quickly by advancing these noncontroversial grows and not reserving cap acreage for projects under appeal. **Please direct staff to only accept projects on the Eligibility List once all appeals are resolved and the permit approvals are final,** in accordance with the Land Use Development Code.

As part of the Staff Report and Presentation, staff is requesting direction on several issues. We offer the Coalition's views below:

1. **Accelerate the Non-Conforming Use Sunset Date to March 1, 2022.** Staff suggests that all non-conforming cannabis operations that have not or cannot qualify for land use entitlements and/or business licenses be allowed to operate until June 30, 2022. This date allows these grows to plant an autoflower crop in March/April of 2022 before the deadline of June 30 passes. This is an unnecessary invitation to compliance problems, and the Coalition urges the

Board to direct staff to prepare further Chapter 50 ordinance amendments to set March 1, 2022 as the Sunset date.

2. **Don't expand the acreage cap.** Staff is seeking direction on whether to harmonize the County's definition of "cultivation acreage" with the state definition of cannabis "canopy". The County definition includes additional areas such as aisleways and other on-site areas associated with the cannabis operation while the State definition is narrow and only encompasses plant canopy, a smaller amount of acreage at each grow. We understand the difference is approximately 10-20% at most grows, although the actual amount varies. If there is a compelling reason to revise the County's definition, which we DO NOT believe exists, the total acreage of the County's cap must be reduced by a commensurate amount such that there is **NO NET INCREASE in cannabis acreage**. Some growers appear to be trying to secure a "back-door" expansion of the acreage cap through this sophistry, which is wholly inappropriate and cannot be condoned. **We recommend the existing cap and definitions remain in place.**
3. **Leave Processing Areas as part of an Operation's Permitted Acreage.** Staff has received self-serving comments from certain members of the industry arguing that the future expansion of processing to existing cannabis cultivation operations should not be constrained by the acreage cap. Industry arguments conflate permit amendment requirements for cannabis processing buildings with the cap. Apparently some growers omitted processing from their project descriptions to streamline their project review period and receive business licenses before the cap was exceeded, intending to then revise their projects to add processing. All are free to do that, but the County ordinance defines these processing facilities as part of a cultivation facility, and should be required to make minor reductions in cultivation acreage to accommodate proposed processing facilities.
4. **Improper Proposed Amendments Without Notice.** Public review and input on these ordinance amendments is difficult when these proposals are disclosed late in the week before the Board's hearing on Tuesdays. In reviewing the materials, **a significant change to the Chapter is made without underlining or other reference in the Staff Report** or elsewhere that appears to **expand an applicant's claim for vested rights** once they have received a business license. Section 50-7(a)(3)(ii) is added without notice:
 - ii. A licensed cultivator will be allowed to continue to operate as long as the licensed cultivator timely files for renewal of the cannabis business license and complies with this chapter.

This language does not exist in the current version of Chapter 50.
(https://library.municode.com/ca/santa_barbara_county/codes/code_of_ordinances?nodeId=CH50LIC_AOP). Other text that is proposed to be changed by these amendments is underlined, yet this significant new text is not. **We request that this language be stricken from the amendments** or the hearing continued until a complete strikethrough underlined version of the changes made available with enough time for the public to review and comment, and accompanying analysis and

rationalization in the Staff Report. **We object strongly to creating expanded claims of rights to operate in the future based only on applications for business license renewal.**

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Blair Pence', with a long horizontal stroke extending to the right.

Blair Pence, President
Santa Barbara Coalition for Responsible Cannabis