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Public Comment

Ramirez, Angelica

**From:** Bridget Cartier <bcartier@CFBF.com>  
**Sent:** Friday, March 13, 2020 11:16 AM  
**To:** sbcob; Williams, Das; Hart, Gregg; Hartmann, Joan; Adam, Peter; Lavagnino, Steve; russelldoty@ellwoodranch.com  
**Subject:** SB County Uniform Rules for Agricultural Preserves and Farmland Security Zones  
**Attachments:** 2020.03.12 Final Letter to Gregg Hart & Members .pdf

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Please see the attached letter.

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# CALIFORNIA FARM BUREAU FEDERATION

OFFICE OF THE GENERAL COUNSEL

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March 13, 2020

**Via U.S. Mail and E-Mail**

*(sbcob@co.santa-barbara.ca.us)*

Chairman Gregg Hart and Members

Board of Supervisors

County of Santa Barbara

105 E. Anapamu Street, Room 407

Santa Barbara, CA 93101

**RE: Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones**

Dear Chairman Hart:

On behalf of the California Farm Bureau Federation (“Farm Bureau”), I write to respectfully raise a legal issue with respect to Santa Barbara County’s Uniform Rules for Agricultural Preserves and Farmland Security Zones (“Uniform Rules”) and the commercial cultivation of cannabis.

Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of currently representing nearly 36,000 agricultural, associate and collegiate members in 56 counties, including more than 500 members within the Santa Barbara County Farm Bureau. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. A key component of its advocacy relates to land use within agricultural zones, and the resolution of potential conflicts with agriculture.

As an initial matter, Farm Bureau would like to note that it does not advocate either for or against cannabis operations, or regarding policies governing cannabis cultivation. We encourage our county Farm Bureaus to take individualized positions, based on their jurisdictions’ approaches and unique county characteristics. However, Farm Bureau does advocate on issues wherein proposed cannabis policies or their implementation will have a negative impact on other agricultural crops or producers. In particular, Farm Bureau advocates on policies relating to

implementation of the California Land Conservation Act of 1965 (“Williamson Act”), to the extent that it is impacted by the cultivation or processing of cannabis.

It has come to our attention that under the existing “Uniform Rules for Agricultural Preserves and Farmland Security Zones” for Santa Barbara County, commercial cannabis cultivation is considered an agriculture or “qualifying use” under the Williamson Act. In this regard, Farm Bureau would like to respectfully inform the Board of Supervisors and associated County staff of a newly amended California statute, Government Code §51231(b), which, in reference to use designation, states:

“51231. (a) For the purposes of this chapter, the board or council, by resolution, shall adopt rules governing the administration of agricultural preserves, including procedures for initiating, filing, and processing requests to establish agricultural preserves. Rules related to compatible uses shall be consistent with the provisions of Section 51238.1. Those rules shall be applied uniformly throughout the preserve...

*(b) The rules adopted pursuant to this section may provide that commercial cultivation of cannabis in accordance with Division 10 (commencing with Section 26000) of the Business and Professions Code may constitute a compatible use on contracted or noncontracted lands.”<sup>1</sup>*

It is significant to note that subdivision (b) in Section 51231 did not constitute a change to state law, but is rather a declaratory statement of the existing authority of counties. As explicitly referenced, in the process of adopting rules governing agricultural preserves, cannabis cultivation may only be deemed a “compatible” and not “agricultural” or qualifying use on contracted or noncontracted lands.

Therefore, it has come to our attention that the County’s existing Uniform Rules are not compliant with State law. We note that the California Department of Conservation, in accordance with §51206 of the Government code, is empowered to assist local jurisdictions in proper interpretation and application of the law. Therefore, Farm Bureau asks the Board to address this infirmity by consulting with the Department of Conservation, as necessary, to allow for the appropriate application of the explicit State standard. We also encourage the County, generally, to conduct a complete compatibility review of all non-agricultural activities proposed on contracted lands.<sup>2</sup>

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<sup>1</sup> Senate Bill 527 (Caballero, Chapter 273, Statutes of 2019)

<sup>2</sup> Government Code § 51238.1.

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Thank you for your consideration of the foregoing. If you have any questions or comments in relation to the above, do not hesitate to contact me directly.

Very truly yours,



Christian C. Scheuring  
Managing Counsel

/CCS

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