

de la Guerra, Sheila

Group 2.

LATE
DIST

#2

From: Concerned Carpinterians <concernedcarpinterians@gmail.com>
Sent: Friday, March 29, 2019 3:48 PM
To: Williams, Das; Hart, Gregg; Hartmann, Joan; Adam, Peter; Lavagnino, Steve; sbcob
Cc: Miyasato, Mona; Mason, Steve; Plowman, Lisa; Bozanich, Dennis; Concerned Carpinterians
Subject: Commercial Cannabis in Carp Valley – Urgently Need Consideration of Ban on AG-1 in Coastal Zone, Require CUPs and Do Not Amend or Revise Carpinteria Greenhouse Overlay Ordinance

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 Supervisors,

We want to express our dissatisfaction with the standards and implementation of the commercial cannabis regulations you have approved, which have created significant instances of incompatibility with existing land uses in the urban-rural area in Carpinteria Valley. Neither impacts to residents nor the environment are being adequately taken into account, and as a consequence, residents and visitors are routinely exposed to nuisance and potentially hazardous fumes and odors, uncontrolled truck and vehicular traffic, increased night lighting, the presence of threatening armed individuals and constraints on the continued operation of existing agricultural crops, including Carpinteria's avocados.

We have been led to understand that the county is not willing to enforce odor control, noise, night lighting and other negative impacts caused by the temporary state license growers until the county grants them a county land use permit or Coastal Development Permit. This defies common sense, as granting growers land use permits creates beliefs and claims of continuing entitlement that justifies them to continue operating EVEN IF the odor control and enforcement experiment is ineffective and EVEN IF the Supervisors decide to change allowable uses in specific zones in the future to not allow cannabis cultivation in our area (as it would create arguments that these grows must continue to be allowed as a legal non-conforming use). We all know how hard it is to revoke a land use permit or rescind valuable entitlements.

We know that the Board of Supervisors recently (and wisely) voted to instruct Planning to evaluate a potential ban of cannabis cultivation on AG-1-20 and smaller parcels in the *Inland Area* but that Das Williams was NOT willing to extend this evaluation to the Coastal Zone at the time. We ask that the Board of Supervisors advocate for the citizens of Carpinteria Valley in doing the following:

--Please use your power to extend the evaluation of a ban of all cannabis grows on AG-1 parcels (20 acres and smaller) to the Coastal Zone. Please include coastal Carpinteria Valley in the scope of analysis before it is too late to pull the damage back once permits are issued. It makes no sense for a stronger zoning controls to exist inland than in our precious Coastal Zone. We urge you to NOT grant any land use permits until this analysis has been completed, including Coastal Zone/Carpinteria Valley. We also urge you to look closely at the materials that Concerned Carpinterians has been sending on different applications. There is a clear pattern of these growers flaunting regulations, building without permits and expanding after the moratorium, which is not allowed in legal non-conforming status. To reward this behavior, to the detriment of the community, the environment and public health and safety, is short-sighted.

--We also ask that the Board of Supervisors amend the regulations to require a CUP (Conditional Use Permit) for EVERY commercial cannabis application in AG-1, as opposed to a land use permit. The CUP process is a more stringent review

process that would provide better protections for citizens in Carpinteria Valley, with the ability to pull back approval in the event that impacts cannot be mitigated effectively or if zoning changes to disallow commercial growing in this area.

--**Much stronger acreage # limits and license # limits are needed** in Carpinteria Valley (and for the county at large). 186 acres in Carpinteria Valley is far too much. The negative impacts to resident quality of life – air quality/odor, health and safety, lighting, traffic, and property values – are immense and unprecedented. There should be caps on the acreage of cannabis grows in each sub-region of the County set by how much can occur without impacting existing land uses and resident’s use and enjoyment of their parcels, and an auction system used to allocate one-year entitlements to grow in our communities.

--We believe the **odor control mechanisms in the regulation cannot reasonably be effective** in fully controlling VOC emissions and odors (odor masking through the Byers system). Greenhouses in Carpinteria Valley (by design) have to vent interior air to the sky in order to maintain their temperatures. These odors will linger in our valley given our geography – bounded by mountains and the sea – particularly when there is an inversion layer. The odor masking systems allowed in the regulations are not closed-loop systems where carbon filter HVAC systems can effectively prevent VOCs/terpenes from being released. Neither the effectiveness or safety of these masking systems is known, and we ask the Board to adopt enforceable standards of odor and fume capture, not masking.

--**The standard for controlling odors from grows is not objective or enforceable.** Odor Abatement Plans (and permit conditions) are required to meet a vague, subjective and unenforceable standard of “preventing odors from being experienced within residential zones, as determined by the Director.” The standard should be the same as for personal grows: Non-detectable (odor and lighting) outside the building where activities occur. We are very worried that these growers will claim their permits run with the land and that the large capital investments vest their rights, and that the risks of their odor masking experiment will fall to us residents to bear in the long-run.

--**Looking forward, it is crucial that no revisions or staff interpretations be allowed to the Greenhouse Overlay Ordinance in Carpinteria Valley that would allow more greenhouses.** We understand that the growers are now lobbying for this, but it is absolutely unacceptable to us residents, who are already tolerating significant externalities from commercial cannabis, not to mention the visual blight and environmental impacts noted in, and some ignored by, your cannabis EIR.

We believe that the fate of our way of life here in Carp Valley hangs in the balance and ask for your help in amending the cannabis regulations to take the urban-rural boundary, EDRNs and residents into account.

Sincerely,

Concerned Carpinterians, a grassroots citizens group. Individual signatories to this letter who wished to be personally named are listed alphabetically below:

- Brian Baird
- Sandi Baird
- Anna Bradley
- Debi Clark
- Larry Clark
- William Parke Cole
- John N. Culbertson
- Katherine Culbertson
- Chuck Dal Pozzo
- Bill Dayka
- Judy C. Dean, MD
- Victoria Dillingham
- Sally Eagle
- Linda M. Ekstrom
- Paul C. Ekstrom
- Jill W. Englert
- Kent L. Englert
- Joan T. Esposito

Mary Bailard Foley
Gregory Gandrud
Perry Gibson
Llewellyn Goodfield
Linda Hannon
Penny Hannon
Gail Herson
Jack Hurley
Joseph Ilvento
John Koehn
Patty Koehn
Kenneth Kraus
Annie Lesser
Robert Lesser
Barbara Kloos
Elizabeth Poje Mannoia
V. James Mannoia
Ann Matson
Mario E. Nargi
Sandra Leona Nargi
Lionel Neff
Langdon Nevens
Bobbie Offen
Merrily Peebles
Patti Ruben
Patricia Saragosa
Marjon Anna Souza
Jamie Throgmorton
Sarah B. Trigueiro
Linda Turner
Evan Turpin
Celinda Valeur
Fredrik Valeur
Scott Nathan Van Der Kar
Alice M. Vazquez
Claudia Ward
Leonadi Ward
Greek Zachariou
Peggy Zachariou

de la Guerra, Sheila

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,

John Faulkner

JOHN FAULKNER

de la Guerra, Sheila

From: susan belloni <susanbelloni@hotmail.com>
Sent: Friday, March 29, 2019 10:10 PM
To: sbcob
Subject: Ch. 50 Hearing Cannabis April 2, 2019

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 Chair Lavagnino and Supervisors,

I noticed the subject of hemp cultivation has now come up in public letters. To add to our knowledge, here is what is happening in Sonoma County for their April 2nd meeting.

“For the time being, Linegar is pushing the Sonoma County Supervisors to follow the lead of 13 counties around the state that have passed temporary moratoriums on commercial hemp cultivation.”

It is interesting to note that Sonoma has zones called Agricultural Residential and Rural Residential which acknowledge the residential component of some Ag land.

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“Enough Rope” March 28, 2019

Bohemian.com

Sonoma County commissioner pushes for emergency moratorium on hemp grows in the county

BY JONAH RASKIN

• Growing Pains "We have had a huge influx of people from urban areas who don't understand agriculture and don't appreciate or respect that they are moving into areas zoned for agriculture."

Jonah Raskin is the author of 'Marijuanaland: Dispatches from an American War.'

Sonoma County farmers want to cultivate hemp—now legal under federal law—but that won't happen any time soon, says county agriculture commissioner Tony Linegar, a fierce advocate for farming and farmers, including those who are growing cannabis now or have yet to receive the necessary permits.

Hemp looks and smells like cannabis. For some local detractors, it's just as objectionable as cannabis and ought to be stopped before it takes root here.

"Solving the challenge of how hemp can fit into the agricultural landscape will be a balancing act with many opposing interests," Linegar says. "It's a worthy cause if it creates opportunity for local farmers. Hopefully we can come out of the process with the opportunity intact."

For the time being, Linegar is pushing the Sonoma County Supervisors to follow the lead of 13 counties around the state that have passed temporary moratoriums on commercial hemp cultivation. Mendocino blocked hemp cultivation in February; Marin adopted its own moratorium in March. He's suggesting to the Sonoma supervisors that they do the same at the [April 2](#) meeting.

The passage of the 2018 Farm Bill opened new opportunities to grow a crop in the U.S. that humans have been growing for thousands of years. The history of hemp in America is already well-known: George Washington and Thomas Jefferson grew it. Thomas Paine, who helped jump start the American Revolution, saw hemp growing wild and concluded that it would ensure that Americans would always be free and never under a foreign domination.

As agriculture commissioner, Linegar's job is to protect, preserve and expand farming and ranching in Sonoma County—where and when that's possible. Biodiversity has been one of his mantras over eight years on the job. "Hemp is an amazing plant botanically speaking," Linegar says, as he extols its many virtues and uses, which includes "the possibility to create new kinds of plastics that would be biodegradable, as well as new building materials like hempcrete."

Hemp was outlawed by the federal government in 1937—the same year that cannabis was prohibited. Ever since then, the sturdy hemp plant has been found guilty by association. The

plant belongs to the cannabis family, but it's not rich in THC and doesn't produce intoxicating effects.

"I've taken a deep dive into the hemp world," Linegar says. "I know the only way you can distinguish a field of hemp grown for CBD from a field of cannabis with THC, is to take samples of the female plants from both, bring them to a laboratory and have them tested." Commercial hemp under the Farm Bill can't have more than .3 percent THC content.

For that reason, and despite his overall enthusiasm for the plant, Linegar wants the county to approve an emergency ordinance to enact a moratorium on growing hemp. He'd like to see hemp eventually join the list of crops that are grown and harvested here, in part because the plant would bring diversity to fields and farms. For agriculture to survive in Sonoma, it has to produce products that bring a solid financial return per acre planted. On that score, hemp blows grapes out of the water. "In Colorado an acre of hemp produced for CBD brings in about \$60,000 per acre," Linegar says. "An acre here of the most highly sought-after grapes might bring in 5 to 6 tons an acre and sell for \$5,000 a ton at the high end. You do the math."

Some financially strapped Sonoma County farmers are chomping at the bit to start growing hemp: "We have already had numerous inquiries at the Department of Agriculture from conventional farmers who want to grow hemp," Linegar says.

Nobody's getting the green light, at least not yet. Hemp presents a major conundrum for the county. "There are pros and cons on all sides," he says.

Linegar identifies three reasons to put the moratorium on hemp: Sacramento has yet to issue final regulations about hemp cultivation (that's expected to happen this year). There's also a loophole in state law allowing for the cultivation of hemp for research purposes without registering with a county agricultural commissioner (or be tested for THC).

"That loophole could be exploited," Linegar says. "It has been the impetus for most of the county moratoriums in effect in California."

And third, male hemp plants have the potential to pollinate female cannabis plants. That pollination would produce seeds with diluted THC content, which could make smokable cannabis a less valuable cash crop. Hemp pollen can move as far as 30 miles, says Linegar. "In Oregon, the proximity of hemp to cannabis is already a problem. If we have both crops here, hemp farmers growing male plants would have to be at a safe distance from female cannabis plants. We don't want incompatible land use."

But the biggest issue of all is squaring up the bulky legalization regime so pot growers in Sonoma can participate in the new recreational cannabis economy. "First and foremost we owe considerations to people who have been diligently pursuing legal status by complying with the rigorous local and state regulations for licensing," he says. "Having passed an ordinance that allows for cannabis cultivation in late 2016, I believe the county has an obligation to protect [the growers'] interests."

Linegar would like Sonoma County to wait until Sacramento creates statewide rules and regulations for hemp. He'd like to see the county avoid some of the cannabis controversies that have divided communities following Proposition 64's passage.

Linegar believes that any rush to regulate locally could find the county scrambling "down the same rabbit hole that it went down with cannabis. Some of the same people in Sonoma County and elsewhere, who have opposed cannabis, would also oppose hemp. For one thing, it would smell. For another, if mistaken for cannabis it could present similar concerns around public safety."

He adds, "'I understand that cannabis is prohibited in areas zoned Rural Residential and Agriculture Residential. I can accept that, but [other] places that are zoned [for agriculture], have to be maintained and defended for farming and ranching. I draw the line there. The primary use for that land is agricultural, not residential."

He says cannabis and hemp farmers ought to be able to grow on land that's zoned by the county as Land Intensive Agriculture, Land Extensive Agriculture and Diverse Agriculture. "We have had a huge influx of people from urban areas who don't understand agriculture and don't appreciate or respect that they are moving into areas zoned for agriculture. We can't kowtow to them."

Linegar returns to the subject of CBD, even as he wonders which products the Food and Drug Administration will ultimately approve. But the CBD horse has left the stable. "There are all kinds of CBD products out there already that consumers purchase and use. Enforcing restraints has been non-existent." Hemp can be cultivated to be high in CBD.

A robust embrace of the potential for hemp, he hopes, may well persuade anti-cannabis agonists to reconsider their opposition.

"Unfortunately, there's guilt by association," Linegar says. "The way cannabis has been over-regulated has the ability to color the way hemp is regulated. That would not be in the best interests of our farmers."

Sincerely,

Susan Belloni

de la Guerra, Sheila

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 4th 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

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 29th 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

From: Gail Johnson <gsjoh50@gmail.com>
Sent: Sunday, March 31, 2019 7:49 PM
To: Hart, Gregg; ghart@sbcountry.org
Cc: sbcob
Subject: More Mesa Shores Homeowners Association input for Tuesday's 4/2/2019 Cannabis Hearing
Attachments: BOS Greg Hart Letter re Santa Barbara Cannabis Ordinance 3-2019.pdf

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 Supervisor Hart,

Please find attached a letter from the More Mesa Shores Homeowners Association, a residential neighborhood in District 2. We look to you to protect small local residential neighborhoods, including those in the Coastal Zone in District 2, and look forward to meeting with you in the near future.

Sincerely,

--
Gail Johnson,
More Mesa Shores Homeowners Association Board President



PO Box 61731, Santa Barbara, CA. 93160-1731

March 31, 2019

Dear Supervisor Hart,

The More Mesa Shores Homeowners Association (MMS HOA) is aware of a hearing on Tuesday, April 2, 2019, to approve changes being made to the "Licensing of Commercial Cannabis Operations Ordinance". Our HOA is in District 2 in the Coastal Zone.

Currently, the owners of two AG-I properties nearby have applied for permanent cannabis permits. The first property at 5295 Shoreline Drive is directly adjacent to the More Mesa Shores residential neighborhood and the second property is less than a quarter of a mile away on Anderson Lane. Both of these parcels are also less than a mile from the City of Goleta boundary.

The Homeowners Association believes that restrictions being proposed for the inland AG 1-zone properties should also be applied to similarly zoned properties in the coastal zone. The impacts from any cannabis operation in the coastal zone are the same as those in the inland areas. Examples include the skunk-like odors, nighttime lighting, generator noise, nuisances, and reduced property values. There are also safety concerns; the 5295 Shoreline Drive property has experienced several break-ins. Residents have also reported that they believe they have heard gun shot noise from that area. Why should there be a distinction made between the inland area and the coastal zone? Coastal zone residents living near or adjacent to operations experience the same negative impacts that often occur to residents living near cannabis cultivation sites in the inland area.

While the changes to Section 50-7 a) 1. "Limits on Cannabis Cultivation and Microbusiness Licenses" are a step in the right direction, the limitation for legal nonconforming cannabis cultivation sites is vague and should be modified to be specific or eliminated completely.

We welcome the opportunity to work with you in protecting the quality of life for residential neighborhoods in the Coastal Zone.

Thank your consideration of this input.

Respectfully,

The More Mesa Shores Board of Directors

Gail Johnson
Sandra Austin
Tom Condon
Donald Goodman



PO Box 61731, Santa Barbara, CA. 93160-1731

Jim Peterson

de la Guerra, Sheila

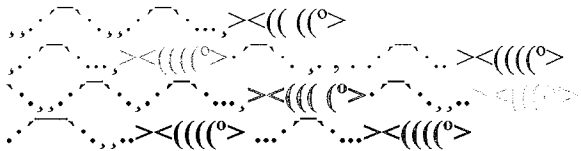
From: Robin Abrahamson Masson <robin.masson@gmail.com>
Sent: Sunday, March 31, 2019 8:42 PM
To: sbcob; Miyasato, Mona; Villalobos, David
Subject: Cannabis growing in Ag districts near residences

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Greetings,

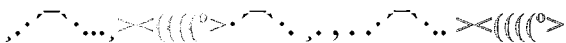
I live at 1254 Camino Meleno, Santa Barbara 93111, and there is a 400 acre avocado/lemon ranch right behind my house. I support the growing and use of Cannabis, but I do not want it growing right behind my house, with the attendant odor and possibility of criminal activity. I urge you to prohibit the growing or processing of cannabis within 2000 feet of a residence, and require complete odor abatement and significant security 24/7 as a prerequisite to permitting growing of cannabis near residential areas. Without it, we will be unable to sit outside in our yards, open our windows, or feel secure in our homes. I can smell the cannabis growing in Carpinteria from the freeway; it would be awful to have it right outside my house. I use air conditioning sparingly, to keep electricity usage down. If there is a constant smell of cannabis, I will have to use it all the time, making my electric bills skyrocket, and increasing our carbon footprint and the attendant climate change effects. Moreover, our property values will be significantly diminished and your revenues from property taxes will similarly be diminished. Please protect the residents of the county.

Thank you.



Robin Abrahamson Masson
Mediator
(805)845-6981

www.massonmediator.com



de la Guerra, Sheila

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

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.

~~~~~  
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:** Amy Marie Orozco <amymarie@amymarieorozco.com>  
**Sent:** Monday, April 1, 2019 10:51 AM  
**To:** sbcob  
**Subject:** Please, no additional changes to the Cannabis Ordinance. First, let's see what works and what doesn't.

**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.**

I support commercial cannabis in Santa Barbara County and respectfully request that no additional changes be made to the Cannabis Ordinance.

The County of Santa Barbara approved the Cannabis Land Use Ordinance and Licensing Program and certified the associated PEIR in February 2018 after months of public testimony and hundreds of hours of staff and consultant involvement—a huge expenditure of public funds. Not to mention the huge amounts of money, sweat, and tears local farmers and businesspeople have invested.

Let's take a wait-and-see approach before attempting any changes so we can see what works, what doesn't. Thank you for your service.

Amy Marie Orozco  
4806 Sawyer Avenue  
Carpinteria, CA 93013-1948  
805-284-2622

**Amy Marie Orozco**

*Creative Services, Writing & Editing*

(805) 284-2622

[www.amymarieorozco.com](http://www.amymarieorozco.com)

*Keeping the Art of Letter Writing Alive*

**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)

**de la Guerra, Sheila**

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**From:** Lillian Clary <mzlil2988@gmail.com>  
**Sent:** Monday, April 1, 2019 2:10 PM  
**To:** sbcob  
**Cc:** Lil Clary  
**Subject:** Public Comment, agenda item 19-00212 April 2, 2019

**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.**

Honorable Members of the Board of Supervisors

With reference to your meeting on April 2, 2019, agenda item 19-00212 we recommend the following:

- 1) Prohibit cannabis testing on agricultural parcels
- 2) Prohibit the use of generators for security lighting at grow sites
- 3) Prohibit commercial cannabis operations on AG-1 parcels zoned 5, 10, or 20 acres.

Further, we support a complete re-opening of the land use and business license ordinances in response to the issues raised by the **SB County Coalition for Responsible Cannabis**. County wide, residents have had nearly a full year of experience with the current ordinances and have realized that there are serious deficiencies. It is not appropriate to address these issues piecemeal as is the case now.

This Board has created a situation in which cannabis has taken over. What ever happened to concept that the health and safety of residents and the environment should take precedence over the cannabis industry?

This county has allowed license stacking. Other jurisdictions have seen the light on this issue and have restricted licenses to one per parcel in most situations.

This county has failed to exercise due diligence in approving temporary licenses for undocumented claims of legal/non-conforming operations. Anyone can go to Google Earth to prove that the majority of these individuals were NOT active prior to the county's moratorium but instead developed their sites during the moratorium.

The county's own enforcement actions—which are much appreciated—demonstrate the magnitude of the greed and arrogance of commercial cannabis operators.

As we have noted before, cannabis operators are gambling that they will be allowed unrestricted operations. They should take full responsibility for the funds they have expended in buying land and building facilities and grading pads and constructing hoop houses PRIOR to obtaining licenses to grow.

Dave & Lil Clary

**de la Guerra, Sheila**

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**From:** Sean D. Pitts <sean@happycanyonvineyard.com>  
**Sent:** Monday, April 1, 2019 2:31 PM  
**To:** Davis, Rose; sbcob  
**Subject:** Cannabis Ordinance that will be discussed on Tuesday, April 2, 2019 at the BOS meeting and Planning and Development Commission on Wednesday, April 3, 2019.  
**Attachments:** HCV\_Cannabis\_Ordinance\_Letter\_033119.pdf; ATT00001.htm

**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 Honorable Supervisors and Planning Commissioners:

Please see attached letter in regards to the Cannabis Ordinance that will be discussed on Tuesday, April 2, 2019 at the BOS meeting and Planning and Development Commission on Wednesday, April 3, 2019.

We will be present at the meeting as well. Please consider our thoughts, comments and opinions on this matter.

Best Regards,  
Sean



HAPPY CANYON  
VINEYARD



March 31, 2019

**TO:**

Santa Barbara County Supervisors and Planning Commissioners

**FROM:**

Sean D. Pitts  
Executive Winemaker and Managing Director  
Happy Canyon Vineyard  
P.O. Box 189  
Santa Ynez, CA 93460  
805-203-0749  
[sean@happycanyonvineyard.com](mailto:sean@happycanyonvineyard.com)

**RE:** Cannabis Ordinance that will be discussed on Tuesday, April 2, 2019 at the BOS meeting and Planning and Development Commission on Wednesday, April 3, 2019.

Dear Honorable Supervisors and Planning Commissioners

I am writing in regard to the Cannabis Ordinance that will be discussed on Tuesday, April 2, 2019 at the BOS meeting and Planning and Development Commission on Wednesday, April 3, 2019.

As a Santa Barbara County resident, viticulturist, wine grape farmer and wine producer, we are writing with concerns over the current amount and influx of cannabis grows in the Santa Barbara County. While we are supportive of agriculture and new business in the county, we believe the current regulations should be amended to benefit everyone.

We request the ordinance contain the following limited allowances and regulation. The bullet points are listed in order of importance (1-being the most important). Our rationale is briefly outlined below.

1. Limit outdoor grow sizes on Ag-II parcels to 1 acre.
2. Limiting one cannabis license per parcel as intended by the state law.
3. Outdoor cannabis grows in Ag-II should be required to fully contain nuisance aromas within their property boundaries.
4. Increase definition of sensitive receptor to include wine grapes and other ingested crops and create reasonable setbacks from such sensitive receptors.
  - a. Reasonable conditions should be in place to limit grows where it is obvious ahead of time that nuisance will occur based on data currently available regarding volatile terpenes oils and their impact on crops such as wine grapes.



HAPPY CANYON  
VINEYARD



First and foremost, please recognize I have two young children in first and fifth grade. We moved to Santa Barbara County because we intended to bring up our kids in a safe close knit community, agriculturally minded and an environment that fosters and empowers our young to be outstanding citizens as they grow up. I am writing today on behalf of them and the ideals in which we decided to join the Santa Barbara County community. Therefore, I trust you as not only honorable supervisors and commissioners, but members of the community, will read and take to heart my rationale for including limited allowances and regulation of Cannabis in Santa Barbara County.

Cannabis growers in Santa Barbara county should be subject to size limitations on Ag-II parcels to 1 acre.

- Santa Barbara county grows 22.1% of all Cannabis in the state of California. The highest in the state. (<https://mjbizdaily.com/chart-where-does-californias-recreational-marijuana-supply-come-from/>)
- In a report published by the California Department of Food and Agriculture, the state is producing 15.5 million pounds of cannabis and consuming 2.5 million pounds. ([http://www.dof.ca.gov/Forecasting/Economics/Major\\_Regulations/Major\\_Regulations\\_Table/documents/Cultivation\\_SRIA\\_CDFA\\_1-5-2018.pdf](http://www.dof.ca.gov/Forecasting/Economics/Major_Regulations/Major_Regulations_Table/documents/Cultivation_SRIA_CDFA_1-5-2018.pdf), <https://www.nytimes.com/2019/01/02/us/buying-legal-weed-in-california.html> )
- There has been a requested 147-acre Cannabis grow farm on Drum Canyon Road. This would be the largest in Santa Barbara county, the largest in California and the largest in North America. Therefore, this farm would be capable of producing enough Cannabis to supply the entirety of California's current Cannabis consumption. (<https://growersnetwork.org/industry/largest-cannabis-producers-in-north-america-2018/> )

The already extreme excess supply results in the majority of Cannabis grown filtered into the black-market. Therefore, unless regulated to an extent that make sense, our community stands to be in the hands of growers supplying the completely distasteful and destructive black market. I think it increases the likelihood of crime, puts our children and neighbors in danger, troubling our current and very positive agricultural mindset, and ruining our tourist industry. Is this what the county wants to be known for? I would think not. (Please note - we recognize the issues of high taxation and the limitations on retail sales outlets also contributes to the black-market issue).

Furthermore, limiting Cannabis growers to the size limitation of 1 acre on Ag-II parcels, seems to be a good choice as it is consistent with our neighboring counties in CA (see Appendix 1).

Limiting one cannabis license per parcel as intended by the state law.

- The state of CA intended to limit grow sizes by not permitting licenses for large farms until 2023.





HAPPY CANYON  
VINEYARD



- The stacking of license within more than one parcel directly contradicts the spirit of the law.

Mendocino County averages 1 license per parcel, San Luis Obispo county averages 1.5 licenses per parcel. Santa Barbara County currently averages an astounding 18.7 licenses. Why? On the surface, it's like we just have no interest in regulating and every Cannabis farmer is coming here to take advantage of our current positive agricultural mindset. What happens when Cannabis overtakes all other Agricultural products? Does Santa Barbara County want to create an environment where no farmer will be able to survive unless we grow Cannabis. I would hope you as our leaders, recognize the need for diverse agriculture that benefits everyone.

Outdoor cannabis grows in Ag-II should be required to fully contain nuisance aromas within their property boundaries and reasonable setback to sensitive crops such as "farmers market" produce and wine grapes.

- Cannabis grows have a "skunky" aroma, caused by volatile terpene oils.
- These oils are also in eucalyptus. Eucalyptus has been studied and it has been established that they present a negative impact on existing agricultural products such as wine grapes and other ingested "farmers market" type crops (<https://pubs.acs.org/doi/abs/10.1021/jf204499h>).

Therefore, to ensure the benefit of all farmers in all agricultural zones (specifically Ag-1 and Ag—II), it would be prudent to require odor abatement of this crop.

I implore the Planning Commissioners and Santa Barbara County Supervisors to take an approach of regulating Cannabis now, such that new Cannabis farms are limited to 1 acre per Ag-II parcel and one license per parcel. Odor abatement and proper setbacks should be included to ensure limited impact to adjacent crops. Overtime, regulations can be amended, such that additional growth and size can be expanded overtime. These limit allowances will allow the product to be grown, however, limit supply to the black market and allow proper studies to be done on the impact of negative aromas (volatile terpene oils) on ingested crops such as wine grapes and "farmers market" produce. Thank you for your time and attention to this matter.

Respectfully,

*Sean D. Pitts*

Sean D. Pitts  
Executive Winemaker and Managing Director  
Happy Canyon Vineyard



APPENDIX 1

## Cannabis Cultivation Restrictions by Neighboring and Similar Counties to Santa Barbara County

| CA Regulations (Current Loophole) |                                         |                                      | Small License (Unlimited) 10,000 SF                                | Medium License (One per parcel) 1 acre                       |
|-----------------------------------|-----------------------------------------|--------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------|
| CA Regulations (Suggested)        |                                         |                                      | Small License (One per parcel) 10,000 SF                           | Medium License (One per parcel) 1 acre                       |
| County Comparison                 | Odor Control                            | Minimum parcel size to grow cannabis | Maximum grow size MIXED LIGHT per property                         | Maximum grow size OUTDOOR per property                       |
| <b>SBC Current</b>                | Required on Ag-I; NOT required on Ag-II | Varies                               | None                                                               | None                                                         |
| <b>Humboldt</b>                   | Required on indoor, not outdoor         | 5-10 acres                           | 10,000 SF                                                          | 10,000st - 1 acre*                                           |
| <b>Mendocino</b>                  | Required                                | Varies                               | 10,000 SF                                                          | 10,000 SF                                                    |
| <b>Monterey</b>                   | Required                                | Not specified                        | Existing greenhouses only                                          | Prohibited                                                   |
| <b>Santa Cruz</b>                 | Required on indoor, not outdoor         | Varies                               | 22,000 SF                                                          | 2 acres                                                      |
| <b>SLO</b>                        | Required                                | 10 acres                             | 22,000 SF                                                          | 2 acres on a 10-25 acre parcel; 3 acres on a 25+ acre parcel |
| <b>Sonoma</b>                     | Required on indoor, not outdoor         | 10 acres                             | 22,000 SF                                                          | 1 acre                                                       |
| <b>Tulare</b>                     | None                                    | Not specified                        | Limit of 99 plants - Medicinal license only; Adult use prohibited. | Prohibited                                                   |
| <b>Kern</b>                       | Prohibited Cannabis                     |                                      |                                                                    |                                                              |
| <b>Napa</b>                       | Prohibited Cannabis                     |                                      |                                                                    |                                                              |
| <b>Solano</b>                     | Prohibited Cannabis                     |                                      |                                                                    |                                                              |
| <b>Ventura</b>                    | Prohibited Cannabis                     |                                      |                                                                    |                                                              |

\* on sites of 320 acres or larger, for every 100 acres over, they allow 1 more acre of cannabis, up to a total of 8 acres per 1100 acre properties.

**Sources:**

|            |                                                                                                                                                                                                                                                                               |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mendocino  | <a href="https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT10AAG_CH10A.17MECACUOR">https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT10AAG_CH10A.17MECACUOR</a>                             |
| Humboldt   | <a href="https://humboldt.gov.org/DocumentCenter/View/63734/Ord-No-2599-CCLUO-inland-certified-copy-PDF">https://humboldt.gov.org/DocumentCenter/View/63734/Ord-No-2599-CCLUO-inland-certified-copy-PDF</a>                                                                   |
| Sonoma     | <a href="https://sonomacounty.ca.gov/Cannabis/Legislative-Updates/County-Ordinances/">https://sonomacounty.ca.gov/Cannabis/Legislative-Updates/County-Ordinances/</a>                                                                                                         |
| Santa Cruz | <a href="http://www.counties.org/post/monterey-county-cannabis-ordinances">http://www.counties.org/post/monterey-county-cannabis-ordinances</a>                                                                                                                               |
| Monterey   | <a href="http://www.counties.org/sites/main/files/file-attachments/monterey_county_-_sent_121417_-_ord_5292_12-05-17.pdf">http://www.counties.org/sites/main/files/file-attachments/monterey_county_-_sent_121417_-_ord_5292_12-05-17.pdf</a>                                 |
| SLO        | <a href="https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Ordinances/Inland-Land-Use-Ordinance-(Title-22).aspx">https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Ordinances/Inland-Land-Use-Ordinance-(Title-22).aspx</a> |

**de la Guerra, Sheila**

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**From:** Philip Bilden <oceanorchard560@gmail.com>  
**Sent:** Monday, April 1, 2019 2:33 PM  
**To:** sbcob  
**Cc:** Susan Jordan; Suzanne Perkins  
**Subject:** Comment Letter:  
**Attachments:** CRC FINAL BOS LETTER 3-29-19.pdf

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: Santa Barbara County Board of Supervisors  
Re: Comment on proposed amendments to Chapter 50- Hearing Date: April 2, 2019

Dear Honorable Supervisors:

I am writing to register my support for the attached policy recommendations by CRC.

As an avocado orchard owner and manager in nearby areas of cultivation, I would refuse to seek any applications for growing cannabis or employ anyone in the industry at our operation—even though it would be more profitable than avocados or other legal and legitimate crops.

I oppose the expansion of any form of cannabis cultivation in the coastal area or near residential environments.

The stench of cannabis from Carpinteria is problematic for our orchard, our workers, and their families in these areas.

We are collectively concerned about safety issues inviting crime and dangerous criminals to the area.

Moreover, we are concerned for property values declining due to a massive change in the character, safety, image, natural environment (smell) of the community.

We seek your leadership and common sense to cease and desist from granting permits and revoke prior issued permits.

Respectfully,

Philip Bilden  
Manager / Managing Member  
Ocean Orchard, LLC  
560 Freehaven Drive, Santa Barbara  
oceanorchard560@gmail.com

March 28, 2019

TO: Santa Barbara County Board of Supervisors

Re: Comment on proposed amendments to Chapter 50- Hearing Date: April 2, 2019

Dear Honorable Supervisors:

AS you know, County residents, vintners, business owners, avocado growers and schools have repeatedly expressed their concerns about the manner in which temporary (and now provisional) licenses have been issued for cannabis cultivation pending development of a permanent cannabis program. Additionally worrying is the inappropriate determinations of legal nonconforming use status, which have resulted in continuing untenable living conditions for affected residents across the County. These derelict authorizations of unpermitted cultivation in the Coastal Zone, specifically the Carpinteria Valley, have drastically impacted the quality of life for residents, visitors and businesses. Significant impacts to residents and businesses have been felt in the mid and north county due to unpermitted, unlimited and unconditioned cultivation on Ag 1 and Ag-2 parcels surrounding vineyards, wineries, other agricultural operations and rural neighborhoods.

We appreciate that the currently proposed amendments may move the permitting system in the right direction, but we believe that additional clarifications and changes are necessary now, to begin to alleviate the many nuisance impacts of ongoing unpermitted marijuana cultivation. We are concerned that if these amendments are adopted as written, these nuisance and health impacts will continue into the foreseeable future causing damage to residents, businesses, other Ag concerns and tourism. The Board, however, has the authority to remedy this situation now; easily done with a few changes to the proposed amendments to Chapter 50, and with *clear direction to staff*.

The Board letter states the purpose of the proposed amendments as follows:

“Staff included several other minor edits that improve the effectiveness of the Chapter 50. At Section 50- 7A1, **we amended the language approved by the Board in April 2018 to be consistent with the language certified by the California Coastal Commission in November 2018.**” (emphasis added)

However, the language proposed, in combination with the CEO’s ongoing incorrect interpretation of additional language defining application completeness, is ***not sufficient to meet the intent of the Coastal Commission modification***, because it could be read to exclude existing, legal (sic) nonconforming outdoor sites from the prohibition on outdoor cultivation for a further, indeterminate period of time, when it is clear that many of these sites cannot and will not meet the certified standard, and should therefore be shut down immediately, now. The Commission’s certification did not include consideration or approval of the County’s procedures under Chapter 50, because it is not a part of the certified Local Coastal Plan (LCP). However, it is reasonably foreseeable that if presented with the issue in a dispute resolution proceeding, the Commission would not agree to the County’s past interpretations insofar as they implicate the coastal development permit process.

Section 50-7 is currently proposed to be amended to state: *Limits on Cannabis Business Licenses. a) Limits on Cannabis Cultivation, Nursery and Microbusiness Licenses. To avoid visual impacts and nuisances associated with significant concentrations of cannabis cultivation: 1. No outdoor cultivation, nurseries or microbusinesses with outdoor cultivation will be licensed in the Coastal Zone. In addition, no*

*outdoor cultivation, nurseries or microbusinesses with outdoor cultivation will be licensed within two (2) miles of the Urban Rural Boundary limit line or city boundary in the Coastal Zone.*

However, as written, the proposed language would *continue* to exclude legal nonconforming sites from the prohibition on outdoor cultivation, beyond the expiration of the so-called amortization period which ends, in the coastal zone, not later than April 10, 2019.

The language continues:

*“i. This limitation shall not apply to legal nonconforming cannabis cultivation sites operating in compliance with County Code § 35-1003, until said sites are terminated as legal nonconforming uses.”*

In addition, the proposed language fails to address the fact that many sites in the coastal zone never had, or have lost their legal, nonconforming status. Therefore, in order to fully implement the prohibition on outdoor cultivation in the coastal zone, and to finally begin to remedy ongoing nuisance impacts from existing operations, ***the amendment should read as follows:***

***This limitation shall ~~not apply to legal nonconforming cannabis cultivation sites in the coastal zone, notwithstanding whether they have operated in compliance with County Code § 35-1003, until said sites are terminated as legal nonconforming uses.~~, as follows: (1) Owners and operators of outdoor cultivation sites shall cease operations and apply for a Coastal Development Permit for Demolition and Restoration not later than May 1, 2019. (2) Any cultivation on premises where the operation has been enlarged or expanded or there has been a change in use or intensity of use since September 2016 shall no longer be considered legal, nonconforming. Failure to cease cultivation shall result in enforcement proceedings.***

Without these changes, operators could assert that they may continue to operate so long as they have submitted an application to P&D to continue cultivation, and paid the application fee. However, we have been advised that in certifying temporary and provisional licenses to the State, the County Executive office has been including all applications for which fees have been paid, regardless of whether they have been determined or deemed to be complete by Planning and Development (P&D). As a result, a search of the State’s licensing website on March 29, 2019 revealed that beginning in late February 2019, **180 “Adult Use Provisional Licenses” were issued to Santa Barbara County cannabis cultivators, comprising 61% of all Adult Use Provisional licenses issued in the State. This is contrary to the intent and the express language of the legal nonconforming uses exemption, as well as the State regulations.**

Furthermore, we are requesting that the Board rectify any erroneous legal interpretations made in the past, as follows:

- 1. The Board is requested to correct the erroneous designation of growers as entitled to legal, nonconforming status.**

Sec. 35-1003. - Prohibited acts and exemptions states.

A.

“Prior Prohibition of Medical Marijuana Cultivation. Under a prior ordinance (Ordinance No. 4954), medical marijuana cultivation was prohibited in all zones, districts, properties, and areas within the unincorporated areas of Santa Barbara County with an exception for legal nonconforming uses that remains in subsection B, below, until terminated as provided in subsection C., below. (sic)

Legal Nonconforming Uses Exemption. Medical marijuana cultivation locations already existing on January 19, 2016, **if they are legal under California state law**; these are legal nonconforming uses.”

Cultivation was extremely limited under the Compassionate Care Act of 1996. It was allowed only by individuals who had a prescription for medicinal use, or by their caregiver. California Health and Safety Code Section 11358 states that, other than when accepted by law, it is illegal to:

- Plant
- Harvest
- Cultivate
- Dry; or
- Process any marijuana or part of a marijuana plant.

The exception to the law is for those who have been prescribed marijuana for medical use. Medicinal marijuana can legally be cultivated in California by the person to whom it was prescribed or by that person’s primary caregiver.

Because the Board failed to adopt the Planning Commission’s recommendation for a transparent, orderly process to determine which pre-existing grows were legal under the law in effect in 2016, if any, (17 ORD-00000-00007), and instead ‘opted’ for the Affidavit process, the public does not know – nor does the Board- whether any of the holders of temporary or provisional licenses were ever legal, nonconforming, as opposed to unpermitted, and *unpermittable* under prior law. The Board must now ‘weed out’ those who never should have received temporary or provisional licenses as legal nonconforming, and correct those records with the CDFSA.

The County has apparently failed to track or capture those legal nonconforming operations which have altered, enlarged or expanded since 2016. Because the Board failed to adopt the Planning Commission’s recommended ordinance establishing a transparent process for determination of legal non-conforming sites, and instead authorized the County Executive Office (CEO) to accept ‘Affidavits’ without supporting documentation, scores of licenses have been authorized without adequate documentation. **This needs to stop. The County must terminate all nonconforming uses**, and must review the applications to determine whether they have lost their legal nonconforming status. If so, the application for zoning permit must be summarily denied.

**2. The Board should direct staff to review and investigate unlawful expansions and changes to those grows determined to be Legal Nonconforming Uses, and terminate them.**

Both Article II and the LUDC provide:

“Upon recommendation of the Planning Commission, or upon petition by a person or persons affected by a nonconforming use of buildings or land or both, or on its own initiative, the Board of Supervisors may set a date for, and call a public hearing to determine whether or not a nonconforming use of land or buildings or both, or an unpermitted expansion of or change in such use should not be ordered terminated.”

***We hereby request that the Board acknowledge that this specific rule applies to marijuana grows under the Nonconforming Use provisions of Section 1003*** (which was not certified by the Coastal Commission to apply in the coastal zone in the first place, because it is outside of the LCP). Any unpermitted expansion or change in a nonconforming use, both within and outside of the coastal zone must be terminated.

Since any change in use or intensity of use requires a new permit, any change or increase in intensity of use since 2016 would turn a legal nonconforming use (if any ever existed under the Compassionate Care Act of 1996) into an *illegal* (or, unpermitted) nonconforming use which is not permissible under the CZO.

**3. The Board should clarify that only those legitimately designated and continuing nonconforming uses which have an application called complete for processing under the Land Use and Development Code (LUDC) and Article II by P&D prior to 2016 should be processed.**

This issue raised in Para. 1 and 2, above, are compounded by the proposed revised language because the County has been erroneously sending “letters of authorization” for provision of licenses to the State on the basis of submittal of application and payment of fees, thus incorrectly classifying numerous operations as ‘non-conforming’ and eligible to continue until a permit is received (or denied). The ordinance specifically states:

*If the county cannabis ordinance referenced above allows for cultivation of medical cannabis but requires a zoning permit to do so, operators of nonconforming medical marijuana cultivation locations that **have submitted a complete application to the Santa Barbara County Planning and Development Department to permit their nonconforming cultivation site by the termination date listed above may continue to operate** their same existing nonconforming medical marijuana cultivation site while their permit application is being processed, as long as the operator continues to manage the cultivation location in compliance with the requirements of article X, state law, and the applicable provision of either the County Land Use and Development Code Section 35.101.020 (Nonconforming Uses of Land and Structures), the Montecito Land Use and Development Code Section 35.491.020 (Nonconforming Uses of Land and Structures), or article II, the coastal zoning ordinance section 35-161 (Nonconforming Uses of Land, Buildings, and Structures). **It is solely within the department's discretion to determine if it has received a complete permit application.***

*If the permit application is denied, the applicant shall cease all cannabis cultivation operations until a permit is obtained.”*

Consistent with Supervisor Williams’ direction at the 1/29/2019 hearing, the Board should direct staff to reject and/or summarily deny all applications that include outdoor cultivation in the coastal zone, or have not been found complete, under the planning and zoning laws, by P&D, which has the exclusive authority to make this determination.

Application of California Environmental Quality Act (CEQA)/Program EIR

The California Department of Food and Agriculture (CDFA), the State agency overseeing cannabis cultivation rules and permitting, requires not only that applications be called complete, but that “if CEQA compliance is not completed, is there evidence that it is underway?” ***The determination of what environmental document to require must be made after an application is called or deemed complete.*** The County apparently assumes that it is able to use the PEIR to exempt applications from additional review for the purposes of authorizing the grower to obtain a State License (Temporary or, more recently, Provisional). ***This cannot be assumed.*** An initial study or other basis for determination of exemption must first be performed. A random look at the public access site <https://aca.sbcountyplanning.org/CitizenAccess/> at applications submitted to the County as of 3/22/2019 discloses that many of these applications will indeed require additional site-specific environmental review, for a variety of reasons, including that unpermitted structures will be incorporated into the project description for validation.

**4. For all applications which have not been called complete by P&D, the Board should direct staff to order termination of nonconforming uses as of the dates described in the ordinance:**

a.

In the inland areas (i.e., the areas located outside of the coastal zone of Santa Barbara County), either (1) six months after the board of supervisors' action on February 6, 2018, regarding a county cannabis cultivation ordinance, or (2) 18 months from December 15, 2017, the effective date of Ordinance No. 5019, whichever is longer; and

b.

**In the Coastal Zone, either (1) six months after the Coastal Commission certifies** the board-adopted amendments to the local coastal program regarding the cannabis cultivation ordinance, pursuant to Public Resources Code Section 30514, or (2) if the board does not adopt a county cannabis cultivation ordinance on February 6, 2018, then 18 months from December 15, 2017, the effective date of Ordinance No. 5019, whichever is longer.

The Commission took action to certify on October 10, 2018. **Therefore, the so called 'amortization' period for applications in the coastal zone ends not later than April 10, 2019, and in the inland areas ends June 15, 2019.**

For any case where the amortization period has expired, the continuing cultivation, without compliance with the requirements of the ordinance- most especially odor abatement plans constitutes - a public nuisance which must now be abated. The burden of the delays of a new permit process to implement development standards where appropriate, and to prohibit continuation of cultivation while new applications come through should be borne not by the general public, but by the applicants.

Finally, we have attached for your reference our S.B. County Coalition's letter to the Planning Commission for their consideration at their April 3, 2019 hearing.

Very Truly Yours,

Santa Barbara County Coalition for Responsible Cannabis

Cc:

Offices of:

Assemblymember Monique Limon

State Senator Hannah-Beth Jackson

Congressman Salud Carbajal



**de la Guerra, Sheila**

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**From:** lawrence grassini <lpgrassini@gmail.com>  
**Sent:** Monday, April 1, 2019 2:42 PM  
**To:** Villalobos, David; sbcob; Williams, Das; Hart, Gregg; Hartmann, Joan; Adam, Peter; Lavagnino, Steve  
**Subject:** Cannabis Land Use Ordinance

**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 Chairman Lavagnino and members of the Board of Supervisors; Chairman Parke and members of the Planning commission

I write concerning your upcoming meeting and urge you to recommend immediate action to allow no cannabis on AG1-5 and AG1-10 parcels in the Cannabis Land Use Ordinance and to restrict the size and permit stacking that is being attempted in the larger AG parcels. My family and I first purchased a residential property in Carpinteria in 1982. We purchased it with another family and raised our families there. We still own the property and have rented it to another family who is enjoying the relative peace and solitude of the town known for "the World's safest beach." As our tenants have mentioned and we have seen (and even more regularly smelled) as we travel to our present home in Santa Barbara, if there are not some sane regulations placed upon the cannabis growers, Carpinteria and the Santa Barbara area will be known as the "World's largest pot farm". My four daughter's all own separate homes in Santa Barbara County and I own several properties in the County. We all vote in Santa Barbara County. When I and the other members of my extended family voted to allow cannabis grows in the State of California, it was under the misunderstanding that there would be restrictions on the size of the grows and of the numbers of permits allowed on individual parcels. I believe that that misunderstanding was shared by most of the electorate and that if the "cannabis proposition" were on the ballot today with the way that the cannabis growers have blanketed the County, it would be defeated. How can Santa Barbara remain the ONLY county in California without acreage limits either by property parcel or for the county as a whole. The Board of Supervisors have the opportunity to remedy this situation by placing reasonable restrictions on the cannabis growers that are taking advantage of the lack of appropriate regulations in Santa Barbara County. Please pass these proposed restrictions, and make sure to remedy this unfortunate state of affairs by making those restrictions retroactive. Thank you for your work on this very important issue.

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Larry Grassini

**de la Guerra, Sheila**

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**From:** Allison <allisonvanwingerden@yahoo.com>  
**Sent:** Monday, April 1, 2019 2:56 PM  
**To:** sbcob  
**Subject:** Cannabis cultivation

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.

Hello,

My name is Allison Van Wingerden.

Please maintain the Cannabis ordinance they have worked so hard to develop and please let there be a two-year moratorium on any changes.

There are more jobs, higher hourly wages, no chemical pesticides, no heavy semi-truck traffic, there is now renovation of older greenhouses, a clean environmental footprint and an excellent source of tax income.

Please continue to allow permits for Cannabis cultivation in Carpinteria.

Thank you,  
Allison Van Wingerden

Sent from my iPhone