

Lenzi, Chelsea

From: Bonnie Blau <bonnieb@sbceo.org>
Sent: Monday, January 18, 2016 3:55 PM
To: sbcob
Subject: West Camino Cielo Medical Marijuana Grow

Dear Board of Supervisors of Santa Barbara County, and Mary O'Gorman Chief of Staff -

This letter is in regard to the medical marijuana grow at 5613 West Camino Cielo. This is in the middle of a mountain community, in the midst of forty or so houses. My concerns are that it invites dangerous elements into our neighborhood. It's an invitation for thievery, for one. Another very grave concern is the amount of resources this kind of an operation needs — and by this I primarily mean water. Everyone up on the mountain is conserving water very carefully and religiously. It takes a great deal of community water to support this kind of growth. In addition, there is always a possibility of fire, and the heavy use of electricity in such a business leaves us fearful. Furthermore - these are people who have no investment in this community, and living in a mountain community requires cooperation with regard to conserving resources, safety, and fire watchfulness. Also, there are many zoning and building code violations having to do with this business. We live with a careful eye on our neighbors and we help each other and take care of each other. This kind of business has no place in our community.

For all of these reasons, please deny permission for this marijuana grow (and any other) in the West Camino Cielo community.

Thank you for your time.

Bonnie Blau
5834 West Camino Cielo
Santa Barbara, CA 93105
805 683-2899

Lenzi, Chelsea

From: Villalobos, David
Sent: Monday, January 18, 2016 5:17 PM
To: sbcob
Cc: Bell, Allen
Subject: Fwd: AB21 Amendment
Attachments: ab_21_bill_20160115_amended_sen_v96.pdf

Sent from Outlook Mobile

----- Forwarded message -----

From: "**Domini Bradford**" <dominibridges@gmail.com>
Date: Mon, Jan 18, 2016 at 1:06 PM -0800
Subject: AB21 Amendment
To: "Villalobos, David" <dvillalo@co.santa-barbara.ca.us>, "Black, Dianne" <Dianne@co.santa-barbara.ca.us>, "SupervisorCarbajal" <SupervisorCarbajal@co.santa-barbara.ca.us>, "Wolf, Janet" <jwolf@countyofsb.org>, "Farr, Doreen" <dfarr@countyofsb.org>, "Adam, Peter" <peter.adam@countyofsb.org>, "Lavagnino, Steve" <steve.lavagnino@countyofsb.org>

Hello, As of today, January 18th 2016, the state legislature amended AB21 of the MMRSA. The revision strikes both the March 1st banning deadline and the sentence allowing locals to ban. How will this effect the Board of Supervisors meeting tomorrow?

Thank you, Domini Bradford

AMENDED IN SENATE JANUARY 15, 2016

AMENDED IN SENATE JANUARY 4, 2016

AMENDED IN ASSEMBLY MAY 5, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 21

**Introduced by Assembly Members *Wood, Bonta, Cooley,*
*Jones-Sawyer, Lackey, and Wood and Lackey***
(Principal coauthor: Senator McGuire)

December 1, 2014

An act to amend Section 11362.777 of the Health and Safety Code, relating to medical marijuana, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 21, as amended, ~~Bonta~~ *Wood*. Medical marijuana: cultivation licenses.

Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law, enacted by the Legislature, provides for the licensing and regulation by both state and local entities of medical marijuana and its cultivation. Existing law provides that if a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, commencing March 1, 2016, the Department of Food and Agriculture is the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county.

This bill would delete the provision that grants the department the sole licensing authority under those circumstances.

Existing law exempts certain persons cultivating medical marijuana from the requirement to obtain both a state license from the Department of Food and Agriculture and a license, permit, or other entitlement allowing cultivation from the city, county, or city and county in which the cultivation will occur. Existing law authorizes a city, county, or city and county to regulate or ban the cultivation, storage, manufacture, transport, provision, or other activity by a person otherwise exempt from state regulation, or to enforce that regulation or ban.

This bill would delete the authorization of a city, county, or city and county to regulate or ban the cultivation, storage, manufacture, transport, provision, or other activity by a person otherwise exempt from state regulation under the program, or to enforce that regulation or ban.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11362.777 of the Health and Safety Code
2 is amended to read:
3 11362.777. (a) The Department of Food and Agriculture shall
4 establish a Medical Cannabis Cultivation Program to be
5 administered by the secretary and, except as specified in
6 subdivision (c), shall administer this section as it pertains to the
7 cultivation of medical marijuana. For purposes of this section and
8 Chapter 3.5 (commencing with Section 19300) of *Division 8* of
9 the Business and Professions Code, medical cannabis is an
10 agricultural product.
11 (b) (1) A person or entity shall not cultivate medical marijuana
12 without first obtaining both of the following:
13 (A) A license, permit, or other entitlement, specifically
14 permitting cultivation pursuant to these provisions, from the city,
15 county, or city and county in which the cultivation will occur.
16 (B) A state license issued by the department pursuant to this
17 section.

1 (2) A person or entity shall not submit an application for a state
2 license issued by the department pursuant to this section unless
3 that person or entity has received a license, permit, or other
4 entitlement, specifically permitting cultivation pursuant to these
5 provisions, from the city, county, or city and county in which the
6 cultivation will occur.

7 (3) A person or entity shall not submit an application for a state
8 license issued by the department pursuant to this section if the
9 proposed cultivation of marijuana will violate the provisions of
10 any local ordinance or regulation, or if medical marijuana is
11 prohibited by the city, county, or city and county in which the
12 cultivation is proposed to occur, either expressly or otherwise
13 under principles of permissive zoning.

14 (c) (1) Except as otherwise specified in this subdivision, and
15 without limiting any other local regulation, a city, county, or city
16 and county, through its current or future land use regulations or
17 ordinance, may issue or deny a permit to cultivate medical
18 marijuana pursuant to this section. A city, county, or city and
19 county may inspect the intended cultivation site for suitability ~~prior~~
20 ~~to~~ *before* issuing a permit. After the city, county, or city and county
21 has approved a permit, the applicant shall apply for a state medical
22 marijuana cultivation license from the department. A locally issued
23 cultivation permit shall only become active upon licensing by the
24 department and receiving final local approval. A person shall not
25 cultivate medical marijuana ~~prior to~~ *before* obtaining both a permit
26 from the city, county, or city and county and a state medical
27 marijuana cultivation license from the department.

28 (2) A city, county, or city and county that issues or denies
29 conditional licenses to cultivate medical marijuana pursuant to this
30 section shall notify the department in a manner prescribed by the
31 secretary.

32 (3) A city, county, or city and county's locally issued conditional
33 permit requirements must be at least as stringent as the
34 department's state licensing requirements.

35 (d) (1) The secretary may prescribe, adopt, and enforce
36 regulations relating to the implementation, administration, and
37 enforcement of this part, including, but not limited to, applicant
38 requirements, collections, reporting, refunds, and appeals.

39 (2) The secretary may prescribe, adopt, and enforce any
40 emergency regulations as necessary to implement this part. Any

1 emergency regulation prescribed, adopted, or enforced pursuant
2 to this section shall be adopted in accordance with Chapter 3.5
3 (commencing with Section 11340) of Part 1 of Division 3 of Title
4 2 of the Government Code, and, for purposes of that chapter,
5 including Section 11349.6 of the Government Code, the adoption
6 of the regulation is an emergency and shall be considered by the
7 Office of Administrative Law as necessary for the immediate
8 preservation of the public peace, health and safety, and general
9 welfare.

10 (3) The secretary may enter into a cooperative agreement with
11 a county agricultural commissioner to carry out the provisions of
12 this chapter, including, but not limited to, administration,
13 investigations, inspections, licensing and assistance pertaining to
14 the cultivation of medical marijuana. Compensation under the
15 cooperative agreement shall be paid from assessments and fees
16 collected and deposited pursuant to this chapter and shall provide
17 reimbursement to the county agricultural commissioner for
18 associated costs.

19 (e) (1) The department, in consultation with, but not limited
20 to, the Bureau of Medical Marijuana Regulation, the State Water
21 Resources Control Board, and the Department of Fish and Wildlife,
22 shall implement a unique identification program for medical
23 marijuana. In implementing the program, the department shall
24 consider issues, including, but not limited to, water use and
25 environmental impacts. In implementing the program, the
26 department shall ensure that:

27 (A) Individual and cumulative effects of water diversion and
28 discharge associated with cultivation do not affect the instream
29 flows needed for fish spawning, migration, and rearing, and the
30 flows needed to maintain natural flow variability.

31 (B) Cultivation will not negatively impact springs, riparian
32 wetlands, and aquatic habitats.

33 (2) The department shall establish a program for the
34 identification of permitted medical marijuana plants at a cultivation
35 site during the cultivation period. The unique identifier shall be
36 attached at the base of each plant. A unique identifier, such as, but
37 not limited to, a zip tie, shall be issued for each medical marijuana
38 plant.

39 (A) Unique identifiers will only be issued to those persons
40 appropriately licensed by this section.

1 (B) Information associated with the assigned unique identifier
2 and licensee shall be included in the trace and track program
3 specified in Section 19335 of the Business and Professions Code.

4 (C) The department may charge a fee to cover the reasonable
5 costs of issuing the unique identifier and monitoring, tracking, and
6 inspecting each medical marijuana plant.

7 (D) The department may promulgate regulations to implement
8 this section.

9 (3) The department shall take adequate steps to establish
10 protections against fraudulent unique identifiers and limit illegal
11 diversion of unique identifiers to unlicensed persons.

12 (f) (1) A city, county, or city and county that issues or denies
13 licenses to cultivate medical marijuana pursuant to this section
14 shall notify the department in a manner prescribed by the secretary.

15 (2) Unique identifiers and associated identifying information
16 administered by a city or county shall adhere to the requirements
17 set by the department and be the equivalent to those administered
18 by the department.

19 (g) This section does not apply to a qualified patient cultivating
20 marijuana pursuant to Section 11362.5 if the area he or she uses
21 to cultivate marijuana does not exceed 100 square feet and he or
22 she cultivates marijuana for his or her personal medical use and
23 does not sell, distribute, donate, or provide marijuana to any other
24 person or entity. This section does not apply to a primary caregiver
25 cultivating marijuana pursuant to Section 11362.5 if the area he
26 or she uses to cultivate marijuana does not exceed 500 square feet
27 and he or she cultivates marijuana exclusively for the personal
28 medical use of no more than five specified qualified patients for
29 whom he or she is the primary caregiver within the meaning of
30 Section 11362.7 and does not receive remuneration for these
31 activities, except for compensation provided in full compliance
32 with subdivision (c) of Section 11362.765. For purposes of this
33 section, the area used to cultivate marijuana shall be measured by
34 the aggregate area of vegetative growth of live marijuana plants
35 on the premises. ~~Exemption from the requirements of this section
36 does not limit or prevent a city, county, or city and county from
37 regulating or banning the cultivation, storage, manufacture,
38 transport, provision, or other activity by the exempt person, or
39 impair the enforcement of that regulation or ban.~~

1 SEC. 2. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:
5 To allow local governments to protect the health of their citizens
6 by regulating marijuana at the earliest possible date, it is necessary
7 that this act take effect immediately.

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Lenzi, Chelsea

From: Donna Williams <bardonw@verizon.net>
Sent: Saturday, January 16, 2016 12:05 PM
To: sbcob
Cc: O'Gorman, Mary
Subject: Board of Supervisors January 19 Meeting on Marijuana Production

Clerk of the Board:

My husband and I have been residents of West Camino Cielo since 1989. We have enjoyed the peacefulness of the area and the beautiful night skies. Lately we have been concerned about two marijuana grows supposedly for medical marijuana. For a long while we were concerned because the growers had high intensity lights. We were living on the mountain during the Painted Cave Fire. Recently, after the marijuana was harvested into black garbage bags which filled the entire bed of a truck, the growers quit using the lights. I am so afraid that if these lights are used again, it would be so easy to start a fire. One little spark could ignite the entire mountain. It is almost always windy up here at night.

These two marijuana grows have greenhouses and are located at 5600 and 5613 W. Camino Cielo. The one at 5613 is a huge operation and has two pit bulls for protection. The other grow is much smaller. Because our community is now connected on-line by Next Door, I have learned that many other neighbors are also concerned. One family, who was renting and had small children, moved because they didn't want their children growing up with the atmosphere surrounding the grows.

I also learned from another neighbor that marijuana takes a lot of water, apparently as much as 5 gallons per plant per day. We are all on wells up here and with the shortage of water because of the drought, are concerned about the possibility of our wells going dry. I called and left a complaint with the county about the lights and my concern about the amount of water being used. I've been told that none of the operations mentioned are permitted.

I'm also concerned about the two pit bulls guarding the 5613 property. I have seen them out loose at the 5600 property a few times. Two pit bulls if angered could inflict a lot of damage to a person walking the area and many of us residents walk to the mailboxes for exercise.

You are meeting on January 19th to decide if there should be a possible ban on commercial marijuana grows in the Santa Barbara County. I feel that unpermitted marijuana grows to provide medical marijuana poses a danger to all of the affected residents in the communities of West Camino Cielo, Trout Club, Painted Cave and even Rosario Park because of water usage and fire danger. We all know how quickly a fire can spread up here especially in an area parched by five years of drought. Please when you decide this issue, keep in mind the safety and drought considerations we up on the "mountain" are faced with.

Unfortunately, I am unable to attend the January 19th meeting due to other commitments but please when you make your decision, keep the safety of our mountain communities in mind.

Sincerely,
Donna L. Williams
W. Camino Cielo

Lenzi, Chelsea

From: Helen Larsen <helenlarsen79@hotmail.com>
Sent: Monday, January 18, 2016 7:56 AM
To: sbcob
Subject: Marijuana cultivation hearing for Jan. 19th BOS meeting

To whom it may concern:

I held a meeting here at my house about two months ago in order to discuss this major concern here in our small community of homeowners on West Camino Cielo.

The major concern were those involved in the grow operation were militant in their behavior, aggressive and certainly not neighborly.

I have heard about marijuana wars in Humboldt County and certainly don't want my neighbors here to fear for their lives.

Helen Larsen

5797 W. Camino Cielo

Santa Barbara, CA., 93105

Helen Larsen, Realtor/Broker

Helen Larsen Realty

www.helenlarsenrealty.com

Helen@helenlarsenrealty.com

HelenLarsen79@hotmail.com

Home/Office: (805) 964-1891 Cell: (208) 755-2616

Calif. License # 00893031

Idaho License # SP28900

Lenzi, Chelsea

From: Gordon Sichi <gordon@anacapaschool.org>
Sent: Saturday, January 16, 2016 9:25 AM
To: sbcob
Cc: O'Gorman, Mary
Subject: Board of Supervisors January 19 Meeting on Marijuana Production

Clerk of the Board:

We have been a resident of the San Marcos Trout Club since 1974. We love the mountain environment and have cherished the night sky in the evening and on early morning walks. For the past three years, off and on, the night sky has been blighted with stadium style intense light pollution from the marijuana growing operations of the West Camino Cielo neighborhood from multiple sites, primarily from 5613 West Camino Cielo with its very large complex of greenhouses. In June of 2015, I began a determined effort to figure out what was going on. I made a post on Nextdoor San Marcos Pass about my concerns and received 43 responses from other residents upset about the light pollution.

I took my concerns to our 2nd District Supervisor's office and was helped with advice to file a complaint with the Planning and Development Department, which I did. I also made a complaint about a new operation that sprung up directly across from the Trout Club on Theresa Siller's property. I am thankful that multiple complaints were filed on 5613 West Camino Cielo, and there is now a NOV on 5613 WCC and the the Siller operations. Both of these operations have no permits whatsoever.

I am concerned not only about the light pollution coming from these and other growing operations, but fire danger as well. Suzie and I lost our home in the Painted Cave Fire in 1990. Our "new" home will celebrate its 25th Quarter Century Party in September. I am thankful that the County helped us rebuild and that we have had so many wonderful years raising our family in the beautiful San Marcos Pass area. If there was a fire started by unpermitted electrical wiring above us, and if there was a sundowner, it would come down DIRECTLY to the Trout Club. You can imagine our fears.

Other residents have complained about excessive water use, allegedly 5 gallons a day per plant, during times of water scarcity. There are also other issues associated with the 5613 WCC operation, which is heavily fenced with guard dogs with the possibility for guns and violence.

You are meeting on January 19 to deliberate on a possible ban on commercial marijuana operations in the County, because of the pending State law exigencies. I understand that my complaints do not directly address the issue to ban or not to ban. However, I am sure you understand my concerns that unregulated, unpermitted marijuana growing operations in the County to provide medical marijuana to dispensaries can be and is a real nuisance and a danger to affected residents like us.

I will attend and testify at the January 19 meeting. Thank you very much for your attention to this issue of concern.

Gordon and Suzie Sichi

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Gordon Sichi

Lenzi, Chelsea

From: dominibridges@gmail.com
Sent: Friday, January 15, 2016 4:52 PM
To: sbcob
Subject: Proposed Medical Marijuana Bans

Dear supervisors,

My name is Domini Bradford. I live in zone 1 of Santa Barbara county.

I am writing to voice my opposition to the proposed medical marijuana bans. One of the reasons I chose to move to Santa Barbara county was because, after much research, I felt that it was a progressive and open minded.

My partner and I have worked hard and put everything we had into moving here. Our goal is to run a small collective for qualified patients. We have plans to buy land in an agricultural area in order to do so. We have an Llc and non-profit status. Through our lawyer, we are completely compliant with state laws. Which was no small effort. Lawyer and CPA fees alone have amounted to over \$13,000.00.

We are, of course, concerned that we stand to lose everything. And, possibly, have to relocate. Which at this point would be financially prohibitive.

We are regular folks, I'm 47 my partner is 40.

We planned and saved for years to get here. It's been our dream, through years of work, to get where we are today. We are small farmers trying to make an honest living.

Please make a place in this industry for the little people. The ones without hundreds of thousands of dollars. We came here so we wouldn't be criminals. We came here to be a part of a progressive movement that we could put our hearts into and have integrity in our daily work.

A ban would truly effect the neediest patients. Especially if collectives aren't allowed to grow for the ones that can't.

Thank you for your consideration,

Sincerely,

Domini Bradford
(601)383-5706

Lenzi, Chelsea

Subject: FW: Board of Supervisors January 19 Meeting on Marijuana Production
Attachments: Board of Supervisors January 19 Meeting on Marijuana Production

Importance: High

From: Donna Williams [<mailto:bardonw@verizon.net>]
Sent: Saturday, January 16, 2016 12:05 PM
To: sbcob
Cc: O'Gorman, Mary
Subject: Board of Supervisors January 19 Meeting on Marijuana Production

Clerk of the Board:

My husband and I have been residents of West Camino Cielo since 1989. We have enjoyed the peacefulness of the area and the beautiful night skies. Lately we have been concerned about two marijuana grows supposedly for medical marijuana. For a long while we were concerned because the growers had high intensity lights. We were living on the mountain during the Painted Cave Fire. Recently, after the marijuana was harvested into black garbage bags which filled the entire bed of a truck, the growers quit using the lights. I am so afraid that if these lights are used again, it would be so easy to start a fire. One little spark could ignite the entire mountain. It is almost always windy up here at night.

These two marijuana grows have greenhouses and are located at 5600 and 5613 W. Camino Cielo. The one at 5613 is a huge operation and has two pit bulls for protection. The other grow is much smaller. Because our community is now connected on-line by Next Door, I have learned that many other neighbors are also concerned. One family, who was renting and had small children, moved because they didn't want their children growing up with the atmosphere surrounding the grows.

I also learned from another neighbor that marijuana takes a lot of water, apparently as much as 5 gallons per plant per day. We are all on wells up here and with the shortage of water because of the drought, are concerned about the possibility of our wells going dry. I called and left a complaint with the county about the lights and my concern about the amount of water being used. I've been told that none of the operations mentioned are permitted.

I'm also concerned about the two pit bulls guarding the 5613 property. I have seen them out loose at the 5600 property a few times. Two pit bulls if angered could inflict a lot of damage to a person walking the area and many of us residents walk to the mailboxes for exercise.

You are meeting on January 19th to decide if there should be a possible ban on commercial marijuana grows in the Santa Barbara County. I feel that unpermitted marijuana grows to provide medical marijuana poses a danger to all of the affected residents in the communities of West Camino Cielo, Trout Club, Painted Cave and even Rosario Park because of water usage and fire danger. We all know how quickly a fire can spread up here especially in an area parched by five years of drought. Please when you decide this issue, keep in mind the safety and drought considerations we up on the "mountain" are faced with.

Unfortunately, I am unable to attend the January 19th meeting due to other commitments but please when you make your decision, keep the safety of our mountain communities in mind.

Sincerely,
Donna L. Williams

Lenzi, Chelsea

From: sbcob
Subject: FW: Do NOT adopt 15ORD-00000-00018
Attachments: to Board of Supervisors about no studies to support Findings.pdf

----- Forwarded message -----

From: "**Maria Ygnacio Farm Collective**" <myfarmcollectivesantabarbara@gmail.com>
Date: Sun, Jan 17, 2016 at 4:28 PM -0800
Subject: Do NOT adopt 15ORD-00000-00018
To: "Adam, Peter" <peter.adam@countyofsb.org>, "Farr, Doreen" <dfarr@countyofsb.org>, "Lavagnino, Steve" <steve.lavagnino@countyofsb.org>, "Supervisor Carbajal" <SupervisorCarbajal@co.santa-barbara.ca.us>, "Wolf, Janet" <jwolf@countyofsb.org>
Cc: "Rob Bjorklund" <rob@bjorklundranch.com>, "Rogue Entertaining" <roguepromo@gmail.com>, "Christopher A. Brown" <christopheralfredbrown@gmail.com>, "PAD" <PAD@co.santa-barbara.ca.us>, "Villalobos, David" <dvillalo@co.santa-barbara.ca.us>

Maria Ygnacio Farm Collective
(a mutual benefit corporation)

January 16, 2016

From: Maria Ygnacio Farm Collective
1900 North San Marcos Road
Santa Barbara, CA 93111

To: County of Santa Barbara
Board of Supervisors
Meeting on January 19, 2016

RE: Rejection of 15ORD-00000-00018

Dear Board of Supervisors,

This letter officially states Maria Ygnacio Farm Collective's rejection of 15ORD-000-00018. Maria Ygnacio Farm Collective recommends that the Board of Supervisors NOT adopt the proposed Ban on the Cultivation and Distribution of Medical Marijuana within the County of Santa Barbara.

Maria Ygnacio Farm Collective is not subject to the regulation of cannabis. In fact, County already regulates the cultivation and distribution of Medical Marijuana (see sections 35-58 and 35-144I of the Coastal Zoning Ordinance).

Maria Ygnacio Farm Collective objects to the process by which 15ORD-00000-00018 has been pushed through the system by paid staff.

- Urgency for Control (There is no urgency, see above mentioned law.)

- Impact of Cannabis on the Community (There is no study to support alleged findings.)

In order for the government to have authority to regulate a specific activity, the regulated activity must have a connection (nexus) between the regulated activity and the general welfare of the community.

The nexus is missing in 15ORD-00000-00018. Marijuana is an agricultural crop and poses no negative impact upon the public. Accordingly, "Attachment 1" is unsupported and "15ORD-00000-00018" is unnecessary, if not illegal.

At the January 6, 2016 Planning Commission meeting, Commissioner Cooney said to the paid staff sitting at the front table, "This is not the way to make law."

One of the reasons this is not the way to make law is because the findings are not supported by studies.

Upon our thorough review of the documents presented to the planning commission, we discovered that the studies that are supposed to be used to support findings are missing. Without studies there is nothing for the Planning Commission, nor this Board of Supervisors for that matter, to review upon which to base a finding.

The agenda for the January 19, 2016 meeting presents item 3 (Attachment 1—Findings). Such findings were unanimously rejected by the Planning Commission and the Montecito Planning Commission.

Several community citizens at the Planning Commission meeting on January 6, 2016 called out the staff report as lacking the necessary studies.

Without local studies, upon what does the staff support the Findings?

Administrative Findings

- Medical marijuana cultivation and delivery has negative impacts on the physical environment and general community welfare as discussed in Section 6.0 of this County Planning Commission staff report, dated December 23, 2015.

Section 6.0

- Several California cities and counties have reported negative impacts of marijuana cultivation. (Where is the study or the report?)
- Several California cities and counties have reported illegal sales and distribution of marijuana, trespassing, and theft. (Where is the study or the report?)
- Marijuana plants can produce strong odors that may be offensive to some people and detectable beyond property boundaries. (Where is the study or the report?)
- In part, the new laws aim to address these negative impacts. (Where is the study or the report?)
- email dated January 7, 2016 from Dr. Russell's office says, "To clarify, the county does not have any documents, disclosable or not."

Because the Planning Commission recommends to NOT adopt Article X which enacts a complete and total prohibition on the cultivation and delivery of Medical Marijuana, the Planning Commission's Resolution form is NOT promoted before the Board of Supervisors today.

Where state law requires land use zoning by an ordinance, a statutorily prescribed method is binding on the county. Government Code 25217 fixes the requirement of a resolution.

Without a study, there are no findings. Without specific findings, there may be no resolution. Without a resolution, an Ordinance shall be NOT passed.

The Planning Commission did NOT sign the proffered Resolution presented by County Staff.

- Whereas: – prohibition is needed to protect the public health, safety and welfare;
- Whereas: – justification for banning of medical marijuana cultivation and delivery pursuant to police powers includes (1) increase risk to public safety, (2) strong-smelling fumes emitted from plants, and (3) potential for theft, minors' visibility near schools;
- Whereas: – interest of general community welfare;
- Whereas: – duly noticed public hearing invited comments from the persons in attendance;
- Whereas: – in the interest of the orderly development of the County and preservation of the health, safety and general welfare of the residents of the County.

The Planning Commission and the Montecito Planning Commission recognized that the above Resolution is not supported by proper studies. Because the above mentioned Resolution does not comport with Due Process of Law the Commissioners resolutely voted to NOT recommend the adoption of 15ORD-00000-00018. We agree with the Commissioners.

15ORD-00000-00018 should be summarily rejected by the Board of Supervisors in the same manner as did the County Planning Commission and the Montecito Planning Commission. The Commissioners recommend that the Board of Supervisors consider adding medical marijuana regulation to the 2016-2017 *Annual Work Program* for the Long Range Planning Division.

Sincerely,

Robert Bjorklund

Founder/Chairman of the Board

Maria Ygnacio Farm Collective, Inc.

Lenzi, Chelsea

From: Wil Ridge <ridgewil@hotmail.com>
Sent: Monday, January 18, 2016 7:23 PM
To: sbcob
Subject: January 19,2016 BOS Meeting-Marijuana Cultivation
Attachments: Wil BOS.docx

Hello,

Attached is my letter for the Board of Supervisors to please read and take into account for their decision on the ban of the cultivation of medical marijuana.

Thank you,

Wil Ridge Galbraith

1/18/2016

Board of Supervisors,

I am writing this letter to inform you of how the commercial cultivation of medical marijuana has effected ME and MY family negatively in the following ways:

I am sure most of you are aware of my family property located at 5613 West Camino Cielo on San Marcos Pass that has had MANY complaints against for the lighting nuisance and 14 building code and zoning violations. The property is currently in probate and title litigation due to forgeries on the title. I am currently a second deed of trust owner and lien holder on the property and have been in court battling the mother of my deceased brother's son for many months now.

While I am tied up in court and dealing with the lengthy timeline that goes along with that, an administrator has been placed to take care of my brother's financial responsibilities. What she has chosen to do is place a marijuana grower on the property as a renter to produce income. Marijuana crops are often referred to as "cash crops" because that is how all transactions are handled...CASH. There is no tracking or accountability of the product and funds associated with marijuana grows.

The renters have threatened me and my families lives and our animals lives, they have aggressive un-registered Pit Bulls on the property and continue to be a threat to the neighborhood.

What I am asking is that if you cannot ban the cultivation of marijuana at this time, I ask that you at the very least, you restrict the cultivation on properties that are in probate, litigation or any other court battle.

Thank you,

Wil Ridge Galbraith

Lenzi, Chelsea

From: Cori <corihayman@cox.net>
Sent: Monday, January 18, 2016 8:59 PM
To: sbcob
Cc: Carbajal, Salud
Subject: January 19 Hearing -Agenda Item No. 5, file #16-00011

Importance: High

Dear Clerk: I had an unexpected change in my schedule and may not be able to stay for the duration of the meeting on agenda item no. 5, file #16-00011 (medical marijuana cultivation), and would therefore appreciate it if you could deliver these comments to the Board of Supervisors prior to the commencement of this agenda item.

Dear Board of Supervisors:

I am a six-year resident of Montecito (previously from Los Angeles), an attorney, and chair of the Land Use Committee of the Montecito Association. I provide these comments to you in my individual capacity, however, not on behalf of the Association.

I urge you to ban cultivation of medical marijuana on any scale, including under the personal use exemption. In the interest of brevity, I submit to you the following points supporting my position:

(1) There has been inadequate time to conduct proper research and analysis as to environmental and community impact (just over two months). Assemblymember Wood's public letter, moreover, seeking to rescind the March 1 deadline was not published until after the Montecito Planning Commission hearing last month. (had the MPC the benefit of this letter, it may have deferred taking action until such time as it had received sufficient community input).

(2) Current zoning laws allow for cultivation of any kind of agriculture without discrimination wherever its use is otherwise permitted, including greenhouses and other accessory structures in any zoned area. The impact of any marijuana cultivation, particularly on a large scale, would greatly deteriorate all residential communities and there has been no CEQA analysis.

(3) It is very difficult, if not impossible, to enforce marijuana cultivation for only medical use as opposed to recreational use.

(4) Almost anyone is able to obtain a medical marijuana license; to allow any cultivation, even for personal use of up to 100 square feet, is permitting a controlled substance to be developed and used without any oversight; consider the safety of children and overall community impact. And, there have been no complaints about access or affordability. Both Santa Barbara and Goleta have dispensaries; deliveries also exist from outside and inside the county. There is no demonstrated need for individual cultivation. A CEQA review, moreover, would need to be done prior to allowing county-wide individual cultivation.

(5) The state legislature is attempting to preempt your authority with the the March 1 deadline. It is incumbent upon you to exercise your authority to implement policy for the benefit of Santa Barbara, not for the lawmakers of Northern California.

(6) Given that Santa Barbara county is largely zoned agricultural, permitting marijuana cultivation has the risk of transforming this entire region to be similar to Humboldt County.

(7) More than 40 counties and cities in California have banned, or are in the process of banning, marijuana cultivation - including personal use -which would further encourage growers to come to Santa Barbara.

Thank you and very truly yours,

Cori Hayman.

Lenzi, Chelsea

From: sbcob
Subject: FW: Citizen's Report in opposition to the Ban of Cultivation and Delivery of Medical Marijuana
Attachments: Citizen's Report to the Board of Supervisors.ott

----- Forwarded message -----

From: "**Jonathan McKee**" <landersonlegalservices@gmail.com>
Date: Mon, Jan 18, 2016 at 9:51 PM -0800
Subject: Citizen's Report in opposition to the Ban of Cultivation and Delivery of Medical Marijuana
To: "Adam, Peter" <peter.adam@countyofsb.org>, "Lavagnino, Steve" <steve.lavagnino@countyofsb.org>, "Farr, Doreen" <dfarr@countyofsb.org>, "Supervisor Carbajal" <SupervisorCarbajal@co.santa-barbara.ca.us>, "Wolf, Janet" <jwolf@countyofsb.org>, "Villalobos, David" <dvillalo@co.santa-barbara.ca.us>

Report from the Citizens to the County of Santa Barbara Board of Supervisors

Community Report on Medical Marijuana – Cultivation and Delivery

Hearing Date : January 19 2016

Citizen Report: January 17, 2016

Case Number: 15ORD-00000-00018

1. Recommendation

The Citizens of the County of Santa Barbara state the following:

1. Do NOT add a new Article X, titled “Medical Marijuana Regulations.” (Case Number 15 ORD-00000-00018) to Chapter 35, Zoning, of the Santa Barbara County Code.

2.0 Jurisdiction and Authority

By requiring cities, counties, and their local law enforcement agencies to coordinate with state agencies to enforce laws addressing the environmental impacts of medical marijuana cultivation, and by including medical marijuana with the Sherman Act, the bill would impose a state-mandated local program. (Legislative Counsel's Digest, Assembly Bill No. 243)

1. Assembly Bill 243 mandates that a county may issue or deny a permit to cultivate medical marijuana. (Heath and Safety Code § 11362.777(c)(1))

2. The purpose of a dual license program is to promote economic competition at a local level. A complete and total prohibition tends to destroy competition within the market. *Spectrum Sports, Inc. v. McQuillan*, 506 U.S. 447 (Supreme Court 1993)
3. The County of Santa Barbara General Plan encourages agriculture as a major viable industry in the County of Santa Barbara. Agriculture shall be encouraged. (General Plan, p. 6, 2009)
4. Marijuana is an agricultural crop. (California Health and Safety Code § 11362.777)
5. A County shall not adopt or enforce an ordinance that regulates plants, crops, or seeds without the consent of the secretary. An ordinance enacted before January 1, 2015, shall be considered part of the comprehensive program of the department and shall be enforceable. (Food and Agricultural Code § 52334)

3.0 Studies and Reports

County Staff have failed to meet the requirements of Due Process of Law in order for the Board of Supervisors to enact Attachment 3 (15ORD-00000-00018). Therefore, the County of Santa Barbara has not acquired the power of authority to ordain Article X. (Government Code § 65103)

The Citizens withhold Governmental Authority from the County of Santa Barbara Board of Supervisors based upon the following studies and reports:

1. The Montecito Planning Commission does not recommend adoption.
2. The Planning Commission does not recommend adoption.
3. Mark Russell does not recommend adoption because the community relies on locally cultivated cannabis and local businesses are reliant upon delivery to local Qualified Patients.
4. Crystal Reyes does not recommend adoption because she is incapable of cultivating her own cannabis and will be deprived of the medicinal benefits delivered of cannabis.
5. Sonny Maxwell does not recommend adoption because his estate will be deprived of rental revenue provided by local marijuana cultivators.
6. Eric Bjorklund does not recommend adoption because staff has misled the public with misstatements of the law and the current not-for-profit marijuana industry provides an invigorating economic benefit to the local community.
7. Paul Kowalski does not recommend adoption because (i) his nine employees and four thousand Qualified Patients will be deprived of their rights to gainful employment, obtain marijuana, and enjoy

the benefit of owning a business (ii) the staff reports do not provide relevant evidence of local data (iii) the County of Santa Barbara has plenty of time to develop a more precise Ordinance.

8. Jonathan McKee does not recommend adoption because the County will be liable for regulatory taking of the vested rights of owners and the County of Santa Barbara already has regulatory authority to control the amendment of current marijuana Ordinances.
9. Robert Bjorklund does not recommend adoption because hundreds of Qualified Patients will suddenly be deprived of local professional growers requiring them to grow their own or drive away to another county to obtain medical marijuana and the staff report does not support the findings with any studies.
10. Kori Hemman does not recommend adoption because 15ORD-00000-00018 will be without the benefit of a full analysis, the County Board is being rushed by the County Staff and county Staff misinformed the Montecito Planning Commission.
11. Charles Duster does not recommend adoption because the thousands of drivers traveling to another county to obtain medical marijuana will have a substantial environmental impact upon the carbon footprint and he questions the legality of staffs' process.
12. Dee Wingo does not recommend adoption because nobody will tell her where she can get her medicine.
13. John Defrio does not recommend adoption because the tone of the conversation scares local growers as the ban will characterize them as criminals and prohibitions simply do not work.
14. Seth Dolton does not recommend adoption because the Board of Equalization understands the the stakeholder want to be involved in the development of regulations and the County needs to do more discovery.
15. Trent Hill does not recommend adoption because county staff has made blind assumptions and have failed to listen to local marijuana businesses who understand the many aspects and essentials of the cannabis industry.
16. Jose Ramirez does not recommend adoption because his real estate and delivery businesses will be deprived of their expectation of return on investments and people in the marijuana business would like to come out of the shadows.
17. Cody Hemmah does not recommend adoption because the prices of cannabis will skyrocket causing affordability to plummet and the expertise that he puts into his cultivation projects will be lost to a community in need of cannabis sustainability.
18. JP does not recommend adoption because the ordinance violates CEQA by ignoring the impact on the ground water resources when thousands of others begin growing their own gardens.

19. Gordon Sichi does not recommend adoption because he is fine so long as the cultivation is permitted.
20. Shama Ethridge does not recommend adoption because the marijuana industry wants to be regulated and since current business are growing legally in the agricultural areas they should be grandfathered.
21. Patrick Poormen does not recommend adoption because the deadline is gone and the staff report conflict with the old ordinances that may be modified in due course.
22. Jack Stephens does not recommend adoption because cannabis is a good medicine in contrast to Oxycotin which has just been approved by the FDA as a legal drug.
23. Thomas Martin does not recommend adoption because (i) handicap people do not grow their own crops, (ii) agricultural businesses provide safe, reliable, and consistent product, (iii) a ban will bolster the black market, (iv) thirteen employees will become criminals, (v) the County will lose a source of tax revenue.
24. Commissioner Overall does not recommend adoption because staff is unable to accommodate businesses that are currently operating.

4.0 Discussion

The Board Letter, authored by Allen Bell, is disingenuous.

1. Dr. Glenn Russell proffers no studies to support the findings.
2. The county's Findings are untrue.
3. The state has preempted local jurisdictions, as the sole licensing authority, if the county does not provide for a permit process.
4. Since the County of Santa Barbara currently regulates medical marijuana, the state has relinquished an opportunity for the county to voluntarily participate in a dual licensing program.
5. The County of Santa Barbara is not required to yield to the state, as the sole licensing authority, because the county zoning ordinances contain regulations for cultivated agriculture that do not distinguish between specific crops or agricultural products. Therefore, medical marijuana cultivation may be allowed subject to County regulations applicable to other commercial agriculture.
6. A ban fails to support a dual licensing process.
7. A ban will necessarily NOT prevent organizations from obtaining a state license to operate within any county that does not participate in the dual licensing program.

8. The County does not have the authority to ban an agricultural crop without the consent of the secretary of agriculture.
9. Since marijuana is an agricultural crop, the county has maintained a permissive zoning regulation over the medical marijuana industry. (California Health and Safety Code § 11362.777(c(4))
10. The County of Santa Barbara currently has control over the creation of a dual licensing program.
11. A ban would summarily supplant the control that the county currently possesses.

5.0 Conclusion

The County Staffs' push to ban the cultivation and delivery of medical marijuana is inconsistent with the Sherman Act, violates the State-mandated local dual-licensing program, shirks the encouragement of the Compassionate Use Act, degrades the General Plan, abuses Administrative Authority, disparages the People, and smacks of Draconianism.

The Board of Supervisors has been empowered to make the final decision only if Due Process of Law prevails. In this case, staff has failed Due Process of Law. The vote should be unanimously five to zero against the Medical Marijuana Ban.

The Board of Supervisors' vote to NOT adopt the complete and total prohibition on Medical Marijuana delivery, and non-exempted cultivation, preserves the County's control over and ability to create a local licensing program.