

Ramirez, Angelica

Public Comment - Group 1

From: Renee O'Neill <chasingstar2701@yahoo.com>
Sent: Sunday, January 31, 2021 5:41 PM
To: sbcob; Nelson, Bob; Hart, Gregg; Hartmann, Joan; Lavagnino, Steve; Williams, Das; Miyasato, Mona; Melekian, Barney
Cc: Villalobos, David; Larry Ferini; Michael Cooney; Laura Bridley; John Parke; Dan Blough
Subject: Public Comment for February 2nd re Chapter 50 Amendments
Attachments: BOS, re Amendments to Chapter 50, 1-31-21.docx

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Dear County Supervisors and CEO's,

Attached, please find my letter re amendments to Chapter 50 to submit for public comment. I spent a great deal of time reviewing the 22-page document and appreciate the effort that was taken to develop some well-thought-out considerations.

Please take time to review my suggestions for "fine-tuning" some of the language. I created a "nutshell version" for your convenience, with a more detailed letter that follows (mostly quotes from Attachment 2).

Hey! I only found one typo, which I highlighted in yellow. GREAT JOB!!!

Best Regards,

Renée O'Neill

January 31, 2021

To: The Santa Barbara County Board of Supervisors and CEO's
Re: Chapter 50 Revisions, Attachment 2
From: Renée O'Neill

Honorable Chair Nelson, Supervisors and CEO's,

I am writing to thank you for your efforts in revising/fine-tuning regulations and request that you read suggestions to improve upon Attachment 2. Upon reviewing the document, I found a number of concerns. The following, 9 points are my "nutshell version," which will be followed by letter citing quotes from Attachment 2 and my remarks:

1. Throughout this entire document, there are phrases that I believe are arbitrary and may create loopholes (timely manner, appropriate progress, etc.) Please specify time limits to complete each phase of the cannabis licensing process (submitting required documents, completing business license, scheduling site visits, etc.). Time requirements should be applied to both Applicants and County agencies ('County will notify growers within X number of days. Growers must remedy corrective action plan within X number of days, etc.). *Most importantly*, growers should not be allowed to "operate" (grow, process, manufacture, etc.), until all County and State requirements are completed. This is no different than obtaining a license to operate any other business license, such as a restaurant or winery.
2. Please be consistent with days required to complete process between the various agencies. CEO and Tax Collector have 10-day requirement and 5-day requirement, respectively.
3. Reduce stakeholder's financial interest from 20% to 10%.
4. Please revise County's inspection policy for cannabis to read, "...without prior notification." Growers take advantage of existing, 10-day notification policy. Cannabis is considered a drug and must be regarded as such, when verifying legal operations and qualified growers.
5. All employees, regardless of status, should be required to not only have "criminal history checks" but workers should be required to provide proof of valid, CA driver's licenses (if driving), auto insurance and current registration on all vehicles.
6. Prohibit growers that have continually failed to comply with laws, have multiple county, state and/or federal violations on their records, from obtaining and/or renewing licenses in the future.
7. I suggest that the County develop a reward system, by giving "Good Actors" an incentive for complying with requirements 'in a timely manner' and gaining further incentives by continuing compliance. By the same principle, the County should adopt heavy penalties for failure to comply (immediately shutting down operations, confiscating plants, denying license renewal, etc.).
8. Please identify examples of what constitutes a "nuisance" and stipulate time limits to remedy problems/violations.
9. It is my sincere hope that the section re, "Grounds for Denial" will give our County the ultimate authority to remove "Bad Actors" that have obtained licenses/renewals and continue to operate under illegal and/or false pretenses.

Attachment 2 page references, quotes and my detailed remarks:

Page 5: Code Section 35-1003 - item d.

“The cannabis operation makes appropriate progress through the County’s business licensing process, as determined by the CEO’s Office. (For purposes of this subsection appropriate progress shall include, but not be limited to, timely submittals, timely scheduling of site visits, etc.);”

Phrases like, “Appropriate progress” are arbitrary. Please specify time constraints for growers to complete each phase of the cannabis licensing process (X calendar days to complete various stages of LUP/CUP process; X calendar days to obtain and complete business license; X calendar days to remedy problems (i.e., odor, hours of operation, lighting, etc.).

Most importantly, growers should not be allowed to “operate” (grow, process, manufacture, etc.), until all County and State requirements are completed. This is no different than obtaining a license to operate any other business (restaurant, winery, etc.), which are not allowed to operate or sell products until permits are completed and approved.

Page 8: Land Use Entitlement/Permit - item vii:

“All cannabis operators shall submit a business license application to the CEO’s Office within 15 calendar days of receiving an approval for a land use entitlement, regardless of whether it is appealed.”

Please rephrase to read, “...must submit a correctly completed business license application...” otherwise growers may use loophole language to delay this process.

Page 9: Site Security and Criminal Background - item 6

“All business owners, supervisors, employees, and any other persons having at least a 20% financial interest..., must go through live scan background check...”

Please reduce this number to 10%. Are growers required to reveal stakeholders’ percentages or identify who their managers and/or supervisors are? How does our County plan to verify who the stakeholders are?

Page 9: Applicant Acknowledgement - item 8 i

“Applicant has the ability to comply with all laws regulating businesses in the State...”

Please rephrase to state, “Applicant has the ability to recognize and intention to comply with all laws...” You might also consider adding, ‘Failure to do so will result in immediate action, including but not limited to confiscating all plants and products, revoking license(s),’ etc.

Page 9: Applicant Acknowledgement - item 8 iii

“Authorization for the County, its agents and employees, to access all premises, during standard operating hours...,” without prior notification...”

Cannabis is considered a drug and must be regarded as such, when verifying legal, qualified operators. For years, we have observed and documented growers removing excess numbers of plants, product, chemicals, generators, fuel, hoop lights, allegedly trafficked humans, trash and other violations, such as tagging plants at the eleventh hour. This 10-day notice must be eliminated so County can enforce on illegal and/or criminal activity that occurs on many grow sites. Shortly after inspections, we have observed and documented growers resuming illegal activities. This is SOP for Tepusquet growers and is a huge Loophole Law!

Page 10: Section 5, Criminal History Checks - item b) 1

“All applicants, owners, persons having at least a 20% financial interest, managers, and supervisors of a cannabis operation must submit to a live scan check, which will be performed by the Sheriff’s Cannabis team...” add “...within X days.”

All employees, regardless of status, should be required to not only have criminal history checks but workers must be required to provide proof of valid, CA driver’s licenses (if applicable), auto insurance and current registration on vehicles.

This encourages legitimate business practices and may help reduce escalating crimes and accidents that we have observed in Tepusquet, since 2014 (verbal threats, property damage, increased accidents due to reckless/heedless drivers, property theft, mail-tampering, trespassing, poaching, environmental hazards, etc., etcetera).

Page 10: Section 5, Criminal History Checks - item b) 2

“All applicants are required to establish criminal history check procedures for all permanent employees not listed in Subsection 1, above. Criminal history checks will be the equivalent to, and may include the use of, live scan. If using live scan, forms must be obtained from the Sheriff’s cannabis team.”

Rephrase to state, “...criminal history check procedures for all employees ... must include... (and) “Live scan forms must be obtained...”

Who will oversee and verify that this has been done? Putting applicant in charge is like putting the fox in charge of the hen house.

Page 12: Section 5, Criminal History Checks - item b) 6

“No applicant, owner, person having at least a 20% financial interest, manager, supervisor or employee engaged in the operation of the commercial cannabis operation may have been convicted of a felony or other crime...”

Once again, please reduce to interest to 10% and require Criminal History Checks of all employees, regardless of their positions.

Page 13: Site Security Plan - item 3

“...and proof that the Plan complies with Chapter 35 and has received all required approvals from the Planning and Development Department.”

If growers have continually failed to comply with laws, have multiple county, state and/or federal violations on their records, then what?!? Will they be prohibited from obtaining and renewing a licenses? Thus far, we have seen no evidence of Bad Actors being denied licenses or extensions, in Tepusquet.

Page 13: Section 6 a - Section 50-16. License Issuance by the Treasurer-Tax Collector’s Department.

“The Treasurer-Tax Collector functions as lead for issuance or noticing of a denial of a cannabis business license and determining if Applicant has any County tax delinquencies pursuant to Chapter 50A.”

This is confusing to me. Does this mean that P&D will not be allowed to deny licenses or extensions, based on grower’s failure to comply with other cannabis ordinances? Does the Treasurer-Tax Collector replace or augment P&D’s authority? Does this require both agencies’ approval to deny licenses?

Page 14: Section 50-17. Grounds for Denial of License - item b

“The Applicant has knowingly, willfully or negligently made a false statement of material fact or omitted a material fact from:

1. The application for a cannabis business license or renewal;
2. Any prior affidavit to the County concerning cannabis, whether medical marijuana or non-medical marijuana; or
3. Any submittal to the County or State, including, but not limited to, statements to staff or decisionmakers, tax reports, etc.”

It is my sincere hope that this will give our County absolute authority to remove Bad Actors that obtained licenses/renewals under false pretenses.

Page 15: Code Chapter 35 and/or their land use entitlement, and failure to do so is grounds for denial - item h

“The Applicant has been denied a license to engage in commercial cannabis activity by a State licensing authority;”

Which agency is responsible for identifying and determining this? Some growers have been denied extensions in other counties. Will State or County verify this?

Page 15: Section 50-23. Change in Ownership. - item a

“Any new business owners, managers, supervisors, employees...”

The word, “new” is a loophole and implies that illicit growers, currently operating, are exempt. Please rephrase to read, “...new or existing...”

Page 16: item b 1 and 2

1. “Notice of intent to change ownership ~~should~~ (must) be submitted to the County at least 5 calendar days prior to the change...”
2. “A licensed cannabis operation that timely notifies the County of any change in ownership, and submits a new cannabis business license application within 15 calendar days..., may continue to operate... while the County evaluates the new application...”

I suggest that the County develop a reward system, giving growers an incentive to comply ‘in a timely manner’ and for continuing compliance. By the same principle, the County should adopt heavy penalties for failure to comply, i.e., shutting down operations, license denial, etc.

Page 16: Re Arbitrary phrases such as “Appropriate Progress, Timely Submittals, etc.”

- iii) “The operation, as a County business license applicant, makes appropriate progress through the licensing process, as determined by the CEO’s office. (For purposes of this subsection appropriate process shall include, but not be limited to, timely and complete compliance with any Staff requests, timely submittals, timely scheduling of site visits, etc.”

Throughout this entire 22-page document, there are phrases that are much too arbitrary and create loopholes. There should be specific time limits to complete each phase of the cannabis process (for submitting required documents, scheduling site visits, etc.). Please specify time constraints to notify growers of required action and a limit for growers to respond, remedy problems and comply.

Page 17: Section 50-26. Suspension or Revocation of a Cannabis Business License.

Item 2: “The cannabis business license was granted on the basis of false material information, written or oral, given unknowingly, willfully or negligently by the applicant;”

What is meant by “material information?” Please amend to read, “...by the applicant and/or their representatives.”

Item 4: “Any act or omission by a licensee in contravention of State law or the Santa Barbara County Code;” (add Federal law to this section).

Item 10: “Failure to meet corrective action plans issued by County Department(s) cited;”

Amend to read: “Failure to meet corrective action plans... within X number of days of written or verbal request.”

Item 11: “Engaging in conduct that constitutes a nuisance, where the licensee has failed to abate the nuisance.”

Please identify examples of what constitutes a nuisance and add more specific language, “...which includes but is not limited to the following: odor, noise, lighting, traffic, work hours, etc.” In addition, please include a time-limit to remedy the “Corrective Action Plan.”

Page 17: Section 50-27. Procedure for Denial, Suspension or Revocation.

- a) Denial. "...the Applicant has five calendar days from the date of service of the Treasurer-Tax Collector notice to file a written appeal..." (You may wish to be consistent with CEO's 10-day notification requirements, listed on pg. 18 - item ii).

How will this notice be issued? Please send all notices of denial, suspension or other important notices in a format that growers cannot dispute receiving them (consider sending electronically or by certified mail).

Page 18: Typo in item number 2: "If the hearing is not timely requested, the license will be ~~suspend~~ (suspended) or revoked..."

Page 19: Re Hearing Officer - item 9

"The Local Compliance Officer shall inform the appropriate state agencies..."

Who is the Local Compliance Officer? What agency are they associated with?

- e. "Service of notice to an Applicant, licensee, or owner based on this Section shall be in writing, and shall either be delivered by (i) personal delivery, (ii) certified U.S..."

Again, please send all notices of denial, suspension or other important notices in a format that growers cannot dispute receiving them.

Page 20: Section 50-31. State Licensing Contact.

- a) "The County Executive Office (CEO) is the designated contact for all communications with the State Licensing Authorities regarding cannabis operations. The CEO may designate one person to function as the Local Compliance Officer with oversight responsibilities for the County's cannabis program."

Our County might consider the fact that "one person" may be ineffective in overseeing responsibilities for our County's entire cannabis program. Please consider assigning more personnel to this position. We do not wish to tie the hands of any oversight or enforcement teams.

Page 21: Section 15

"Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory authority concerning cannabis activities. For example, even if the Ordinance becomes operative, the Board of Supervisors still may take action(s) later to change the zoning and/or licensing of cannabis activities to being prohibited. Changing the zoning and/or licensing of cannabis activities to being prohibited, could occur – for example, but is not limited to..."

Amend to read, "...becomes operative, the Board of Supervisors retains the authority to change...," at any future date."

Overall, I am very impressed with these revisions. It's always easier to improve on or refine someone's well-thought-out efforts than it is to develop them. Thank you for your hard work!!!

Respectfully Submitted,

Renée O'Neill

Ramirez, Angelica

From: Sharyne Merritt <sbcountyneighbors@gmail.com>
Sent: Monday, February 1, 2021 8:36 AM
To: sbcob; Nelson, Bob; Hart, Gregg; Hartmann, Joan; Lavagnino, Steve; Williams, Das; Miyasato, Mona
Subject: Chapter 50 Amendments

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I strongly endorse Renee ONeill's letter regarding Chapter 50 Amendments. SHe has made a good document even better.

Thank you for your work on this and please make the changes Renee suggested

Sharyne Merritt

Ramirez, Angelica

From: judi stauffer <jmstauffer1@gmail.com>
Sent: Monday, February 1, 2021 10:39 AM
To: sbcob; Nelson, Bob; Hart, Gregg; Hartmann, Joan; Lavagnino, Steve; Williams, Das; Miyasato, Mona
Subject: Public Comments for 2 February 2021 RE: Chapter 50 Amendments
Attachments: BOS Memorandum 1 February 2021.docx; ATT00001.htm; BOS Memorandum 1 February 2021.pdf; ATT00002.htm



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Dear County Supervisors and CEOs,

Please find my memorandum to Chapter 50 to submit for public comment. Thank you.

judi

judi stauffer
jmstauffer1@gmail.com

To: The Santa Barbara County Board of Supervisors and CEOs
Re: Chapter 50 Revisions, Attachment 2
Date: 1 February 2021
From: Judi Stauffer

Honorable Chair Nelson, Supervisors and CEOs,

I am writing in support of Renée O'Neill's memorandum (31 January 2021), in which she made a number of suggestions to improve your efforts to fine-tune regulations governing cannabis operations.

In particular, I want to underscore the need to articulate specific timeframes that each phase of the cannabis licensing process must occur. It is also my sincere hope that "*Section 50-17 Grounds for Denial of License*" with the addition suggested by Ms. O'Neill: "The Applicant has knowingly, willfully or negligently made a false statement of material fact or omitted a material fact from any prior affidavit to the County concerning cannabis, whether medical marijuana or non medical marijuana," will sufficiently give Santa Barbara County the absolute authority to remove "Bad Actors" that have obtained licenses / renewals and continue to operate under illegal and / or false pretenses.

Thank you for your continued efforts to balance the protection of our citizens' and communities quality of life and ensuring that cannabis operators have rules and regulations that are clearly articulated and well thought out.

Respectfully Submitted,

Judi Stauffer

1610 Cougar Ridge Road
Buellton, CA 93427

Ramirez, Angelica

From: Renee O'Neill <chasingstar2701@yahoo.com>
Sent: Monday, February 1, 2021 11:53 AM
To: Villalobos, David; Larry Ferini; Michael Cooney; John Parke; Laura Bridley; Dan Blough
Cc: sbcob; Nelson, Bob; Hartmann, Joan; Hart, Gregg; Lavagnino, Steve; Williams, Das
Subject: Public Comment re SFS Farms and West Coast Farms' Grading Appeals
Attachments: PC re SFS and West Coast Farms, 2-3-21.docx

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Dear Honorable Commissioners,

Attached, please find my one-page letter to submit for public comment. I plan to attend and speak during both appeals hearings, on February 3rd.

Best Regards,

Renee O'Neill

February 3, 2021

To: Santa Barbara County Planning Commissioners
Cc: Santa Barbara County Supervisors
Re: SFS Farms Appeal and West Coast Farms Appeal
From: Renée O'Neill

Honorable Chair Ferini and Commissioners,

Once again, we find ourselves dealing with the consequences of complications that were created by irresponsible Cannabis legislation. Would that we could turn back time and have 20/20 hindsight. As this is impossible, we must appeal to you to help remedy the unresolved problems.

Countywide residents are being heavily and negatively impacted on. Santa Barbara County is producing more pot than can be legally consumed in the entire state of California. This is highly concerning because it floods the market with product, which promotes Black Market Industry. This issue must be addressed.

Last year, Commissioner Parke suggested identifying and establishing regions that are suitable for commercial Cannabis operations. I think Covid-19 may have disrupted this process. Maybe it's time to refocus efforts on that?

To remedy the current problems, I would like to suggest the following:

1. Please support your constituent's pleas for resolving this ongoing, countywide crisis. We have requested our County Legislator's support of resolving issues, for many years.
2. Require odor abatement on all cannabis sites, regardless of zoning.
3. Support growers that meet the highest standards in complying with all ordinances and are diligent about installing state-of-the-art, odor abatement systems.
4. Reduce the percentage of acres that cannabis can be grown, proportionately, on large parcels, i.e., 10% of the land or 1 acre per every 10-acres.
5. Require three-mile buffer zones that restrict cannabis farms from developing near schools, sensitive receptors and established, traditional Ag crops, such as vineyards, avocados, citrus, etc. I think they require this in Sonoma County. It bears consideration.
6. Prohibit development of Cannabis farms in residential areas.
7. Reduce the concentration of Cannabis, throughout the County of Santa Barbara.

I find it extremely disheartening to read public comments from Santa Rita Hills residents that feel they must sell their beloved lands and homes to survive this appalling crisis that was inflicted on them. Legislators chose to open Pandora's Box and impose this industry on our once peaceful communities. Corporate Industry, Bad Actors and Black-Market growers have no place in Santa Barbara County. The purported revenue does not justify the means. Please find places where Cannabis can be grown, compatibly and does not heavily, negatively impact your constituents and their families. Thank You.

Please support appeal submitted by Marc Chytilo's Office and all other appeals, re West Coast Farms grading.

Respectfully Submitted,

Renée O'Neill
Advocate for Tepusquet Community, since 2004
Advocate for Responsible Cannabis Legislation, since 2017

Ramirez, Angelica

From: Anna Carrillo <annacarp@cox.net>
Sent: Monday, February 1, 2021 2:11 PM
To: sbcob; Nelson, Bob; Williams, Das; Hart, Gregg; Lavagnino, Steve; Hartmann, Joan
Subject: Chapter 50 Revisions, Attachment 2

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To: Board of Supervisors
Re: Chapter 50 Revisions, Attachment 2
From: Anna Carrillo
February 1, 2021

I am pleased to see some revisions to the business license being suggested, especially the revised language submitted by the County Treasurer-Tax Collector's Office regarding the requirement of cannabis companies to submit reports whether or not taxes are owed.

I would like to suggest a few more revisions that should be included.

1. Since reporting is done quarterly to the Board of Supervisors, quarterly reports need to be completed also. (50-16(b)1, 50-17(1), 50-26(a)8, 50-31(b)3. I don't understand why the term quarterly was crossed out.
2. In Section 7, Section 50-17 Grounds for Denial of License, section d. This added new language isn't adequate: "This includes that the Applicant uses the best available control technology as required by County Code Chapter 35 and/or their land use entitlement, and failure to do so is grounds for denial." The term **odor** needs to be inserted. This is also good because the technology is continually changing and best available needs to be adhered to.
I, personally, was always told that once a cannabis operation has its CDP and their business license, that when a renewal for a business license was due, their lack of a functioning adequate odor abatement system would be grounds for a nonrenewal of a business license. In Carpinteria, there are only 2 fully operational cannabis sites with their CDP, state licenses and their business license, but when complaints are made about 1 of the sites, I receive the same letter from P&D about not being able to enforce even though I've complained about a fully operational site.
3. There should be a list somewhere on the Cannabis County Site when business licenses are actually issued. I just checked the list and all it says is when a cannabis operation submitted their form for a business license and was placed on the list, nothing about the date when it was granted or when it will be up for renewal. I, as a private citizen, have no idea when someone's business permit was issued and when it will be up for renewal. A recently issued CDP in the Carpinteria Valley will be establishing a neighborhood watch committee which will provide much more transparency.
4. In Section 50-26, #11, Please identify examples of what constitutes a nuisance? There needs to be more specific language which includes, but is not limited to the following: odor, noise, lighting, traffic, work hours, etc. In addition, please include a time-limit to remedy the "Corrective Action Plan".

5. There are so many sections that use the words: timely manner, appropriate progress. Please specify time limits to complete each phase of the cannabis licensing process (submitting required documents, completing business license). The same time requirements should be applied to both Applicants and County agencies.
6. Make the number of days consistent, not having some being 5 days, other places 10 days.
7. The County's inspection policy for cannabis must be changed to read "without prior notification. Giving 10 day notice of inspection does not work!
8. Section Section 50-26 Suspension or Revocation of a Cannabis Business License;
 2. "The cannabis business license was granted on the basis of false material information, written or oral, given unknowingly, willfully or negligently by the applicant;"
What is meant by "material information?"
Please also add: "...by the applicant and/or their representatives."
9. Section 50-17 (b) I hope the following statements are adhered to:
 1. b) The Applicant has knowingly, willfully or negligently made a false statement of material fact or omitted a material fact from:
 1. The application for a cannabis business license **or renewal**:
 2. Any prior affidavit to the County concerning cannabis, whether medical marijuana or non-medical marijuana; or
 3. Any submittal to the County or State, including, but not limited to, statements to staff or decision makers, tax reports, etc.