

#2

de la Guerra, Sheila Public Comment-Group 2

**From:** Azimuth Properties <ken.d3d@gmail.com>  
**Sent:** Monday, November 1, 2021 4:09 PM  
**To:** sbcob  
**Subject:** Public Comment for the Record  
**Attachments:** Public Comment to be Read into Record November 1.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.**

Clerk of the Board,

Please distribute and provide for reading the attached public comment for the record in the scheduled board meeting for Tuesday November 2, 2021.

Attached as email text and pdf for your convenience.

Sincerely,

Ken Corben  
FDC LLC Compliance Officer

Full Text of Public Comment:

**Public Comment to be Read into the Record  
November 1, 2021**

To: Santa Barbara County Board of Supervisors

From: Fusion Development Company LLC cannabis business license and land use applicant and LBF LLC property owner APN 131-070-045

RE: Legal non-conforming exemption SBC Code of Ordinances 35-1003, 50-2 and 50-5

Dear Board of Supervisors,

**WHEREAS:** the remaining legal non-conforming cannabis cultivation operations within the approved zones of the county not on the acreage cap eligibility list may be subject to any new ordinances mandating cease and desist;

**WHEREAS:** Fusion Development Company LLC (“**Applicant**”) did simultaneously submit an accela based business application on August 18, 2021 (CNBS-EPRE-A2100051):

**WHEREAS:** The Applicant and property owners did apply for land use entitlement in a timely manner and have diligently pursued the significant list of requirements at substantial costs including certified industrial hygienist report, scientific reports, civil engineers and state agency

approvals as requested in the CUP requirement response dated May 19, 2021 including the State Water Board Approval last week with written apologies for the delay in processing due to understaffing as a result of the pandemic;

**WHEREAS:** The global pandemic has created an enormous burden on all public agencies, private companies and individuals resulting in extended delays in processing from the State Water Board, Fish and Wildlife as well as the litany of engineers and scientists required to complete our CUP application;

**BE IT RESOLVED:** Since it is reasonable to expect a number of eligible applicants to not complete the process of licensing and for acreage to become available during the processing of the applicants, we humbly ask the Board of Supervisors to consider our request to remain operational until such time that the agricultural cap eligibility list actually results in business licenses issued towards the acreage cap.

**Specifically, a clearly defined grace period to allow continued legal non-conforming operations until such time that all cultivation business licenses are issued for the cap rather than the use of the eligibility list as a measurement of a full quota.**

This supports the original spirit of the law to encourage cottage industry pre-existing cultivation operations to obtain licensing.

The burden verses benefit to the people of the County of Santa Barbara is worth noting. Since the cost of such an allowance is offset by the fees paid during the process, there is no financial burden on the taxpayers. In fact quite the opposite is true.

The cultivation tax revenue from the requested grace period for continued legal non-conforming operations during the license cap processing period will provide additional income for the County at no cost. Revenue that will significantly contribute to current budgetary needs such as homelessness, the Sheriff's office and county libraries.

Respectfully,

Fusion Development Company LLC and Property Owners

**Public Comment to be Read into the Record  
November 1, 2021**

To: Santa Barbara County Board of Supervisors

From: Fusion Development Company LLC cannabis business license and land use applicant and LBF LLC property owner APN 131-070-045

RE: Legal non-conforming exemption SBC Code of Ordinances 35-1003, 50-2 and 50-5

Dear Board of Supervisors,

**WHEREAS:** the remaining legal non-conforming cannabis cultivation operations within the approved zones of the county not on the acreage cap eligibility list may be subject to any new ordinances mandating cease and desist;

**WHEREAS:** Fusion Development Company LLC ("**Applicant**") did simultaneously submit an accelera based business application on August 18, 2021 (CNBS-EPRE-A2100051):

**WHEREAS:** The Applicant and property owners did apply for land use entitlement in a timely manner and have diligently pursued the significant list of requirements at substantial costs including certified industrial hygienist report, scientific reports, civil engineers and state agency approvals as requested in the CUP requirement response dated May 19, 2021 including the State Water Board Approval last week with written apologies for the delay in processing due to understaffing as a result of the pandemic;

**WHEREAS:** The global pandemic has created an enormous burden on all public agencies, private companies and individuals resulting in extended delays in processing from the State Water Board, Fish and Wildlife as well as the litany of engineers and scientists required to complete our CUP application;

**BE IT RESOLVED:** Since it is reasonable to expect a number of eligible applicants to not complete the process of licensing and for acreage to become available during the processing of the applicants, we humbly ask the Board of Supervisors to consider our request to remain operational until such time that the agricultural cap eligibility list actually results in business licenses issued towards the acreage cap.

**Specifically, a clearly defined grace period to allow continued legal non-conforming operations until such time that all cultivation business licenses are issued for the cap rather than the use of the eligibility list as a measurement of a full quota.**

This supports the original spirit of the law to encourage cottage industry pre-existing cultivation operations to obtain licensing.

The burden verses benefit to the people of the County of Santa Barbara is worth noting. Since the cost of such an allowance is offset by the fees paid during the process, there is no financial burden on the taxpayers. In fact quite the opposite is true.

The cultivation tax revenue from the requested grace period for continued legal non-conforming operations during the license cap processing period will provide additional income for the County at no cost. Revenue that will significantly contribute to current budgetary needs such as homelessness, the Sheriff's office and county libraries.

Respectfully,

Fusion Development Company LLC and Property Owners

## de la Guerra, Sheila

---

**From:** Steinfeld, Amy <ASteinfeld@bhfs.com>  
**Sent:** Monday, November 1, 2021 4:29 PM  
**To:** sbcob  
**Subject:** NCFG Letter to BOS-Cannabis Ordinance  
**Attachments:** NCFG Letter to BOS-Cannabis Ordinance (005).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.**

Dear Honorable Supervisors,

Please accept this one page letter from the North County Farmer's Guild in advance of tomorrow's hearing.

Best regards, Amy Steinfeld

**Amy M. Steinfeld**  
Brownstein Hyatt Farber Schreck, LLP  
[ASteinfeld@bhfs.com](mailto:ASteinfeld@bhfs.com)  
[bio](#) | [vcard](#) | [bhfs](#)  
Subscribe to our Water blog at [water.bhfs.com](http://water.bhfs.com)

*Santa Barbara Office:*  
1021 Anacapa Street, 2<sup>nd</sup> Floor  
Santa Barbara, California 93101-2706  
805.882.1409 tel  
805.335.0614 cell  
805.882.1482 Melissa Eldridge (Assistant)

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303) 223-1300 and delete the message. Thank you.



November 1, 2021

VIA EMAIL TO [sbcob@santabarbara.ca.us](mailto:sbcob@santabarbara.ca.us)

**SUBJECT: Public Comment re Proposed Cannabis Ordinance Amendments**

Dear Honorable Supervisors:

The North County Farmers Guild appreciates the opportunity to comment on the proposed ordinance amendments. First, we support future amendments, including the County removing **processing** from the cultivation cap. The lack of local processing has hobbled the industry and has resulted in farmers shipping their product hundreds of miles to out-of-county processing facilities, leading to loss of County tax-income and increased vehicle miles traveled. Second, we support amendments that will allow Business Licenses to be **freely transferred**. A cannabis farmer should be able to change ownership or accept new investment, and continue operating while the new application is pending if they are compliant with their land use entitlement and Business License. Likewise, the new operator(s)/owner(s) should be assured that they are not at risk of losing their spot, and associated investment, if they comply with the land use entitlement and meet the County's and State's stringent notification requirements and background checks.

**Proposed Additions to Chapter 50-25(11) (Harvest Noticing to properties within 1000 feet) Must Be Removed**

- This language was not underlined in "redline" in the strikethrough version of the Ordinance and therefore was not properly noticed.
- The "Harvest Noticing" provision in the Business License Ordinance is an illegal end-run around the Cannabis Ordinance, PEIR, and associated Land Use Development Code regulating cannabis, which sets forth detailed development standards.
- This new condition, even if rational, would have to be vetted through the Planning Commission before being added to the Zoning Ordinance. However, it's important to note that the Planning Commission has already summarily rejected similar language proposed by the Santa Barbara Coalition for Responsible Cannabis, and by the Board at the September 14, 2021 Board of Supervisors hearing, where the Board voted 4/5 to not process or study this same proposed amendment to the Cannabis Zoning Ordinance. Thus, this addition can be construed as an "underground" regulation.
- The "Harvest Noticing" provision discriminates against outdoor farmers.
- There is no rationale or explanation in any of the Board materials as to why this new regulation is needed, or why the staff arbitrarily chose 1000 feet.
- Lastly, this condition is unnecessary as outdoor cannabis is seasonal, grown primarily on large, AG-II parcels, and there have been de minimis complaints. This onerous condition will only set up farmers to experience undue harassment.

We respectfully request that you omit this harvesting addition (Section 50-25(11)) from the Business License Ordinance. Thank you for your time and attention to this matter. We look forward to continuing to work on the County on these important matters, and supporting jobs and new opportunities in our County.

Respectfully Submitted,

**North County Farmer's Guild**

**Co-founders: John DeFriel & Sara Rotman**

**de la Guerra, Sheila**

---

**From:** Sam Rodriguez <sam@goodfarmersgreatneighbors.com>  
**Sent:** Monday, November 1, 2021 5:03 PM  
**To:** sbcob  
**Cc:** Sam Rodriguez  
**Subject:** Public Comment Letter - Proposed Cannabis Ordinance Admendments  
**Attachments:** Public Comment Letter - Proposed Cannabis Ordinance Amendments.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.**

Clerk of the Board

On Behalf of Good Farmers Great Neighbors, please accept our Public Comment Letter to the Proposed Cannabis Amendments for tomorrow's Board of Supervisors Meeting.

Respectfully,

Sam

--

Sam Rodriguez  
Policy Director  
916-849-4300 cell  
<https://goodfarmersgreatneighbors.com/>



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

**November 1, 2021**

**VIA EMAIL TO [sbcob@santabarbara.ca.us](mailto:sbcob@santabarbara.ca.us)**

**SUBJECT: Public Comment re Proposed Cannabis Ordinance Amendments**

**Honorable Bob Nelson, Chair  
Das Williams, Supervisor  
Greg Hart, Supervisor  
Joan Hartman, Supervisor  
Steve Lavagnino, Supervisor**

*Good Farmer Great Neighbors* appreciates the opportunity to comment on the proposed ordinance amendments. First and foremost we support future amendments, including the County removing “processing” from the cannabis cultivation cap. It is paramount that local government ordinances mirror state requirements, regulations and statutes. Federal legalization efforts by the US Congress on a bi-partisan basis is moving the timeline closer for cannabis to be descheduled and at some level declared a crop by the U.S. Department of Agriculture in the near future.

We also support amendments that will allow Business Licenses to be freely transferred. A cannabis farmer should be able to change ownership and accept new investment, and continue operating while the new application is pending if they are compliant with their land use entitlement and Business License.



Likewise, the new owner(s) should be assured that they are not at risk of losing their spot, and associated investment, if they commit to complying with the land use entitlement and meet the County's and State's stringent notification requirements and background checks.

**Proposed Additions to Chapter 50-25(11) (Harvest Noticing to properties within 1000 feet) Must Be Removed**

- This language was not underlined in “redline” in the strikethrough version of the Ordinance and therefore was **not** properly noticed.
- The “Harvest Noticing” provision is an **illegal end-run** around the Cannabis Ordinance, PEIR, and associated Land Use Development Code regulating cannabis, which set forth detailed conditions. This addition is consistent or equal to an “underground” regulation.
- This proposed policy was **rejected out of hand** previously by the **Planning Commission** when presented by the Santa Barbara Coalition for Responsible Cannabis and by a majority vote against by the **Board of Supervisors** soon thereafter.
- The “**Harvest Noticing**” provision **discriminates** against outdoor farmers because it does not apply to greenhouses.
- Lastly, outdoor cannabis is seasonal, grown primarily on large, AG-II parcels, and could effectively cause mission-creep on traditional crops in agriculture. This “**underground regulation**” will set up farmers to experience undue harassment.

We respectfully request that you **omit** this harvesting addition (**Section 50-25(11)**) from the Ordinance.

**Respectfully Submitted,**

**Sara Rotman, Co-Founder**

**John De Friel, Co-Founder**