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Ramirez, Angelica

Public Comment

From: Marc Chytilo <marc@lomcsb.com>
Sent: Friday, September 18, 2020 11:58 AM
To: sbcob
Subject: Comment - Grand Jury Report
Attachments: SBCRC Response to BOS 9-18-20.pdf



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Clerk – please accept the attached for Blair Pence, president of SBCRC

Thank you

Santa Barbara Coalition for Responsible Cannabis

September 18, 2020

Chair Gregg Hart and Members
Santa Barbara County Board of Supervisors
105 E Anapamu Street
Santa Barbara, California 93101

By Email

RE: Response to Grand Jury Report - Cannabis

Chair Hart and Members of the Board of Supervisors:

The Santa Barbara Coalition for Responsible Cannabis was formed after the County's adoption of its cannabis ordinance in response to the inadequate protections this program affords to existing agriculture, businesses and residents. SBCRC is not opposed to cannabis in our community, but believes that the County's administration of the cannabis program has been poorly executed and is rife with missteps and flaws that have compromised community health and well-being. The Grand Jury reached similar conclusions, and it is extremely disappointing to review the County's responses to the Grand Jury Report, where all substantive findings and recommendations are summarily rejected.

Continuing problems with the County's process is evident in the County's reliance on the cannabis ordinance PEIR for County cannabis land use permitting decisions. When the obvious flaws in the PEIR's analysis have been identified, and the community has asked for additional analysis of significant environmental issues, the County has instead relied on legal sophistry and technicalities, rather than addressing the substantive community issues. These shortcuts in processing and failure to conduct additional environmental review for even a few key environmental issues with obvious changed circumstances, such as conflicts with adjacent agriculture, displays a disrespect for existing business and result in the "picking of winners and losers" as observed by the Grand Jury, with the losers being existing County residents and businesses.

Community conflicts and impacts aside, the Grand Jury identified and recommended changes to a number of processes that failed the community in the cannabis context, including a lack of transparency, the failure to address and resolve apparent conflicts of interest, and bias in the administration of the Program.

The Board's response is tone deaf to the conditions on the ground, referring to the Santa Barbara County Agricultural Commissioner's private, invitational pesticide conflict working group process and inconclusive conclusion as representing some sort of resolution of this fundamental conflict. The County's lack of acumen, transparency and leadership has substantially prejudiced its leading

economic industry and generated enormous uncertainty, when its leadership should and could have addressed and resolved this conflict.

The Board's defense that meetings with lobbyists may be kept secret is unseemly and disingenuous. SBCRC believes local government should operate for the people, by the people, and the lack of ethical standards, the absence of limits on contributions, and the refusal to disclose information to the public, and even to the Grand Jury, creates a cloud of public distrust for the County's administration of this program.

We are heartened by the Board's agreement with Findings # 6 & 7, concerning Non-Conforming Uses, but disappointed that no response to this material defect will be considered. The County is well aware that some operators have substantially expanded the scope of their operations from what existed when Article X was adopted, and that some are selling product for non-medicinal markets, in violation of Article X. Issuing permits to these operations without looking back and imposing sanctions or other penalty offers a County incentive for improper conduct and creates a windfall for these operators. We disagree that rapid issuance of permits will resolve the problems experienced in many communities, in particular Carpinteria, because existing black market grows will not be affected and the current permitting system does little to facilitate the focused enforcement that is necessary. The County needs tools to qualify those growers with legitimate claims to non-conforming uses to focus enforcement on the bad actors.

SBCRC agrees with the Board that "Odor control has been one of the most challenging aspects of implementing this Program." Finding # 11. The Board's response, that future permitting will cure this problem, fails to accord with reality. First, in Carpinteria many growers currently employ odor control, yet odors remain pervasive at times. Second, AG-II areas (outside of the SYVCP area) are entirely exempt from odor control. These conflicts and problems are not going to be solved by the issuance of permits – in Carpinteria black market grows will continue to flourish and confound odor control efforts, and in AG-II areas, grows under permit will emit odors without limitation.

We strongly encourage the Board to continue its efforts and actions to reform the cannabis regulatory program to better protect the interests and concerns of the community while allowing this industry to develop reasonably as a sustainable and responsible part of our County.

By:  9/18/20
Blair Pence, President