

#5

Ramirez, Angelica

Public Comment - Group 1

**From:** Valerie Bentz <valeriebentz@gmail.com>  
**Sent:** Saturday, September 19, 2020 4:54 PM  
**To:** sbcob  
**Cc:** Concerned Carpenterians  
**Subject:** Response to Grand Jury Report



**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 Santa Barbara County Board of Supervisors,

You have really stuck your nose up at the Grand Jury. Is the health and welfare of residents of Carpinteria of no interest or concern to you?

If anything really smells bad here it is the negligence of this board to listen to the Concerned Carpenterians.

Sincerely

Valerie Bentz,  
Resident of Carpinteria

## Ramirez, Angelica

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**From:** Bobby Shand <bobbyshand@gmail.com>  
**Sent:** Sunday, September 20, 2020 3:14 PM  
**To:** sbcob  
**Subject:** Grand Jury Report and Response

**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 Board of Supervisors,

After reading the Grand Jury Report, I am appalled at the fact that the Supervisors apparently rushed through such a critical initiative as cannabis cultivation (while taking funds for campaigns) without proper hearings, without allowing the citizens who pay your salaries, to consider, to comment, to vote.

The result?

We have cannabis scented properties which will only get worse. Folks are losing the values of their homes, and their enjoyment of those homes. School children in Carpinteria are subject to cannabis smells all day long.

There were so many effective methods that COULD have been considered, evaluated, and brought to light that would have mitigated these issues, while allowing the growers to proceed.

I am Pro-Cannabis - *but* I do not like the way this was addressed.

We deserve better.

Sincerely,

Robert Shand  
Resident, Montecito

**Ramirez, Angelica**

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**From:** Robert Lesser <bobbyless@aol.com>  
**Sent:** Sunday, September 20, 2020 4:26 PM  
**To:** Miyasato, Mona  
**Cc:** sbcob; Hart, Gregg; Williams, Das; Hartmann, Joan; Lavagnino, Steve; Adam, Peter; Melekian, Barney; Carbajal Salud; Dudley, Joyce; Limón, Monique; Jackson Hannahbeth; Joyce, James; Nick Bobroff; wade@wadenomura.com; Lee Roy; Clark Al  
**Subject:** BOS' Response to Grand Jury Report on Cannabis Out-trumps Trump

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Supervisors,

There is a lot hand-wringing these days about Washington's lack of ethics, integrity and transparency. All true, but it has been rivaled by the politics of Cannabis in Santa Barbara. Sadly, the Board's response to the scathing Grand Jury report on your Cannabis Ordinance - corroborated in detail in the national media- is breathlessly inadequate and feeble.

Exhibit A was the use of an *unprecedented 2 man-AdHoc Committee as an end run around land use regulations and the Brown Act* - without any public participation, except cannabis lobbyists. Then to claim the benefits of tax revenues from an industry that has been granted every known regulatory break, exception and waiver known to man - *and not given to any other industry in the County*, well that's rich. SB's Sups' out-trumped Trump.

**You all know it, the media knows, the Grand Jury knows it, the pot growers know it, and the US Attorney knows it...**

It's time to stop the charade, own up to the mess you made, stop attacking the Grand Jurors and your constituents; stop wasting County funds on legal fees and sit down with your constituents, find common ground, and amend the Ordinance to be fair to the people of Santa Barbara.

Robert Lesser

Carpinteria, Ca.

[bobbyless@aol.com](mailto:bobbyless@aol.com)  
805.680.4020

## Ramirez, Angelica

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**From:** Paul Roberts <parpaquita@gmail.com>  
**Sent:** Sunday, September 20, 2020 8:01 PM  
**To:** Hart, Gregg; sbcob; Hartmann, Joan; Melekian, Barney; Williams, Das; Adam, Peter; Lavagnino, Steve  
**Subject:** The Grand Jury and Cannabis

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Board of Supervisors,

We now have an investigative journalist from the Los Angeles Times describing the disturbing illegal process that your Board utilized to grant countless cannabis permits to growers in Santa Barbara County. To our great distress in the Carpinteria Valley, you managed to ignore our voices, justify your positions based upon the number of meetings you had and rushed and jammed through a process that allows the growers to proceed without governance to do what they want, what makes them the most money, impacting the quality of thousands of lives in our County—particularly the elderly and the young. However you remain resolute in defiance of the public voices and now in the face of a stunning Grand Jury Report that excoriates you, your process and implies that you have violated the public trust for sinister reasons, you like those addicted to power-denial. You have dismissed the investigation by our neighbors and fellow citizens regarding cannabis. You do not care. This is the Grand Jury, not your political opponents. The Grand Jury—a neutral investigative body as old as our town itself serving us, the public, not the lobbyists, not the big weed businesses who are in it for financial gain. And what did your fellow citizens on the Grand Jury say about you:

**“The Board of Supervisors granted nearly unfettered access to cannabis growers and industry lobbyists that was undisclosed to the public during the creation of the cannabis ordinances,” the jury wrote.**

No more needs to be said. Denial is not enough. Either you reconsider your hostile, cold, shameful response to our Grand Jury, or the investigation will continue, the press will be further activated, the whistle blowers will continue to emerge and you will be shamed. It is not too late. Do the right thing.

Paul A. Roberts

Carpinteria, California

## Ramirez, Angelica

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**From:** Susan Ashbrook <sjashbrook@gmail.com>  
**Sent:** Monday, September 21, 2020 8:32 AM  
**To:** sbcob; Hart, Gregg; Williams, Das; Hartmann, Joan; Lavagnino, Steve; Adam, Peter; Miyasato, Mona; Melekian, Barney  
**Subject:** Rewarding Perjury  
**Attachments:** Rewarding Perjury.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.**

Board of Supervisors,

The County of Santa Barbara is turning a blind eye to claims of “legal non-conforming” by cannabis growers. Hundreds of growers in our County claim “legal non-conforming” on government affidavits and have perjured themselves. For example, two growers in my residential neighborhood of Cebada Canyon (Lompoc), lease a parcel from one owner. I contacted the former tenants who lived on this parcel in 2017 and 2018 and provided the County’s cannabis enforcement department utility bills and proof that the growers were not growing as of January 19, 2016. Yet, these growers had been allowed to continue growing cannabis until December.

At a public hearing appeal of the Busy Bee cannabis operation, photographic evidence of growing and expansion (after January 19, 2016) and Busy Bee’s claim of Legal Non-Conforming was questioned by Supervisor Hartmann. The County of Santa Barbara’s legal counsel made no comment.

At a public hearing of the Planning Commissioners concerning the cannabis applicant Herbal Angels, numerous neighbors stated the property was sold to the applicant in May 2017, well after the January 19, 2016 deadline and applicant’s claim of legal non-conforming. Commissioner Parke brought this in front of Commissioners questioning the claim of Legal Non-Conforming. Once again, The County of Santa Barbara’s legal counsel sat on their hands and said nothing.

Are we to believe the County of Santa Barbara has decided to do nothing on cannabis Legal Non-Conforming applicants? Isn’t perjury on a Government affidavit reason to prosecute? The County of Santa Barbara’s response to claims of “legal non-conforming” is that growers would be examined during the business license process. The business license process is well after Commissioners and Board of Supervisor’s review and current approval progression. Isn’t this a waste of tax payers money and time when clearly the County continues to ignore violation of the legal non-conforming claim of many applicants?

The damning Grand Jury Report that came out last month finally exposed the need for a new cannabis regulatory plan, along with basic ethics reform including the issue of legal non-conforming.

It's time to look into this important issue. I believe the County of Santa Barbara is setting a dangerous precedent. Responsible cannabis growing should operate legally and be taxed accordingly. It's time to stop kicking the can down the road.

Thank you for your time,

Susan Ashbrook

Board of Supervisors,

The County of Santa Barbara is turning a blind eye to claims of “legal non-conforming” by cannabis growers. Hundreds of growers in our County claim “legal non-conforming” on government affidavits and have perjured themselves. For example, two growers in my residential neighborhood of Cebada Canyon (Lompoc), lease a parcel from one owner. I contacted the former tenants who lived on this parcel in 2017 and 2018 and provided the County’s cannabis enforcement department utility bills and proof that the growers were not growing as of January 19, 2016. Yet, these growers had been allowed to continue growing cannabis until December.

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The damning Grand Jury Report that came out last month finally exposed the need for a new cannabis regulatory plan, along with basic ethics reform including the issue of legal non-conforming.

It's time to look into this important issue. I believe the County of Santa Barbara is setting a dangerous precedent. Responsible cannabis growing should operate legally and be taxed accordingly. It's time to stop kicking the can down the road.

Thank you for your time,

Susan Ashbrook



## Ramirez, Angelica

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**From:** merrily peebles <merpeebles@gmail.com>  
**Sent:** Monday, September 21, 2020 8:46 AM  
**To:** sbcob; Hart, Gregg; Williams, Das; Hartmann, Joan; Lavagnino, Steve; Miyasato, Mona  
**Subject:** Response to Grand Jury report on "Cannabis Cultivation in Santa Barbara County"  
Please read into the record

**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 BOS,

I have objections to each of the BOS numbered responses to the GRAND JURY findings but will just comment on number 1. The Board states it held numerous hearings prior to the certification of the PEIR. I was at those hearings, and there were many objections from the residents and schools in Carpinteria that were never considered. Just because the BOS held the hearings doesn't mean the BOS can ignore the objections. The certification of the PEIR disregarded the objections of the people, and considered the vast input from the cannabis growers, some behind closed doors, including advise from the cannabis lobbyists on how to deal with the State of California so that growers here could grow without completing the permit process. And now the retort is THIS RECOMMENDATION WILL NOT BE IMPLEMENTED, AS IT IS NOT WARRANTED.

The BOS response to the GRAND JURY is similar to the response giving to us citizens of Carpinteria, who have for four years voiced objections to the poorly thought out cannabis regulations that have allowed the spread of cannabis in our county.

The BOS response to the GRAND JURY'S year long independent investigation of cannabis growing in our County is insulting and dismissive. How can voluntary participants on the GRAND JURY be expected to serve for no money when the legislative body, the BOS, that governs our County does not listen to the voices of its citizens who make up the members of the GRAND JURY. The continuous refusal to listen to the voices of the citizens who have nothing to financially gain on this issue raises the question of objectivity on the part of the BOS. The health of residents and property values of homes are going down hill. A balance could be achieved if proper implements were enacted.

As a resident of Carpinteria Valley, personally impacted by cannabis near my home, I am offended by the utter lack of regard for the findings of the GRAND JURY. It is not too late for the BOS to change its response and get the respect of the people and put sensible regulations in place for Carpinteria.

Sincerely,  
Merrily Peebles  
La Mirada, Carpinteria

## Ramirez, Angelica

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**From:** Sandy Nargi <sandynargi@mac.com>  
**Sent:** Monday, September 21, 2020 9:47 AM  
**To:** sbcob; Hart, Gregg; Williams, Das; Hartmann, Joan; Lavagnino, Steve; Adam, Peter; Miyasato, Mona; Melekian, Barney  
**Subject:** Grand Jury Report Responses

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 Santa Barbara County Board of Supervisors:

It is imperative that each and every one of you honestly respond to the findings of the Grand Jury in their most extensive, eye-opening report. As a Concerned Carpenterian, I am hoping you will repair the damages you have created for our home town. In reviewing the initial responses shared by our Concerned Carpenterians, I am disappointed. We need to be able to rely on the honesty and integrity of our county leaders.

Sincerely, Sandra L. Nargi

**Ramirez, Angelica**

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**From:** Lillian Clary <mzlil2988@gmail.com>  
**Sent:** Monday, September 21, 2020 11:08 AM  
**To:** sbcob  
**Cc:** Lil Clary; Dave Clary  
**Subject:** Written Comment for 9/22/2020

**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.**

Please enter this statement into the written public comment for the Board's Response to the Grand Jury Report.

Thank you

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We take issue with the Board's response to the Grand Jury Report.

What is "unwarranted" is your failure to acknowledge the accuracy of the Report regarding claims of legal non-conforming status.

Own up to your errors and accept responsibility, then fix this problem.

Dave and Lil Clary, Tepusquet Canyon

## Ramirez, Angelica

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**From:** Elaine Dietsch <epd1950@gmail.com>  
**Sent:** Monday, September 21, 2020 11:09 AM  
**To:** sbcob; Hart, Gregg; Williams, Das; Hartmann, Joan; Lavagnino, Steve; Miyasato, Mona; Adam, Peter; County Executive Office  
**Subject:** Cannabis -Grand Jury report and BofS response, or lack of... ---from Elaine and Bill Dietsch

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

To: Santa Barbara County Board of Supervisors

From: Elaine and Bill Dietsch

The Santa Barbara Grand Jury issued a very compelling report that raised serious questions regarding the Board of Supervisors' handling of the Cannabis regulations over the last 4 years. We found the

Grand Jury's report very thoughtful and objective and am offended by the County's defensive posture in trying to defend their past mistakes.

This is exactly why public entities should never be 'self-policing'. Your unwillingness to acknowledge the validity of the Grand Jury's findings and move forward to address these issues is particularly appalling. Your unwillingness to even pursue amending actions taken on the findings which you agreed with the Grand Jury on #6, #7, #11 is totally perplexing.

The Board of Supervisors continues to exercise Political Self Interest rather than acting with integrity and fairness to provide the residents of the County with fair and balanced Cannabis ordinances.

Elaine and Bill Dietsch

Santa Barbara County residents

**Ramirez, Angelica**

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**From:** Alyssa Moffitt <alysalealphoto@mac.com>  
**Sent:** Monday, September 21, 2020 12:10 PM  
**To:** sbcob  
**Subject:** Grand Jury Report

**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.**

***The action taken by the Santa Barbara County Board of Supervisors to certify the development of a robust cannabis industry as the primary objective of the cannabis ordinances has altered the quality of life in Santa Barbara County, perhaps forever."***

Dear Board of County Supervisors,

We are appalled at your complete disregard for the results of the Grand Jury Report and for the well being and health of both the residents of Santa Barbara County and of the county's natural resources.

It's one thing to make mistakes and make amends. It's entirely another to deny the responsibility, and deny the .

Own up to your errors and accept responsibility, then fix this problem.

Dave and Lil Clary, Tepusquet Canyon

Sent from an autocorrecting device!

## Ramirez, Angelica

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**From:** Renee O'Neill <chasingstar2701@yahoo.com>  
**Sent:** Monday, September 21, 2020 12:19 PM  
**To:** sbcob; Hart, Gregg; Lavagnino, Steve; Williams, Das; Hartmann, Joan; Adam, Peter  
**Cc:** Melekian, Barney; Miyasato, Mona; Savrnoch, John; Villalobos, David  
**Subject:** Public Comment re Grand Jury Report  
**Attachments:** Letter to BOS, re Grand Jury Response, 9-22-2020.docx; Intent to Close Letter Final - 19CUP-00001.pdf

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Supervisors,

Attached, please find two documents that I would like added to Public Comment, for the Board's response to the Grand Jury (Agenda item #5?). Thank You.

I will also be speaking during General Public Comment and during the above mentioned agenda.

*Respectfully Submitted.*

*Renée O'Neill*

September 22, 2020

To: The Santa Barbara County Board of Supervisors  
Cc: Santa Barbara County CEO, Mona Miyasato, Asst. CEO, Barney Melekian, Asst. D.A. John Savrnoch  
Re: Board of Supervisor's Response to SBC Civil Grand Jury Report 2019-2020, "Cannabis"  
From: Renée O'Neill

It is disappointing and dismaying to me to read the Board's response to the Grand Jury's report. I am specifically, addressing this to the two Ad Hoc Supervisors, as the 26-page report is focused mainly, on them. It is incomprehensible that the Board could show such disrespect to our Civil Grand Jury. I am shocked by the fact that the Board fails to acknowledge their mistakes. Just as I was beginning to feel there may be a glimmer of hope and some progress, I read the Board's response and find that some members appear to be misleading and have the audacity to completely disregard most of Grand Jury's Recommendations.

It is apparent to me that until we have more principled legislators, administrating our County (*and our Country*), I fear we will continue spiraling down, into a deeply disturbing future that may destroy our not only our beautiful, family/agriculturally-oriented Central Coast but quite possibly, the foundations of our Great Democracy. In these unprecedented times, we must insist on electing legislators that are ethical and forthright. Sometimes, I wonder if this is even possible, in these troubled times?

If you do not have time to read my 7-page, detailed reaction to the Board's responses (most are quotes from Grand Jury and Board's responses), suffice it to say that I disagree, *wholeheartedly*, with the Board's responses to items 1, 5, 8, 10, 12 and items 2, 3, 4, 6, 9, 11. The comprehensive and detailed Grand Jury Report, which I have read several times, speaks to a grave lack of ethical standards in *some* of our Supervisors. It saddens me, profoundly, to learn that responses not only appear to be dishonest but give the distinct impression of lacking humility. There appears to be no acknowledgment of making mistakes and/or a demonstration of willingness to remedy problems that were created by developing, "cart-before-the-horse, slip-shod, loop-hole" cannabis regulations. It is my sincere desire that the many cannabis-related issues, may be remedied, very soon.

Note: Sections in blue are to bring attention to requests for information and/or notification to file PRA Requests. I do not believe this will become necessary because in recent months, I am happy to report that I have experienced a *marked improvement* in this area. I know our County is extremely busy and I appreciate *everyone*, including the Board of Supervisors, Planning Commissioners, CEO's, County Council, Sergeant Vasquez, P&D Staff, County Clerks and many others, who have taken the time to provide information and patiently answer my questions and requests. Thank You!

**Re: The Board Disagrees Wholly to Finding(s), 1, 5, 8, 10, 12.**

**Finding 1: "The impact of cannabis production on the health and welfare of Santa Barbara County residents was inadequately weighed and considered by the Santa Barbara County Board."**

The Board has failed to protect the public health, welfare and safety of their residents, by neglecting to uphold the laws set forth by this County and the State of California. Specifically, the Ad Hoc Committee failed to:

1. Develop Responsible Cannabis Regulations, by blatantly supporting a “Robust Cannabis Industry.”
2. Protect sensitive receptors (*especially* schools) and traditional agriculture (vineyards, avocados, citrus, etc.)
3. Enforce Land Use Development Laws that were established, long before Prop 64 was passed, in 2016.
4. Develop, implement and/or enforce Odor Control that has plagued many countywide residents, for over 3 years.

The Board’s statement, “...the Board has amended the Program to further address ...public concerns about cannabis activities located *within proximity* to Existing Developed Rural Neighborhoods (EDRNs),” is misleading. Although we greatly appreciate the Supervisors who voted to support this ban, it falls short of overall, EDRN protections.

We have hundreds of acres of cannabis cultivation “*within proximity*” to both Tepusquet and Cebada Canyons because the Board denied our requests to adopt protective language, ‘...accessed through or adjacent to the EDRNs.’ In addition, there is no language in the Ordinance that protects the EDRNs from other, commercial industry development, like hemp.

**Recommendation 1a:** “That the Santa Barbara County Board direct the Santa Barbara County Planning and Development Department Director to prepare Environmental Impact Reports addressing each region of Santa Barbara County after holding public hearings to evaluate public concerns.” (and;)

**Recommendation 1b:** “That the Santa Barbara County Board direct the Santa Barbara County Planning and Development Department Director to develop Project Objectives for the Environmental Impact Reports that reflect a balance between cannabis, traditional agriculture, and the residents of Santa Barbara County.”

The Board appears to be in complete denial of the fact that although there may have been “numerous public meetings,” the Ad Hoc Committee failed to listen to the advice of both their staff and the concerns of their constituents. They also failed to “...develop Project Objectives ...that reflect a balance between cannabis, traditional agriculture, and the residents...”

There has been and continues to be *no balance*, as the scales are weighted heavily in support of Cannabis Industry. *If* the Board had adopted staff’s recommendations, they would have avoided the numerous, “Significant Unavoidable and Adverse Class-I Impacts” and the resulting lawsuits that we warned them about, in 2017.

Tepusquet, Cebada and Carpinteria residents attended the initial, Town Hall/Scoping meetings, as did a few cannabis growers. We read hundreds of pages of regulations, wrote letters and expressed our concerns at all the meetings. We were notably referred to as, “The Purple Hats.” P&D staff patiently listened to all of us and then, spent uncountable hours (*and taxpayer dollars*), documenting their findings, doing research and developing extensive reports. However, the Ad Hoc Supervisors rejected their sensible recommendations as they conflicted with the concept of developing a “Robust Cannabis Industry,” which became the committees’ number one Project Objective. Out of ten objectives, protecting public health..., the environment and our children are last, on this list. Staff’s initial PEIR included recommendations that included: Caps on number of licenses issued to the County and to each grower; Limits on total amount in cultivated acres; prohibition in unincorporated (and other) regions; much greater buffers around sensitive receptors, etc., etc.). If those prudent recommendations had been adopted, it would have prevented almost all of the



“Significant Unavoidable Adverse Class-I Impacts,” which are being litigated and costing County taxpayers, today.

**Finding 5: “The amount of cannabis production allowed under the current cannabis ordinances is excessive and has led to overconcentration in some portions of Santa Barbara County.”**

The Board’s response to this Finding is especially concerning to Carpinteria, Tepusquet and Cebada Canyon residents.

Re Carpinteria: There has been no resolution to the multiple, unmitigated problems from overconcentration and odor control.

Re EDRNs: The Board’s response states, “...on July 14, 2020, the Board adopted a ban on cannabis activities in EDRNs. California Planning and Zoning Law provides specific procedures for adopting and amending zoning ordinances, which includes changing a property from one zone to another or imposing or removing any regulation on property within a zone.”

As I stated above, the Board failed to include protective language that would remove commercial cannabis industry “within proximity” to (*adjacent to or accessed through*) the EDRNs.

In addition, P&D sent “Intent to Close Letter,” to growers on August 7th, stating, “On July 14, 2020, the Santa Barbara County Board of Supervisors adopted amendments to the Land Use and Development Code to prohibit commercial cannabis activities on lots that are *located within* the Inland area of the County and *within* Existing Developed Rural Neighborhoods (EDRNs). These amendments become effective on Thursday, August 13, 2020.”

“In order to provide for an orderly transition, you will have until December 15, 2020 to cease all cannabis activities on the site and remove any cannabis from the site. In the future, if it is desired to have permitted cannabis activities on the Proposed Project site, an application to rezone the property to an appropriate zoning designation may be submitted with all applicable fees” (see attached letter to one Tepusquet grower. Letters to 12, impacted growers are similar.).

It appears to me that language is phrased to invite growers to apply for rezoning, creating avenues (loopholes) for commercial industry to continue operating in areas that are within, adjacent to and/or accessed through an EDRN. The Board’s response to this item, insinuates that they intend to continue to support cannabis growers in the EDRNs. Although I have been assured by our Asst. CEO, Barney Melekian and County Council, Michael Ghizzoni that this is not the case, I have my reservations after reading the Board’s responses. This may be because I do not understand certain aspects of the law.

If I have misinterpreted the intention and purpose of this language, please advise me.

**Finding 8: “That the Santa Barbara County Board amend Ordinance 5026 to tax cannabis cultivation using the Square Footage method.”**

I believe the County lacks transparency in reporting accurate information about the true cost/benefit of cannabis tax revenue, compared to the ultimate costs to taxpayers. A few, notable examples: none of the nighttime, Town Hall meetings were accounted for, according to County’s Budget archives; few, to none of the experts that were hired, outside the county’s purview, are accounted for; extra expenses incurred for hiring additional staff and/or enforcement teams (still understaffed / hands still tied) to monitor, oversee and enforce unpredictable, industry-related issues, are not detailed. I have asked, repeatedly, for the County to hire more staff and enforcement teams, for several years. We desperately need these critical people. However, the Board, once again, appears to ‘put the cart-before-the-horse’ and instead, hires two, additional FTE’s for County Council positions and salaries/benefits for CEO (\$375,400 and \$350,000, respectively). Please, do not misunderstand me, here. I support funding for our overworked County Council and CEOs. Most likely, these positions/salaries/benefits are needed to help remedy the number of lawsuits being filed against the

County, by outraged residents that are heavily and negatively impacted by the cannabis industry. County must discontinue the practice of paying for lawsuits, after the fact and instead, pay for staff and enforcement to prevent lawsuits to begin with.

Unforeseen costs appear to mislead SBC taxpayers about the true benefit/cost analyses, purportedly generated by the “Green Revenue Machine.” **SBC Taxpayers are paying the ultimate price to remedy problems the Ad Hoc Supervisors created.**

Two weeks ago, I attended a BOS meeting and heard Supervisor Lavagnino question Barney Melekian about the potential loss of cannabis tax revenue, due to ban of 12 growers in the EDRNs. Barney stated he could have that information within 24 hours. I emailed the County that day and requested that they provide me with this information, as well. Last week, I received a response from Supervisor Lavagnino and thanked him for his answer, “Barney came back with a figure for around \$300K for EDRN taxes paid.” As this did not provide details (year it was received, growers that actually paid, etc.), I emailed the County to request more information. I also asked to know the taxes paid by one, particularly problematic grower, in 2018 and 2019. I am waiting patiently for an answer. I know the County is very busy and I truly appreciate those who take time to answer my questions and requests. I am hoping to receive a response by October 1, 2020 or may consider filing a PRA Request.

**Finding 10: “Members of the Santa Barbara County Chief Executive Officer’s office and Santa Barbara County Planning and Development staffs unduly and without apparent Board knowledge successfully sought changes to the April 26, 2019 Cannabis Advisory from the Santa Barbara County Air Pollution Control District, an independent agency, eliminating a one mile buffer recommendation.”**

To the best of my knowledge, the APCD has never come out to Tepusquet to monitor, let alone regulate, air pollution caused by growers’ illegal use of multiple generators, which are strictly prohibited (no electricity on most grow sites). We have brought concerns about high fire hazard risks and environmental impacts to the County’s attention, for many years. We have repeatedly requested that our County enforce their laws on illicit, non-compliant growers and to uphold the State of California’s number one objective, to “protect public health, safety and welfare,” of our community.

**Finding 12: “The Santa Barbara County Board does not have a written Code of Ethics to formalize its ethical standards and guide its decision-making processes.”**

The Board’s Response to this is very disturbing and appears to be very misleading: “The Board has a Conflict of Interest Code entitled the “Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts” (Code), as required by the Political Reform Act (Gov. Code, § 81000 *et seq.*). The Code is reviewed biannually in accordance with the provisions of the Political Reform Act. In addition, disclosures are compiled on a Statement of Economic Interests Form 700, which is available to the public.”

Please provide me with a list of specific people that actually make up any Committee/Body that oversees and reviews the Board’s ethical standards and decision-making processes. I firmly believe that if such a Body truly existed, we would not have a countywide cannabis crisis or number of lawsuits being filed, today. Codes and Forms are meaningless to me, without a physical, independent committee (not obscure entity) that oversees and guides our County’s ethical practices.

I would appreciate receiving an answer and names by October 1, 2020, if possible. Thank You.

**Re: The Board Disagrees Partially to Finding(s) 2, 3, 4, 9, 11.**

**Recommendation 2: “That the Santa Barbara County Board require all future Ad Hoc Sub Committees be open to the public and subject to the Brown Act.”**

In your response you stated, “The Board has used Ad Hoc Committees in the past when attempting to resolve issues of great complexity.”

The Ad Hoc Supervisors are well-aware that they lacked transparency when developing cannabis regulations. They intentionally chose to hold Ad Hoc meetings behind closed doors and refused to record or document these meetings, as indicated on page 4 of the Grand Jury Report, “...in order to avoid any Public Records Act Requests for such documents.”

Please provide me with specific examples of when the Board “used Ad Hoc Committees,” without public input, to “resolve and issues of great complexity.” This truly speaks to a lack of integrity and goes hand-in-hand with many of the allegations brought forth by the Grand Jury.

**Finding 3: The Board granted nearly unfettered access to cannabis growers and industry lobbyists that was undisclosed to the public during the creation of the cannabis ordinances.”**

“The Board provided access to constituents and interested parties, including cannabis industry representatives, neighbors, institutions, interested businesses, media, city representatives, etc.”

The Board’s response to this item is a shameless example of Ad Hoc Committee deceptions. I have email correspondence that will confirm the truth of the matter:

The unmitigated truth is: The Board *only* “provided access to constituents and interested parties...”

that subscribed to their blatant support of a Robust Cannabis Industry and Industry Lobbyists. In February 2017, Supervisor Lavagnino suggested that I serve on the Ad Hoc Committee. I told him I would be honored to represent Tepusquet Community. He emailed me to let me know that he would send me the date when the Ad Hoc Committee would meet. *After the fact*, when I learned the committee had met, I asked him why I wasn’t notified. He said, ‘you cannot serve because you do not meet requirements, in an official capacity, like a licensed agency, sheriff,’ etc.

You can bet your Sweet Bippy the Board chose not to include me or ‘disclose their *ex parte communications* when they were (*purportedly*) acting in a legislative capacity’ because they would not want someone with integrity, at these backroom meetings.

**Recommendation 3: “That the Santa Barbara County Board develop standards that require Santa Barbara County Board members to publicly disclose all access granted to lobbying individuals or groups, especially while a matter involving these individuals or groups is before the Board.”**

BOS response: “The California Supreme Court in *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, held that the Governor’s calendar and schedules, including names of every person with whom he met, were not subject to public disclosure because disclosure would chill the deliberative process. Implementing the proposed recommendation would have a similar chilling effect.”

My retort to the Ad Hoc Supervisors, in this matter and re their flagrant disrespect of the Grand Jury’s Findings, as well as their refusal to acknowledge and/or remedy mistakes, compels me to respond, “Since when did you become Governor?!” Your refusal to take responsibility for your actions is imprudent, \_\_\_\_, \_\_\_\_, and \_\_\_\_ (fill in the blanks with suitable words).

**Finding 4: “The conflict between cannabis production and traditional agriculture is a major concern for the continued existence of certain segments of traditional agriculture in Santa Barbara County.”**

BOS response: “Based on public comments received during cannabis hearings at the Board, there is significant tension between cannabis production and certain other types of agriculture, most notably

the wine industry and avocado growers. However, there is no evidence that proximity to cannabis growers threatens the existence of those segments.

The Board has done nothing to prove that there is *evidence to the contrary*. Why would you even consider undermining our world-renowned, multi-million-dollar, reputable, revenue-producing industries, while allowing unproven, unreliable (unethical) cannabis industry growers to pose a potential threat to our County's long-established, legacy Ag industry? This makes absolutely no sense to me... *unless*... the cannabis industry is now, calling the shots, instead of the Board of Supervisors. The Board must not allow misguided, unproven theories and potential risks to threaten our County's dependable revenue. You have only recently begun to consider participating in studies that will ascertain the facts regarding effects of Terpenes and VOC's on existing Ag. I find it very difficult to trust the Board and our County, to hire an unbiased, independent contractor(s) that will report the "truth" in their findings.

**Finding 9: "The Santa Barbara County Treasurer-Tax Collector was not included in the creation of the tax portions of the cannabis ordinance."**

I attended these meetings and vividly recall that I advocated to have cannabis tax revenue designated as a "specific tax," as opposed to, "general fund." I wanted to ensure that the money generated was earmarked, *specifically*, to: Hire adequate staff and enforcement to resolve problems Ad Hoc Committee created; Oversee and monitor hundreds of *unverified affidavits*; Regulate and enforce industry growers and to; Hold grower's accountable for growing products that did not contain illegal pesticides and chemicals and which ensured medical patients and/or clients were guaranteed a safe, quality product; *AND* that cannabis growers be held accountable for paying appropriate taxes on their multi-million-dollar Black Market profits.

**Finding 11: "There has not been effective odor control at the boundary of cannabis cultivation and related activities, resulting in significant public outcry about odor, quality of life and health concerns."**

I do not feel I can add more on this matter, which Carpinterians and many other countywide residents have already expressed, repeatedly. I support all comments from residents that have brought this to your attention, for over three years (emphasis added).

**Recommendation 6: "That the Santa Barbara County Board require all applicants with cannabis use and development permit applications and licenses pending, who claim legal non-conforming status, to prove their claimed status before the Santa Barbara County Planning Commission."**

BOS response: "CEO's Office, in conjunction with Planning and Development, has implemented a process for reviewing those cases in which there is compelling evidence to suggest that the affidavits were falsified. Additionally, beginning in 2020, the CEO's Office, in conjunction with Planning and Development implemented a process for reviewing cases in which there is compelling evidence to suggest that the affidavits have been falsified. If such falsification is verified, the county can withdraw the letter of authorization which the state requires when issuing such licenses."

The Ad Hoc Committee *intentionally* opened Pandora's Box, by creating this *loophole law* to begin with. Many people, including Tepusquet residents, have provided the County with Google Earth Images (proof) that validate falsified affidavits. As I stated previously, the Ad Hoc Committee failed to impose *any restrictions*, which would stem the overwhelming surge of cannabis industry growers that came from all over our state, country and the world to take advantage of County's lack of restrictions.

**The Board Agrees With *ONE and ONLY ONE* Finding 7:**

**Finding 7: “The affidavit system does not require proof of prior scope of the cannabis acreage.”**  
Unbelievable! Words fail me. I am so shocked by the Ad Hoc Supervisor’s outrageous audacity and disrespect for the Grand Jury Report and Findings that I have nothing else to say (emphasis added, again and again and again).

It is apparent to me that the Ad Hoc Supervisors must be held accountable for their mistakes. They must apologize to the Grand Jury, their constituents and do whatever it takes to regain the trust of, “We, the People.”

Respectfully Submitted,

Renee O’Neill

Resident of Tepusquet for over 25 years

Fire Associate/Advocate for the Community of Tepusquet, since 2004

Tepusquet Canyon Crisis Committee, since 2017

Member of the Santa Barbara Coalition for Responsible Cannabis, since 2019



# County of Santa Barbara Planning and Development

**Lisa Plowman, Director**

Jeff Wilson, Assistant Director

Steve Mason, Assistant Director

August 7, 2020

Mr. Helios Dayspring  
7510 Los Osos Valley Road  
San Luis Obispo, CA 93405

Ms. Stacey Wooten  
3654 Sagunto Street #761  
Santa Ynez, CA 93460

Sent via email to: [stacey@calcoastcompliance.com](mailto:stacey@calcoastcompliance.com)

**RE: Change in Zoning Permit Requirements for 805 AG Holding Cultivation Project,  
Case No. 19CUP-00000-00001, APN 131-090-027**

Dear Mr. Dayspring and Ms. Wooten:

The purpose of this letter is to inform you of a recent decision that affects the application for the Proposed Project referenced above. On July 14, 2020, the Santa Barbara County Board of Supervisors adopted amendments to the Land Use and Development Code to prohibit commercial cannabis activities on lots that are located within the Inland area of the County and within Existing Developed Rural Neighborhoods (EDRNs). These amendments become effective on Thursday, August 13, 2020.

The Proposed Project is located within the Inland area of the County and within an EDRN, and therefore the Proposed Project will be prohibited when the ordinance takes effect. The application for a Conditional Use Permit or Development Plan for the Proposed Project remains incomplete due to the required application materials not being submitted and the application cannot be completed due to the proposed use not being allowed based on the ordinance amendment prohibiting the use. As a result, the application for the Proposed Project will be returned, the case will be closed, any unpaid or outstanding permit processing costs will be deducted from the existing security deposit, and the remaining amount will be refunded to the Financial Responsible Party of record.

If medicinal cannabis is currently being cultivated on the Proposed Project site based on a claim of legal nonconforming cultivation status, your legal nonconforming status will be terminated upon the effective date of the ordinance amendment on August 13, 2020. In order to provide for an orderly transition, you will have until December 15, 2020 to cease all cannabis activities on the site and remove any cannabis from the site. In the future, if it is desired to have permitted cannabis activities on the Proposed Project site, an application to rezone the property to an appropriate zoning designation may be submitted with all applicable fees.

Please note that any cannabis activities occurring on the site after August 13<sup>th</sup> may be subject to a Notice of Violation with abatement required by December 15, 2020. The Planning and Development Department will be conducting site inspections after December 15, 2020 to confirm that all cannabis activities have ceased on the

Mr. Dayspring and Ms. Wooten:  
August 7, 2020  
Page 2

property. In the event that cannabis activities are occurring or cannabis remains on the site after December 15<sup>th</sup>, code enforcement actions will be initiated to ensure compliance with the County Code.

If there are any questions about the changes to the permitting requirements discussed above, please contact me at [tseawards@co.santa-barbara.ca.us](mailto:tseawards@co.santa-barbara.ca.us) or at (805) 568-2518.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Seawards". The signature is written in a cursive, flowing style.

Travis Seawards, Deputy Director

cc: Case File

## Ramirez, Angelica

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**From:** Stephen Figler <skfigler@gmail.com>  
**Sent:** Monday, September 21, 2020 12:24 PM  
**To:** sbcob  
**Subject:** Cannabis issue

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

To the SB Board of Supervisors:

Quality of life for the citizens of Santa Barbara County must be your primary concern, not the development of a new industry nor the net tax revenue it may bring. Businesses do not elect you; voters, your constituents, elect or re-elect you. Pay attention to us.

Stephen Figler, Ph.D.  
Carpinteria



## Ramirez, Angelica

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**From:** Derek McLeish <derekwmcleish@gmail.com>  
**Sent:** Monday, September 21, 2020 12:28 PM  
**To:** sbcob  
**Subject:** Written Comment for 9/22/2020

**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.**

Please enter this statement into the written public comment for the Board's Response to the Grand Jury Report.

Thank you

Honorable Supervisors,

Quoting the LA Times, "The Santa Barbara County grand jury criticized county supervisors this week for allowing "unfettered access" to marijuana lobbyists as the board voted to let cannabis cultivation explode in the Santa Ynez Valley region and Carpinteria with little regulation and a flimsy tax regime that has deprived the county of millions of dollars."

The response by the county legal staff is overwhelmingly, "This recommendation will not be implemented, as it is not warranted."

Lobbyist contacting supervisors during meetings and informing them on how to vote is an unwarranted ethical breach.

And when caught with serious issues, the response is "The Board disagrees partially with this finding."

It appears certain interests in government completely disagree with citizen overview of lobbyist.

Derek McLeish  
Cebada Canyon

## Ramirez, Angelica

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**From:** Wendy Davis <wendy.davis@pilatesanytime.com>  
**Sent:** Monday, September 21, 2020 12:31 PM  
**To:** sbcob; Hart, Gregg; Williams, Das; Hartmann, Joan; steve.lavagnino@county  
**Subject:** Cannabis in Santa Barbara County

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I am both appalled and saddened by the disregard of the Board of Supervisors of the findings of the Grand Jury concerning cannabis in Santa Barbara County.

Wendy Davis

## Ramirez, Angelica

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**From:** Judy Dean <judycathryndean@gmail.com>  
**Sent:** Monday, September 21, 2020 12:38 PM  
**To:** sbcob; Hart, Gregg; Williams, Das; Hartmann, Joan; Lavagnino, Steve; Adam, Peter  
**Subject:** Response to Grand Jury Report for BOS meeting 9/22/2020

**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.**

It is impossible to understand how elected officials could in good conscience adopt cannabis regulations knowingly that would result in adverse effects on public health. Yet that seems to be the case. Numerous cases of asthma and other respiratory ailments have now occurred in Carpinteria residents. In their response to the Grand Jury Report on Cannabis the BOS are making clear that the economic interests of local flower growers and potential for tax revenue are more important than the health of residents.

It was previously my position that the BOS did not realize the prevalence and severity of health impacts the cannabis industry would cause. Now that the adverse health impacts are coming to light the Supervisors must take action to correct this oversight. The Planning Commission has, at the direction of the Supervisors, hidden behind the PEIR which predicted air quality problems from cannabis production. However the PEIR did NOT adequately predict the magnitude of the health problems created by cannabis production. This issue must therefore be addressed by the Supervisors, through requirements for individual Environmental Impact studies and Conditional Use Permits for cannabis projects. In addition, illegally expanded, non-permitted cannabis sites must be shut down until the public health issues are addressed.

Common effects of environmental degradation from cannabis production include itchy, watering eyes, allergy symptoms, sneezing, scratchy throat, coughing, sleep disturbance, asthma and others. These are exactly the problems Carpinteria residents have been complaining about for three years. They are not just nuisance symptoms, but can lead to life-long respiratory disease.

By their delay in providing requested documents to the Grand Jury the Supervisors avoided the release of the Jury's report until after the supervisorial election, thereby once again obfuscating their actions and circumventing informed public input. Meaningful remedy for this will require significant changes to the County's cannabis ordinance and the process of permitting cannabis production, with input from the public.

Judy C Dean MD

## Ramirez, Angelica

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**From:** Kristi Lupoli <kristilupoli@aol.com>  
**Sent:** Monday, September 21, 2020 12:53 PM  
**To:** sbcob; Hart, Gregg; Williams, Das; Hartmann, Joan; Lavagnino, Steve  
**Subject:** Please Evaluate and Implement Best Practices as Outlined in the Santa Barbara County Grand Jury 2019-2020 Report "Cannabis".

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I am writing the Santa Barbara Board of Supervisors to express my Lack of Confidence in your leadership and blatant disregard for due process in your response : Santa Barbara County Board of Supervisors (Board) Response to the Santa Barbara County Grand Jury 2019-2020 Report "Cannabis".

You have been given very clear and researched suggestions, backed by years of public outrage at your blind support of an Industry that is out of control and ravaging their own Community and your response appears to once again Lean into self preservation/enrichment and protection of the Big Business that is impacting the well being of the communities you have been elected to protect.

I ask you to take the Santa Barbara County Grand Jury 2019-2020 Report "Cannabis", Study and implement best practices for protecting the communities you were elected to protect. Stop taking ANY financial support from Cannabis related sources. I act each of the points of action sited in the Santa Barbara County Grand Jury 2019-2020 Report "Cannabis".

Kristi Lupoli  
Whitney Ave  
Summerland, CA

## Ramirez, Angelica

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**From:** Gregory Gandrud <Greg@gandrudfinancial.com>  
**Sent:** Monday, September 21, 2020 1:06 PM  
**To:** sbcob  
**Subject:** Board Agenda: Grand Jury Report  
**Attachments:** 20200531\_123001.jpg

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Honorable Supervisors,

The Grand Jury Report points out numerous flaws in the cannabis regulations adopted and enforced by your board.

I live at and own the property at 1493 Chapparal Drive. The bedroom where my spouse, Marllus, and I sleep is about 70 feet from the Everbloom parcel and adjacent to several other current and proposed cannabis operations. For almost three years, we have been inhaling the terpenes from the marijuana and/or the chemicals from the Byers system from this project and from other similar projects in the neighborhood.

The attached photo is taken from my property line and clearly shows the open vents and the pipe that emits the Byers chemicals.

Marllus had seasonal asthma for many years but over the last two and a half years it has become daily asthma. It is not well controlled even with over \$400 per month of prescription medications. He can't work outside on our property. Activities that were once common i.e. gardening is now something that he can't do. When he leaves the neighborhood, he improves almost immediately. We have had to hire a gardener to perform tasks that Marllus can no longer do. Marllus experiences frequent headaches.

Six months ago, Marllus had to see our doctor on an emergency basis as he could not breathe even with all of the inhalers he has been using for his asthma. The doctor gave him a steroid injection. The doctor said Marllus' blood pressure was extremely elevated from over-use of the inhalers. So, the doctor gave Marllus some pills to lower his blood pressure and some antibiotics and steroid pills. The next day, Marllus spent the day vomiting and weak.

If I breathe the air in our backyard at night, sometimes I experience shortness of breath when I lie down on my back in bed.

Both of us experience itchy and burning and watery eyes. We are anxious about what the long-term effects are to our health. We are reluctant to open our windows at night. Our neighbors experience similar issues.

I suspect that the Byers system is more to blame for these problems than the terpenes in the marijuana. I suspect the Byers system produces nanoparticles which coat the inside of our lungs and mucus membranes. The Byers chemicals are being sprayed 24-7 and are accumulating all over our property. When it rains, they are activated and our air quality becomes worse. When the air is very humid (as it has been over the last ten days), our air quality becomes worse. Although some of the ingredients may not be on a toxic chemicals list, they are nonetheless irritants. For example, if lemon or pine oil or surfactant was applied directly to ones eyes, it would burn in spite of not being on a list of toxic substances. My understanding is that there have been no long-term

health tests of any kind and that the very short term tests were on rats. There has been no analysis of any kind of the new compounds that are created when the Byers chemicals mix with the cannabis terpenes.

There is absolutely NO SCIENTIFIC DATA on long-term human inhalation of the chemicals in the vapor phase system. But my neighbors, my husband, and I have been the guinea pigs in this horrible experiment and I can tell you unequivocally that the vapor phase system is extremely dangerous to human health.

The Byers system should not be used within 1500 feet of residences. Additionally, the 1500 foot standard should be increased where neighboring parcels are also using the Byers system creating a concentration of chemicals in the vicinity.

Please prohibit the Byers system from being used near residences and other sensitive receptors and please adopt all the other recommendations in the Grand Jury Report.

Thank you in advance for your consideration.

Sincerely,

Gregory Gandrud

(805) 566-1475 x114

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

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

(805) 566-1475



## Ramirez, Angelica

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**From:** robyn geddes <robyn\_geddes@hotmail.com>  
**Sent:** Monday, September 21, 2020 1:29 PM  
**To:** sbcob  
**Subject:** Quality of Life, Carpinteria Valley

**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.**

Re: Tuesday, Sept. 22, Board of Supervisors response to Grand Jury Report

There has been a marked upkeep and improvement in the properties that will be growing and processing cannabis. However, cosmetic changes will not offset the odor issue and how this will impact health and property values. After the recent S.B. County Grand Jury Report and numerous articles, it has become almost impossible to have faith in the cannabis growers or those BOS who have favored the industry.

Sincerely,  
Robyn Geddes  
Carpinteria



## Ramirez, Angelica

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**From:** Eileen Read <eileenwhiteread@gmail.com>  
**Sent:** Monday, September 21, 2020 1:40 PM  
**To:** sbcob  
**Subject:** Santa Barbara Grand Jury Cannabis Follow-UP

**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.**

September 21, 2020

Dear Santa Barbara County Supervisors:

It is quite clear from the Grand Jury Report that the public does not trust the County's management of the Cannabis Program. Additional reforms are needed to address cannabis's impacts on surrounding farms, businesses, our wine industry, our children, and local residents and communities. The Grand Jury Report identified a number of issues that the Board should act to address:

1. Need for better environmental review. The PEIR has numerous flaws, and should not be relied on in individual cannabis permit approvals. Either revise and update the PEIR, or prepare better environmental review of each project.
2. Create a Public Working Group and Enhanced public processes. The County's review of existing programs, permit issuance and oversight is not accessible to the public. Reforms are needed.
3. Shine sunlight on the Board's meetings and sources of information. Regardless of the legal ability to operate in secret, the Board can and should agree to disclose the substance of all meetings with lobbyists and interested parties, and report at hearings those interested parties that have made significant campaign contributions.
4. Additional Ordinance revisions are required to require odor control in AG-II areas, reduce allowable site coverage, address overconcentration issues, reform Carpinteria's rules for cannabis in antiquated greenhouses, narrow allowable non-conforming uses, reform how permits are granted to grows that have expanded legal non-conforming uses, and set clear boundaries and standards for odor from cannabis operations.
5. Unincorporated communities should not have cannabis dispensaries forced on them. Residents and business owners in Summerland and around Santa Claus Lane have spoken loudly and clearly in opposition to a retail dispensary. As a resident of Montecito, I would also strongly oppose a retail pot store in my community. Retail operations should be located *away from* family areas where minors gather, such as near the beach, schools, and parks, and *toward* busy business/shopping centers where there is plenty of parking.
6. Please keep in mind that Santa Barbara County's vital viticultural operations are at stake, as is our reputation as an upscale, wholesome, sophisticated community. We are dependent

on high-end tourism. Already, Santa Barbara is being joked about as "Humboldt South," and we are gaining a reputation for political corruption. This must end.

Thank you,

Charles C. Read and Eileen White Read  
1330 Plaza Pacifica  
Montecito, CA 93108

## Ramirez, Angelica

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**From:** Evan Turpin <epturpin@gmail.com>  
**Sent:** Monday, September 21, 2020 1:44 PM  
**To:** sbcob; Hart, Gregg; Williams, Das; Hartmann, Joan; Lavagnino, Steve; Melekian, Barney  
**Subject:** Grand Jury Report and Your Response

**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 BOS,

You have failed your communities, the residents of Santa Barbara County, by refusing to implement the changes recommended by the SB County Grand Jury.

You have broken our trust in our local government by working behind closed doors, you have failed to listen at county hearings, and you have refused to take responsibility for your actions.

Please reconsider, the problems will not simply disappear and our voices of discontent will continue to be heard.

Thank you,  
Evan Turpin  
Carpinteria resident

## Ramirez, Angelica

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**From:** Leigh Johnson <rlj.leigh@gmail.com>  
**Sent:** Monday, September 21, 2020 1:58 PM  
**To:** Williams, Das; Hart, Gregg; Hartmann, Joan; Adam, Peter; sbcob; sbcob; Lavagnino, Steve  
**Subject:** For agenda item: Grand Jury report 9-22-2020

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Honorable Supervisors;

Please don't disregard the Grand Jury's Report as suggested in the county presentation submitted. The Grand Jury's report was put together at great lengths with time, effort and evidence collected. Some of you are woke to the issues we are facing with the barrage of cannabis that is choking us out. Some of you are trying to remedy the situation and save farmers, ranchers, and rural residents that are suffering and fearful of living and working amongst and industry not meant to be left to its own devices in far reaching remote places. Some of you are working to save legacy agriculture and the prized appellations that were painstakingly established as the most premier wine growers in the nation. Some of you are concerned with the general health, safety and welfare of your constituents and doing all you can to fix the problem. Some of you can't be influenced by lobbyists and would rather hear from those living and working amongst the throngs of migrating entitled entrepreneurs with their baggage of felonies and misdemeanors. Some of you care about what is happening to Santa Barbara County; how the future is being shaped at this very moment, and what the negative aspects will be of an invasive industry with problematic codes of conduct.

Cannabis in preponderance may have appeared to be a panacea to the 2008 pension debacle; but it's not the answer. It's like painting over rust with actual rust. The cure is far more painful to the mass and will forever change Santa Barbara County as its known and loved.

Thank you you for your consideration;

Leigh and Ronnie Johnson  
Cebada Canyon

## Ramirez, Angelica

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**From:** Kendra O'Connor <sbbunnys@icloud.com>  
**Sent:** Monday, September 21, 2020 3:01 PM  
**To:** sbcob  
**Cc:** Hart, Gregg; Lavagnino, Steve; Adam, Peter; Williams, Das; Hartmann, Joan  
**Subject:** BOS Public comment, 9/22/20 , Agenda Item #5  
**Attachments:** BOS Public comment, 92220 , Agenda Item #5 .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.

September 21, 2020

Dear Chair Hart & Members of the Board,

One sentence, repeated multiple times in your board's response to the Santa Barbara County Grand Jury's investigation titled "Cannabis", is indicative of how this county created its infamous Cannabis Ordinance. Specifically this sentence was in response to possible findings of fraudulent affidavits signed by applicants regarding their legal non confirming status. Your response in part states:

"If such falsification is verified, the county can withdraw the letter of authorization which the state requires when issuing such licenses."

You should re-examine why the word can and not shall was used? By not using shall, your board authorized planning & development staff to decide who gets to commit fraud and who doesn't. In order to obtain a state license, the state requires local government officials to send authorization for applicants that are compliant with all local ordinances and land use entitlement requirements. Most of those claiming legal non confirming status were not compliant and were never verified. These applicants were not operating prior to 2016, had expanded their cultivation far beyond allowable acreage, had unpermitted structures or all of the above. You should re-examine why the county is willing to look the other way in order to allow these applicants to obtain state licenses.

You should ask yourselves why the county has spent so much time developing community plans, a general plan as well as land use & development codes, if they are applied inconsistently and with bias. When you are done re-examining these issues, maybe you can explain your reasons to the residents of Santa Barbara County, as to why you dismissed their overwhelming concerns and valid complaints regarding cannabis cultivators in their neighborhoods, valleys and canyons.

Sincerely,

Kendra Duncan O'Connor  
Santa Barbara

**Ramirez, Angelica**

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**From:** Rob Salomon <robb.salomon@gmail.com>  
**Sent:** Monday, September 21, 2020 3:27 PM  
**To:** sbcob; Hart, Gregg; Williams, Das; Hartmann, Joan; Lavagnino, Steve; Adam, Peter; Miyasato, Mona; Melekian, Barney  
**Subject:** Grand Jury Report  
**Attachments:** Response to BOS response to GJ Report.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.**

Please consider my letter regarding the Grand Jury Report on cannabis & the BOS response. My letter is attached to this email.

Thank you.

Rob Salomon

**ODOR CONTROL ISSUES**

The initial certification of the Byers system as the best available technology was, itself, problematic. It did little more than declare that it did not see a problem with the system and, if the system did what the marketing literature claimed, it was the best available technology. The certification did not rely on actual, impartial testing of the effectiveness of the system or the safety of the chemicals it sprays into open air. Objective system performance standards were not developed & a valid odor violation remains dependent on what is “determined by the director”, a purely subjective standard that is unfair to the cannabis community & the public community.

The seriousness of the initially flawed certification is enhanced by the fact that the County does not seem to have a formal policy to review the best available technology designation or even to investigate the new, evolving technology. The public must endure a technology that has been minimally adapted from systems developed to deal with odors emanating from relatively remotely sited garbage dumps; the system is inadequate where, as in Carpinteria, the sites are tightly packed & the aggregate size of the cannabis grows will equal 8,400,000 square feet in a narrow 4 square mile strip between the ocean & the mountains.

The County seems to be satisfied if a permit applicant has installed a Byers system; it seems to demand only that a system perform mechanically. Whether it effectively controls odor does not seem critical to permit issuance, at least in part because there is no reliable way to make that critical assessment. Even with a permit, odor enforcement will rely on public complaint & later verification as “determined by the director”. That verification is problematic unless climactic conditions & operational activity are substantially identical when the director makes a verifying odor determination.

**LEGAL NONCONFORMING USE ISSUES**

The vast majority of cannabis cultivation sites are based upon the status of legal nonconforming use (LNU). The Board of Supervisors response to the Grand Jury report repeatedly relies on California Supreme Court law to justify its actions. There is California Supreme Court law (*Hansen Bros v Nevada County CA Board of Supervisors*, 12 Cal.4th 533 (1996)) controlling the creation of valid LNUs. But the County has elected to waive adherence to the case in its entirety even as it used LNU status as the foundation of its regulatory plan. The Hansen opinion recites as follows:

*California Supreme Court law has established stringent rules to govern the creation or confirmation of legal nonconforming status:*

- 1. The status claimant has the burden to present substantial evidence proving the existence & extent of the use at the time specified in the zoning change that created the nonconforming use;*
- 2. The claimant's evidence must be presented in the course of a process or hearing that is open to the public & allows evidence contradicting the claim;*



3. *Subject to very limited exceptions, which may vary by local jurisdiction, expansion of the use extinguishes the legal nonconforming status. The claimant's establishment of the baseline extent of use, therefore, is critical in order to enable a fair finding of whether there has been unlawful expansion.*
4. **A local jurisdiction may not waive adherence to these State rules.**

The County process, to the contrary, first allowed a claimant to proclaim its legal nonconforming status without any substantiation or even identification. Subsequently, the County required a claimant to certify itself as a legal nonconforming user, again without any factual or evidentiary substantiation or public input. In fact, public input was impossible because the identification of the certifying parcels was intentionally kept secret from the public until late March, 2019.

The County then used the self-certified, invalid, secret legal nonconforming status to authorize the State to issue provisional licenses to these parcels. Because the County regulations allow unlimited numbers of State licenses per parcel, in the neighborhood of 1,000 state licenses have thus far been issued to County parcels which have not received County permits. Qualification for State licenses & renewal is a process that is invisible to the public; renewal of the licenses apparently will be endorsed by the County unless the public can introduce proof that the licensee should not have qualified for LNU status or unlawful expanded beyond an unidentified baseline.

The County decision to transfer the burden of proof from the LNU claimant to the public was, & remains, a denial of due process. The fact that non-permitted LNU sites, of undetermined LNU validity, are allowed, even encouraged, to continue to operate & be exempt even from the relatively ineffective County odor regulations highlights the severity of the due process denial.

#### **SUMMARY**

The County response to the Grand Jury report relies on legal technicalities, dotted "i"s & crossed "t"s. I don't have the qualifications to challenge that reliance. But I do know for certain that the public was largely excluded from participation in the creation of the ordinance, the subtleties of which now plague the community. The County response, for example, proudly points to its certification of the PEIR on February 6, 2018 at a meeting open to the public. There is no one in Santa Barbara County who does not know what the community was dealing with at that time & during the preceding 50+ days. The Board denied requests for postponement & under those circumstances "allowed" the community to express its opinions on a technical legal document over 500 pages long. The County may have dotted its legal "i"s & crossed its legal "t"s but it effectively executed a strikethrough of the effective participation of the non-cannabis community.

The County response also relies on Supreme Court law. But with regard to LNU status, the foundation of its regulatory scheme, the County totally disregarded a Supreme Court case that enunciated well accepted safeguards for the public community. The County excused itself from that inconvenience on the grounds it was overly burdensome.

Respectfully Submitted---Rob Salomon, Carpinteria