

# Santa Barbara County Coalition for Responsible Cannabis

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## **LAWSUIT FILED CHALLENGING HOOPS ORDINANCE ENVIRONMENTAL STUDY**

**SANTA BARBARA, CA** – The Santa Barbara County Coalition for Responsible Cannabis announced today that it has filed a Petition for Writ of Mandamus in Santa Barbara County Superior Court challenging the Board of Supervisors’ approval of the Hoops Structures Ordinance Amendment and certification of the Final Program Environmental Impact Report (EIR). The EIR identified numerous Class I significant impacts associated with the new permissive rules for the plastic-covered structures, including impacts to visual, biological and water resources and from disposal of plastic waste. These significant impacts include both direct and cumulative impacts.

“Large, unregulated hoop structures are a blight on Santa Barbara County’s pastoral open agricultural lands. They create land use incompatibilities and generate hundreds of tons of plastic waste annually” explained Coalition attorney Marc Chytilo. “The weak ordinance adopted by the County will have ten “Class I Significant Impacts”, but the County rejected nearly every mitigation measure and alternative suggested in the EIR that could have reduced these impacts. The Ordinance opened a loophole for potentially significant expansions of cannabis grows in inappropriate areas under exempted hoops. Rather than strengthen the ordinance to avoid these impacts throughout the community, the County swept the impacts under the rug, hoping no one would notice. The action was brought to address both the impacts of unregulated hoops and runaway cannabis cultivation in hoops.”

Hoops have been used for growing berries in recent years, and have become a common sight in industrialized agricultural areas such as the Santa Maria Valley. Hoops require permits under the County’s zoning ordinance, but some agriculturalists asked for new exemptions for hoops below a certain height. Around the same time, Prop 64 passed and some cannabis growers installed large areas of hoops in Los Alamos, along Hwy 246, on Santa Rosa Road, in Santa Ynez Valley and at places throughout the County without permits. Abuse of hoops is but one area where cannabis cultivators have unnecessarily impacted surrounding communities. Uncontrolled cannabis grows under hoops can have permanent impacts from the conversion of open space and habitat areas, cause odors impacting residential and other sensitive land uses, and contribute to the visual blight that hoops have brought to many communities already.

The County directed preparation of the Hoop House Ordinance and environmental impact report in 2017, and, after various public hearings, in April 2019 adopted a weak ordinance that exempted hoops below 20 feet tall from permitting, with certain exceptions. The Hoops EIR relied on improper assumptions of the amount of cannabis use, failed to provide substantive responses to

public comments, and flip-flopped with ongoing changes to the Project Description and saw the evisceration of the mitigation measures, none of which the public got to comment on and all of which culminated in a legally deficient EIR.

Although initially requested by berry growers, cannabis growers have sought exemptions under the Hoop House Ordinance. The draft and final EIR established that the Hoop House Ordinance would not allow exemptions for cannabis grown in hoops, and any cannabis grown under hoops would require the hoops to be specified in their cannabis permits. However, during the approval of the ordinance, County Staff and the Supervisors acknowledged that exempt hoops could be added to already-permitted outdoor cannabis operations *without* any additional permit process. This fact exacerbates Coalition concerns over an excessively-permissive Cannabis Land Use Ordinance that has no limits on acreage or the size of grows, allows stacking of licenses, includes nominal or non-existent odor control standards, and has minimal public notification requirements and, in most areas, a nominal permit process.

The Santa Barbara County Coalition for Responsible Cannabis is an umbrella Coalition - of residents, vintners, avocado growers, small business owners, non-governmental organizations and schools in all five Supervisorial Districts in the County - including leaders from communities and neighborhoods throughout the County that have been affected by cannabis grows. Santa Barbara County officials have declared the County seeks “world domination” of cannabis cultivation, and has adopted some of the weakest and most permissive permit programs for cannabis grows in the state, allowing licenses for small ¼ acre grows allowed by Prop 64 to be “stacked” into massive grows, such as one in Santa Ynez Valley that combined over 200 “small grower” licenses for into one 50-plus acre grow.

The first round of cannabis cultivation permits are being issued by the overworked and understaffed County Planning Department under the lax standards in the County’s ordinance. While the County is beginning to take steps to hopefully strengthen the ordinance to better protect existing rural communities, the impacts continue to manifest. Avocado farmers have been unable to apply even organic pest controls, while some vineyards find themselves surrounded by large grows with no odor control whatsoever. There are rows of greenhouses that literally surround schools in Carpinteria, where the Supervisors approved an unprecedented 186 acres of cannabis. Virgin riparian and oak woodland habitat and avocado ranches have been bulldozed in remote rural areas, with new chain-link fences and barbed wire, armed private security patrols and guard dogs becoming common.

SBCRC recognizes cannabis has been sanctioned in the state and does not oppose its use, but does oppose industrial scale operations being approved under weak and unenforceable permits and any grow that is incompatible with surrounding existing land uses. Under state and local law, cannabis is not agriculture and, because of the elevated potential for land use incompatibility, commercial cultivation should be allowed only in areas and under conditions where appropriate, where odor is completely controlled to preserve the character of the surrounding community.

For more information about SBCRC, email [coalition4responsiblecannabis@gmail.com](mailto:coalition4responsiblecannabis@gmail.com)