LATE DIST #1

Alexander, Jacquelyne

From: lisa@mtallenlaw.com
Sent: Monday, February 26, 2018 11:01 AM
To: 'cannabisinfo@countyofsb.org'; Villalobos, David; sbcob; Williams, Das; Wolf, Janet; Hartmann, Joan; Adam, Peter; Lavagnino, Steve
Cc: 'Matt Allen'
Subject: Cannabis Land Use Ordinance
Attachments: Letter to Supervisors - 2.26.2018.pdf

Please see attached.

Thank you.

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February 26, 2018

VIA E-MAIL cannabisinfo@countyofsb.org; dvillalo@co.santa-barbara.ca.us; sbcob@co.santa-barbara.ca.us; dwilliams@countyofsb.org; jwolf@countyofsb.org; jhartmann@countyofsb.org; peter.adam@countyofsb.org; steve.lavagnino@countyofsb.org

Santa Barbara County Board of Supervisor
Attn: Clerk of the Board
105 East Anapamu St.
Santa Barbara, CA 93101-2058

Re: Reconsideration of the Cannabis Land Use Ordinance

Dear Supervisors:

I represent United Property Solutions with regard to their concerns about the Cannabis Land Use Ordinance. United Property Solutions intends to cultivate cannabis on an AG II parcel that is over 100 acres and adjacent to an EDRN called West Buellton in the Santa Ynez Community Plan. My client is very concerned that the restrictions placed upon its parcel, because it is adjacent to an EDRN, are inconsistent with other restrictions in the Ordinance as well as the purpose of EDRNs under the Community Plan.

The principals in United Property Solutions have been involved in the medical cannabis business for a number of years. They are fully aware that this type of ordinance takes a balanced and diligent approach. Further, they realize that growth in the industry can only come with a balance of courtesy to our neighbors and opportunity for cultivation. They want a compliant industry to be able to move forward. However, they are concerned that this balance is not being maintained with regard to properties adjacent to EDRNs.

Because their parcel is adjacent to an EDRN, it will be required to obtain a CUP in order to permit any cultivation on the parcel. However, if it were AG I 40 parcel which is less than half their size and within the Urban Boundary line, the property would only require an LUP in order to obtain the very same outdoor and indoor cultivation

permits. There is no explanation for this higher standard in the ordinance nor is there any mention of any increased impacts which would justify this restriction in the EIR.

In addition, the majority of the complaints at various hearings have concerned the Carpinteria Valley and odors from the greenhouses there. These parcels are generally smaller AG I parcels, whereas AG II ranges from 100 acres like my client's to thousands of acres. Greenhouses can be within 750 feet of a school or other sensitive receptor and permitted with an LUP. However, AG II parcels next to an EDRN could have their premises separated by 750 feet or hundreds of acres and still need a very expensive CUP to permit the same indoor cultivation. If odor control that is 750 feet from a sensitive receptor such as a school can be accomplished through an LUP, it can certainly be accomplished through an LUP on AG II adjacent to an EDRN.

The Santa Ynez Valley Community Plan covers my client's property. It defines the purpose of an EDRN and states that "The purpose of this designation (EDRN) is to **prevent** pockets of smaller rural residential development from **spreading onto adjacent agricultural lands**." (SYV Community Plan p. 64). While this does not mean that these parcels should not be protected, it makes clear that the designation was not intended to be used to restrict the use of the neighboring parcels. EDRNs are intended to stop the intrusion of these parcels into agricultural lands. Clearly, creating barriers to cannabis cultivation that is more restrictive than being 750 feet from a school was not the intent of the Community Plan when it designated this EDRN.

We would request that the following three changes be considered. First, we would request that the Valley Plan be followed and that EDRNs not be used to change the ability of large AG parcels from cultivating cannabis as compared to their neighbors. The restriction on parcels next to an EDRN should be removed. This meets the purpose of the Valley Plan and is reasonable in light of the size of these parcels.

Second, and in the alternative, AG II parcels adjacent to and EDRN should not be treated in any more restrictive a manner than AG I parcels that can actually be inside Urban Boundary. If odor control can be effectively processed for these parcels with an LUP, then it can certainly be effectively processed with and LUP on lands adjacent to an EDRN. The very expensive and time-consuming CUP process should be changed to an LUP, so that parcels creating less impact are not required to jump through more regulatory restrictions.

Third, many of these parcels are very large. If a setback from the premises to the neighboring property line is adequate for Santa Barbara County and the State of California to treat a sensitive receptor just like any other property owner, a similar setback from the licensed premises to the property line should be adequate for an EDRN to be treated just like any other AG II parcel. Thus, if the distance from the premises to the property line on properties adjacent to and EDRN is 600-750 feet, we would ask that they not be considered adjacent and be allowed to comply with the same rules as all other AG II parcels.

We realize that many of these rules have been made quickly due to the rush from the State. We are not stating that consideration for neighbors and simple common courtesy is not required for EDRNs or any other property owner. However, the changes made to the ordinance are simply not consistent. Being adjacent to an EDRN should not create more restrictions than being near a school or sensitive receptor. The changes are not consistent with the entire purpose of creating EDRNs, because they were designed to limit the impacts of these parcels on the surrounding AG lands. The language needs to be changed to treat property owners adjacent to an EDRN in a manner that is not arbitrary and discriminatory when compared to those near sensitive receptors or other AG I and II property owners.

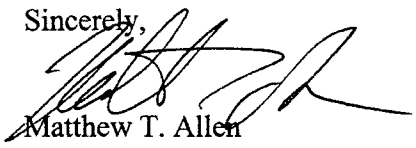
It has been clear for many months through the hearing process that the County is looking to allow some amount of cultivation. Based upon the complaints, it has been clear that the parcels with the least impact are those in the AG II zoning and far away from the towns. My client's property meets these requirements, except that now it is being treated in a manner that is more restrictive than if it were more impactful than AG I 40 750 feet from a school simply because it is adjacent to an EDRN. This is not a supportable distinction to make and is arbitrary and discriminatory.

In order to avoid the restrictions on properties adjacent to an EDRN being arbitrary and discriminatory, we are requesting that either option 1 or option 2 and 3 be added or changed in the ordinance:

1. EDRNs are treated like their intended purpose under the SYV Community Plan and no additional restrictions are placed upon properties adjacent to them.
2. Properties adjacent to EDRNs are treated in the same manner as AG I parcels that are much smaller such that they can be permitted for both indoor and outdoor cultivation under an LUP.
3. Restrictions for parcels adjacent to an EDRN are no more protective than those next to a sensitive receptor, such that a setback from the premises to the property line is adequate to allow for the premises to be permitted like any other AG II parcel with no odor control.

On behalf of my client, we want to thank you and acknowledge the effort of staff, the Supervisors, the Planning Commission, and all of the citizens that have attended these hearings, as we all work toward trying to get a good ordinance in place. We respectfully request that you consider the changes above, as the present restrictions on properties adjacent to EDRNs appear arbitrary and discriminatory as drafted. Should you have any comments or questions, please do not hesitate to contact me.

Sincerely,



Matthew T. Allen

cc: United Property Solutions