

#3

de la Guerra, Sheila **Public Comment**

From: Courtney Taylor <me@courtneyetaylor.com>
Sent: Monday, September 13, 2021 4:55 PM
To: sbcob
Cc: John Terlato; Michael Perlberg
Subject: Public Comment / Item #3
Attachments: BOS Letter 2021-9-13 RE Cannabis Ordinance Amendments.pdf



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

Dear Clerk of the Board:

Attached please find a public comment for Departmental Item #3 on tomorrow's Board agenda.

Thank you,
Courtney

Courtney E. Taylor

6465 Nursery Way, San Luis Obispo, CA 93405

p: [805.316.1278](tel:805.316.1278) | **c:** [805.234.2706](tel:805.234.2706) | **w:** courtneyetaylor.com

Legal Counsel to the **Alcohol Beverage Industry**

Click [here](#) to book time with me.

Privileged and Confidential Communication: The contents of this email message and any attachments contain confidential and/or privileged information from the Law Office Courtney E. Taylor, a Professional Corporation. The information is intended to be for the sole use of the individual or entity named on this email transmission. If you are not the intended recipient, or if this message has been inadvertently directed to your attention, you are hereby notified that you have received this message and any attachments in error and that any review, disclosure, copying, dissemination, distribution or use of the contents of this email message is strictly prohibited. If you have received this email in error, please notify the sender immediately by return email and delete and destroy all copies of the original message.

SANFORD

A Terlato Family Winery

September 13, 2021

Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, California 93101
By email to sbcob@co.santa-barbara.ca.us

**RE: Amendments to LUDC Regarding Commercial Cannabis Activities
Departmental Item #3**

Chair Nelson and Honorable Supervisors,

We write today to urge your adoption of amendments to the Cannabis Ordinance.

As a preliminary matter, I would like to express my frustration at the late noticing of the agenda items for this hearing. It was not until last week that the public had access to the specific recommendations from the Long Range Planning Division and the details that the Board would be considering. Further, with a mid-September hearing, the County has scheduled its review of this critical topic during the winegrape harvest. We would hope the Board desires to have all constituents at the table, and with the late notice during winegrape harvest, the wine industry is being left out of the discussion.

We support amendments to the Cannabis Ordinance that seek to mitigate the odor impacts of cannabis operations near sensitive receptors, including wine tasting rooms, and address the conflicts with existing agricultural operations. To that end, we support the following amendments to the Cannabis Ordinance:

1. Require CUPs for all outdoor grows. Clearly, given the complexity and unique issues each cannabis project presents, the “one-size-fits-all” LUP is inadequate. An acreage threshold for a CUP is too easily avoided – after a CUP was deemed required for sites with >51% under cultivation, only one permit was affected and there are sites with reported 50.9% under cultivation. The CUP is the appropriate and necessary level of permit to give County discretion to properly condition and control future project approvals, including to reduce conflicts with adjacent land uses.
2. Require Odor Abatement Plans (OAPs) for all outdoor grows. An OAP for all projects was identified as a key mitigation measure in the PEIR. The requirement was removed for projects on AG-II parcels citing a vague “innate need” to protect agricultural land. The Board has heard the community’s outcry on this issue repeatedly for over 2 years – OAPs must be required to integrate cannabis into our community. Cannabis operators must be responsible for ensuring nuisance odors are not detectable by neighbors, including neighboring tasting rooms. Each site and operation is unique, so the burden should be on

the business who is in the best position to determine methods to avoid odors from being detected offsite.

3. **Limit acreage allowed per parcel.** All other California counties have limited outdoor cannabis acreage per parcel to between 1 to 3 acres, with major wine regions either prohibiting cultivation (Napa County) or limiting acreage to 1-acre per parcel (Sonoma County). The Board must consider these limitations were enacted to protect existing uses within the County, including their wineries and tasting rooms. As a premier winegrowing region, the Board should limit the acres allowed per parcel within the Sta. Rita Hills AVA to a reasonable (but still generous) limit of 2 acres.

As you may recall, the Planning Commission conducted four public hearings to address community concerns regarding cannabis. After much discussion and significant public input, your Planning Commission agreed that two simple amendments to the Land Use & Development Code are needed: **a CUP for cultivation and on-site processing on AG-II parcels, and countywide odor control.** That is what is being proposed here again. We remain in support of these two recommendations as they will give the County the necessary authority and discretion to customize cannabis project size and concentration, and to tailor project elements to reduce impacts to neighboring uses, including nearby tasting rooms.

To be clear, we have no issues with one's Right to Farm nor with ones right to create a livelihood, but the Board must acknowledge the conflicts that cannabis poses with legacy agriculture and resolve them. There are numerous examples of cannabis cultivators intimidating vintners by threatening them with litigation and reports to the Agricultural Commissioner for planned sprays of legal farming materials. This is unprecedented behavior from a neighboring farmer. Cannabis growers have shown through their actions that they do not value relationships with their neighbors. These farming conflicts combined with the odors cannabis plants emit demonstrate that cannabis is simply not compatible with adjacent crops. The Board has the obligation to address this conflict through site-specific permitting by requiring CUPs and OAPs for all outdoor cultivation.

We greatly appreciate your reading and careful consideration of this letter. Thank you in advance for your willingness to find a balanced solution.

Sincerely,

/s/

John Terlato