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Ramirez, Angelica

Public Comment

From: Courtney Taylor <me@courtneyetaylor.com>
Sent: Monday, February 14, 2022 1:47 PM
To: sbcob; sbcob
Subject: Public Comment - File No. 22-00138
Attachments: SAN Letter to Board 2-14-2022.pdf



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Dear Clerk of the Board:

Attached please find public comment from John Terlato and Sanford Winery regarding Cadwell Cannabis Cultivation Project, Case No.19LUP-00000-00480 which is before the Board tomorrow.

Thank you,
Courtney

Courtney E. Taylor

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Legal Counsel to the **Alcohol Beverage Industry**

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

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#2

SANFORD

A Terlato Family Winery



February 14, 2022

Santa Barbara County Board of Supervisors
123 E. Anapamu Street
Santa Barbara, California 93101
By email to Clerk of the Board

**RE: Central Coast Agriculture (aka Cadwell) Cannabis Cultivation Project
Correction to Planning Commission Hearing Record**

Dear Chair Hartmann and Supervisors:

My family and I are the owners of Sanford Winery and the Sanford & Benedict Vineyard. The Land Use Permit for cannabis cultivation before your Board for approval on February 15, 2022 (19LUP-00000-00480) is adjacent to our winery and tasting room. With this letter, I would like to provide your Board with our position on this project.

As background, we entered into a Memorandum of Understanding with the project operator (CCA) in good faith and as farming neighbors. CCA then exploited the existence of this Memorandum by making numerous misrepresentations to the Planning Commission of our intent for entering into the Memorandum, including by stating we support their project. We made our intent and continued serious concerns abundantly clear to CCA during negotiations; CCA regardless spoke on our behalf at the Planning Commission hearing and inaccurately communicated our position, which required a response from us. A copy of our responsive letter is attached.

We are concerned the same misstatements and material misrepresentations will be made again during your Board's hearing on the project in an effort to downplay our continued concerns with this project. We would like to make our position on this project clear: We oppose cannabis cultivation in proximity to our tasting room and vineyards. We know from past cultivation on this site that odors emanating from these grows impact our business. We continue to disagree with Mr. Allen's characterization of our agreement and believe that the Planning Commission relied on his statements during the hearing in approving the Land Use Permit for this project.

We would also like to note that we share the concerns of the Coalition as outlined in their appeal of this project, particularly with respect to the project's egregious failure to comply with its obligations regarding air quality, the project's lack of a legal water source and intense water usage of cannabis crops, and the character and intentions of CCA as the project operator.

Thank you for your time and attention to this matter. It is of great importance to us and we appreciate your Board listening to our continued concerns.

Sincerely,

/s/

John Terlato

SANFORD

A Terlato Family Winery

July 22, 2021

Santa Barbara County Planning Commission
105 E. Anapamu Street
Santa Barbara, California 93101
By email to Commissioners

RE: Central Coast Agriculture LUP Approval on May 12, 2021

Dear Chair Ferini and Commissioners:

I trust this letter finds you and your fellow commissioners healthy and well.

Please allow me this opportunity to re-introduce myself. My family and I are the owners of the Sanford Winery and vineyards, and I am sending this letter to address certain false statements and misrepresentations made by counsel for Central Coast Agriculture (CCA) during your Santa Barbara County Planning Commission (SBCPC) hearing on May 12, 2021 where your Commission approved CCA's pending Land Use Permit for cannabis cultivation adjacent to our winery and tasting room.

Herein, for your clarification and with an accompanying request to correct the record, I am clarifying the nature and purpose of our agreement with CCA as Mr. Allen's letter of May 10, 2021 and his statements during the hearing were materially false and misleading, and knowingly made in an effort to influence your position on approval of their cannabis permit.

Among the various misstatements, Mr. Allen stated in his letter that Sanford "do[es] not oppose the project." The letter further stated, "Thus, there is no odor issue caused by Terpenes which explains a large part of the reason why after years of operations, none of the CCA neighbors are complaining about the project or its odor.... CCA has no opposition from any of the neighboring property owners because it has actively worked with these neighbors to educate them and cooperate with them. CCA has studied its operations to show that no malodor leaves the site." Further statements to this effect were also made by your counsel during the hearing on May 12, 2021. These statements are all patently false and misleading.

Regarding our Memorandum of Understanding – we proactively reached out to CCA and opened discussions focused on crafting protections, protocols and potential solutions/resolutions regarding negative odor impacts we were experienced at our winery. During those discussions, we clearly articulated our significant and serious concerns regarding the potential negative impacts of their cannabis operation on our tasting room and vineyards, including but not limited to reported odor impacts in our tasting room, which we have experienced in the past. We made these positions completely clear to CCA, in no uncertain terms, which at the same time formed the basis for entering into our agreement. We have made Matt Allen and CCA aware of our objections and reminding him of our discussions leading up to our MOU and the purpose and intent of that MOU.

I have sent a letter to John DeFriel in an effort to determine if Mr. Allen made these false and misleading statements of his own accord or if he did so with the approval or at the direction of Mr. De Friel. In the end analysis, a member of the California State Bar made false and misleading statements to a governmental commission while also breaching the terms of our agreement (confidentiality terms). The purpose and intent of our including a confidentiality clause in our agreement, was to avoid precisely the scenario which has been created by CCA, John DeFriel and Matt Allen; a gross misrepresentation of our position by a person or company who stood to gain financially and commercially by way of providing a misstatement of the facts.

Since the hearing, Mr. Allen has sent a letter to the SBCPC articulating that his representations were misinterpretations (see attached). We did not fully agree with the wording of his letter as it does not take full responsibility for his misrepresentations, nor have not yet addressed his breach of contract. Whether his statements were based on a misinterpretation or purposely misleading (which is merely a matter of degree), these statements were false and inaccurate and after reviewing the interchange between Mr. Allen and the Commissioners during the hearing, the SBCPC relied on these statements in approving CCA's pending Land Use Permit for cannabis cultivation adjacent to our winery and tasting room.

To both correct the record and for the benefit of your Commission's review of other cannabis permits where the grower suggest or states seeming neighbor "support": our position is that we continue to oppose cannabis cultivation in proximity to our tasting room and vineyards as we are being negatively affected by the odors emanating from these grows. We entered into an agreement with CCA in an effort to protect our rights and our property and to establish protocols for addressing and dealing with these odors emanating from the grow and the attendant negative impacts on our long-established business. Equally as important, our entering an agreement was not an indication of tacit support of this or any other cannabis project, nor does it establish a lack of opposition of these grows, projects and permit requests.

The current ordinance and regulations for cannabis in Santa Barbara County have left many of us without recourse through the County's appeal process, so we were obliged to independently attempt to negotiate an agreement which at some level protected our rights. Oftentimes, these agreements do not run with the land, are personal to the cannabis operator tenant, and provide limited protections to us.

Thank you for reading this letter and listening to our continued concerns.

Sincerely,

/s/

John Terlato

CENTRAL COAST AGRICULTURE, INC.



85 W Hwy 246 #233, Buellton CA 93427

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E-M AIL: matthew@ccagriculture.com

May 27, 2021

Santa Barbara County Planning Commission
Clerk of the Planning Commission
105 E. Anapamu St., Suite 407
Santa Barbara, CA 93101

Via email to dvillalo@countyofsb.org

Re: 19LUP-00000-00480

Chair Ferrini and Commissioners:

In my letter of May 10, 2021 to your Planning Commission and during the May 12, 2021 hearing on our Land Use Permit, we referenced the Terlato Wine Group and Sanford Winery. While we do have a confidential MOU in place with them, we want to correct any misstatements and misrepresentations made in my letter and made by me verbally during the hearing. Any characterization of the agreement that we have with Sanford as their lack of objection to our project was a misinterpretation of the letter which may have misled the commission and influenced its decision. To be clear:

1. The agreement was not tantamount to support of the project;
2. The Terlato Wine Group does **not** in fact support the project; and,
3. The Terlato Wine Group continues to have serious concerns about the odor impacts of cannabis on their tasting room.

Thank you in advance for your consideration of this matter. If you have any comments or questions, please do not hesitate to contact me.

Sincerely,

/Matt Allen/

Matthew Allen, General Counsel