

MINUTES CRESTON ADVISORY BODY (CAB)

On-line through Zoom

Wednesday, March 17, 2021 7:00 – 9:30 PM

- 1) Call to Order – Flag Salute at 7:00 p.m.
All CAB members were present: Don Clark, Steve Almond, Geradine May, Roy Barba, Kurt Almond, Tom Edel and Sheila Lyons. Also present were Jim Wortner (Sheila’s alternate) and Susan Souza (Don Clark’s alternate).
- 2) Minutes of the previous meeting February 17, 2021 approved. 1st – Steve, 2nd – Don Vote unanimous.
- 3) Public and/or CAB Member Comments for Items NOT on the agenda – Sheila announced the Creston Garden Club is having a Plant Give-Away on Saturday, April 17th, donations encouraged as the proceeds go to maintain the Creston Community Garden.
- 4) Public Safety -
Cal Fire - Fire Captain Ryan–28 calls last month, no life threatening incidents, chimney fire, etc.
Sheriff’s Department - Deputy John McKenney – several incidents, one warrant issued for drug possession, abandoned car at Hwy 41 & Hwy 46 finally removed after he was sent to investigate near 100 times due to reports by drivers in the area
CHP - Lieutenant Chandler Stewart - Templeton Station – Not present tonight.
- 5) Fifth District Supervisor Report – Supervisor Debbie Arnold – postponed until later in the agenda due to other meetings the supervisor needed to attend.
- 6) Planning Department Update & Project Referrals – San Luis Obispo (SLO) County Planner, Ian Landreth, CAB liaison not present due to presence of Cassidy McSurdy, assigned County planner on tonight’s project, and her supervisor Steve McMaster’s, Principal Environmental Specialist.
 - a. **DRC2020-00037/SLOCANN, LLC at 10125 Creston Road, Paso Robles.** MUP (Minor Use Permit) for a 3-Phase project with 3 acres outdoor cultivation, 1 acre indoor cultivation with ancillary nursery

[DRC2020-00037 \(sloplanning.org\)](https://sloplanning.org)

-Presentation by project applicant Steve Shelburne, referred to hereafter as Applicant:

-He is partnering with Lew Feuerstein as SLOCANN LLC

-Phase I, 3 acre outdoor grow. He thinks main surrounding neighborhood issues are security and odor.

-Property farm labor and site manager, and his mother-in-law, Virginia (93-94 yrs old) live on the property, with farm labor and site manager being within 100 ft of the grow.

-Odor Armor remedy – Applicant claims for outdoor grow odor and terpene control you shoot into the air and it traps skunk odor (a terpene known as myrcene)

-He stated that if the first 2 acres don’t work he is prepared to pull the plug. When asked what his criteria for success was, he responded that if the neighbors oppose he would stop. Comment was made that it would be too late if neighbors grapes were already tainted.

- Q asked: Since cannabis is still considered industrial, how is this more community compatible than other industrial operations? A: Didn’t really address the question except to say that cannabis is agricultural. (State of CA and SLO County legally designate cannabis/marijuana as “commercial”. It is not designated as “agriculture.”)

Follow up observation report by Jim Wortner (see Jim's attached notes) on site visit by Jim, Sheila & Tom with neighbors Patti & Jerry Bello, Julie Magnuson, and Ned Thompson. Present at this CAB meeting were Cassidy Mc Surdy & Steve McMasters of the SLO Planning and Building Dept.

Jim: Project as reported by the applicant is power neutral, they have existing solar on the property.

J: Potential water savings as alfalfa to be removed to plant the cannabis.

J: Very close to traditional agriculture, situated between three large commercial vineyards. Question of pesticide drift with wind and birds, etc. Applicant would need to sign the traditional agricultural waiver from SLO County Department of Agriculture holding adjacent agriculturists harmless for any damage done to his crop by pesticide drift from the surrounding traditional agriculture.

J & Others: Discussion of terpenes. Various citations quoted. None definitive. Some hemp related.

J: Private dirt road into the site crosses the Huer Huero Creek. The earthen dam created for crossing does not appear to be consistent with CAB members understanding of the Dept of Fish and Wildlife rules for managing creek beds, based on other projects that have been before CAB in the past, specifically Section 1602 of the code. Environmental and Huer Huero Creek negative impacts to free water flow due to this solid dirt road crossing (dam) being re-excavated after every seasonal flow was raised.

J: No traffic study has been done to indicate the impact to entrance and egress on to Creston Rd. a heavily traveled artery.

J: No CA Environmental Quality Act/Mitigated Negative Declaration (CEQA or MND) report was provided by the Planning and Building Department (P&B Dept), or applicant, for review by the CAB and neighbors. The MND environmental review has not been completed or circulated for public input at this time of the CAB review. Applicant paid for Kevin Merk Associates but that is not adequate.

J: Question as to whether the property owner (Mother-In-Law, Virginia), has authorized the use of the property for this purpose?

J: Phase II greenhouse, plans show no light pollution mitigation, or specific technology to be used for vented odor mitigation.

J: "Fabreeze" odor mitigation for outdoor cannabis grows has not been shown to be effective in cannabis grow applications.

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J: Security fencing – not specified for Phase II greenhouse building.

J: Property in High Risk Fire category

J: Williamson Act – this type of project is not in the spirit of the WA intent to maintain open traditional agriculture, not hoop houses

J: Based on the input obtained on the CAB site visit, and review of the project proposal documents posted by the County, the recommendation would be to oppose approval.

Planning & Building Dept. Cassidy follow up to the above comments:

C: CA Dept Fish & Wildlife (CDFW) will definitely be notified. CAB would like to be copied on this report when completed.

C: Ag Dept does review applications for cannabis. CAB would like to review the SLO County Department of Agriculture pesticide drift waiver once completed for this project and copies forwarded to all impacted neighbors.

C: Projects exceeds all set back requirements for odor.

C: MND close to being completed and will be sent to CAB for review and comments by the neighbors. Lighting pollution will be addressed in this report.

Applicant: Property is in a family trust (wife and 5 others). Two of the three primary trustees have signed off on this project. Steve is in partnership with Lew Feuerstein.

Applicant: Fencing plan will be reviewed by the Sheriff's Dept. He spoke with Deputy Hernandez about a future site visit.

C: Archeological study: redacted due to potential cultural finds, standard practice.

C: Williamson Act (WA) was reviewed by Ag committee. They were in support of this contract. Non-soil cultivation within a structure was a WA concern.

Question: The property is shown as Flood Hazard on the application. Is the property in the 100 yr Flood Plain?

Neither Cassidy nor Steve McMaster's could not answer this question. Cassidy could not find it on the map.

C: All weather access would have to be approved by Cal Fire. That is a requirement.

Question: Does applicant own the narrow pencil piece of land that forms the easement between the neighbor's property into the proposed project site? A: Yes, it belongs to the Trust.

Applicant explained that when the creek flows, which is probably about every 4 years, it washed out the earthen dirt bridge he has built to be able to cross the Huer Huero and access the property. He then comes back and moves the sand in the creek bed around and puts some more decomposed granite on top to recreate the vehicle crossing.

Question: Is there an easement along both sides of the Huer Huero? No one could answer the question definitely. Kurt thought that there would only be public access allowed when the stream flows.

When asked, the Applicant said that the Cal Portland permit for mining sand and gravel from the creek bed did include operations on his and neighboring properties.

Applicant himself will not be living on the property. His land managers do live near the proposed grow site. His Mother-In-Law lives up on top of the hill overlooking the site.

Question: What will the cannabis be used for? Tetrahydrocannabinol (THC) and/or Cannabidiol (CBD)? Applicant responded the project will sell biomass only. Leaves and flowers will be harvested and stems left behind. Biomass will be freeze dried and shipped immediately. Biomass will not be dry processed on site.

Question: Has neighbor Dan Souza been contacted? He is a neighbor with a vineyard adjacent to the site. Applicant thinks maybe his partner has spoken with him. Dan's wife recently passed so everyone has been hesitant to impose during his grief.

Question: Is the property accessible when the earthen bridge over the creek is washed out? Answer: No. Applicant uses a neighbor's property to exit (Ned Thompson) or else wades across the creek with cars parked on either side.

Due to environmental concerns observed during the site visit (i.e. solid earthen bridge crossing the Huer Huero Creek bed) CAB Representative Thomas Edel, highly recommended Steve McMaster perform an in-person site visit of the property, ideally have and CA Fish & Wildlife Representative accompany him to ensure that all aspects of the property/project were in compliance with SLO County and CA Fish & Wildlife regulations.

Public was asked to comment:

Patti Bello, who lives directly across the road along Creston Rd., stated that they have a 10 yr contract with Daou that is only 3 years in. She and her family who have lived here (her husband born here) for decades could possibly lose 7 years of their contract. Contract is worth millions to her family and requires they produce “high quality wine grapes”. They just completed a tasting room on the front of the property facing the applicant, that was years in the making. The smell would hurt the tasting room visits and business due to the skunk like odors occurring for 3-4 months+ during the high tourist season months. Patti stated “It will kill our business.” It devalues their property. It would ruin their income and all their investment. Patti referred to an letter from University of California at Davis (UCD) stating the harm the drift from the cannabis could do.

Ned Thompson, immediate adjacent neighbor, is against this project. He is for property rights in general but not when the project hurts the neighbors. No one should pursue a project that would hurt their neighbors. Post meeting note: When asked by a CAB member for clarification, if Ned would allow the use of his property as an exit when the creek washes out, for the cannabis operation (trucks/vans/etc.) He stated, “The short answer is NO.”

Julie Magnuson, another neighbor, said she doesn’t want to tell people what to do, but this is a problem. She has lived here since the early 80’s. Odor would blow directly into her property in March/April. Applicant responded that the plants flower in Oct. He once again said he could use “Flo Co” a product that uses essential oils and is hydrophobic, encapsulates terpenes to a range of 500 ft.

Kurt stated that he knows an attorney who helps people get projects like this off the ground and this attorney has told him that the smell goes out 2500 ft. An example is the Steve Maldonado grow in Santa Maria.

Sheila, as the CAB representative for this area, made motion to recommend denial of the SLO-CANN cannabis project. Motion was seconded by Tom. No additional discussion ensued. CAB representatives are obligated to reflect the opinions of those who elected them and in this case the neighbors are unanimous in their opposition to this project. Tom, as CAB representative to the area immediately adjacent (some project neighbors live in his area) seconded the motion. There was no further discussion. The vote was unanimous with all CAB members being present and in support of the motion. Sheila will draft the CAB recommendation with Jim Wortner’s (her alternate) assistance, to include all the items discussed as issues at this meeting.

- b. Announcement made that this project expected to be on the April CAB agenda. No action to be taken on this project tonight. Site visit for anyone interested will be Monday, March 22 at 9 am.

DRC2019-00059/Webster Road Associates LLC at 6585 Webster Road, Creston Conditional Use Permit (CUP) for cannabis cultivation, manufacturing and distribution transport-only

[DRC2019-00059 \(sloplanning.org\)](https://www.sloplanning.org/DRC2019-00059)

5) Return to Item 5) with arrival of Supervisor Debbie Arnold –

- Annual County budget is being discussed at Board of Supervisors (B of S). Staff was telling them during the last few discussions that the County was in the red due to (Corona Virus Disease) COVID expenses, by as much as \$12M. This week they announced that with the American Rescue Plan for COVID relief the County will be getting almost \$55M to cover losses due to COVID.
- SLO Airport has already benefited from COVID relief money

- There is a seat vacant on the Coastal Commission. Santa Barbara County and SLO County have united in support of Megan Harmond as a candidate. Governor Newsom will make the final decision.

- State Water to the County – SLO County has a contract with the State for 25 AF/Yr of water. This agreement was signed in 1963 and all SLO County property owners have been paying for this all this time. Due to the drought delivery has only been about 20%, or 5AFT/Yr. SLO County did not actually have to take any of this water until the 1990's. Luckily the County has not become overly dependent on State water, however there are a few communities to which it is essential, including Pismo Beach, Morro Bay and some other smaller entities such as Avila Beach, Men's Colony). Staff came to the B of S with a proposal to sign on to an amendment to the agreement to "share" water with other counties. This opens up the options for water transfers, water banking, paper water, etc., all the things the PR Groundwater Basin has been trying to avoid. Supervisors Arnold and Peschong voted against this, but Gibson, Compton and Ortiz-Legg all voted for it. This, in spite of the fact that the Environmental Impact Report (EIR) says it will cause significant and unavoidable damage to water tables throughout the State. The State believes the good will over-ride the bad, but Supervisor Arnold believes that for SLO County the bad will out-weigh the good. There could be transfers within the County. There are options to store more water such as raising the Lopez Dam.

-Item #44 on B of S agenda on 3/16/2021 was billed as a way to bolster the County water portfolio. Staff came to the B of S with a recommendation to hire 5 new headcount to work on a fee structure to pay for water management. It did not get approved at this time. Supervisors Arnold and Peschong are in agreement that landowners who have not contributed to the draw-down of the Paso Robles (PR) Groundwater Basin should not be charged.

-Fire Safety Council report -SLO County has been receiving lots of money for fire prevention. Some money was diverted from LA County because they could not get the work done.

- 7) Unfinished Business –Brief follow up re: lack of representatives for some CAB areas. Other suggestions besides "Member at Large". We will put this on May agenda to make a decision.
- 8) Committee Reports/Next Steps–
 - a. By-Laws – Sheila L. asked for another CAB member to be part of this committee. Tom Edel volunteered to assist on this committee.
The following item was skipped in error. Have the latest by-laws been posted on website?
 - b. Elections – Committee Members still need to be decided.
No signed COS forms for new candidates as no one new announced at our Feb. CAB meeting for CAB Areas 1,3,5,7, & 9. As a result, per by-laws there does not need to be an in person election. Official Election date is April 20, and we will reseal reelected, representatives (all have returned signed COS forms) at April 21, CAB meeting.
 - c. Public Information – Roy B., Tom E. & Mike Aarons w/ Website update – Kurt A.
Question re: Domain registry (see mail) still to be determines. Members of this committee will work on ways to solicit member for vacant CAB areas.
- 9) Treasurer's Report – Roy – No changes except deduction of the \$10 bank service fee
- 10) Adjournment at 9:00 p.m.

Latest info as of March 17th

- Roy - DRC2020-00115 Hall (formerly DRC2018-00188/Engrained Hansen-Hall) at 4150 N. Ryan Road. – Second review completed by CAB at Feb. 17, 2021 meeting Planning Commission will hear this project on April 8th, 2021.
- Sheila - DRC2019-00059/Webster Road Associates LLC at 6585 Webster Road, Creston. Upcoming site visit Monday, March 22, 9am
- ??? Tom???- DRC2018-00234/Clark at 5175 Calf Canyon Highway – returning to CAB?
- Geraldine - DRC2018-00236/Clark-Gutierrez at Golden Pond Way and Blue Ridge Road, Creston. --- Withdrawn
- Sheila – DRC2020-00037 SLOCANN at 10125 Creston Rd. Site visit completed. Review completed on March 17th CAB.
- Steve - DRC2019-00183/California Production Services-Davis at 5790 Rocky Canyon Road, Creston. ????
- Other? – DRC2020-00013 - C Four SM Partners at 1175 Calf Canyon (Hwy58) – completed review at Jan. 2021 CAB meeting and final recommendation at Feb. CAB, 2021

- ~~DRC2018-00126/McAllister at 3345 Ryan Road, Creston. Pending withdraw of application. Account must be paid before the application is deemed withdrawn. In collections. Property up for sale.~~
- ~~DRC2020-00115 Hall (formerly DRC2018-00188/Engrained Hansen Hall) at 4150 N. Ryan Road. Accepted for Processing. Environmental Review Complete. Awaiting re-circulation with SCH and schedule for hearing upon account being made current. Expected possibly early 2021 hearing.~~
- DRC2018-00234/Clark at 5175 Calf Canyon Highway, Santa Margarita. AKA Bigfoot. Information hold. Pending resubmittal of required documents.
- ~~DRC2018-00236/Clark-Gutierrez at Golden Pond Way and Blue Ridge Road, Creston. Accepted for Processing. Environmental Review underway. We are hoping to have this revisit CAB (a request was sent to Ms. Lyons by the project manager for this) Ian notified us on 3/17/21 that this has been withdrawn~~
- ~~DRC2020-00013/C Four SM Partners LLC at 1175 Calf Canyon Road, Creston. Accepted for Processing. Environmental Review underway. We can re-refer to CAB and would appreciate their input earlier on. However, CAB usually wants to review the projects when they are more refined and closer to hearing.~~
- DRC2019-00059/Webster Road Associates LLC at 6585 Webster Road, Creston. Accepted for processing. Environmental Review underway. We can re-refer to CAB and would appreciate their input earlier on. However, CAB usually wants to review the projects when they are more refined and closer to hearing.
- DRC2019-00183/California Production Services-Davis at 5790 Rocky Canyon Road, Creston. Temporary Hold. The applicant was going to revise the project to meet outdoor cultivation setbacks and demonstrate their water offsets. However, the applicant has not responded to County requests and indicated they may want to withdraw their project. County staff will let CAB know if the status changes.
- DRC2020-00037/SLOCANN, LLC at 10125 Creston Road, Paso Robles. Accepted for Processing. Environmental Review Underway.

- **DRC2018-00234/CLARK at 5715 Calf Canyon Highway, Santa Margarita. Accepted for Processing. Environmental Review Underway.**