

MINUTES CRESTON ADVISORY BODY

Meeting Agenda

On-line through Zoom

Wednesday, January 20, 2021

- 1) Call to Order – Flag Salute – 7:03, Flag salute
Members present: Steve Almond, Tom Edel, Geraldine May, Roy Barba and Sheila Lyons (and Jim Wortner, Sheila’s alternate & CAB cannabis committee representative)
Members absent: Kurt Almond, Don Clark & Jan Morris
County Representatives: John McKinney, Sheriff’s Dept., Ian Landreth of County B & P Dept., and 5th District Supervisor Debbie Arnold
Public present: Don Wilson, Mike Young, Jennifer Best (neighbor to project)
Project Applicant Representatives – Mandi Pickens, project consultant; Jerry Schmidt & John Wells, project applicants; Loren Wolfe, project operations manager.
- 2) Minutes of the previous meeting -December 16, 2020 – Motion to approve Steve/Geraldine 2nd Unanimous approval.
- 3) Public and/or CAB Member Comments for Items NOT on the agenda - None
- 4) Public Safety - Sheriff’s Department - Deputy John McKenney reported on crimes in Creston over the last three months. These included search for a shooter on O’Donovan, Amber Hills domestic violence call, Hwy 58 disturbance, credit card stolen on O’Donovan, sexual assault under investigation in the town of Creston.
- 5) Fifth District Supervisor Report – Supervisor Debbie Arnold arrived around 8:15 due to an earlier meeting conflict. She reported on the status of COVID vaccination roll-out in SLO County, Fire Safety Council and update on the PR Groundwater Basin GSP.
 - Only those in the 1B category are getting shots now – front line workers and people 75+.
 - 4400 Moderna vaccine doses have been paused which could affect people getting second doses.
 - Virus variant has not yet been found in SLO County.
 - Fire Safety Council update - >100 fires in SLO in 2020, 14x were >100 acres. One was the second largest in the state. CA statistics – 4M acres burned, 990 fires
 - Supervisor Arnold is now the primary B of S rep/voter (SLO County GSA) on the PR Groundwater Basin Committee for the GSP, next meeting will be Jan. 27th, 4 pm. Anyone interested in participating in the Zoom meeting can contact her office (805) 781-4339, or her cell phone directly (805) 471-1994 to be sure you are included.
 - GSP annual report due to the state April 2021
 - Potential changes to GSP to be discussed at B of S, Jan. 26th, Item #28
 - She feels 1:1 offset is unfair, lets new huge pumpers continue with unlimited pumping but penalizes historical users who perhaps stopped irrigating and then wanted to restart and aren’t being allowed to do so. This is an unfair distribution of water. She thinks we were ok in 2009 but by 2013 Basin was in critical overdraft, with over 40K acres of vineyards added in that 4 yr period. Large new water users walked away with unregulated water use. 1:1 offset expires in Jan. 2022 and she is okay with that happening. She proposes that County adopt water usage as a land use policy (see Napa plan in B of S meeting prep) where if you want to use any water you have to get approval by the County. If you have a big project needing water you have to find the water on your own and pay for the project to bring in water as needed. Residents,

especially those who have been water responsible, should not have to pay for infrastructure to bring in water for you.

- Currently SLO County is required to comply with SGMA and bring Basin back to sustainable levels by reducing pumping, per CA State Water Board.
- Current GSA committee breakdown – SLO County 61%, San Juan/Shandon 21%, PR City, 15% & San Miguel 3% weighted voting.

Tom asked why the County doesn't require projects such as cannabis to be in the cities where they have more access to water, since these projects are commercial industrial, not true Ag. Supervisor Arnold answered that basically because the cannabis ordinance states these projects can do in rural areas and until the ordinance changes the County can't implement such a requirement. She did emphasize that the County retains discretionary power in whether to approve these projects.

- Supervisor Arnold stated that she is not in favor of a fallowing program where pumpers can put water credits in the drawer and bring them out when they choose, which could potentially be the worst time e.g., during a drought. Also, this creates a paper water system which she is adamantly opposed to based on what has happened in other parts of the state/country.

On another topic, the County has hired outside contract planners to investigate potential new projects (cannabis) and there is a concern as to whether these planners are mandated to adhere to ethical standards when doing their work. Supervisor Arnold said she does not know of any requirements for them to sign a code of ethics agreement.

- 6) Planning Department— Project Referrals/Other permits in our area and an update on what is happening in the department – Jim Wortner on behalf of CAB, Ian Landreth, County Planners

Ian Landreth mentioned that Kylie Hensley, County employee, will present at the Jan. 26th, B of S meeting regarding the SLO County Land Use Policy as it applies to the PR Groundwater Basin.

- a. Project discussion: MUP (DRC2020-00013) C-Four SM Partners, LLC, cultivation of cannabis. 3-acre outdoor cultivation, 22000 SQ FT indoor cultivation, ancillary nursery, and ancillary processing to be located at 1175 Calf Canyon Rd in **APN(s):037-391-049**

https://energov.sloplanning.org/EnerGov_Prod/SelfService#/plan/37c725ff-075d-4695-8322-e26277dbec25?tab=attachments

Mandi Pickens, the outside consultant for the applicants (Jerry Schmidt, John Will, Kevin Will and Larry Farini) who are owners of C Four SM Ranch on Hwy 58, made a presentation of the project to inform the CAB members. Her presentation is attached at the end of the minutes.

Jim Wortner (Sheila's alternate) made a site visit to learn the project details, lay out, and determine answers to the CAB project check list and how the project addresses the concerns of the Creston community. Jim's Power Point presentation is attached at the end of these minutes.

Conclusion: Issues to be addressed that are of concern to CAB

- Scope of project- Huge!!! 54,000 sq ft of new buildings. Greenhouse alone would be the largest facility within the CAB boundaries, at twice the size of Windfall Farms largest barn @~12,000 sq.ft.. This is way out of proportional with other buildings in our community and it is not agriculture by definition. The overall project (226,570 sq. ft.) would be a commercial operation roughly the size of two Wal Marts, totally inappropriate for this rural area. There are no other structures in this area of this size, nor as stated, within the CAB boundaries.

- Property is in the Williamson Act, but this project violates the spirit of the Act and by definition is not agriculture. This would be a commercial industrial site. This needs to be investigated.
- All set backs must meet the letter of the law. Even if there is no immediate neighbor on the adjacent property, there might be in the future and the neighbor's rights must be protected. There is at least one setback in the set of plans we have seen that is less than the required 300 ft. All structures situated in this setback must be removed. Also, the buildings appear to be less than 100 ft from the state Highway 58, to which it fronts.
- Project property is classified by Cal Fire as being in a very "Very High" Fire Hazard Severity Zone and all Cal Fire requirement must be met. There are residences on adjacent properties and estimated response to this property by Cal Fire would be ≥ 13 minutes. Risk of fire at a commercial site is high with the use of types of equipment and processes employed. There is a wildfire in this area of the County nearly every year. We should not be adding any additional fire risks to the residents of this area.
- Water – A neighbor's well is estimated to be about 100 ft away from the proposed well to be used by this project. Neighbor (Jennifer Best) has serious concerns about how her well will be impacted. IF this project were to go forward, this neighbor would like in writing that the project owners will drill a new well on the opposite side of the property from her property, and if her well is impacted the project owners water usage they will assist her in either fixing her well or drilling her a new well. The problem with this approach, as CAB has seen in the past, the proof of impact falls to the injured party who in most cases can not afford to pay for the necessary testing or remediation. We do not feel the neighbors should be at the mercy of the project. Project site currently uses very little water so all, so water use for this project will essentially be a new water use. Well test showed 14 gpm, which is fairly low and not considered adequate for most farming operations. Wells in the area are down about 300 ft. Recharge of neighbor's well after pump test was not available. Project is not over the PR Groundwater basin but no knowledge of the basin for this project is available. Other residents in the area have had well issues over time. CAB member who is a geologist (albeit for oil) has knowledge of the potential risk to the neighboring properties regarding overuse of the local available water and thinks this project could be a problem. There are currently at least 5 homes across the street and one next door, all on properties that could be impacted by over pumping. Additionally, CalFire has mandated that the project must have 30,000 gallons of water on reserve (project proposes cisterns set into the hillsides). These will create much the same problem that Ag ponds have done, necessitating pumping from the ground regularly to keep these filled. We believed the total water usage for this project (5.26 AF/YR) has been underestimated when we compare to other cannabis projects we have reviewed.
- It is not clear as to whether all neighbors of the project were notified. Requirement is to notify neighbors within 1000 ft of the project, rather than 1000 ft of the property line. The neighbor who is present tonight said she learned of this project through the "grapevine". She did not receive a notice. That said, neighbors spoken to, in general, do not appear opposed to this project but some have stated they fear retaliation in some form if they do oppose. Some have potential code violations on their properties and don't be reported so feel it is best to stay silent. Regardless, they have the usual concerns for a cannabis project, increased crime, fire danger, odor, traffic, etc. and for their own protection they want the project to comply with all County codes.
- Number of trips per day is estimated as being around 22 along Hwy 58. No traffic study has been done. Applicants state there will be no semi-trucks coming to this site but there will be white vans transporting goods. But there will be frequent harvests throughout the year generating biomass that the applicant feels certain they can sell....probably won't be transported in white vans???
- Smell – there are always concerns about smell emanating from cannabis projects. Operations manager claims that the strains of cannabis to be grown, phenotypically do not exhibit the skunk

odor associated with cannabis. He claims the smelly strains are unpopular. He did state that when the plants bloom, they do smell?? There is nothing limiting the strain types to be grown.

- Blue line streams – There appear to be several blue line streams designated on this property, per the maps shown to us by the applicant’s representation. The appropriate agency (CA Division of Fish & Wildlife) should be contacted and asked to provide evidence that this project does not interlope into any of these blue line streams.
- Power usage – Neighbor indicated that she has had 6 power outages since Sept. 2020, so over 4 months. There is some concern that the PG&E lines may not be able to support the new power requirements of this project. No solar is planned for this project. Estimates of power provided may be outdated as they are based on calculations used for Santa Barbara projects.
- Lighting – Questions were posed regarding lighting and whether it would be an issue for the neighbors. The operations manager was firm in his statement that there will be no light pollution from the project.
- Will anyone be living on this property? Answer was no. This is a consistent issue with all the proposed cannabis projects before CAB. NONE of them will have residents living on the property, therefore the owners, etc. will not be subject to the impacts these projects bring to the community. Neighbors of this project have all the normal legitimate concerns – crime, odors, traffic, lights, unsuitability of such a project in a rural residential community. The initial aim of the cannabis ordinance was to allow small farmers who had been growing cannabis to not go out of business and lose their property, but to be able to continue to make money. Based on our investigations, this project is being funded by real estate developers and who intend to sell to large corporate interests. This is not consistent with the types of businesses that currently exist in our community, nor the kinds of business the community wants to see located here. This business is not conducive with our Community Long Range Vision drafted and approved by the community in 2008. *“The primary vision for the Creston Community, and the Creston Advisory Body (CAB) in particular, is to preserve the unspoiled rural character of our community and to protect all the things we hold dear.”*
- Local farmers have issues with potential chemical (pesticide, etc.) over sprays, cross pollination, etc. as outlined by the SLO County Department of Agriculture when considering cannabis projects located near traditional farming. There is an apple orchard and a Christmas tree farm within 1 mile of the project.
- Not Community compatible – The Creston community has consistently expressed its desire to be a “Cannabis Free Zone” within the boundaries of CAB. We have had huge public turnouts at our public meetings (held prior to COVID) with unanimous agreement on this point by all members of the community present. There is no way that this project could meet all required regulations and be considered as compatible with our community.

And additional note:

- CAB has concerns about the use of outside “contract planners”. Supervisor Arnold did not know if these contractors are asked to guarantee that they will abide by the ethics required of County employees. In light of recent news stories this is of concern.

7) Unfinished/ Continuing Business -

- CATCH dues, \$100, will be paid. CAB vote: Sheila made the motion/Geraldine 2nd, vote for approval was unanimous.
- CAB banner is displayed in CCC.

8) New Business – None at this time

9) Committee Reports/Next Steps

- a. By-Laws — none
- b. Elections – distribution of COS Forms for incumbents who are running again in 2021 done by email along with the agenda distribution - CAB areas #1,3,5,7 & 9 – Sheila, Steve,

Jan, Roy, Tom respectively. Sheila asked that they be mailed to her at her PO Box 174. CAB needs reps for Areas 1&8, Town of Creston & Eddy Ranch also.

c. Public Information – Kurt was absent so website issues postponed.

Question re: Domain registry (see mail). Kurt please update O'Donovan rep on the website to be Don Clark.

10) Treasurer's Report – \$1008.04 Checking balance. He will pay CATCH dues.

11) Adjournment 10 p.m.