

MINUTES
Of the Regular Monthly Meeting
of the
TEMPLETON AREA ADVISORY GROUP
January 17, 2019

The Regular Meeting of the Templeton Area Advisory Group (TAAG)
was held in the Board Room of Templeton Community Service District
(TCSD) located at 420 Crocker Street, Templeton, CA.

MEMBERS PRESENT

Chris Cobey, Vice Chair
Larry Fluer, Secretary/Historian
Murray Powell, Treasurer
Larry Stone, Delegate
Bruce Jones, First Alternate Delegate

MEMBERS ABSENT

Bob Bejarano, Chair
Matthew Parker, Delegate
Joel Woodruff, Delegate
Second Alternate Delegate, [Vacant]

1. CALL TO ORDER

The meeting was called to order by Vice Chair Chris Cobey at 7:00 pm.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was conducted.

3. ROLL CALL

Secretary Larry Fluer called the roll of names of the list of delegates at the start of the meeting. A minimum of four (4) delegates is required to achieve quorum. The required minimum number of delegates was met and a quorum was declared with a total of five voting delegates present.

4. AGENCY REPORTS & UPDATES

4.1 County Sheriff's Office, north station – (Liaison: Commander Keith Scott)

- Commander Scott reported that in the period from December 28th to the present there were 296 calls to the Sheriff's Office (SO) three (3) of which were misdemeanor thefts, and one (1) robbery. Scott pointed out that the robbery which fell outside of the period of coverage mentioned had occurred at the Chevron station on Las Tablas on December 14th and the perpetrator was apprehended on December 15th.
- Deputy J. McKinney, who works for the Marijuana enforcement efforts in the SO was introduced.
- Cobey asked if any recent activities, were related to marijuana. McKinney responded that when an action to deal with cultivation arises and the SO encounters an illegal grow, code enforcement is notified and a notice is posted on the gate or point of entry asking for abatement.
- McKinney stated that in California Valley between 5,000 and 10,000 pounds of cannabis plants or cannabis had been put through the chipper. He reported that the recent activity in California Valley had resulted in removing approximately 800 pounds with a product value estimated to be between \$800,000 and \$1,000,000.
- Cobey asked whether or not activities of the SO dealt with matters relative to code compliance. McKinney responded that County code enforcement had the responsibility for code compliance, and that when this circumstance occurs representatives from the SO are accompanied by personnel from County code enforcement when code enforcement is at issue.
- Powell sought to confirm that activities by the SO were independent of code enforcement. McKinney confirmed that this was the case.

4.2 Templeton Fire and Emergency Services - (Liaison: Chief Bill White)

- Agency or entity not represented – neither verbal nor written reports were provided.

4.3 California Highway Patrol, Templeton area– (Liaison: Officer Clint Rutter)

- Agency or entity not represented – neither verbal nor written reports were provided.

4.4 District 1 – Supervisor John Peschong (Legislative Assistant Vicki Janssen)

- Supervisor Peschong began by announcing the Debbie Arnold would be serving as the Chair of the Board of Supervisors (BOS) this year.
- Supervisor Hill will Chair the BOS in 2020.
- Peschong reported that the rain had had an impact slowing down the finishing of the Main Street overlay project. Good weather had been predicted for next week, and he was hopeful that the project could be completed with the break in the rain. Several merchants had contacted Peschong around Christmas time regarding the loss of parking at a critical time in the holiday season potentially affecting revenue for the merchants. A special effort was made to complete the paving in selected areas to alleviate the problem.
- He reported that he had been in contact with the SO regarding the pressing parking issues and thanked the SO representatives for their response and assistance in dealing with the problems of parking.
- Peschong reported that he had the opportunity of meeting with some individual members of TAAG, and expressed appreciation for having met with them to consider suggestions for improvements in the process related to updating of the cannabis ordinance and project review. He promised a report from the Director of Planning and Building in response to the suggestions discussed.
- The County is reviewing the site boundaries of the Templeton Union School District maps for confirmation that candidates running for a position of delegate can be confirmed as being a resident of the jurisdiction. Cobey expressed his thanks for taking on the project and the needed clarification.
- At last Tuesday's meeting of the BOS the supervisors received a 150-page report on funding and the related budget shortfalls. An additional 2.8 million dollars is needed to maintain the local departments. The BOS has not yet decided on the matter, but now has data to consider.
- On January 19th there will be a planning session and discussions on the budget for various needs.
- Peschong announced that he keeps office hours in Templeton in the afternoons of the second Thursday of the month. Citizens can call for an appointment with him to arrange for a meeting.
- He reported on the County's needle exchange program which is now operational. The County provides needles in conjunction with the Health Department clean needle program. When the opportunity is provided, the Health Department provides information to those in need, and makes an effort to encourage persons in need into joining rehabilitation programs.

One of the primary reasons for giving clean needles is to reduce the number of HIV cases through needles that are traded with the result being a reduction in treatment services for a disease that may otherwise be prevented.

- Stone asked Peschong to clarify the issue for maps as they appear to show the boundaries of the School District. Peschong discussed the possible need for a revised map but after discussion the existing map, circa 1905, would continue to be used.
- Fluer asked what the attitude of CalFire was concerning picking up service for the areas rather than having the County work to increase budgets to cover some small departments in the area. TCSD director Jardini reported that Templeton would continue to seek funding and that the entire department may attend the next meeting of BOS where the item is discussed. She reiterated the discussion about citizens within the TCSD being generally in concurrence with adding \$180/year to their property taxes to generate the needed funding to keep the TFD open.
- Powell asked as to the current policy for notifications specific to the appeal hearing for the cannabis cultivation on York Mountain (Gardner/McAllister). As of the meeting today the appellants still have not received a notice from the County regarding the date of the appeal hearing, although the project's agent, Ms. Jamie Jones announced that the appeal would be heard on February 26th. Peschong responded that the notification in this matter should not have happened vowing that this wouldn't happen again.

4.5 District 5 – Supervisor Debbie Arnold, (Legislative Assistant Jen Caffee):

- Agency or entity not represented – neither verbal nor written reports were provided.

4.6 Planning Department – (Liaison: Kate Shea, Planning Supervisor)

- Shea reported that Trevor Keith, the Director of Planning and Building was out on medical leave, and that Rob Fitzroy would be serving as the acting director until Keith returns.
- TAAG can notice applications for referral of up to one mile, and the County website now shows North County referrals as a separate item. Cobey asked whether or not a buffer distance could be created around TAAG's jurisdictional area. Shea responded that this was not possible at present.

4.7 Templeton Community Services District (TCSD) – (Liaison: Pam Jardini, Director)

- Jardini announced that TCSD had one meeting this past month. The district met with Templeton Fire Department (TFD), and a \$15/month charge is expected to be added to property tax bills for those properties

within the TCSD area of responsibility. The cost to put the measure on the ballot to be voted on by the public is approximately \$40,000.

- Stone asked why did the TFD decide not to disband. TFD covers a seven-mile radius. Jardini responded that TFD is designated as having high call volume with the medical community in the immediate area. She cited training costs as part of the overhead needing to be supported.
- Jones asked about raising taxes from other areas. Jardini responded that they are limited to property taxes only and that TCSD cannot impose a tax on retail sales.

4.8 Public Works and Transportation – (Liaison: Joshua Roberts, Transportation Division Manager)

- Agency or entity not represented – Supervisor Peschong reported on the Main Street overlay project earlier in the meeting.

4.9 Templeton Schools (liaison: Joe Koski, Superintendent)

- Agency or entity not represented – neither verbal nor written reports were provided.

4.10 Templeton Chamber of Commerce (liaison: Jennifer Main, Executive Director)

- Agency or entity not represented – neither verbal nor written reports were provided.

5. **PUBLIC COMMENTS**

- None

6. **CONSENT AGENDA**

6.1 APPROVAL OF MINUTES: A copy of the draft minutes of the December 21, 2019 meeting was circulated by Secretary Fluer to the Board for review in advance of the meeting.

6.2 TREASURER'S REPORT: See the attachment to these minutes under item 6.2. A copy of the treasurer's report was circulated to the Board in advance of the meeting by Treasurer Powell.

A motion was made (Stone) and seconded (Fluer) for approval of the consent agenda. The motion to approve the consent agenda passed 5-0-0.

7. **OLD BUSINESS**

7.1 A motion was approved during the December monthly meeting to draft a letter of notification to be sent to property owners within 1,000 feet of the property

lines for the Caldwell/Smyth cannabis project. The need for the letter is based on a change in Title 22 that the County send notifications; however, the County will not implement the change for projects where the application had been received before January 11, 2019. A letter was prepared under the signature of Chris Cobey and sent by TAAG to a mailing list created on the County's Land View program. The required actions have been completed.

8. NEW BUSINESS

Following the request for public comments identified as Item 5 above Powell made a motion to move the discussion on CB Farms from item 8.5 to be heard before 8.3. The motion passed unanimously.

Project Review Committee (PRC) Recommendations. A copy of the PRC Chair's report of the January 3rd meeting of the PRC was distributed to the delegates for reference and use. See Item 8 in the attachments to the minutes.

8.1 Report on non-incumbent candidates for election to TAAG board at March 2, 2019, election; related election information (Delegate Powell).

- Powell reported that the election committee had assembled a list of seven candidates. He made a motion, (Fluer) seconding, to hold the election on Saturday, March 2, 2019, between the hours of 9:00 am and 12 pm. The reason for holding it on March 2nd was to coordinate the meeting with Templeton's Farmer's Market as a means to attract more voters. The motion was approved by a unanimous vote of 5-0-0.
- Powell stated that of the seven candidates running for a position of delegate that there were three openings for a delegate position and two openings for that of alternate delegates. The three candidates with the top number of votes would be seated as delegates with the first and second alternate positions being filled by the candidates with the next highest number of votes.
- The election committee is seeking three volunteers to monitor the election.
- Gwen Pelfrey, a Templeton resident asked which delegates did not run for re-election. Powell responded that Bejarano, and Parker would not run, and that Stone is resigning his role as delegate after the meeting in March.
- Jamie Jones stated that the time window for voting is very short with parents working or otherwise engaged. She asked that an extension in voting hours be considered.
- Melanie Blankenship asked why TAAG did not use the League of Women's Voters to observe the election results. Powell responded that during the last election the monitors included qualified people noting that one had been a retired police officer, another a CPA, the Legislative

Assistant to Supervisor Peschong, and others. He cited the qualifications of the others. He noted that the Legislative Assistant to John Peschong, Vicki Janssen, would be present this year, and involved in the election process as well.

- Dorothy Jennings, a former TAAG member, expressed disappointment with not spend a mere \$300 for a respected organization such as the League of Women's Voters to oversee the election. Fluer pointed out that the cost for this service was over one-third of the annual budget for TAAG.
- A motion was made by Powell to change the hours of the election to run from 8:00 am to 1:00 pm. The motion was seconded, and approved by unanimous vote 5-0-0.
- A discussion then occurred with Jennings, and Blankenship offering donations of \$100 and \$200 respectively for the engagement of the League of Women's Voters.
- A motion was made by Stone, and seconded, to look into the possibility of hiring the League of Women Voters. The motion was approved by a vote of 4-1-0 (Fluer dissenting).

8.2 Per Bylaws, Art. IV, sec. 7, consideration of applicants for appointment to vacant Second Alternate Position and possible appointment (Chair Bejarano)

- Discussion occurred between Powell and Cobey regarding a notice on call for candidates and whether or not to appoint an alternate for the one remaining meeting of the Board given the fact that there was a list of candidates seeking delegate positions. A debate between Powell and Cobey that ensued centered around whether or not the required time limits for making a call for candidates had been met. Cobey stated that vacancies on the board had been advertised with a call for candidates beginning in May of 2018 and notice had been publicized through the agenda and minutes. Stone had published a call for candidates on the TAAG website in May of 2018 as well. Cobey expressed the view that he believed that all of the alternate positions should be filled before the year ended.
- Jones expressed the view that the position for alternates would be filled as of the March election. In summary he felt that there would be no harm in filling the seats, but that there was not much gain to doing so either given the short time left between now and the seating of new delegates.
- A motion was made by Powell, and seconded (Fluer), not to appoint an alternate to the board for the February meeting with the recognition that

new board members would be seated during the March meeting. The motion was approved by a vote of 4-1-0 (Cobey dissenting).

8.3 Consideration and action on project applications referred to TAAG for comment by the County Planning Department.

Cobey asked the attendees and the delegates whether or not there was anyone present that would either like to hear or speak on the issue(s) identified in item 8.3. There were no comments from either the attendees or the delegates. A motion was made by Stone, and seconded, for approval of the recommendations as presented in the PRC report for items 8.3.1, 8.3.2, and 8.3.3. Cobey asked again whether or not members of the audience wished to speak or hear the issues surrounding each of the projects above. The motion was unanimously approved by a vote of 5-0-0.

8.3.1 Application of English (DRC2018-00216) for the corner of Cow Meadow Place and Ruth Way, Templeton, for a minor use permit for three metal buildings totaling 46,616 square feet. The project requires a CUP for total industrial building area over 40,000 square feet. Revised Plan reflects previous Public Works comments including the offer of dedication on Ruth Way. Setback adjustment to street property lines is requested. Buildings are proposed as shell structures with parking for storage use. (Delegate Powell)

8.3.2 Application of Niner Wine Estates LLC (DRC2018-00219) at 2680 Green Valley Road (Highway 46 West), Paso Robles, for an amendment to revise/remove some limitations related to events as outlined in a previously approved conditional use permit (Delegate Stone)

8.3.3 Application of Stroes (SUB2018-00082) for zero Venice Road, El Pomar Estrella subarea, for an amendment to previous parcel map (CO07-0163) to modify the building envelope. (Delegate Cobey)

8.4 Informational presentation: Update on TAAG's position on Templeton Drainage and Flood Control Study and Project 8 Addendum Final Report February 2014 and Toad Creek Watershed Report; possible referral to Toad Creek Committee (Sarah Crable, Water Resources Engineer, Public Works, County of San Luis Obispo).

- Sarah Crable from SLO County Public Works discussed a water study completed in 2014 on the Toad Creek project. She explained that there had been draft Templeton Drainage studies issued in July of 2010 and February of 2011 (reviewed by TAAG) which added a piece to the study. An ad hoc committee had reviewed the 2013 Watershed report, and in February of 2014 the Final report was reviewed and issued.

- The findings of the study have not yet been sent to the BOS.
- Crable now wants TAAG to review and understand the report and is seeking TAAG's endorsement of same. The County Department of Public Works is attempting to get the project on the capital projects improvement list so that funding can be granted. There is a goal to receive comment from TAAG's Board by the February meeting.
- A discussion ensued between members of the audience, Blankenship, Jennings, and Pelfrey who remained seated with Crable standing at the rostrum.
- Uladen Bandov, of County Public Works, stated that the report was not yet complete.
- Crable explained that a package had been distributed to the TAAG Board. Cobey expressed concern as to what kind of public input can TAAG get on the matter.
- Jennings commented with a question as to what role did TAAG's previous report have concerning the update when the last draft was issued if any. Jennings expressed a view that TAAG's previous recommendations appeared to have fallen into a black hole. Crable and Bandov reported that TAAG's concerns would be included in the latest draft of the report.
- Pelfrey asked if a date for this to go before the Board had been established and sought for the TAAG Board to refer the package to the Toad Creek Committee for action in February. Pelfrey commented on the past efforts of the TCSD, TAAG, and residents as to the need for improved drainage. She recommended that the report is assigned to TAAG's Toad Creek committee for a report from the committee at the February meeting.
- Powell asked if the open items identified by TAAG were addressed, when would the next opportunity to deal with the issues recommended by TAAG. Bandov stated that they would update the plan at a future date.

8.5 Proposed reconsideration of previous TAAG consideration on the application of CB Farms (DRC2017-00123). (Delegates Fluer/Powell)

- Fluer referred to the CPRC Report of January 3, 2019, meeting. Fluer announced to the audience that there had been a motion submitted by Fluer as the CPRC Chair for consideration with copies of the motion made available to members of the audience as set out before the start of the meeting.
- In the report the CPRC concluded that the proper action to take was to come to the board seeking the Board's approval to reconsider the CB

Farms project which was a permit CUP request for cannabis activities which was heard in May of 2018.

- Scott Silvera, a Templeton resident, spoke to the issue expressing concern with the project having been approved in the past without receiving notification of the project. He stated that he was the closest neighbor and 20 feet away from CB Farms with families and children using his horse riding and training facility. He further explained his business and stated that in his view the cannabis operation would be taking food off his family's table.
- Jason Kallen, President of CB Farms expressed surprise at some of the information provided. He had an odor control plan. He asked to straighten out a comment made that the request to modify the setback distance was a reduction to 100 feet, and not 75 feet as stated by Fluer. He stated that he had issued a letter on 8/17- 8/18 notifying all of his neighbors as to his company's plans. The letter was on Company letterhead, and he had personally put the letters into the mail boxes. He also mentioned that after the filing of the permit application on February 8, 2018, a visit was made to his property by Deputy McKinney of the SO (believed to be on or about March 8, 2018), had called on all of the contiguous neighbors and informed them of the proposed activity. Cobey sought to clarify which neighbors were contacted. Kallen responded that it involved all of the properties that shared a common property line.
- Cobey asked whether the County government has acted on the application or is it still in process. Kallen responded that the application was still in process and that it was on information hold with no hearing set.
- Jones asked to learn about issues related to grading permits. Kallen responded by explaining that he had applied for an agricultural grading permit and had the work done in accordance with the permit. After the grading was completed the application for cannabis cultivation was submitted. The County notified Kallen that they did not consider cannabis an agricultural activity. An agreement was put in place with the County for the planting of a cover crop on the graded land which would ensure compliance with the agricultural permit. Kallen reported that the seed for planting was on site and that the site would be planted on January 25th
- Fluer asked to confirm the dates mentioned and Kallen responded to the sequence of events that occurred after his submittal to the SO as a result of the application being filed, and the submittal of a security plan.
- Bob Danielson, a Templeton resident, spoke as a property owner on an adjacent parcel. He confirmed that he did in fact receive a letter from Kallen, and a visit from a representative from the SO, but that this all occurred months later, and not as Kallen has reported. Danielson

stated that Kallen chased his stepson off the property and would not talk with anybody.

- Kallen stated that he had forwarded all information requested to the County.
- Powell commented that the information that was received with the referral package was incomplete, but that now it was available.
- Dorothy Jennings, citizen and former TAAG delegate, spoke in favor of reconsidering the application in light of new information citing the fact that TAAG has done so in the past.
- Fluer made the motion, seconded by Powell, for TAAG to direct the CPRC to review the CG Farms project using recently received project application data received from the applicant in conjunction with the modifications to the cannabis ordinance effective January 11, 2019. The results of the review shall be presented to the TAAG Board for reconsideration no later than the regular meeting of the Board on March 21, 2019.
- Stone, speaking against the motion for reconsideration suggested that TAAG had taken action on the issue last May opining that the PRC had issued recommendations at that time, that he was a member of the PRC when that occurred and that the recommendations were sound. He concluded by saying that he saw no benefit to TAAG in doing so.
- Van Duren, an Atascadero resident, stated that she was appalled that Stone would not want to review hear the results of a review.

8.6 Possible adoption of San Luis Obispo County Air Pollution Control District Rule 402 as definition for nuisance odor (Delegates Fluer/Powell).

- Fluer explained that a definition developed by CPRC to define nuisance odor was not that issued by APCD, instead it was based in part on language contained in Rule 402, but that the definition was distinctly different.
- Fluer explained that odor remains a significant concern for the public as evidenced by public comments on virtually every cannabis project that has come before TAAG for review. Without a definition, those that apply the regulations are unable to determine what may constitute a nuisance, and many variables can be involved.
- Fluer made a motion for approval of the proposed definitions, seconded by Stone, as contained in the written statement along with the supporting information that had been distributed. The motion was approved with a unanimous vote of 5-0-0.

8.7 Authorization of annual payment of post office box for TAAG mail (Delegate Powell)

- Cobey made a motion, which was seconded, directing the payment of the annual post office box fee. A vote of 5-0-0 unanimously approved the motion.

9. REPORTS AND ANNOUNCEMENTS FROM COMMITTEES

9.1 Project Review Committee (permanent committeeⁱ) – Cobey, Chair Next meeting to be on March 7, 2019, at 4 pm

9.2 Community Outreach and Relations Committee (permanent committee) – Stone, Chair

- Stone presented the CORC report. The full report, dated January 12, 2019, is posted on the TAAG website under the Tab “Committee Reports.” Several of the interesting points discussed as included in the report were as follows:
 - Visitor count to the site reached 2,384 in November 2018 and 2,235 in December 2018. Total visits for the year, January 1 through December 31, reached 21,350.
 - Our email account is templetonaag@gmail.com. The number of individuals and organizations receiving information remained unchanged (313) from last month. Those recipients are separated into six distribution lists: Media, TAAG, SLO County, DL List 1, DL List 2, DL List 3. These lists can be accessed on a Smartphone, laptop, or desktop computer.

9.3 Traffic Circulation Committee (permanent committee) – Woodruff, Chair

- No report

9.4 Bylaws Committee (special committee) – Powell, Chair

- No report

9.5 Toad Creek Committee (special committee) – Parker, Chair

- No report

9.6 Election Committee (permanent committee) – Chair TBD

Covered in the discussion on item 8.1 above.

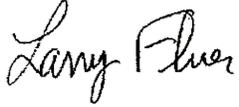
10. ANNOUNCEMENTS FROM THE DELEGATES (not on the agenda)

- None

11. ADJOURNMENT

The meeting was adjourned at 10:29 pm

Respectfully Submitted,



Larry Fluer

Secretary

Encl: Attachments 44 pages

ⁱ Permanent and special committees are listed by name in Article IX, Section 4 of the TAAG Bylaws as amended 12/21/17.

ITEM 1
MEETING AGENDA



NOTICE OF MEETING, AGENDA
TEMPLETON AREA ADVISORY GROUP

Thursday, January 17, 2019

7:00 pm

A regular meeting of the Templeton Area Advisory Group (TAAG) will be held in the Templeton Community Service District Board Room located at 420 Crocker Street (to the right/east of the fire station) in Templeton, California

MEMBERS

Bob Bejarano, Chair
Chris Cobey, Vice Chair
Larry Fluer, Secretary
Murray Powell, Treasurer
Matthew Parker, Delegate
Joel Woodruff, Delegate
Larry Stone, Delegate
Bruce Jones, First Alternate Delegate
[*Vacant*], Second Alternate Delegate

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1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE
 3. ROLL CALL
 4. AGENCY REPORTS AND UPDATES
 - 4.1. Sheriff's Office: Liaison: Cmdr. Keith Scott
 - 4.2. Templeton Fire and Emergency Services: Liaison: Chief Bill White
 - 4.3. California Highway Patrol: Liaison: Officer Clint Rutter
 - 4.4. Supervisorial District One: Supervisor John Peschong/Leg. Ass't Vicki Janssen
 - 4.5. Supervisorial District Five Supervisor Debbie Arnold/Leg. Ass't Jen Caffee
 - 4.6. County Planning Department: Liaison: Kate Shea, Senior Planner
 - 4.7. Templeton Community Services District: Liaison: Pam Jardini, Director
 - 4.8. Public Works and Transportation: Liaison: Joshua Roberts, Transp. Div. Mgr.
 - 4.9. Templeton Chamber of Commerce. Liaison: Jessica Main, Executive Director
 5. PUBLIC COMMENT

For this agenda item, members of the public who wish to speak on any topic not on the Agenda that is within the purview of the TAAG may approach the podium on a

first-come, first-served basis. Please state your name for the minutes, and limit your comments to three minutes. Per TAAG's Bylaws, no action will be taken on items not on the agenda.

6. CONSENT AGENDA

- 6.1. Approval of Minutes Meeting of December 20, 2018
- 6.2. Treasurer's Report Submitted January 13, 2019
- 6.3. Other items proposed to be added

7. OLD BUSINESS

- 7.1.1. Report on compliance with December board motion for service of notice to parcel owners with 1000 feet of the property which is the subject of the [Caldwell / Smyth](#) application (DRC2018-00183) (Delegate Fluer)

8. NEW BUSINESS

- 8.1. Report on non-incumbent candidates for election to TAAG board at March 2, 2019, election; related election information (Delegate Powell)
- 8.2. Per Bylaws, [Art. IV, sec. 7](#), consideration of applicants for appointment to vacant Second Alternate Position and possible appointment (Chair Bejarano)
- 8.3. Consideration and action on project applications referred to TAAG for comment by the County Planning Department.
 - 8.3.1. Application of [English](#) (DRC2018-00216) for corner of Cow Meadow Place and Ruth Way, Templeton, for a minor use permit for three metal buildings totaling 46,616 square feet. Project requires a CUP for total industrial building area over 40,000 square feet. Revised Plan reflects previous Public Works comments including offer of dedication on Ruth Way. Setback adjustment to street property lines is requested. Buildings are proposed as shell structures with parking for storage use. (Delegate Powell)
 - 8.3.2. Application of [Niner Wine Estates LLC](#) (DRC2018-00219) at 2680 Green Valley Road (Highway 46 West), Paso Robles, for an amendment to revise/remove some limitations related to events as outlined in a previously approved conditional use permit (Delegate Stone)
 - 8.3.3. Application of [Stroes](#) (SUB2018-00082) for zero Venice Road, El Pomar Estrella sub area, for amendment to previous parcel map (CO07-0163) to modify the building envelope. (Delegate Cobey)
- 8.4. Informational presentation: Update on TAAG's position on [Templeton Drainage and Flood Control Study and Project 8 Addendum Final Report February 2014](#)

and [Toad Creek Watershed Report](#); possible referral to Toad Creek Committee (Sarah Crable, Water Resources Engineer, Public Works, County of San Luis Obispo)

8.5. Proposed reconsideration of previous TAAG consideration on application of [CB Farms](#) (DRC2017-00123). (Delegates Fluer/Powell)

8.6. Possible adoption of San Luis Obispo County Air Pollution Control District [Rule 402](#) as definition for nuisance odor (Delegates Fluer/Powell)

8.7. Authorization of annual payment of post office box for TAAG mail (Delegate Powell)

9. COMMITTEE REPORTS AND ANNOUNCEMENTS

9.1. Election Committee (Murray Powell, Chair)

9.2. Project Review Committee (Chris Cobey, Chair)

9.3. Cannabis Project Review Committee (Larry Fluer, Chair)

9.4. Community Outreach and Relations Committee (Larry Stone, Chair)

9.5. Traffic Circulation Committee (Joel Woodruff, Chair)

9.6. Bylaws Special Committee (Murray Powell, Chair)

9.7. Toad Creek Special Committee (Matt Parker, Chair)

10. ANNOUNCEMENTS FROM DELEGATES (on items not on the agenda)

11. ADJOURNMENT

COMMITTEE REPORTS

The reports of the chairs of the Project Review Committee and the Cannabis Project Review Committee, concerning applications for review at this meeting (if any), and reports of any other committees, may be available for viewing (and downloading and printing) three days before the TAAG meeting at TAAG's website (<http://www.taaginfo.org>), on the "Committee Reports" page. A limited number of paper copies of the reports may be available at the meeting.

APPLICATION PRESENTATION PROCEDURES

1. Chairperson will call the agenda item.
2. The project applicant or the applicant's agent will present the application.
3. The review Committee will present its report.
4. Chairperson will open the floor to Delegates' questions of the applicant or agent.
5. Chairperson will open the floor for public comment. Public comments should be directed to the Chairperson, not to the applicant.
6. Applicant or agent addresses public comments by responding to the Chairperson.
7. Public comment portion of the proceedings on this item will be closed, and no further testimony will be taken.
8. The TAAG Delegates will then discuss the application and, considering all public comments, will consider making a recommendation.

PRESENTING ORAL COMMENTS

All participants should conduct themselves with civility and respect for all parties involved. If you wish to present oral comments, please observe the following guidelines:

1. Identify yourself by your full name for our minutes. (We do not currently use speaker slips.)
2. Address your comments to the Chair. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
3. Oral comments should be brief and to the point. Your comments should be about issues, and not any individuals involved.
4. Public oral comment is limited to three minutes per individual unless the Chair permits otherwise.
5. Please -- no audience reaction (applause or otherwise) during or after individual public comments.
6. Written testimony (letter, e-mail, etc.) is acceptable, but should be distributed to TAAG members at least three days prior to the meeting.
7. Once the public comment portion of the meeting is closed, there will be no further public oral comments unless requested and permitted by the Chair.

**CONSENT
AGENDA AGENDA
ITEM 6.2
Treasurer's Report**

APPROVED

**Templeton Area Advisory Group
Treasurer's Report
January 17, 2019**

Checking Account Bank Statement Activity	Date	Balance
Bank Balance	11/30/18	\$1,434.79
Checks Cleared – 12/1/18 – 12/31/18		- 0 -
Other Charges – 12/1/18 – 12/31/18		- 0 -
Deposits - 12/1/18 – 12/31/18		- 0 -
Bank Statement Balance	12/31/18	\$1,434.79

Account Activity – January 1, 2019 thru January 17, 2019:

Deposits – 1/1/19 – 1/17/19		1,000.00 *
Checks Written – 1/1/19 – 1/17/19		- 0 -
Current Account Balance	1/17/19	\$2,434.79

* Deposit in transit – Deposited January 8, 2019 \$1,000.00

Accounts Payable –

Annual TAAG Post Office Box Rental – Due by Jan 31, 2019 70.00

**ITEM 8
NEW BUSINESS**



**TEMPLETON AREA ADVISORY GROUP
Project Review Committee**

Addressing the Area's Land Use Planning Since 1994

TO: TAAG board members

C: Applicants/representatives; Kate B. Shea, Senior Planner

FROM: Chris Cobey, Chair, Project Review Committee (PRC)¹

SUBJECT: Report of recommendations from January 3 PRC meeting for TAAG
January 17 regular meeting

DATE: January 11, 2019

The PRC met for approximately 45 minutes at its regular meeting on Thursday, January 3, 2019. Committee members present were Murray Powell, Bruce Jones, and Chris Cobey.

Three applications were considered, and approval was unanimously recommended on each of the three. Four applications were noticed for January 3 consideration; the agent for the Sprint/Wyrick application requested that that application be removed from consideration.

The format of this Chair's Report is taken from that requested of CACs by the County Planning Department. In the non-PDF version of this memo, the applicant's name provides a link to the *initial* referral materials for each project received by TAAG from the County Planning Department (except in the case of the English application, in which the link is to the revised application).

* * *

¹ The report was written by the PRC chair as a summary of this PRC meeting. A full draft of the report was not circulated to other PRC members for comment and review before this report's release. This report is the product of the chair alone. **This report is not intended to serve as the equivalent of minutes of the PRC meeting.** Any PRC member is welcome to supplement this report to the Board.



Applicant: English

Agent, if any: Jamie Jones (Kirk Consulting)

Planning Department manager: Cindy Chambers (805/ 781-5608;
cchambers@co.slo.ca.us)

Nature of application: Revised application for conditional use permit

Project description²: Proposed construction of three industrial warehouse buildings on a 1.90-acre vacant lot 3

Location: Corner of Cow Meadow and Ruth Way, Templeton

PRC reviewer: Murray Powell

PART I: IS THE APPLICATION INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
- NO (Please go on to PART III.)

PART III: YOUR RECOMMENDATION FOR FINAL ACTION.

Recommend that the application be placed on the January 17 TAAG meeting agenda for recommended **approval**.

Overview:

Project application was originally issued on August 8, 2018. County held project to revise original MUP request to a CUP due to size (over 40,000 square feet) that requires a CUP. A second issue was a request to modify building setback

² Adaptation of "Project Description" language from referral package sent to TAAG by Planning Department.



requirements. Revised application was issued on December 14.

Are there significant concerns, problems or impacts in your area of review? If "Yes," please describe the impacts along with any recommendations to reduce the impacts in your response.

No.

If your community has a "vision" statement in the Area Plan – does the community feel this project helps to achieve that vision? If "No," please describe.

Yes.

What does the community like or dislike about the project or proposal?

No public input; no notice to surrounding parcel owners known of.

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

Yes. The project is located in an industrial area known as Tin City. Project plans indicate the building exterior designs to be very similar to existing structures in the area.

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

No known community option on application.

Does the community wish to have a trail in this location?

Unknown; no known public input of any kind.

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Not applicable.

Other comments:

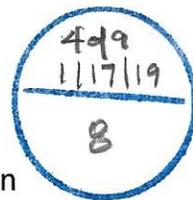
None.

Applicant: [Niner Wine Estates LLC](#)

Agent, if any: Jamie Jones (Kirk Consulting)

Planning Department manager: Holly Phipps

Nature of application: Amendment of conditional use permit



Project description³: Remove restrictions on kinds of events permitted on parcel

Location: 2680 Green Valley Road (Highway 46 West), Paso Robles.

PRC reviewer: Larry Stone

PART I: IS THE APPLICATION INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
 NO

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
 NO (Please go on to PART III.)

PART III: YOUR RECOMMENDATION FOR FINAL ACTION.

Recommended unanimously (3-0) that the application be placed on the January TAAG meeting agenda for recommended **approval**.

An absent PRC member felt that the "TAAG Board should defer judgment as the requested action may be beyond the purview of a CAC. Recommend referring proposal to County Counsel for an evaluation. Applicant may wish to consult legal counsel."

Overview:

Niner Wine Estates first received a CUP to begin wine operations in 2007. A supplemental CUP was issued in 2015. The request for an amendment to the current CUP is currently under consideration. The original CUP authorized the construction of the winery and specifically excluded "...weddings, concerts, general parties, nonagricultural trade shows/conventions, etc." The second supplemental CUP modified the restaurant standard in order to allow the use of

³ Copy of "Project Description" from referral package sent to TAAG.

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the existing hospitality building as a restaurant, to allow the expansion of the limited food service operation from 800 square feet to 3400 square feet. No other changes to the original CUP were authorized at that time. This current request for an amendment to the CUP asks that the sentence prohibiting weddings, parties, etc. be removed from the original CUP. See the Supplemental Developer's Statement for additional detail.

Are there significant concerns, problems or impacts in your area of review? If "Yes," please describe the impacts along with any recommendations to reduce the impacts in your response.

For those delegates present at the PRC meeting, no. One absent PRC delegate-member felt there were significant concerns about TAAG even considering this application, as it was an amendment of a CUP, which the delegate believed was outside TAAG's subject matter purview.

If your community has a "vision" statement in the Area Plan – does the community feel this project helps to achieve that vision? If "No," please describe.

No existing "vision" statement. Community feeling unknown; no notice to nearby landowners.

What does the community like or dislike about the project or proposal?

Five notices were mailed before the PRC meeting to seven TAAG property owners within 1000 feet of subject parcel. One emailed comment was received, which was in favor of the application.

Larry Stone sent 95 emails to members of Save Adelaida / Willow Creek Preservation Group, advising of the project. As of January 2, he had received three substantive comments: one each opposing and supporting weddings at wineries, and a third stating that the proposed amendment "runs counter to the original intent of the LUO."

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

Application is for change in allowable uses only, to reflect what agent says are uses that have been granted to other wineries.

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

No public comment received on this issue. One delegate report that "[s]ome members of the community living in the immediate area would make that claim."



Does the community wish to have a trail in this location?

No public comment received on this issue.

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Not applicable.

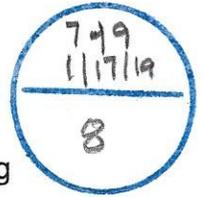
Other comments:

Parcel which is the subject of this application lies on the northern border of the TUSD, just outside TAAG's district. A canvass of TAAG members concluded that responding board members unanimously desired to see report on application, notwithstanding its location. Another view was that this application should not be considered by TAAG, because as a proposed alteration of an existing CUP between the County and the property owner, it was a matter of contract between the two parties, and was not within TAAG's subject matter jurisdiction.

A PRC member-delegate absent from the PRC meeting commented:

As the previous modification to the original CUP did not remove the restrictions against "non-agricultural events," it would seem that the authority to specifically exclude weddings and non-agricultural events as a condition of approval, as derived from the Winery Ordinance and the LUO, is preserved. Because the original language of the CUP specifically identifies weddings as "non-agricultural events" and that the original use of the property is agricultural, and that the current use (winery) of the property is still agriculture, any modification of the CUP that permits "non-agricultural events" on property designated for an agricultural use would seem inappropriate. If these specifically prohibited events are allowed at this winery, said newly allowed use effectively changes the use of the structures housing the events from Winery/Agricultural support structures to Public Assembly/Meeting Hall venues. As defined in the LUO, Public Assembly/Meeting Hall venues are not an allowable use on properties zoned for Agriculture.

Furthermore, the fact that CUP's for similar operations on other properties, as suggested in the Supplemental Developers Statement for this application, allow weddings and other activities identified as "non-agricultural events" suggests a haphazard application of the rules governing wineries. This uneven application of the rules may invite unnecessary litigation. No remedy is apparent at this time.



Finally, TAAG, as a local CAC, has no legislative or legal authority to advise on matters relating to determining conforming uses or modifying established County ordinances. Applicant may wish to consult legal counsel and County Counsel should be consulted regarding this matter.

Applicant: Stroes

Agent, if any: [none]

Planning Department manager: Katie Nall

Nature of application: Amendment to previous parcel map

Project description⁴: Proposed amendment to previous parcel map (CO07-0163) to modify the building envelope

Location: 0 Venice Road, El Pomar Estrella sub area (to the west of Almond Drive)

PRC reviewer: Chris Cobey

PART I: IS THE APPLICATION INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES** (Please go on to PART II.)
Applicants submitted slides for PRC meeting explaining application in more detail.
- NO**

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES** (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
- NO** (Please go on to PART III.)

PART III: YOUR RECOMMENDATION FOR FINAL ACTION.

⁴ Copy of "Project Description" from referral package sent to TAAG.



Recommend that the application be placed on the agenda for the January 17 TAAG meeting for **approval**.

Overview (from application):

Relocation of building envelope to the southwest, away from Venice Road and oak trees there, and expands the size of the building envelope from 1.49 acres to 1.89 acres. Encompasses existing grove of abandoned and perhaps dying walnut trees.

Are there significant concerns, problems or impacts in your area of review? If "Yes," please describe the impacts along with any recommendations to reduce the impacts in your response.

No. No building approval sought.

If your community has a "vision" statement in the Area Plan – does the community feel this project helps to achieve that vision? If "No," please describe.

No known "vision" plan; no public input; no informational notice.

What does the community like or dislike about the project or proposal?

No notices have been sent to surrounding landowners. No known opinions on the proposal.

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

No development is requested in this application.

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

No known public input of any kind.

Does the community wish to have a trail in this location?

Unknown; no known public input of any kind.

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Not applicable.

Other comments: Appears unexceptional. Proposed relocation of building envelope away from public road would seem to be advantageous both to public and to future occupants of residence.

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Pending non-cannabis applications

As of the date of this report, not counting the three projects being considered on January 17, there are seven pending non-cannabis applications, including two received since the last regular TAAG meeting.

[end]



**TEMPLETON AREA ADVISORY GROUP
(TAAG)**

Cannabis Project Review Committee

TO: TAAG Delegates

C: Applicant or representative, Megan Martin, Vicki Janssen, Jen Caffee

FROM: Larry Fluer, Chair, Cannabis Project Review Committee (CPRC)¹

SUBJECT: Report of the CPRC Chair with recommendations from January 3, 2019 CPRC meeting for consideration by the TAAG Board at the regular meeting scheduled for January 17, 2019.

DATE: January 12, 2019

The CPRC met for approximately one hour at its regular meeting on Thursday, January 3, 2019. Committee members present were Larry Fluer, Murray Powell, Joel Woodruff and Bruce Jones (alternate to Joel Woodruff).

There were approximately 20 members of the public in attendance.

1.0 Agenda.

Four items were placed on the agenda including:

- Distribution of letter to neighbors at 1,000 feet from cannabis projects for the interim projects undertaken between now and January 10, 2019, the active date where SLO County will assume responsibility for notification under the revised rules applicable to new cannabis project applications received by the County after January 10, 2019.

¹ The report was written by the CPRC chair as a summary of this CPRC meeting. The chair consulted with the assigned project leads to solicit comment before this report's release. **This report is not intended to serve as the equivalent of minutes of the CPRC meeting – it is only the chair's report, written solely by him.** Other CPRC members are welcome to supplement, expand upon, or object to, any information in this report by email or other communications with members of the TAAG board.

- The potential applicability of APCD requirements regarding the definition of nuisance odor for consideration as an addition to the cannabis ordinance.
- Additional considerations, if any, regarding the CB Farms application.
- Elements to include in the agenda for a January meeting with Supervisor Debbie Arnold.

As indicated in the agenda the meeting began earlier than the regular monthly meeting due to the shortened PRC meeting which began at 4:00 pm, and due to the limited agenda. The agenda was posted to the TAAG website on January 2nd, and email notification of the agenda was also circulated to interest groups and the applicant for the CB Farms project.

There were no new referral projects received by the CPRC that were scheduled for review. A previously considered project involving an application from CB Farms was placed on the agenda for reconsideration at the request of members of the CPRC. Prior actions of the TAAG Board on the project were included in the report of the TAAG chair (Bob Bejarano) June 2, 2018, as a result of the regular meeting of the TAAG Board at the May meeting of May 17, 2018 (attached).

2.0 Distribution of notices to property owners in proximity to proposed cannabis activities.

Two draft letters of notification of neighbors in proximity to cannabis projects had been prepared by Fluor for consideration by CPRC members in response to a motion approved by the TAAG Board at its meeting of December 20, 2018. It is TAAG's position that letters of notification should be sent to owners of neighboring properties within 1,000 feet (minimum) of the property boundaries of sites proposed to engage in cannabis activities. This position will fill the immediate gap for projects in the process until the newly accepted modification to the cannabis ordinance that requires notification of same by County Planning takes effect. The County notification process will be limited solely to projects that are opened after the effective date of the revised ordinance which is January 11, 2019.

- Committee members have since returned comments on the drafts, and revised letters in final form were mailed by TAAG's CPRC to property owners on January 8-9, 2019.

3.0 The potential applicability of SLO County Air Pollution Control District requirement regarding the definition of nuisance odor.

- A copy of APCD Rule 402 was distributed to members of the CPRC and the audience for comment. See attached.
- The current cannabis ordinance refers to nuisance odors or related nuisance over 30 times without the benefit of a definition. CUP and MUPs have been issued including conditions or comments about odor control. Without a definition, code enforcement officials, code users, growers, and members of the public are left to determine the character of a nuisance odor.
- Section 22.40.010 states in pertinent part as follows:

The purpose of this Chapter is to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with State law and federal enforcement guidelines, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas of San Luis Obispo County by establishing minimum land use requirements for cannabis activities.

Potential odor from cannabis activities, particularly from outdoor cultivation has been a major complaint from landowners in proximity to cannabis activity whether indoor or outdoor and the impact on neighborhood character within the community.

Rule 402 does not apply to odors emanating from agricultural operations necessary for the growing of crops. As stated in LUO 22.40.020 in pertinent part, “cannabis cultivation has never been considered [crop production and grazing] (a land use type) as that term is defined in the San Luis Obispo County General Plan or Titles 22 and 23, and is therefore not exempt from land use permitting requirements. Therefore, subparagraph B has not been proposed to be included in definitions for recommendation to TAAG pertinent to the term *nuisance*.

Fluer commented on odor abatement systems that have reportedly been employed for odor control in Santa Barbara County and have recently been discussed for use in a major greenhouse operation to be conducted in Nipomo. The system is being marketed locally by Beyers Scientific Manufacturing. Fluer and other TAAG delegates had the opportunity to attend or observe video recordings of the Planning Commission meeting for the Nipomo project and to listen to descriptions of the treatment system described by Mr. Beyers.

Mr. Beyers represented the system as using a chemical neutralizer, explaining that the system distributed an atomized vapor over the area treated. He cited other uses including similar systems for the treatment of odors in landfills.

The products used are produced by others using proprietary formulations tailored to “neutralize” specific odors. Beyers stated that the formulations used for cannabis were

tailored to that odor specifically mentioning that the odorants were turpenes (a class of organic compounds known to be present in cannabis operations). He added that the neutralizer contained blends of other essential oils that counter the odors of cannabis.

Although Beyers characterized the activity as a chemical reaction he stated that there were no products of reaction produced, rather the result was neutralization. Fluer explained, as a degreed chemist, that a chemical reaction is a reaction between two or more reactants to produce one or more reaction products. Fluer stated that the nature of the reaction in the systems as explained by Beyers rely on absorption and adsorption (called sorption), into and onto the surface of droplets of the chemical mixture that is dispersed in the form of atomized vapor (which Beyers explains as an invisible mist like substance).

Powell commented that the neutralizers could not be dispersed on the materials grown as explained by Beyers as the materials can influence the biological taste of the products. He further noted that in the case of the Nipomo operation the neutralizer was being dispersed outside of the greenhouse and that avocados constituted a nearby crop.

Members of the public were asked for comments, and some were aware of these systems, but for most the information was new. In the discussion, CPRC concluded that more study for systems as well as the materials to be released was in order. A suggestion was made by Powell that APCD be contacted to determine whether or not the products that might be utilized were approved for outdoor use, particularly for dispersing into the open air where environmental effects may be of concern.

The floor was informally opened to members of the public to express support or opposition to the use of the APCD definition for nuisance as applicable to odors from cannabis activities. The use of a cannabis specific definition would correlate the approach used with that of the APCD excepting that unlike other agricultural operations the exception would not be applied to cannabis.

The advantage of having a definition for nuisance odor would highlight the fact that injury, health, and safety frequently the subject of argument would not be the only driver in determining what a nuisance was as "annoyance of the public" would be sufficient cause to categorize the odor as a nuisance.

Recommendation: The CPRC unanimously concurred with the request from the Chair to bring the definition to the delegates of the TAAG Board at the January meeting to consider the APCD definition of nuisance [odor] as the basis for a TAAG position with the intent of bringing a cannabis specific definition to the County as a proposed change to Title 22. A proposed motion has been prepared by Fluer to be considered by the TAAG Board at the upcoming meeting of January 17, 2019.

4.0 Elements to include in the agenda for a January meeting with Supervisor Debbie Arnold.

TAAG members have requested to meet as individuals with Supervisor Arnold to address concerns that arose during the recent meetings of the Planning Commission to update the cannabis ordinance. Fluer reported on a recent meeting of December 21, 2018, with Supervisor Peschong. Primary concerns raised included among others:

- The time available to receive and comment on information to produce update documents in a time sufficient to receive meaningful feedback from the public.
- Access to the County Staff by cannabis industry groups that appear to favor positions taken by the growers lacking input from the public.
- Comments from the Community Advisory Councils (CAC) are marginalized due to the lack of time to study and respond to proposed changes or to take a meaningful pulse of the community due to established meeting schedules and notification of the general public.
- Comments regarding technical deficiencies in the updates to the ordinance originating from members of the public or the CAC outside of the County staff are disregarded, while comments of the special interest group are given preferential treatment.
- Recommendations to a path forward and needed improvement in the process were presented to Supervisor Peschong for further consideration. Comments from meeting attendees echoed the experience of the TAAG individual members that had participated in the process, and it was agreed that similar information presented to Supervisor Arnold be modified to:
 - Provide a greater distinction between comments on the ordinance development phase from those relative to project referral process be clarified.
 - Odor control plans and the lack thereof especially for outdoor cultivation needs to be addressed, and an approach developed for the approval of equipment and materials to be dispersed evaluated by qualified parties.
 - Include a potential proposal for the use of a cannabis specific definition of nuisance odor based on the APCD term nuisance with the support of the BOS.

4.0 Additional considerations regarding the CB Farms application aka, DRC2017-000123 Proposed CUP for cannabis activities (and related construction) in support of a request to the TAAG Board for reconsideration of recommendations on the CB Farms Project.

Since the meeting of May 4, 2018, where CB Farms cannabis operations had been reviewed, there have been numerous changes in the ordinance as well as in the body of knowledge available to TAAG at the time when the review occurred. Statements made by the then County Planning Department representative, Brandi Cummings, to the effect that a setback distance of 300-feet was to act as a buffer to allow for ambient dilution of cannabis odor have been contested, and experience to the contrary has now become the focus of protests from members of the public both within and outside of California. Also, there is a greater understanding on the part of those initially on TAAG's Project Review Committee (PRC) regarding the cannabis ordinance and its application. Indeed, the recent "update" of the ordinance exposes some of the greater shortcomings of the ordinance regarding its application and understanding by the County Staff, the CACs and the general public. For the following reasons, and the realization that the information received from the County for review at the time the application was in front of the PRC was insufficient to assess the full impact of this project on the community the CPRC is now requesting that the TAAG Board schedule a re-review of the project based on complete information now available from the applicant.

As affected members of the public appear before TAAG on various projects referred for community input the CPRC and the public continue to express their concerns. During the meeting of January 3, 2019, Fluer summarized some of the more salient concerns that have arisen in the review of projects related to cannabis activities that have been of major concern to the community, including the application submitted by CB Farms. These concerns include the impact on 1) the loss of property values, 2) odor and odor control, 3) compatibility with the character of the neighborhood, 4) required setbacks, 5) visibility of plants from offsite, and 6) timely notification of residents regarding proposed permit applications.

1. **Property Values.** The loss of property value has been illustrated by recent activity on York Mountain where the neighboring property which had been in escrow for the development of a residence fell out of escrow when the buyer discovered that the cannabis cultivation area was to become the central focus of the view lot which was in the purchasing stage. The impact on neighbors nearby is influenced by each of the following factors. See items two (2) through five (5) below. Other elements integral to the proposed design were not discussed further during the meeting.
2. **Odor and odor control.** The County Referral Package reviewed consisted of seventeen (17) pages. A question was raised at the time by the reviewers on the PRC as to what was the odor management plan. The applicant indicated that there would be no emissions of gases, smoke, dust, odors, fumes or vapors from the project. The explanation offered by the applicant that activated carbon would be used as a method to retain odors. However, no other specifics were provided. When questioned by the PRC about odors from outdoor growth, the applicant

stated that a misting system of some sort was planned to be used along the eastern boundary of the canopy area, but no detail was provided. At that time the PRC accepted statements from the then project manager at County Planning that the 300-foot setback distance was deemed to be sufficient to dilute odors from areas of cultivation. As indicated in the report from the PRC reviewer dated May 4, 2018, an odor management plan was not provided. See LUO §22.40.040 A.3.b.

- 3. Neighborhood compatibility.** LUO §22.40.040 A.3.g requires the applicant to address the matter of neighborhood compatibility and to provide a plan for addressing potential compatibility issues. The most common statement received by TAAG has been that cannabis is an ag product in an AG zone, and therefore compatible. While that statement may have been acceptable in the first of the projects taken under review by the PRC last May, it has since become apparent that LUO §22.40.010 establishes the purpose of the Chapter regulating cannabis activities to protect the public health, safety, and welfare by the enactment of strong and effective regulatory and enforcement controls, and to minimize (among others) the potential for negative impacts on people, communities, and the environment in the unincorporated areas of the County. In the case of CB Farms, the lack of public notification on this project application resulted in property owners near this project from being informed of the application, and the awareness of cannabis activity in the area was restricted accordingly. Since that time property owners with residences on properties abutting the CB Farms parcel have attended meetings of TAAG's CPRC and TAAG, including meetings of the Planning Commission to protest the changes being brought to neighborhood character by operations that experience shows will upset the established lifestyle and family business activities of at least one other abutting property owner.

After the initial review of the CB Farms project, CPRC representatives have visited an adjacent site abutting CB Farms known as Project DRC2018-00183 Caldwell Smyth, and have viewed that property from the surrounding area including residences occupied by one of the neighbors as well as from the Caldwell Smyth site. Neighbors, now informed of the CB Farms application have registered their concerns with the CPRC during the meeting of January 3rd and at other times during meetings of the County Planning Commission relative to compatibility and property values. There have been no letters or notifications of support for this project established with TAAG.

- 4. Setbacks:** At the time that CB Farms a vicinity map was developed that showed the proximity to what was defined as sensitive receptors within a distance of 1,000 feet. The receptors were limited to schools, libraries, parks, playgrounds, youth centers, and drug or alcohol recovery facilities. The setback from property

lines or to the public way (roads used by the public) for cannabis growth operations is limited to 300-feet under the requirements of LUO §22.40.050 D.3.b. Setbacks allowed by §22.40.050 D.3.e can be modified through the MUP approval process, unless otherwise required by the California Building Code. The application referral has been limited to a CUP, and a MUP is not being requested. Even if a modification is allowed within some yet to be discovered provision §22.40.050 E requires the review authority to find that any modification granted will not allow nuisance odor from being detected offsite.

The applicant requested that the required setback along the easterly property line be reduced to 75 feet to position the cultivation site in the most discreet area of the property to reduce the required setbacks. The PRC noted that riparian vegetation was within a required 50-foot setback from upland vegetation indicated in the area of the blue line stream on the eastern property boundary and commented accordingly. As knowledge about the origin of the 300-foot setback distance was discovered TAAG's CPRC representatives concluded that a 300-foot distance to the property line is insufficient to serve as a dilution distance for cannabis odors to the community. For that reason, and vocal statements received from the Templeton community, TAAG's CPRC and the TAAG board have concluded that any reduction in the minimum 300-foot setback distance is not negotiable under either a CUP or a MUP.

5. Visibility. Limiting the visibility of cannabis plants in outdoor from locations offsite, is required by §22.40.050 D.6. The requirements for fencing and visibility have been substantially modified with the amendments to the County Ordinances issued on December 11, 2018, and the concepts considered when the project was initially reviewed are now invalid. Further, if the required minimum setback of 300-feet is considered the location of the cultivation area is subject to change. Comments from the public on sites surrounding the proposed growing area have been raised to include visibility from surrounding properties containing residences of the neighbors.

- It is the opinion of the Chair and others on the CPRC that the requirements of the LUO regarding visibility are written using a term (easily) is vague and unenforceable text specifically, that the plants shall not be easily visible from offsite. The use of the term "easily" is subjective, and what may be easy to one person or from one's property may not be easy for another person or from other properties. Codes must be designed for consistent application to provide for even-handed enforcement. The use of subjective terminology defeats the consistent application of requirements.

6. Notification. Notification of affected properties by County Planning Department personnel at the time the review was established was absent, and neighbors

were not aware of the application or the impact on their community. Effective for projects applied for beginning on January 11, 2019, the County will send notice to neighbors within a 1,000-foot radius of the property line from that parcel where cannabis activities are to be conducted. In the interim TAAG has determined that notification will be sent to affected parcels within a 1,000-foot minimum range from the cannabis activity parcel, so that neighborhood owners are aware of the application and have the opportunity to make their views known as early in the process as practical. The shortcoming in the notification process used by the County in terms of timing and distance served to compound the problems for the applicant CB Farms, and the general public in proximity to the proposed project. Reconsideration of the actions and recommendations from the TAAG board at this juncture will serve to establish a more equitable opportunity for the applicant and the public to comment accordingly.

Respectfully submitted,



Larry Fluor
TAAG CPRC Chair

Enclosures (3):

- (1) Report of the TAAG Chair re meeting actions dated June 2, 2018
- (2) Letters of notification to property owners in proximity to cannabis activities
- (3) APCD Rule 402 re nuisance



TEMPLETON AREA ADVISORY GROUP

TO: Kate Shea C : TAAG members/alternates
FROM: Bob Bejarano, Chair
SUBJECT: **ACTION ON REFERRED MATTERS**
DATE: June 2, 2018

At its regular May meeting, TAAG considered and acted upon the following three proposed projects previously referred to it for review and advisory recommendation.

SKINNER-SCOVILLE

SUB2018-00006

Proposed Lot Line Adjustment to swap existing overall acreage to provide for private access to each parcel as opposed to shared easements; 1861 and 1875 Santa Rita Road in Templeton.

Department staff: Cindy Chambers.

History: No relevant history known.

Application completeness: Apparently final.

Applicant representative: Robert (Rob) Skinner.

Notification of adjacent landowners: Unknown.

Reason for application: Allow new driveway to one parcel without having to modify by demolition or other alternation an existing structure on the other parcel.

Recommendation: TAAG unanimously recommends approval.

Merits: No objections raised or received.

FINLEY FAMILY FARMS

DRC2018-00016

Proposed Minor Use Permit for cannabis cultivation including three one-acre outdoor cultivation sites and one 2,200 sq. ft. greenhouse. To be located at 630 El Pomar Drive, Templeton.



Department staff: Brandi Cummings.

History: This and the following application are the first applications for a grow of recreational marijuana in the TAAG area.

Application completeness: Incomplete.

1. Page 4, Physical Site Characteristics. Item 1 Topography. Intervals for contour lines not shown on plans. See Sheets A-1.2 and A-3.
2. Page 4, Item 9. List the names of the public roads from which the project is visible. Is it only S. El Pomar?
3. Page 5, Water Supply, Item 2. Clarify response.
4. Page 5, Item 5. Incomplete response.
5. Page 6, Waste. Where will the solid waste be accumulated?
6. Page 6, Commercial/Industrial Project Information. Emissions. It is noted that there will be odors produced by the cannabis, and that mitigation [is] addressed. What is being done to address odors?
7. Page 6, Item 8. A traffic study has been provided the form should so indicate.
8. Page 7, Item 11. See traffic study for visibility problems or connectivity problems with access.
9. Page 7, Special Project Information, Item 1. What special project information as referred to in the response is shown on plans?
10. Page 7, Item 3 What vertical integration is anticipated to be employed in the future activity connected to the proposal? Vertical integration requires a CUP per 22.40.040 B.
11. Page 7, Energy conservation Information Item 1. What is the drought resistant landscape to be provided?
12. Application Requirements: 22.40.040 A. The following information needs to be provided:
 - a) On-site security measures both physical and operational. Cameras are noted on the plans and a non-see through fence is noted.
 - i. How is security achieved?



ii. How is loitering to be prevented? The access is open to the fence. 22.40.040 D

- b) What is the odor management plan?
- c) What signage to be provided?
- d) Parking plan (two spaces provided). Required number not verified.
- e) Proof of ownership. Deferred to County.
- f) Has an employee safety and training plan been developed?
- g) Has a statement on neighborhood compatibility and a plan for addressing potential compatibility issues been provided?
- h) What is the waste management plan? Cannabis activities are required to provide solid waste and recycling collection in accord with 22.10.150.B and C.
- i) Provide a vicinity map showing at least one-thousand feet of surrounding area and the distances to the following uses: Any preschool, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. The distance to be measured from the nearest point of the property line of the site that contains the cultivation to the nearest point of the property line of the enumerated uses using a direct straight-line measurement. Not shown.

13. The Application requirements as specified in the Cannabis Ordinance have not been included in documents received. The requirements include the following:

- a) A detailed water management plan including the proposed water supply proposed conservation measures, and any water offset requirements. 22.40.050.C.1
- b) Information regarding storm water control and wastewater discharge. 22.40.050.C.2
- c) A list of all pesticides, fertilizers, and any other hazardous materials used in the nursery process. 22.40.050.C.3
- d) A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the nursery's site. 22.40.050.C.4

14. Screening and Fencing 22.40.050. D.6. The fence is to be both solid and durable. Is it solid? The TCDP indicates that Fences are of wood construction but that slatted fence can be substituted.



15. Pesticide and Fertilizer storage 22.40.050.D.9. What is the nature of the facility in which pesticides and fertilizers are to be stored and what makes it "proper" for the storage of same?

16. See application requirements as shown for Cultivation 22.40.060.C

- a) Watering management plan to include conservation measures, and any water offset requirements.
- b) Information regarding stormwater control and wastewater discharge.
- c) A list of all pesticides, fertilizers, and any other hazardous materials used in the nursery process.
- d) A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the nursery's site

Applicant representative: Matthew Goodman.

Notification of adjacent landowners: Unclear.

Reason for application: Development of crop for sale.

Recommendation of TAAG: No recommendation; comments only

Merits: Applicant has a history of experience with medical marijuana cultivation. Appears to be in compliance with County ordinance. No objections made or received.

Specific recommendations:

Recommendation #1: The submittal of a Hazardous Materials Management Plan (HMMP) (Title 16 Section 5001.5.1) and a Hazardous Materials Inventory Statement (HMIS) (Title 16 Section 5001.5.2) as described in the aforementioned sections of the Fire Code should be required. for submittal and approval by the fire code official. In addition, a current copy of the HMMP and HMIS should be maintained on site and made available to the fire code official upon request and the requirement to do so should be made a part of any operating permits issued. The HMIS and HMMP should be updated annually and maintained in a current condition throughout the useful life of the facility.

Reason: The quantities of materials to be stored or used establish specific requirements to be used in the operation of this facility. Changes in technology involving the storage or use of new materials in a facility of this nature is likely. Inspection of the facility should include a review of the approved materials as contained in the HMIS of a type and a quantity that have been defined in the list to verify that the quantities and types remain within the range specified by the permit.

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Recommendation #2: Consideration should be given by the fire code official as to the need for on-site water storage to augment water to be supplied by fire service vehicles for use by fire service personnel in emergency response or fire suppression. The capacity and nature, e.g., above ground tanks, of any onsite storage shall be determined by the fire code official.

Reason: Water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist. Storage of on-site water can be provided as a means to control possible wildfires that may expose the growing operation and accessory structures otherwise requiring access by emergency responders or other third-party personnel. Having an additional water supply available to emergency responders will provide the opportunity to control wildfires for this site.

Recommendation #3: Uncontrolled vegetation on site should be kept to a minimum and a weed control program which includes the annual disking, cutting, and/or removal of wild grasses and vegetation should be implemented annually. A master site plan indicating the management of vegetation should be submitted for approval by the fire code official.

Reason: Wildland/urban interface issues potentially expose the owner to loss and the community to unintended incidents including fires caused either purposely, maliciously, or accidentally.

- By maintaining a defensible zone around structures, the nursery and the outdoor cultivation area the potential conflagration can be kept to a minimum.
- A second consideration is that the site is required to be a secured site making access from the outside more difficult if fences are to be cut or removed to allow access for fire-fighting.
- Removal of security fencing to provide access for fire-fighting or suppression creates problems for the owner and the community that may be avoided if a program to control weeds and/or combustible brush is implemented.

CB FARMS

DRC2017-000123

Proposed Conditional Use Permit for Cannabis Activities to include indoor greenhouse cultivation (22,000 sq. ft. grow area; 30,000 sq. ft. building total), three acres outdoor cultivation, manufacture (8,000 sq. ft.), and nursery outdoors (115,000 sq. ft.) on El Pomar Road in Templeton.



Department staff: Brandi Cummings

History: One of two of first applications received based in the TAAG area for the commercial development and sale of marijuana.

Application completeness: Incomplete.

1. Site Plan or other. Identify the location for flammable liquid (ethanol or other) storage along with quantities to be stored. Provide a distance between the storage area and the closest property line. 22.10.070 (50 feet minimum unless otherwise required).
2. Application Requirements General: 22.40.040.A.
3. Cultivation Specific 22.40.040: The Application requirements as specified in the Cannabis Ordinance have not been included in documents received.
4. Page 8, Item 6 of the Water Supply Information section of the Environmental Description Form (EDF) indicates a yield test on proposed or existing wells has been provided. The required copy of the well test was not provided.
5. Page 8, Item 4 of the Sewage Disposal Information of the EDF indicates that an engineered percolation test has been conducted. The required copy of the test was not provided.
6. Page 9, Item 4 of the Commercial/Industrial Project Information Section of the EFD indicates that there will be no emissions from the project including, but not limited to gases, smoke, dust, odors, fumes, or vapors:

Applicant representative: Jason Kellan.

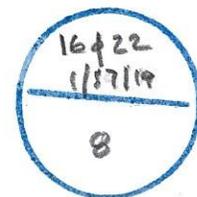
Notification of adjacent landowners: In process.

Reason for application: Development of crop for sale.

TAAG recommendation: No overall recommendation of approval or disapproval; other comments made (see below).

Merits: Appears to be generally compliant with applicable County ordinance. No objections made or received.

Recommendation #1: As a condition of approval the currently optional requirements for the submittal of a Hazardous Materials Management Plan (HMMP) (Title 16 Section 5001.5.1) and a Hazardous Materials Inventory Statement (HMIS) (Title 16 Section 5001.5.2) as described in the aforementioned sections of the Fire Code should be required. for submittal and approval by the fire code official. In addition, a current copy of the HMMP and HMIS should be maintained on site and made available to the fire code official upon request and the requirement to do so should be made a part of any operating permits issued.



The HMIS and HMMP should be updated annually and maintained in a current condition throughout the useful life of the facility.

Reason: The quantities of materials to be stored or used establish specific requirements to be used in the operation of this facility. Changes in technology involving the storage or use of new materials in a facility of this nature is likely. Inspection of the facility should include a review of the approved materials as contained in the HMIS of a type and a quantity that have been defined in the list to verify that the quantities and types remain within the range specified by the permit. The HMIS/HMMP should be formatted to include the building or area of the site where the specific materials are stored or used. Process chemicals and product produced as well as pesticides, herbicides, fertilizers, and other hazardous materials stored or used across the entire area occupied on the site are to be identified and quantified. Section 22.40.070.C.1 has requirements for a complete description of all products used in the manufacturing process including liquids, solvents, agents, and process.

Recommendation #2: Identify the location for flammable liquid (ethanol or other) storage along with quantities to be stored. Provide a distance between the storage area and the closest property line. 22.10.070 (50 feet minimum unless otherwise required).

Reason: Ethanol is a Class IB Flammable liquid. The quantity in use and storage dictates construction requirements when stored or used in structured based on maximum allowable quantities per control area as defined in the building and fire codes. Storage location is also dictated to some degree by the type of container and proximity to property line or if exterior the location proximate to building entry/exits. The plans provided are not sufficiently detailed to determine the impact on the site.

Recommendation #3: Consideration should be given by the fire code official as to the need for on-site water storage to augment water to be supplied by fire service vehicles for use by fire service personnel in emergency response or fire suppression. The capacity and nature, e.g., above ground tanks, of any onsite storage shall be determined by the fire code official.

Reason: Water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist. Storage of on-site water can be provided as a means to control possible wildfires that may expose the growing operation and accessory structures otherwise requiring access by emergency responders or other third-party personnel. Having an additional water supply available to emergency responders will provide the opportunity to control wildfires for this site.

Recommendation #4: Uncontrolled vegetation on site should be kept to a minimum and a weed control program which includes the annual disking, cutting, and/or removal of wild grasses and vegetation should be implemented annually.



A master site plan indicating the management of vegetation should be submitted for approval by the fire code official.

Reason: Wildland/urban interface issues potentially expose the owner to loss and the community to unintended incidents including fires caused either purposely, maliciously, or accidentally.

- By maintaining a defensible zone around structures, the nursery and the outdoor cultivation area the potential conflagration can be kept to a minimum.
- A second consideration is that the site is required to be a secured site making access from the outside more difficult of fences are to be cut or removed to allow access for fire-fighting.
- Removal of security fencing to provide access for fire-fighting or suppression creates problems for the owner and the community that may be avoided if a program to control weeds and/or combustible brush is implemented.

Recommendation #5: Suitable equipment should be provided that will capture, contain, destroy or otherwise remove odorous compounds from discharge from process operations. General ventilation (dilution ventilation) and exhaust from the general area should not be used as a stand-alone means for odor control. Local exhaust should be provided at workstations and equipped with suitable equipment for odor abatement. Pollution control equipment could include absorption and/or adsorption using various media such as activated carbon or other to capture the emission. The pollution control equipment to be employed should be site specific and designed by a registered professional engineer with a proven skill set in the design of pollution control equipment. Noise from the operation of any pollution control equipment or exhaust systems should be considered to avoid noise pollution of the general which may be produced by fans, pumps or allied equipment.

Reason: The products produced include essential oils which are known to be odorous. Cannabis growing and cultivation areas may also be odorous. The extract process concentrates compounds such as the turpenes which can have strong odors associated with them based on the type and nature of the product as well as the waste materials. Even though the area currently seems remote there are other properties in relatively close proximity and dilution by the atmosphere is not a desirable solution based on the fact that dilution alone does not contain an odorant. In addition, the proximity next to the Chicago Grade Landfill sets up the case for complaints with each entity blaming the other for fugitive odors. The removal of pollutants from the cannabis manufacturing operation will avoid complaints and potential problems for both the owner and the neighboring community.



Recommendation #6: Equipment used in manufacturing or processing operations should be in conformance with County Fire Code Section including but not limited to Section 5003.2.3 used to process hazardous materials in quantities in any quantity should be listed or approved for the use intended. Under the authority granted by Section 104.7.2 of the code the fire code official can require the applicant to have the equipment evaluated by a qualified third party accompanied by a technical opinion and report. Equipment employed in CO2 extraction systems should be in accordance with the requirements of the California Department of Health regulations §42205 (DPH 17-004, April 18, 2017 or later) and certified as required by a professional engineer.

Reason: The cannabis industry is an emerging industry and available equipment may or may not be listed by a listing entity such as UL, Factory Mutual, others. Equipment provided by the manufacturers should have basic safeguards present to avoid fires, and possible incidents and injuries as well as exposure of operating personnel to hazards that can have an offsite consequence in the community. Approval of unlisted equipment of the nature anticipated may require the use of third party engineers or specialists with expertise in equipment safety for equipment used in the processing industry. The fire code official should use the authority granted by the code in the approval process as may be needed to seek the aid of qualified persons to perform a safety analysis of the equipment for suitability with costs to be borne by the permittee. The fire code official as the requestor should receive the report whether in draft or final form directly from the third party with a copy provided to the permittee.

Recommendation #7: Ensure that the minimum setback distance required between the eastern boundary of the outdoor cannabis cultivation area is separated by a distance of not less than 50 feet from the upland extent of any riparian vegetation of any water course on or off the property and clearly designate the location of the blue line stream on the site plan provided.

Reason: The applicant is seeking a modification to reduce the required setback distance of 300-foot from property lines for locating outdoor growing areas to 75 feet (Refer to §22.40.050.D.3.b) There is also a required 50-foot setback between outdoor cultivation areas and the extent of riparian upland vegetation of any watercourse (Refer to § 22.40.050.D.3.d). There is a blue line stream proximate a cultivation area at the eastern side of the property and contour lines on the current site plan shows uplands vegetation within the required setback at distances ranging from less than 15 feet to 25 feet in some places. A distance of not less than 50 feet is required.

Dear Property Owner,



The following letter is written to provide information regarding a recent permit request in your area involving an application to cultivate cannabis near your property. A permit request for cannabis cultivation referred by County Planning was reviewed by the Templeton Area Advisory Group (TAAG). TAAG is designated as a Community Advisory Council (CAC) and staffed by volunteers to provide community input on various projects underway within the jurisdictional boundaries established by the Templeton School District.

TAAG considered the cannabis cultivation application titled DRC2018-00183 Caldwell_Smyth at its regular December 20, 2018, meeting. The TAAG board recommended that the application as presented be disapproved for several reasons, including lack of meaningful written advance notice to neighboring properties, lack of an odor control program, the presence of a proposed cannabis cultivation on an adjacent parcel, and a requested reduction in grow site setback on the west side of the parcel. A fuller explanation of the reasons for TAAG's recommendation of disapproval may be found in the approved minutes on TAAG's website (www.taaginfo.org) when the draft minutes of the meeting have been approved at the January 17 meeting. You may also find the December 15 report of the Cannabis Project Review Committee Chair, on the TAAG website which includes a review of this application.

The next step in the process of considering this application will be a public hearing before a member of the County Planning Department. The date of that hearing has not yet been set. You may contact the Planning Department's project manager for this application (Young Choi). Your thoughts on this project may be sent by email or letter to Mr. Choi (ychoi@co.slo.ca.us or (phone) 805-788-2086), and request that they are conveyed to the member of the Planning Department staff who will be designated to hear this application. If you are willing and can easily do so, TAAG would appreciate a copy of your letter or email, to better learn the community's concerns about such projects. They can be sent by mail to TAAG at P.O. Box 1135, Templeton, CA 93465 or by email to templetonaag@gmail.com.

You may also wish to appear at the hearing by the Planning Department's designated employee when that hearing is set. The hearing will be held in the County Supervisors' chamber on the first floor of the County Administrative Building at 1055 Monterey Street, San Luis Obispo. You may ask Mr. Choi that you be advised as soon as the date and time of the hearing are set.

Chris Cobey

TAAG Vice Chair

**TEMPLETON AREA ADVISORY GROUP
INFORMATIONAL NOTICE – LAND USE PERMIT APPLICATION
Of A Proposed Cannabis Project**



P. O. Box 1135 Templeton CA 93465

<http://www.taaginfo.org/contact-taag.html>

An application has been submitted to San Luis Obispo County requesting a Land Use Permit to establish cannabis related operations on a property located at 4225 S. El Pomar Road Templeton. This notification has been sent to owners of neighboring properties within 1,000 feet from the property boundaries proposed to be used by this cannabis project.

Proposed Conditional Use Permit for Cannabis Activities to include indoor greenhouse cultivation (22,000sq grow area; 30,000sq building total), 3 acres outdoor cultivation, manufacturing (8,000sq), and nursery outdoors (115,000sq) at 4225 S. El Pomar Road in Templeton. APN 034-321-004

This project's application documents can be viewed online at the County's Planning website by entering the terms "Obispo planning [enter "CB Farms Referral Package DRC2017-00123" into an internet search site and searching the resulting San Luis Obispo County Planning Department website or enter the following SLO County Planning web page link and click on the project name and project number:

[https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Informational/Planning-Referrals/Cannabis-Related-Referrals-\(Countywide\).aspx](https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Informational/Planning-Referrals/Cannabis-Related-Referrals-(Countywide).aspx)

This permit application review will be the subject of a publicly noticed TAAG Board meeting. The public is encouraged to attend these meetings to express their opinions and comments for TAAG's consideration. TAAG is an SLO County authorized Community Advisory Council (CAC) formed to represent community interests of the unincorporated County affecting the Templeton, Adelaide, and El Pomar-Estrella areas. TAAG conducts regularly scheduled public Board and Committee meetings to gather as much public input as possible regarding matters under consideration. Meetings regarding this proposed project are scheduled as follows:

TAAG's full Board is scheduled to consider this proposed project at its regular scheduled monthly meeting on January 17, 2019 at 7PM held at the Templeton CSD Boardroom as an agenda item. TAAG will then submit its approved recommendations and comments to the SLO County Board of Supervisors, the SLO County Planning Commission, the SLO County Planning Department and other public agencies, private entities and the public

TAAG's recommendations to the County are advisory only. This project will be considered for approval or denial by a SLO County Planning Department hearing officer or the SLO County Planning Commission at publicly noticed hearings to be scheduled by the County at a future date to be determined.

You are encouraged to convey any comments you may have regarding this application (positive, neutral or critical) to TAAG. You may do so by:

- Attending the TAAG public meeting noted above.

- Sending an email to templetonaag@gmail.com at least one day before the meeting. You are also free to email your comments directly to any or all of the individual TAAG Delegates at their email addresses provided on TAAG's website (www.taaginfo.org).

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Comments mailed to TAAG via the USPS should be mailed for receipt at P.O. Box 1135, Templeton, CA 93465, at least two days before the TAAG meeting date noted above.

You may contact the SLO County Planning Department Planner assigned to this project, Brandi Cummings (805-781-1006 or bcummings@co.slo.ca.us) and the applicant's agent Jason Kallen (818-266-6112) if you have any questions about the project. Comments that you may wish to register on the project can be sent to the assigned County Planner and can also be mailed or emailed to the County Supervisors and Planning Commissioners.

The Delegates of TAAG look forward to hearing your opinions regarding this project or any other matters that may contribute to improving the Templeton community.

Larry Fluer
TAAG Delegate
TAAG Cannabis Project Review Committee Chair



SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 402 - NUISANCE

(Adopted 8/2/76)

- A. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.
- B. The provisions of Rule 402.A shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

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Motion by Fluer, seconded by [] for TAAG to direct the CPRC to review the CB Farms project DRC2017-000123 using recently received project application data received from the applicant, Mr. Jason Kallen in conjunction with the modifications to the cannabis ordinance effective January 11, 2019. All recommendations shall be subject to reconsideration based on current data and requirements of the ordinance. The results of the review shall be presented to the TAAG Board for reconsideration no later than the regular meeting of the Board on March 14, 2019.

Reason: As stated in the Report of the CPRC Chair prepared and submitted to the TAAG Board on January 12, 2019.

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Motion by Fluor, seconded by [] for TAAG to accept the following wording for definitions of *cannabis nuisance odor* and *cannabis odor threshold* further explained below. These definitions would then be proposed for submittal to the County Process for consideration as an addition to Title 22 as the update of the regulations continue.

Cannabis nuisance odor: Air contaminants or odors detected at concentrations above the cannabis odor threshold which cause injury, detriment, nuisance or annoyance to persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

Cannabis odor threshold: The level or concentration of odorous vapors from one or more of a group of chemicals, further identified as aromatic organic hydrocarbons or turpenes, in the air detected by the olfactory senses of fifty percent of the exposed test subjects using methodology developed by the US Environmental Protection Agency, Office of Research and Development or other public agency.¹

Reason:

Defining cannabis nuisance odor gives substance to the use of the term within the context of the County's cannabis ordinance. The above definition of cannabis nuisance odor is based in part on the definition of *nuisance* found in SLO County Air Pollution Control District Rule 402 with modifications specific to cannabis and cannabis odor threshold.

Various sections of Title 22 require that cannabis activities including cultivation (§22.40.050 D.8), nursery operations (§22.40.060 D.8), and manufacturing operations (§22.40.070 D.3) be sited or operated in a manner that prevents *cannabis nuisance odors* from being detected off-site. The term is not defined in Chapter 22.80 nor by the State of California "Medicinal and Adult-Use Cannabis Regulation and Safety Act" as referenced by §22.80.020 C, defaulting instead to the director of Planning and Building under §22.80.010.

Odor remains a major concern for the public as evidenced by public comments on virtually every cannabis project that has come before TAAG for review. Without a definition, those that apply the regulations are unable to determine what may constitute a nuisance, and many variables can be involved.

A group of chemical compounds called turpenes (aromatic organic hydrocarbons) are primary constituents of essential oils. These oils are widely used in fragrances in perfumery, flavors and alternative medicines such as aromatherapy. Some of the terpenes can be pleasant, such as those found in some commercial cleaning products while others are known to be unpleasant. Those

¹ Reference Guide to Odor Thresholds for Hazardous Air Pollutants Listed in the Clean Air Act Amendments of 1990., USEPA, Office of Research and Development, Washington, DC 20460, EPA/600/R-92/047, March 1992, <https://nepis.epa.gov/Exe/ZyPDF.cgi/2000BHG5.PDF?Dockey=2000BHG5.PDF>; site visited January 11, 2019

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containing sulfur and others have been found to be unpleasant to the public with many describing the odor as being similar to those found in and around skunks. It has been reported that based on available published human odor detection threshold (ODT) that lower concentrated compounds found in the complex mixture of materials release from cannabis may be more responsible for the overall characteristic odor than the most concentrated compounds. A list of ODTs for approximately 125 different compounds identified as odorants has been developed by researchers and reported in an article published in 2015 as referenced in the following footnote.² In the list of compounds reported there are not only the turpenes, but some alcohols, and other classes of organic chemicals.

Black's Law Dictionary, an authoritative reference of legal terms defines odor threshold in response to the question: What is odor threshold? The resultant definition is "The level of or concentration of odorous vapor in the air that is detected by only fifty percent of the test subjects."³ It is consistent with the use of the definition as shown in references one and two above.

² Rice S, Koziel JA (2015) Characterizing the Smell of Marijuana by Odor Impact of Volatile Compounds: An application of Simultaneous Chemical and Sensory Analysis. PLoS ONE 10(12): e0144160. <https://doi.org/10.1371/journal.pone.0144160> Editor: John I. Glendinning, Barnard College, Columbia University, United States. Copyright 2015 Rice, Koziel. Note: This is an open access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

³ What is odor threshold?, Black's Law Dictionary, <https://thelawdictionary.org/odor-threshold/> site visited January 11, 2019.

**ITEM 9
REPORTS AND
ANNOUNCEMENTS FROM
COMMITTEES**

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Templeton Area Advisory Group
Community Outreach and Relations Committee (CORC) Chair's Report for January 12, 2019
Members: Bruce Jones, Matt Parker, Larry Stone (Chair)

No meetings were scheduled last month. Supporting documentation is attached to the end of this report.

Responsibilities:

CORC maintains the website, monitors Twitter, monitors the organization's email address and forwards email to Delegates, publishes press releases, distributes documents through our email, and archives documents on the group's Google Drive.

Website:

Visitor count to the website reached 2,384 in November 2018 and 2,235 in December 2018. Total visits for the year, January 1 through December 31, reached 21,350.

Also, please note that the license for the application used to maintain the website expires in July 2019. Additionally, the "auto-pay" feature of the website account needs to be updated; the current method of payment deducting charges from the organization's checking account has not been acceptable to the webhost. In the past, Go-Daddy has asked for a credit card as the primary source of payment.

Social Media:

TAAG's Twitter account currently has four followers and we have "tweeted" and "re-tweeted" 51 messages. TAAG currently follows John Peschong, SLO New Times, SLO County Sheriff, Paso Robles News, San Luis Obispo Tribune, SLO News, and SLO County Office of Emergency Services. A meeting to discuss social media guidelines has yet to be scheduled. I have no information about our Facebook account.

CORC Public Outreach Campaign:

TAAG received \$1,000 from the SLO Board of Supervisors. The allocation of resources needed to begin implementation of TAAG's Public Relations campaign has yet to be determined by the Board. Goals for the public relations campaign were established at the October 2018 meeting of CORC and include the following:

1. Determine the appropriate level of public outreach.
2. Recruit community members to serve as Delegates.
3. Improve and increase TAAG's "presence" in the community.
4. Measure and evaluate the effectiveness of various methods of public outreach.

Media Relations:

No new information to report.

Email:

Our email account is templetonaag@gmail.com. The number of individuals and organizations receiving information remained unchanged (313) from last month. Those recipients are separated into six distribution lists: Media, TAAG, SLO County, DL List 1, DL List 2, DL List 3. These lists can be accessed on a Smartphone, laptop, or desktop computer.

Google Drive and Gmail Account:

TAAG currently archives all documents produced by the Board on the Google Drive created with the organization's Gmail account. Contacts and Email Distribution Lists are also stored on the Drive. The Drive can be accessed by logging on to Gmail account.

NOTE: March 21, 2019 will be my last day as Chair of CORC and as a TAAG Delegate.