

## MINUTES CRESTON ADVISORY BODY

Special Meeting of CAB due to COVID and number of dark meetings in 2020

On-line through Zoom

Wednesday, December 16, 2020

7:00 – 9:30 PM

- 1) Call to Order – Flag Salute at 7:08 p.m. CAB members present – Kurt Almond, Tom Edel, Don Clark, Sheila Lyons, Steve Almond, Roy Barba & Geraldine May.  
Members of the public who joined in: Tyler Mitchell, Blaine Hansen, Jennifer Best and ??? 805-835-8688, someone who did not want to be identified.  
Also present was Ian Landreth of the Planning and Building Department.
- 2) Minutes of the previous meeting - November 18, 2020 for approval. Motion made by Steve, 2<sup>nd</sup> by Kurt, vote was unanimous with no changes to the minutes as written.
- 3) Limited Public and/or CAB Member Comments for Items NOT on the agenda
  - Tyler Mitchell, a cannabis project applicant who was at the last meeting asked for a moment to speak. He apologized for his behavior at the Nov. meeting, fearing that he had been too overly passionate when pushing back on CAB and our expressions of opposition to cannabis projects in the Creston area.
  - Sheila announced that she had asked Jim Wortner to be her alternate on CAB and Jim has accepted.
  - Jennifer Best, President of the Creston Women’s Club expressed appreciation to the community for their support of the club’s Spaghetti Drive Thru Pick-Up Dinner. It was a success and much appreciated by the club who gives out scholarships to local students each year. This was the only fund raiser the CWC held in 2020. Normally there are multiple fundraisers throughout the year.
  - Roy announced that the CAB banner to be hung in the Creston Community Center had been finished. He had it displayed behind him during the meeting.
- 4) Public Safety - no report at this meeting.
- 5) Fifth District Supervisor Report – no report as Supervisor Arnold had a meeting conflict.
- 6) New Business/ Planning Department Project Referrals/Unfinished Business –This meeting is simply to familiarize ourselves with the current status of all Creston projects (all cannabis at this time) and any changes that have occurred since our last look at these projects. Ian Landreth, County Planner, was present. Jim Wortner had prepared a presentation of all the projects since he has been studying them all for a while now. He also included the process by which these projects move through the County for review. No final CAB recommendations for approval or denial on these projects was made at this meeting. Jim’s presentation is attached at the end of these minutes and pretty much covers the ground we were interested in hearing at this time. The following comments/questions were made/posed during the presentation.
  - For neighbors to appeal a project that has been moved forward by the P & B department, they must appeal to the Board of Supervisors at a cost of \$850. If B of S over-rules the appeal and it has to go to court, cost could run into the \$15-25K range. A few projects have gone to court, Nipomo. Some resolved by mitigation with court input.
  - Jim ran through the seven Creston projects, outlining where they are in the process, alerting CAB members as to how we should prioritize them and which project falls in which area of CAB.

- Jennifer Best asked how cannabis and vineyard are different. Jim explained that grapes are a crop whereas, cannabis is not considered a crop.
- Jennifer stated that the proposed well for the C-Four SM Partners well is only 100 ft from her well and that is a concern.
- What is the definition of processing when it comes to cannabis? Cut/Bale/Dry is considered “Processing” whereas, Chemical use/Manufacturing is considered “Extraction”
- Q: Is there any support for cannabis projects in Creston? A: Only IF the neighbors to the project are supportive.
- Ian Landreth stated that setbacks are defined in the ordinance. Modifications are allowed on outdoor grows BUT, P&B have to see a reason it can be ignored.
- Blaine Hansen - says he is happy to answer any questions for anyone who would like to talk to a grower. He and Jim Wortner spoke about potentially linking up at a later time.

7) Committee Reports/Next Steps

- a. By-Laws – Sheila called for a final vote on By-Law changes proposed at the Nov. meeting to secure our efforts to continue CAB meetings during COVID through the use of Zoom on-line conference calls. This approach has been approved by the State of CA and by the SLO County Board of Supervisors. The changes have been posted at the Creston PO since the last meeting for the public to read and comment on if they chose. There were no comments or questions. Geraldine made the motion to approve, Kurt seconded. Vote was unanimous. Sheila will make the changes and distribute to everyone. Kurt will post the final on the CAB website.
- b. Public Information — Roy B. completed the CAB Banner. See public comments in #3 above.

10) Treasurer’s Report – Roy reported we have we have \$1558.79 balance in our checking.

Sheila asked Murray Powell from TAAG if he had anything he would like to mention. He mentioned that TAAG has the same issues as CAB as far as getting incomplete/erroneous referral packages.

There were questions about noticing of neighbors of projects. Currently, it 1000 ft, seems to be property line to property line, not from center of project to center of neighbor’s property.

Blaine stated that he does not feel that the County is doing neighbors any favors by not providing information on projects in a timely fashion.

11) Adjournment – Steve made the motion to adjourn at 8:30 p.m. Roy 2<sup>nd</sup> the motion. The vote was unanimous.

The following attachments were prepared and presented to CAB at this meeting by Jim Wortner.

# **Creston Cannabis Projects**

## **CAB Update and Overview for Community Discussion**

**December 16, 2020**

Referenced Sources: SLO Cannabis Watch Group and website, San Luis Obispo County Department of Planning and Building (Planning Department) websites and department staff, Board of Supervisor Hearings, CAB Meetings, documents and communications, Planning Commission Hearings, Supervisor Debbie Arnold's Office, published references (list available).

# **Creston Cannabis Projects**

## **Overview of tonight's discussion**

**Creston "No Cannabis Grow Zone"**

**Review of SLO County Department of Planning and Building Process for cannabis project permits**

**9 Creston projects within a 5 mile radius of the town of Creston**

**Focus on 3 with update on each proposed cannabis project including:**

- Current status
- Proposal based on application
- Expected CAB review date
- Next steps

**Reference sources for more information**

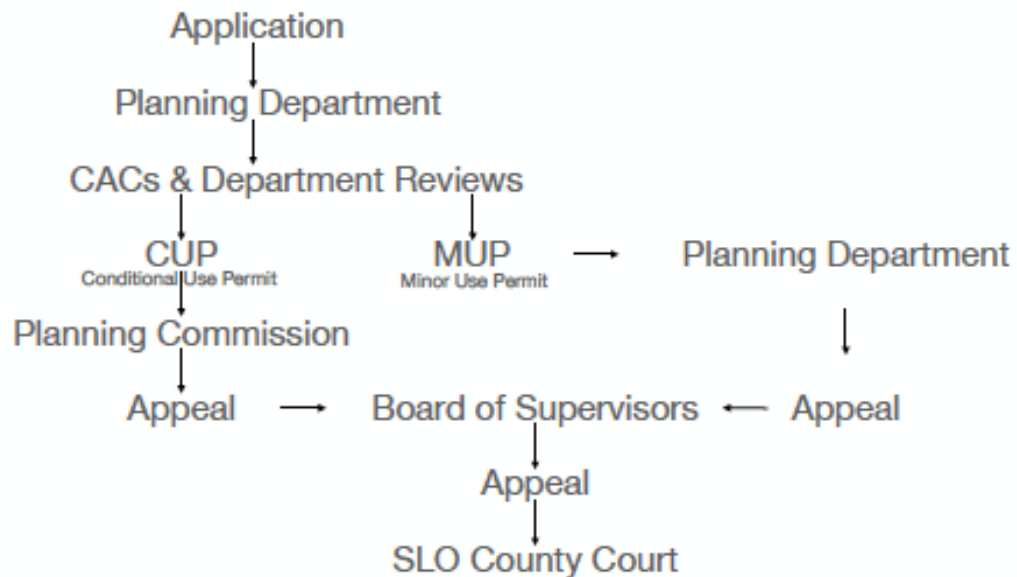
# Creston “No Cannabis Grow Zone”

## It's NOT about cannabis use, it's all about compatible land use

- Proposition 64 decriminalized marijuana use/possession by adults and made it a taxable revenue stream in California. It DID NOT authorize the industrial commercial growing of cannabis in residential agriculture communities.
- Each County determines if cannabis grows/processing/manufacture and distribution are allowed. 46 of 58 (79%) Counties in California DO NOT allow industrial commercial cannabis grows.
- Our SLO County Board of Supervisors decided to allow industrial commercial cannabis operations in 2017. 141 cannabis projects are allowed in the County based on prior medical marijuana “small family farm” grows.
- The Planning Department worked with the Cannabis Industry 2017-2019 to develop the current “Phase 2 Cannabis Ordinances”. Little to no public consultation or input was included in these ordinances.
- Despite residential agriculture constituent conflicts and demonstrable agriculture zoned land compatible use issues, the Planning Department and Board of Supervisors continues to support Cannabis Industry project approvals.
- There is a significant conflict between our Creston Community’s residential agriculture quality of life and the Cannabis Industry’s drive for “Green Rush” profits.
- This is a land use issue - industrial commercial/manufacturing cannabis operations are not compatible land use next door to residential agriculture neighborhoods, homes and families or traditional agriculture.

## The Planning Department Process

### Simply illustrated



# 9 Creston Area Projects

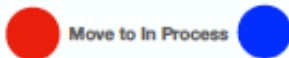
## 7 within CAB jurisdiction boundaries

- **DRC2019-00183/California Production Services at 5790 Rocky Canyon Road**
- **DRC2020-00013/C Four SM Partners LLC at 1175 Calf Canyon Road**
- **DRC2019-00059/Webster Road Associates LLC at 6585 Webster Road**
- **DRC2020-00115 Engrained/Hall at 4150 N. Ryan Road**
- **DRC2018-00234/Big Foot Valley LLC at 5175 Calf Canyon Highway**
- **DRC2018-00236/Clark-Guitierrez at Golden Pond Way and Blue Ridge Road**
- **DRC2018-00126/McAllister at 3345 Ryan Road**
- DRC2018-0083/Heiser-Lambert at 3520 Creston Valley Road
- DRC2020-00037/SLOCANN, LLC at 10125 Creston Road

## Breaking News Update

### As of 5:10 pm tonight...

- "DRC 2019-00183/California Production Services-Davis according to Project Manager Erich Hughes, this project should be moved to the less advanced list. The applicant has still not responded to County requests for additional information and they indicated they may withdraw the project. County staff will notify CAB if the status changes."
- "DRC2018-00234 Big Foot Valley LLC - According to Project Manager Erich Hughes, this project is CABs second priority and should be on the advanced list. A revised site plan and re-referral were sent out. Staff is working on revising the MND and the project will be referred back to CAB once that happens."



Move to In Process

## **DRC2019-00183/California Production Services** **5790 Rocky Canyon Road (Steve Almond)**

- Status: Temporary Hold.
- Proposal: CUP. 3 acre outdoor hoop house structure with 22,000 square foot indoor grow and nursery and 5,000 square foot building for processing.
- Compatible land use issues: Outdoor cultivation and building setbacks, water off sets/neighbors well impacts, CEQA environmental study/MND, at least 2 SLO County cannabis violations, traffic on dirt road/intersection and fire hazards.
- Expected CAB review date: Previously reviewed at CAB and "Opposed".
- Next steps: Planning Commission Hearing (originally scheduled April 2020).

UPDATE: "DRC 2019-00183/California Production Services-Davis according to Project Manager Erich Hughes, this project should be moved to the less advanced list. The applicant has still not responded to County requests for additional information and they indicated they may withdraw the project. County staff will notify CAB if the status changes."

Previously DRC2018-00102 Davis/Draeger

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## **DRC2020-00013/C Four SM Partners LLC** **1175 Calf Canyon Road (Jan Morris)**

- Status: Accepted for processing. Environmental review underway.
- Proposal: MUP. 3+ acre outdoor/indoor grow, nursery, processing and support buildings.
- Compatible land use issues: Structure setbacks, CEQA environmental study, Williamson Act, 56,640 square feet of structures/cultivation, nursery, processing, greenhouse, barns, water offset/shared well, line of site views, traffic study and fire hazards.
- Expected CAB review date: TBD.
- Next steps: CAB review and then Planning Department Hearing



## **DRC2019-00059/Webster Road Associates LLC**

**6585 Webster Road (Sheila Lyons)**

- Status: Accepted for processing. Environmental review underway.
- Proposal: CUP. Updated proposal with indoor grow only with processing, chemical extraction, infusion manufacturing and local distribution.
- Compatible land use issues: Structure setbacks, CEQA environmental study, Huer Huero floodplain, 44,000 square foot industrial manufacturing facility with two additional support buildings, fire hazards, proximity to K-8 school and Creston village.
- Expected CAB review date: TBD. Previously reviewed at CAB and "Opposed". Project has changed significantly from original proposal and has been requested for a second CAB review.
- Next steps: CAB review of updated proposal then Planning Commission Hearing.

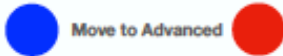


## **DRC2020-00115 Engrained/Hall**

**4150 N. Ryan Road (Roy Barba)**

- Status: Accepted for processing. Environmental review completed.
- Proposal: MUP. 2+ acre outdoor grow with processing.
- Expected CAB review date: No pending CAB review scheduled. Previously reviewed and "Opposed" by CAB.
- Next steps: Planning Department Hearing.

Previously DRC2018-00188/Hansen-Hall



Move to Advanced

## **DRC2018-00234/Big Foot Valley LLC**

**5145/5175 Calf Canyon Highway (Jan Morris)**

- Status: Information Hold. Pending re-submittal of required documents.
- Proposal: CUP. Outdoor and indoor grows including processing.
- Expected CAB review date: Previously reviewed and “Opposed” by CAB.
- Next steps: Planning Commission Hearing.

UPDATE: “DRC2018-00234 Big Foot Valley LLC - According to Project Manager Erich Hughes, this project is CABs second priority and should be on the advanced list. A revised site plan and re-referral were sent out. Staff is working on revising the MND and the project will be referred back to CAB once that happens.”

Previously DRC2018-00234 Clark



## **DRC2018-00236/Clark-Guitierrez**

**Golden Pond Way and Blue Ridge Road (Geraldine May)**

- Status: Accepted for processing. Environmental review underway.
- Proposal: MUP. Outdoor grow and processing.
- Expected CAB review date: TBD.
- Next steps: CAB review.



## **DRC2018-00126/McAllister**

**3345 Ryan Road, Creston (Roy Barba)**

- Status: Pending withdrawal of application - in collections.
- Proposal: MUP. Nursery.
- Expected CAB review date: TBD - if at all.
- Next steps: Monitor transfer of permit/application to alternate property site.



# For more information

Google or search the following...

- SLO Cannabis Watch Group at [slocannabiswatchgroup.org](http://slocannabiswatchgroup.org).
- Santa Barbara County cannabis experience in Carpinteria and Santa Ynez OR take a drive down South and see first hand.
- Local media such as Cal Coast News, KSBY, Paso Robles Daily etc.
- SLO County Websites...
  - Meeting calendars: <https://www.slocounty.ca.gov/Home/Meetings-Calendar.aspx>
  - Planning Department: <https://www.slocounty.ca.gov/Departments/Planning-Building.aspx>
  - Planning Department by project DRC or ASN: <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/CSS-Permit-Portal-Links.aspx>
- Contact your CAB District Lead and attend monthly CAB meetings.

## Proposed By-Law changes:

November 18, 2020 CAB meeting- Draft prepared by Sheila Lyons, CAB Chairperson 2020  
December 16, 2020 Special CAB Meeting - Follow up with final vote to adopt

Following are proposed changes to amend the CAB by-laws, drafted as we are under a State and County “Shelter at Home” order due to the COVID-19 virus pandemic.

Our intention in drafting and approving these amendments is to allow us to continue to conduct business and fulfill our primary purpose as outlined in our by-laws, to provide community input “to San Luis Obispo County governmental bodies (agencies, boards, commissions, etc.) in all matters pertaining to, but not restricted to, land uses, zoning, public services, circulation, public improvements and aspects of orderly community growth.”

Current CAB by-laws did anticipate that CAB might have to act during an “emergency.” However, the type of emergency was by definition totally unpredictable. The provisions that exist for calling “Special Meetings” are being utilized (via Zoom) to be able to move forward and make necessary by-law amendments to allow for CAB business to be continued during this state of emergency.

The County of SLO has moved forward and has been conducting Zoom meetings at all levels of government. The Governor. Executive Order N-29-20 issued on 3-17-20 suspended certain public meeting requirements of the Brown Act to allow public meetings to be held via teleconferencing without making a physical location available to the public. You can find the order here: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf> .

Proposed by-law changes in red, existing in black. All other portions of by-laws remain the same.

### Article VII: MEETINGS AND PROTOCOLS

Section 1: CAB shall meet the third Wednesday of each month **on a regular basis when such meetings can be held without endangering the health of all attendees. However, Special Meetings may be held at the time, location and by whatever necessary method is practical and agreed upon by the majority of the CAB membership when deemed necessary, such as during an emergency. This may be an electronic meeting or an in-person meeting. A majority of the CAB membership will define and agree upon what is deemed as an emergency as individual situations arise. The chairperson, may opt...etc.** (as is in existing by-law text)

### Article VII: AMENDMENTS

Section 1: The by-laws may be amended, appealed, or altered in whole or in part by a two-thirds (2/3) majority of the CAB members **present** at a regularly scheduled meeting, **or Special Meeting**, providing that the proposed amendment has been previously presented to the CAB members **for report, read in full at a previous regular meeting** and **announced** to the public prior to the vote. **Presentation of the proposed changes will be done by electronic notification (e.g., CAB email distribution list) and by posting on one or more local bulletin boards frequently viewed by the community, for a minimum of six days prior to the vote.**