

**APPROVED**

**MINUTES  
Of the Special Meeting  
of the  
TEMPLETON AREA ADVISORY GROUP  
October 4, 2018**

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**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**

Bob Bejarano, Chair  
Chris Cobey, Vice Chair  
Larry Fluer, Secretary  
Matthew Parker, Delegate  
Murray Powell, Treasurer  
Larry Stone, Delegate  
Joel Woodruff, Delegate  
Bruce Jones, Alternate Delegate No. 1

**MEMBERS ABSENT**

None

**1. CALL TO ORDER**

The meeting was called to order by Chair Bob Bejarano at 7:03 pm. Chair Bejarano opened the meeting with announcements as to process by stating that he would proceed to chair the meeting advising the attendees that in the discussion on the cannabis project he would recuse himself as chair due to a conflict of interest with his professional career. He stated that the attendees should be aware of the rules

for public comment saying that he would review the rules for comment when the committee had come to that point in the agenda. He then asked for the pledge of allegiance to be recited.

## **2. PLEDGE OF ALLEGIANCE**

Parker led the attendees in the pledge allegiance, after which the audience was seated.

## **3. ROLL CALL**

At the request of the chair, Secretary Fluer called the roll of names of the list of delegates before the start of the meeting. A minimum of four (4) delegates is required to achieve quorum. The required minimum number of delegates were present, and a quorum declared with a total of seven voting delegates and one alternate delegate present.

## **4. NEW BUSINESS**

4.1 Seating of new delegate. Chairman Bejarano welcomed Bruce Jones to TAAG as a new Alternate Delegate and announced that this would be his first meeting with TAAG.

4.2 Bejarano announced that the SLO County Planning Department referral project DRC2018-00053 would be the next item of business and introduced Jamie Jones, President of Kirk Consulting located at 8830 Morro Road, Atascadero, CA.

Bejarano stated that after the presentation by Kirk Consulting that delegates and then members of the public that would like to speak to the issue would be asked to speak. He asked that members of the public approach the podium to conduct their comments and to direct the comments to the meeting chair and not others in the audience.

Bejarano explained that the usual time spent in a presentation of a project by an applicant or agent was from 20 to 30 minutes. When opened to the public Bejarano requested that speakers limit their time to three minutes. After the public comments have been heard the hearing will be closed, and he will recuse himself from voting after which Bruce Jones, an alternate delegate, will be seated as a voting member.

Ms. Jones related her role in the project, and after opening, remarks turned the presentation over to Lisa Bugrova, the Kirk Consulting Project Manager for presentation to the audience. She thanked the audience for their participation and mentioned that a member of the County Staff was also present for the meeting and available to answer questions that may arise.

Bugrova gave a slide presentation of the project and began by noting that the project was a request to obtain a Minor Use Permit to grow three outdoor acres of cannabis and 22,000 square feet of indoor cultivation within greenhouse buildings. She also noted that the project was approved by County Planning at a meeting of September 21, 2018, with 49 conditions of approval.

- The County is required to notify property owners within 300 ft of the project that the project is underway. In this instance, Bugrova mentioned that property owners within 1,000 ft of the project. She pointed out that properties in Shadow Canyon were about 1 mile from the project.
- She explained that the project involved the cultivation of cannabis, and did not include manufacturing or other defined operations. Cutting and drying operations are within the requirements for cultivation. It is for this reason that the permit is under a Minor Use Permit (MUP).
- Property is a parcel of approximately 77 acres in the AG zone with approximately five other parcels abutting the subject property, and all are in the AG zone. The developed area in Shadow Canyon has properties ranging from 2 to 18 acres in size with all properties in the AG zone.
- York Mountain Road has two entrances from Highway 46. The subject project is approximately 1500 feet along York Mountain Road from the eastern entrance from the Hwy 46 intersection. By comparison, the distance from the intersection to Shadow Canyon is approximately 1 to 1.5 miles.
- Bugrova related some of the other related surrounding uses including commercial vineyards and other agricultural uses. The owners of the project property have farmed the 77-acre parcel for a generation.
- She then mentioned a list of members of the project design team that had produced technical reports for the project including scientists, medical professionals, security, architects, engineers, and water experts.
- She stated that the cannabis project would occupy approximately 3.5 acres of the site. There would be no on-site sales, no distribution, and no public access. The cultivated product produced will be shipped off-site in bulk.
- The locations chosen for the project were selected to limit visibility from locations off the site as well as to eliminate any grading being necessary. The product produced will be organically grown, and the project is not visible from York Mountain Road.
- Bugrova stressed that the design of the project is in full compliance with the County Ordinance. The outdoor cultivation will be located not less than 300 feet from the property line with plants grown in pots situated on top of the ground. Seven state-of-the-art greenhouses are sited with a 30-foot set back from the property line which is the minimum required distance specified by the County Ordinance and similar to the setback provided for other neighboring properties farmed.

- The outdoor growing season is approximately five months long.
- The greenhouses are provided with advanced odor control and fitted with interior blackout material to block the escape of interior light during operations at night.
- Bugrova showed some photographs taken around the site and from points outside of the project that demonstrated the limited visibility into the facility from any point off-site. A small area of the cultivation can be seen from a point along Highway 46.
- Stone asked what the composition of the material was used to plant the cannabis inside the pots.
- Bugrova opined that cannabis was a low impact crop with minimal water use, reminding the audience that there would be no on-site sales, no distribution, and no public access. She added that no grading of the site would be involved.
- Regarding water use, she quoted annual water use for the project at a rate of 3.56 acre-feet per year. Compared with other uses including grapes at 4.3 acre-feet, and vegetables at 6.65 acre-feet per year.
- A security plan has been completed and forwarded to the Sheriff's Department for review. Fencing surrounds the site, and access to the site is restricted. There will be a full-time security person on site.
- There will be from 6 to 8 full-time staff, and several seasonal workers will be employed as needed to help with the harvesting.
- All green waste will be stored on-site and reused or recycled in support of organic operations.
- She concluded with a statement that the site was designed to be in full compliance with the cannabis ordinance. The primary need is to produce cannabis for medical purposes. Cannabis operations will occur on approximately 5% of this parcel. She restated that there will be no manufacturing, no sale of the product on-site, and no public access, adding that it was not a corporate farm operation.

At the conclusion, of Bugrova's comments, Bejarano opened the discussion to questions from TAAG delegates.

- Bruce Jones asked whether there would be a family member [of the owner's family] living on the property. The project team responded that the owners would be remaining on the property.
  - Bruce Jones asked what will be seen from the immediate neighbor, Gary Bang's property. The response was that Bang would see the greenhouses and trees.
- Powell asked what the height of the greenhouses was. Ms. Jones responded that the height was 12 ft.

- Cobey stated that the applicant asserted to be in non-compliance, adding that the property does not comply with cultivation as a commercial nursery. He asked for clarification on the registration required for the project. Ms. Jones offered an explanation that the commercial nursery activities involved a second parcel owned by the applicant having to do with registration was an issue having to do with the license requirements from the State of California.
  - Cobey asked when the last harvest of a crop on the subject property occurred. The response from the design team was that the crop was hay and last harvested in 2015.
  - Cobey asked whether or not the applicant disagrees with any of the conditions of approval brought forward by County Planning. Ms. Jones responded that the applicant agreed with the conditions.
- Stone asked a question regarding the material used to fill the bags or pots used to hold the plants. The answer offered by the applicant group was that the planting mix used was essentially dirt. Stone repeated his question in a more general way expanding his question and asking about amendments. Ms. Jones deferred the question to the operations manager Josh Howell asking that he provide additional information. Howell explained that the planting mix was a proprietary mixture of organic materials all of which had been approved by the State of California. He related few details regarding the inert contents of the planting mixture but described the mixture as all organic dirt with no amendments.
  - An earlier comment by Bugrova had described the cultivation as a low impact crop. Stone asked what was meant by the planting being a low impact crop. Ms. Jones responded that there would be no need to dig up the grade as the plants were container plants in bags or pots with everything above grade to be hand watered.
- Cobey asked about visible light potentially emitted from cultivation operations during the night. Ms. Jones stated that light would be contained inside of the greenhouse structures due to the blackout design. Security lighting will be activated by motion sensors and the amount of time on can be programmed.
- Fluer asked about the drainage ditch adjacent to the canopy area. Ms. Jones confirmed that the ditch was there and stated that the design team engineers had looked at it within the context of a 500-year flood.
- Powell asked whether the landowner was an applicant for the project. Ms. Jones responded that the way the County ordinance is structured the owner could not be the applicant, during the first year. During this

period the applicant must be the person holding the State of California registration.

- Powell asked whether the applicants were leasing the property. Ms. Jones confirmed that this was the fact.
- Powell continued as to whether or not the applicants were leasing all of the property. The response was that the lease is for the cannabis operation only (approximately 4 acres).
- Powell continued that it was his understanding that there was a need to have at least 50 acres of property to have an operation of this size. Ms. Jones stated that only 25 acres were required and that the requirement was that the “site area” be at least 25 acres. Powell reiterated that the apparent conflict was something that needed to be further clarified.
- He registered an objection to the lack of information provided to the public with the application citing the lack of a lease agreement and lack of a security plan. Ms. Jones responded that the applicant did not want to put the security plan into the public forum because of the nature of the plan that they did not want the plan to be open to the public [opening it to the public, opens it to those that would seek to conduct nefarious activities on the site]. Powell asked for clarification as to what security was provided. Ms. Jones explained that there would be a combination of security activities conducted with certain responsibilities assumed by an on-site employee and others involving the monitoring of security systems which would be performed by a professional company providing an off-site monitoring service.
- Powell commented that there were 46 applications for cannabis operations pending in North County. He stated that he would like to find out the Sheriff would be able to respond to security issues given the size of the area covered and how the County is funding to provide security given the extent of the number of locations now being processed. Ms. Jones responded that the BOS had discussed the matters of security and response and that there has been some thought as to how the funding from the taxes collected from cannabis operations might be applied. The BOS has not yet finished their work in this regard.
- Powell noted in the application that there was a party called “SLO Royal Organics.” He asked who this party was and what their involvement was in this process. Ms. Jones responded that they were contract operators for the farm. The contract operators were identified as part of the design team. Powell concluded his remarks with a comment that there has been no

information provided within the application concerning activities or involvement on the part of SLO Royal Organics.

- Woodruff asked why the greenhouses were not better situated to give greater setback from the property line. Ms. Jones responded that location is based on maintaining low visibility of the operation adding that hoop houses were not used.
- Cobey stated that in the presentation it was mentioned that there would be one full-time employee designated as the on-site person responsible for site security. He asked whether or not coverage was provided on a 24/7 basis. Ms. Jones responded that there would be onsite coverage 24/7. Cobey asked whether or not Ms. Jones was aware of any security studies conducted in California that might be referenced. Ms. Jones responded that she was not familiar with any and that the Sheriff's Office had the responsibility to review the plan. She pointed out that the requirements for security in cultivation operations were different from those used for manufacturing or other operations noting that for cultivation there was no requirement for cameras stressing that the controls included locked gates and fencing. She stated that cultivation was a farm and not an operation with any cash involved.
- Fluer commented that he had viewed the video of the proceedings of September 21<sup>st</sup> hearing. Fluer asked for confirmation that cannabis was to be hand watered. Ms. Jones affirmed that this was the case limited to outdoor cannabis.
  - Fluer opined that the water study included only the outdoor irrigation of cannabis. Ms. Jones responded that this was not the case that total water use had been provided. Fluer then asked why the water consumption was based on a figure of 0.03 gal/sf/day throughout 150 days. The result was that the use would amount to a total of 3,920 gallons per day over the three acres used for the calculation included in the report. Ms. Jones stated the growing season was 150 days and that 0.03/gal/sf/day is the approach used by the cannabis industry in California even though the cannabis plants would be planted in individual containers. Fluer responded that the report appeared to be fiction, and stated that the only authoritative source that he found concerning water use was within the California Fish and Wildlife report at 6 gallons/plant/day. Using the 3,920 gallons per day and converting water use to a specific number of plants results in 218 plants per acre and possibly as high as 290 depending on the number of growth days used. Fluer asked what the density of plants was per acre as proposed. Ms. Jones responded for the design team that the plant count would be 200 plants per acre.

- Powell commented that SLO County Urgency Ordinance 3334 states that cannabis plants use approximately 1,200 gallons per plant per year.
- Fluer quoted from Title 22 §22.040.050 D.3.d that all cannabis cultivation shall be located at least 50 feet from the upland extent of riparian vegetation of any watercourse. He noted that the drainage ditch on the property adjacent to the canopy goes into Paso Robles Creek. The site plan showing the 50-foot set back encroaches on the canopy area as well as on the upland vegetation shown on the plan. Ms. Jones responded that the setback line had been mapped by the project biologist as well as the site planner. She stated that the County had also verified it. Fluer stated that the County representative Megan Martin was present in the audience and restated that in his view there was an encroachment of the canopy into the required setback as well as an encroachment on the upland vegetation as shown.
- Fluer asked is seed travel controlled. If there are seeds carried into the watercourse and they go downstream, the cannabis could spread to other areas by the flow of the creek. He asked whether or not there should be a condition imposed to control such an event. Ms. Jones stated that she did not know as she was not the farmer.
- Fluer's last question was related to predators. Gophers may be predators, but are there any animal species or birds affected by this cultivation. There were at least three comments in the testimony requesting that an EIR be provided. Fluer noted that there was no requirement for an EIR established as a condition and pondered why this was the case. Ms. Jones noted that there was a condition focused on birds [Condition 27 relative to construction] in the list of conditions imposed by the County. Fluer was aware of that particular condition, but the concern was related to the crop itself and wondered if the farm operation would be shooting the birds that may get into the crop.

## **5. PUBLIC COMMENTS**

Bejarano closed on the comments from the delegates and opened the floor to comments from the public. He reminded the audience of the rules for public testimony as provided in the agenda. Bejarano stated that the purpose of the meeting was to receive comments from the public to arrive at recommendations that might be provided to the County Planning Department. He stated that there would be from 30 to 40 minutes provided for comments from the public. He suggested that the available time would translate to about 15 people speaking noting that if comments by individuals were less than three minutes the number

of potential speakers could be increased. He cited past practice from a time perspective as the reason to limit the speakers.

Powell disagreed with the proposal to place a limit on the number of speakers and related that it was his understanding that the TAAG Bylaws do not impose a limit on the number of public attendees who may make a public comment. To establish a consensus on the matter, Powell made a motion, seconded by Fluer that all who wanted to speak should be able to speak and that there would be no limit as to the number of speakers. A vote of 6-1erapproved the motion.

Scott McKenzie citizen of Paso Robles spoke in favor of the project citing the following:

- McKenzie stated that he was a cannabis user.
- Cannabis is safe, safer than alcohol.
- McKenzie operates six cannabis sites throughout the north county.
- There are two governmental environmental agencies involved in the inspection of cannabis sites.
- The industry is highly regulated.
- The industry would be producing millions in dollars of tax revenue.
- The ordinance handles security.
- Outdoor cultivation on a minimum 25-acre site would allow the cultivation to be of a lesser size. McKenzie reportedly has four acres in cultivation on six different sites.

Gwen Pelfrey, a Templeton resident, spoke to Powell's motion not to limit the number of speakers.

- The prior motion and vote were proper. The number of speakers at a Special Meeting of TAAG is not limited.
- Pelfrey opined that the process to grant a MUP was not appropriate stating that she felt that a CUP was the appropriate permit. She recommended that TAAG look at the requirements and get more information regarding why the processed permit would be a MUP.
- She cited and read from LUO §22.40.050 B that a MUP was required unless another section of the LUO requires a CUP.
- She referred to the fact that the document package forwarded by the County to TAAG containing statements by the applicant's agent. The agent's statement titled Supplemental Development Statement included the purpose of the document which contains as part of the title the words "Cannabis Conditional Use Permit." She pointed out the conflict between the title created by statements in the body of the letter to the effect that the permit was for a MUP.

- She recommended that this discrepancy could add to the complexity to the public and confusion as to what permit is to be processed. Pointing this out to the county now could avoid having to resolve a more complex issue later.

Megan Martin, representing SLO County Planning

- She responded to Pelfrey's comment regarding the MUP vs. a CUP that the Planning Department had determined that a MUP would be required, but that the next meeting on the matter would be in discussion on an update to the cannabis regulations in front of the Planning Commission on October 25<sup>th</sup>.
- The next BOS meeting where BOS would consider an update to the provisions in Title 22 affecting clarifications relative to cannabis would be December 11, 2018.

Gary Bang, Paso Robles resident on York Mountain Road

- Bang started with a rhetorical question to the attendance – What is the benefit in medical MJ to the County? Is it a financial gain to the County?
- He stated that he was a resident adjacent to the project and he had lived right on the fence line for 23 years. He wondered how property values could be maintained.
- Having an 8-foot high fence for security demonstrated that the issue of security must be serious. Bang commented that this was not a prison. He opined that having the security of this nature was not farming. The security issue was making his wife fearful of having the project on their fence line where they could look out and see the operation close to their home.
- Information that he has read recently indicates that there is an excess amount of cannabis available, and wondered where all of the excess cannabis would be going.

Mary Bang, Paso Robles resident on York Mountain Road

- She expressed concern about available water for the area. The Bangs had to drill a new well to a depth of 700 feet to find water.
- She noted that recently there was a new well drilled on the neighboring property.
- She stated that she was not opposed to cannabis or people smoking marijuana, but that she was against any crop grown that requires security of any kind including a full-time security person to be on the property full time, security cameras, security lights, speculating that growing anything that requires security like that should probably be located in a central area. Such a crop does not belong in a residential area. Growth should be done in a commercial area where security would not be an issue.

- Concern was expressed regarding the odors, and that smell has an impact. She was concerned with having grandchildren ages 4 and 9 exposed to cannabis odors and had friends living near a growing location in Oregon where they had to close the windows because of odors from cannabis cultivation.
- She expressed disappointment with the location chosen given the fact that the project was located on a 77-acre parcel, but the applicants had to choose a fence line for the location. Comments from the design team as to planting trees and stuff would not make any difference as the fact remained that the installation was still there [on the fence line].

Kendal Parker, a resident of York Mountain

- The project design team was looking out for the owners of the site, but not for the neighboring sites, the interest of others, or the County budget.
- Ms. Parker stated that each of the seven greenhouses on the property would be approximately 3,060 square feet. Each one of these is bigger than the typical house. The result is not much different than putting seven houses right on the fence line. She stated that in addition to the greenhouses that there were three more buildings each of them 4,800 square feet. She reported that each of these is twice the size of her house.
- The project is not a small project. However, it was granted a waiver to the California Environmental Quality Act (CEQA) and believes that an exemption to CEQA should not have been granted.
- The seasonal stream [referenced by Fluer as drainage] goes between buildings 9 and 10 and previous flooding went through building ten which is adjacent to the seasonal stream. She believes that there is a conflict in the application package regarding whether or not the subject project is within an area subject to flooding.
- There were 20 different mitigation methods mentioned by California Fish and Game, but she does not believe that mitigation measures specified by Fish and Game have been addressed.

Les Brown

- Concerning security, Brown stated that we [the public] still have the second amendment.
- On the issue of water use, he was of the belief that people have overstated the amount of water used and that less water was used in the winter.

Duncan Taylor, a North County resident for the last 20 years.

- He read a written statement expressing his concerns about water use. [the reading was at a rapid pace in a low-key voice, and only portions of the testimony were able to be distinguished]

- Outdoor cannabis cultivation requires twice the amount of water as does the cultivation of grapes.
- Water resources are not available.
- The watershed area is limited in its ability to produce water.

Leslie Johnson, a longtime resident

- She explained that she noticed a sign with a picture of a pistol while walking her dog in the area of Neil Springs road and Hollyhock Lane.
- Comments from audience members interrupted the speaker stating that the crop that she referred to was not cannabis, but industrial hemp.
- She noted guards are walking on the property.
- An article referred to by Johnson pertinent to the growing of cannabis in Colorado noted that across 64 different jurisdictions that the rate of homicides is up. She expressed concern with the potential for greater numbers of robbery, burglary and murder cases in our area with the increase in the presence of marijuana. She worries about the impact on our peaceful community and place that we call home. She related a concern related to the use of MJ based on personal experience that may result in job loss, loss of significant relationships, dropping out of school, and a loss in the ability to focus things right.
- She concluded by offering an opinion that it is reasonable that commercial cannabis cultivation should not be allowed near our homes and in our residential neighborhoods.

Bob Danielson,

- The development site on York Mountain Road is remote and rural.
- He stated his understanding that local and state government agencies are now in the process of developing regulations for cannabis. Many of us don't want to see cannabis operations change the character of our neighborhoods.
- Concern was expressed about the loss of property values, an increase in crime and security of our property as well as the impact of odor and more. Danielson proposed that it seemed reasonable that a commercial cannabis operation should not be allowed within one mile of any existing residence within any area of the County.

Wes Berg, local business owner

- Berg stated that he was an advocate for property rights.
- He noted that the cannabis ordinance was the most detailed ordinance for any crop grown in the state. He expressed an opinion that we citizens have the right to tell others what they can and cannot do based on fear.

- In this instance cannabis is an AG grown commodity on an AG zoned property. The proposed cultivation is radically different from any other AG use based on the limited size of the operation.
- The proposed cannabis project will not have the same impact as a similarly sized parcel put into vineyard use. It will have a lesser impact on the land, the soil, the vegetation, the wildlife simply because of the scale of the AG component.
- He concluded with a statement asking the TAAG Board to consider how you might feel if “you” were going to conduct an agricultural project within the regulations of the County ordinance or State law and your neighbor told you that you couldn’t do it.

Jason Kallen, Templeton resident, and owner of CB Farms

- Kallen explained that he had assisted SLO County with the development of the cannabis ordinance.
- He spoke in support of the project stating that the project was an AG use in an AG area. He believed that the exemption from CEQA was valid and that the project met all of the requirements of the ordinance and all of the requirements of state law.
- The project would use existing onsite wells and would remain consistent with the projected water usage.

John Gates(?), York Mountain resident, speaking from his seat location.

- He had lived on the subject property (calling it the ranch), fishing in the creek, and now the water has been polluted.
- He voiced his opposition to the project and did not want the area further spoiled by cannabis. He expressed the opinion that the current owners were taking advantage of the neighbors by the actions being taken.

Gary Moore(?), did not approach the podium choosing instead to speak from his seat location.

- Expressed agreement with the other speakers and owners of property in the subject area. His residence and property are in the immediate area, and contrary to the statements made about AG use the properties in the area are being used as residential properties with no commercial operations by the residents. He noted that the previous speaker had “run a few cattle” down the back side of the mountain onto his property, which comprised the AG use.
- An Industrial Grade MJ factory does not belong in the Templeton area. A cultivation area that must be illuminated with luminaires 24 hours a day. What will happen when the generators come on? Noise pollution, light pollution, and water use are of concern.
- Water use is of major concern as many in the area have had to truck water into their homes in the summertime.

June McPhee, Templeton, Shadow Canyon

- None of the area residents knew anything about the project until about five days before the hearing on September 21<sup>st</sup> when the news reported on the issue.
- Only one person was speaking in support of the project which was a relative [possibly a sister] of the property owner.
- McPhee had printed signs calling attention to events and activities related to the project which were torn down and removed on three different occasions.
- She posed a question as to why the project had received the exemptions that were granted including an exemption from an EIR.

Chris Matthews, a supporter of the project

- Chris Matthews has worked in the cannabis business for the past eight years and has grown cannabis in the Adelaida area for the past six years.
- Most growers that he knows are good people and work to be compliant with the regulations.
- Chris Matthews stated that he was a Director for the Central Coast Cannabis Council and is the communications director for cannabis in the area. He stated that most people in attendance had a stigma in their mind about cannabis, but recognized that most people in attendance had good intentions.
- Chris Matthews stated that there is a much smaller environmental impact by cannabis on the environment than the impact of grapes.
- Cattle use 300 times the amount of water than cannabis does.

John (surname unknown), a supporter of the project and also a local winemaker

- He stated that he had studied the impact of cannabis on crime, and had done a bit of homework and had determined that that crime had dropped across the board in areas where cannabis is grown. Crimes were reduced by 10% overall with a 2% drop in murder rate in Washington, and a 15% drop in California, a 19% drop in robberies along with other drops were quoted. He concluded that cannabis operations have a positive impact on the crime rate overall.
- Concerning property values, he stated that contrary to the popular belief of a negative impact on property values that cannabis increased property values by 6% in Colorado, and the value of AG land increased in Humboldt County in California. He commented about water use was low, but was not entirely clear in how he had reached this conclusion. His comments were general but focused on the positive impact in areas where cannabis is grown.

Lucas Rains, a resident of Shadow Mountain area speaking in support of the project

- Rains stated that he had farmed cannabis for the past ten years.
- The general Templeton area has always been an agricultural area. Agriculture is part of who we are in the community.
- Growers have been good stewards of the land.
- He expressed a view that there had been a lot of propaganda against the cannabis industry and expressed support for the project.
- Rains supported the project commenting that those in the area should be allowed to do what they have done for over 100 years and that was to farm their land.

Sean Sherman, in support of the project

- Sherman opened his comments with a brief background statement that he had a degree in computer science from USC.
- For the last decade or so he has been involved in the cannabis industry and reported that he had a small R&D company here in the area and
- Founded a cannabis task force and has helped out and spoken on cannabis matters to policymakers and has appeared on local media [radio stations]. When he talks about land use, he tries to remind his audience that although this appears to be new cannabis growing has been done in a handful of states for some years.
- He stated that regarding the other concerns voiced including that answers to water use and property values were known and that this was not a “boogyman concern.” He stated that property values were up and that we [cannabis] use a lot less water than grapes, almonds or olives.
- He stated that most of the “hold-back” seems based on misinformation and propaganda adding that he understood. Negative propaganda is the common opposition expressed towards cannabis. He stated that for over 50 years the public had been told that cannabis is a bad or evil thing and that this is not the case and the data is there [to prove it].
- Other states have grown MJ for a long time, and from his perspective and the industry perspective the future looks pretty good for us [in the cannabis industry].
- Anybody here can go back, and fact check property values and water use.

Ms. Castro, standing from her place in the audience

- Castro made several comments about traffic lights in the area and the through stop on Highway 46 [at the Vineyard Road intersection]
- Question about security

- Castro asked how the cultivation area was to be fenced, was it barbed wire or what?
- A lot more information is required to make a judgment on the project.
- In the interim, everybody wants to get into the cannabis business.

Megan Martin, SLO County Planning

- It has been pointed out that the ordinance needs improvement.
- The appeal is the next step in the process.
- As mentioned there are now 46 permit requests in North County alone.
- Somewhere in the process, the community needs to be recognized. The right time to address the expressed concerns was when the development of the ordinance occurred, and as is often the case participation by the citizens came late.
- She is a resource to go to for further information that may be required.
- The Sheriff's Office will be checking the security plan with the finding to go to the Planning Department when completed. The Planning Department will also be checking the details for the construction of the security fence before construction.
- There is also a monitoring plan that was submitted. The firm that will be conducting the monitoring is off-site, and four full-time employees staff the monitoring station.
- Powell asked if the County monitoring plan was established. Martin responded that the County has not yet completed its cannabis monitoring program.

Bejarano thanked Martin for her comments, suggesting that she had in effect opened the floor to questions which had defeated the process that had been put in place. Bejarano asked if other persons were wishing to speak, and there were none. Other comments then erupted from within the audience without regard to process without the benefit of declaring their name or affiliation in a manner that could not be followed by TAAG delegates. The action resulted in Bejarano calling for order, and the public comments closed.

Bejarano recused himself [a federal employee] from further participation as Chair and turned the meeting over to Vice Chair Cobey.

- Cobey stated the purpose for the meeting and for those that attended was for TAAG to determine what the public thinks of the project.
- Stone commented that this project has turned out the most interest since the beginning of his participation with TAAG. The project has more angst than most other projects. Now that it [the cultivation of cannabis] is legal more people are coming into the open. He found it interesting that there was this level of governmental intrusion into the business of growing MJ. He commented that it seemed that there is a public relations problem for

the industry regarding use including recreational use. He asked [the growers] a rhetorical question...What are you people afraid of given the fact that in the past most growers seemed to have been criminals at one time and everyone just planted outside? Now it is legal, and people are coming back into the normal social fabric, and that is something that needs further work from us all.

- Stone stated he had no particular concerns with the cultivation of cannabis, but that this specific project had generated a lot of concern on his part with one of those concerns being water. He reminded the attendees that the area of cultivation was part of a watershed area and that there was no underlying basin. The water is taken out of fractured rock. There are no local area studies that are available to the public. He feels that a hydrological study should be done not only for this project but the area as well. He expressed a view that waste-water in the form of runoff from the surrounding agricultural areas raised another concern for him. He also stated that the drainage issue raised by Fluer was significant and something that needed to be addressed. He also wondered if the greenhouses couldn't be located further away from the property line and whether or not it was possible. He also wondered whether or not it was possible to reduce the size of the project to make it a bit more manageable.
- Bruce Jones expressed concern with the seven greenhouses 30 feet from the property line and commented that size was at an absolute limit.
- Jones suggested that property values going up as a result of the cannabis cultivation was not realistic. He expressed a concern that property values would not likely increase.
- Woodruff echoed the concerns with the location of the greenhouses expressed by other delegates. He stated that more effort needed to be put into where the greenhouses are being located on the property.
- Fluer commented that statements had been made that the project does comply with the law. Things from the County perspective were in line for approval. The next step in the process is the appeal. The audience has made the point that the ordinance needs to be modified to recognize the proximity of cultivation to residences.
- Fluer stated that he was on the horns of a dilemma as he feels that he must approach the project from the requirements as they exist. He expressed the opinion that in areas where the design might not comply the nonconformance could be corrected or mitigated. At the same time, TAAG has the responsibility of being the first voice to listen to the concerns of the public and to send that message to the County. Regardless of the position that TAAG may take, the regulations will prevail. Fluer has looked at two other projects in the area, the applicants have done a good job in looking at the regulations and working to bring their designs into conformance with them.

- Fluer also commented that he agreed with Stone’s comments on water availability and informed the group that TAAG had submitted a request to the County urging the BOS to conduct a water study on the west side water. There is a concern about area use. TAAG went to the county asking for support and received the support from Supervisor Peschong [and Arnold], but there is no budget money available at this time to conduct the study. At the same time, vineyard construction continues at a rapid pace on the west side. The public needs to pay attention and keep communicating with the BOS not only with the need for considering modifications to the cannabis ordinance but concerning the study of water availability on the west side as well.
- Powell commented that a community plan was needed to determine neighborhood compatibility and that there was nothing in the application presented that seemed to address the requirement. He quoted Title 22 [§22.40.040 A.2.g] that requires the following:
  - “A statement of neighborhood compatibility and a plan for addressing potential compatibility issues;”
  - He commented further on what “he had heard during the meeting today indicates that there is no compatibility between the opposition and the supporters.”
- Powell mentioned that there had been an invitation to TAAG from Ms. Jones a week ago inviting one member of TAAG to visit the site, but that the visit was limited to a single member and that the representative that visited could take no photos. Powell wondered what was of such concern that pictures could not be taken. In the end, TAAG took the position that the invitation should be extended to all members that would like to come to do so. Ms. Jones responded that the applicant’s attorney advised against allowing more than a single representative being shown the site which resulted in TAAG declining the opportunity to do so.
- Powell noted that in his opinion the issue of compatibility had not been addressed and that the owner of the property should consider reaching out to the community to do so.
- Powell reiterated the standing of cannabis applications in the County of 74 applications with 46 of the total being in North County.
- Delegate Parker suggested that he would prefer seeing the cultivation start small and grow from there. He had a concern with the location of the greenhouses on the property isn’t the best. He noted additional concerns with neighborhood compatibility. He expressed the opinion that the use was a legal agricultural use.
- Cobey summarized the major points that he had assembled as a result of the discussion during the meeting to include:
  - The proposed location of the greenhouses,

- Security,
  - Water use,
  - Drainage, groundwater,
  - Size of project and visibility by immediate neighbors,
  - The concern of neighborhood compatibility,
  - Inadequate notice for people to know about and come to an understanding of the project.
- There was in Cobey's opinion inadequate notice especially for the first project of this nature. As the first of its kind, it is hard to understand, and people need the time to reach an understanding of the project. He noted that the project is legal, it is agriculture, the area is zoned agriculture it is not zoned Agricultural-Residential.
  - Stone made a motion, seconded by Woodruff to approve the project with the following recommendations.
    - Conduct a hydrogeological survey to determine water availability.
    - Revisit the drainage setback shown in the design plans [between buildings nine and ten on the canopy area view] and the extent of the upland riparian vegetation within the setback of the watercourse. [LUO 22.40.050 D.3.d]
    - Relocate the greenhouse area away from the property line to a new location.
    - Beautification of the security fence between the greenhouse area and the proximate neighbor [Bang].
    - Scale back the size of the project to a more suitable size in consultation with neighborhood groups.

In discussion, Fluer sought to clarify whether TAAG involvement was contemplated within the context of recommendation four (4) above. Stone responded that it was not. Fluer concurred that TAAG's further involvement in such activity was not needed, especially in light of the design team's position on TAAG's visiting the site.

Fluer pondered just what might be done with the fence. Stone suggested that there may be changes in design that would make the fence less obtrusive.

Powell commented that the whole west side water needed to be studied. He sought to clarify the extent of the hydrogeological survey included in recommendation number one. Stone responded that the water survey was site-specific and not area-wide. Martin commented that funding was not available for a westside study today, and an area-wide study would not be able to be conducted until next year.

Powell was not optimistic about having a water survey done based on the current project timing but agreed that such a survey was worth doing.

Fluer asked a question of delegate Parker through the Chair as to what he had in mind when he had commented that he felt that a scale back of the project should be considered. Parker responded in part that one greenhouse and a reduced growing area might be possible.

Powell commented that the issue of flooding and drainage on the site should be further evaluated.

Fluer requested to comment to bring to the attention of the attendees that he had prepared a list of recommended modifications to the conditions of approval that had been issued by the County. The modifications were intended to make the conditions better to be enforced and in places where Fluer believed gaps to exist. As an example, cannabis odor was one of the conditions where modification was sought pertinent to nuisance odors. Fluer stated that most modifications centered around those used to regulate continued operation.

Stone suggested that the comments be revised to include a statement that the BOS consider the modifications to comments made by Fluer. Powell objected to modifications of the motion to include the comments as he had not had time to review the modifications. The motion was not amended, and the five original recommendations remained in place.

A roll call vote resulted in unanimous approval 7-0-0 with alternate delegate Bruce Jones voting. Bejarano had recused himself from the vote. Cobey then turned the meeting back to Chairman Bejarano who announced the conclusion of item 4.2 and directing the delegates to move to Item 5 in the agenda.

## **5. ANNOUNCEMENTS FROM THE DELEGATES (not on the agenda)**

Parker had no additional announcements.

Powell announced an upcoming meeting of the Bylaws Committee to be held on October 9<sup>th</sup> at 2 pm.

Stone announced that the Public Relations Committee was scheduled to meet on October 11, 2018, at 2 pm in the TCSD Boardroom. Fluer asked Bejarano to describe what he had in mind relative to goals from the committee. Bejarano briefly stated his desire to see a list of established goals in line with what had been described by Stone, but in a form where the Board members could see the direction contemplated by the committee for review by the Board at the next regular meeting.

Woodruff, nothing to report other than the County Public Works Department had reached out to him regarding the scheduling of a future meeting. Woodruff will be responding to the request.

Fluer, nothing to report.

Bejarano brought up the idea to form a cannabis committee deal with cannabis issues like that used by the PRC. He noted that there were 14 pending applications in front of the PRC. Powell suggested that if the committee were formed, it would be a special committee. Fluer sought to clarify whether or not minutes were required for meetings of the special committees; the group responded that this was not required and that only minutes of regular and special meetings were required.

## **6. ADJOURNMENT**

The meeting adjourned at 9:43 pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Larry Fluer".

Larry Fluer

Secretary