

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.

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 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.

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 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.

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.