

Eric Hughes

From: Sylvia Aldana
Sent: Friday, October 16, 2020 11:36 AM
To: Eric Hughes
Cc: Michael Stoker; Cheryl Journey; Don C. Moore
Subject: DRC2018-00234-Cannabis Referral

Hello Eric,

The following are the Building Division Comments for Planning Project Request: DRC2018-00234

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of a phased cannabis operation to include 1 acre outdoor cultivation, outdoor ancillary nursery, ancillary processing, transport (distribution-transport only) and 22,000 SQ/FT indoor cultivation. The project also includes a request to modify the fencing standards of the County Land Use, land ordinance. A California State licensed design professional (Architect/Engineer) shall prepare plans in compliance with current codes adopted by the County of San Luis Obispo (Current version of the California Building Standards Codes and Title 19 of the SLO County Codes at time of permit submittal).

While a thorough plan review will be conducted at the time of building permit application, the following items are noted to assist design review and not necessarily be considered complete, due to the plans not being the final permit submittal package;

1. A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.
2. A pre application meeting will be needed prior to submitting for a building permit to answer any questions and / or discuss code related issues.
3. Separate building permits will be required for separate structures located on the site and for any grading.
4. Specify the occupancy classification and Type of Construction on the cover sheet of the plans to verify compliance with the current version of CBC.
5. Provide a building tabulation on the plans clarifying the floor area (square footage) for each proposed use/occupancy within each structure and for the overall structure.
6. Provide floor plans, elevations, sections, etc. to accurately show the work being completed and layout of the proposed uses within each structure.
7. Any fire resistive walls or ceilings due to occupancy separations will need to be detailed on the plans to comply with the requirements of with CBC, including Chapter 5, 6 and 7. The specific details for the wall construction on the plans will need to reference an approved UL listing or gypsum manual listing.
8. Mixed occupancy buildings will need to comply with the CBC, specifically CBC Chapter 5 Section 508.
9. The fire and smoke protection features (i.e. exterior walls, projections, openings, rated wall assemblies, shaft enclosures, parapet, etc) shall be shown, calculated and detailed on the plans to comply with CBC, including Chapter 7.
10. Provide an occupant load and exiting analysis on the plans to verify compliance with CBC, including Chapter 10.

11. The accessibility elements throughout will need to be shown, detailed, and / or noted on the plans to verify compliance with CBC Chapter 11B. (i.e. accessible parking, path of travel, restroom design, accessible amenities, rooms, doors, electrical outlets, etc.).
12. Provide plans which clearly show the structural design to verify compliance with the current version of the California Building Code and referenced standards. The plans and supporting calculations will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design.
13. Membrane structures will need to comply with the provisions of CBC Section 3102.
14. Provide isometric / single line drawings for the electrical, plumbing, and mechanical elements to verify compliance with the current versions of the California Electrical, Plumbing, and Mechanical Codes.
15. Provide a plumbing fixture analysis on the plans to verify the number of fixtures provided are sufficient for the proposed use and complies with CPC Chapter 4 and Table A and Table 422.
16. Provide an equipment schedule on the plans and any referenced standards or spec sheets that are applicable.
17. Provide details for anchorage for all equipment. For equipment weighing more than 400 lbs, provide calculations for seismic anchorage in accordance with ASCE 7-16, Chapter 13 or current version.
18. If there are any hazardous materials, provide HIMS sheet to specify the types and quantities. Also, show proper storage location on the plans.
19. Energy Calculations will need to be provided to verify compliance with current California Energy Code.
20. Compliance with the current California Green Building Code and County of San Luis Obispo Green Building Ordinance will need to be show on the plans.
21. The building(s) will need to be provided with fire sprinklers and an alarm system under a separate permit. At the time of the permit application provide plans and calculations showing the design of the system.
22. A permit will be required for grading, plans show grading for the road, specify amount of grading per cubic yards. A grading and SWPPP plan may be required depending on the total area of disturbance

Sylvia Aldana
Plans Examiner III
County of San Luis Obispo
Planning and Building Department
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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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TO:	Planning Department – Eric Hughes	DATE:	10/29/2020
FROM:	Dell Wells Captain / Deputy Fire Marshal San Luis Obispo County Fire		
Project:	DRC2018-00234 CLARK 3rd Referral (previously DRC2018-00153) Revised 10/29/20	APN:	070-174-012 and 070-174- 022

The San Luis Obispo County Fire Marshal's Office has reviewed the submittal package for the above proposed project. Phased cannabis cultivation. Phase 1 is a 1-acre outdoor grow with a 3,000 sq. ft. outdoor ancillary nursery. Phase 2 includes will have ancillary processing within existing 2,403 sq. ft. barn, 10,000 gallon steel fire suppression water tank . Project will be located at 5145 Calf Canyon Highway 5.8 linear miles East of Highway 299. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

Phase 1

- A) All construction plans and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance (2019 CA Fire Code, CA State Title 14, San Luis Obispo County Title 16).
- B) Access road will meet 12 feet wide to outdoor grow at the completion of phase 1 before approval by County Fire. County Code Title 16 special Purpose Way. A turnaround will be required at location before gate to property. Turnaround will meet County Fire Standards.
- C) Proper storage of and identification of 200 sq. ft. storage container with pesticides. Will meet maximum allowable commodities per Chapter 50 of the C.F.C. Material Safety Sheets will be keep on site for products in storage.
- D) Addressing to meet County Ordances Title 16 section 505.1.
- E) Gates onto the property will be two feet wider than the edge to edge surfacing of the driveway.

Phase 2

1. All construction plans and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance (2019 CA Fire Code, CA State Title 14, San Luis Obispo County Title 16).
2. Occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finished.
3. A registered Fire Protection Engineer is required to provide a written technical analysis of the fire protection requirements. **Analysis will include water storage required for existing and new buildings NFPA 1142, hazard class for buildings NFPA 13, water based fire protection system and alarms required per C.F.C. Chapter 9 and any related fire / life safety requirements. (water tank size will be based of calculations from NFPA 13 system and NFPA 1142)**
4. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
5. Submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, High Piled Storage (any combustible stored over 12 feet in height).
6. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways. The fire access road shall comply with the requirements of CA Title 14 and San Luis Obispo County Title 16.
7. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs. (commercial)
8. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.

9. Roadways shall be a minimum of 20 feet in width with 2-foot shoulders and 13-foot 6-inch vertical clearance. **(Reduction of access road widths request by this project may be accepted with the Exception to Standards for C.C.R. Title 14 Div. 1.5 Ch. 7, Sub Ch. 2, Article 1-5 Sec.1270.06. Applicant will list in writing the reasons for reduction that can accompany the grading plans. No width will be less than 16 feet and a maximum width allowable should be shown for any area of reduction.)**
10. Turnarounds are required on driveways and dead end roadways.
11. Grades for all roadways and driveways shall not exceed 16 percent. Over 16 percent up to 20 percent require approval. No grades over 20 percent will be approved.
12. Roadway radius shall not have a radius of less than 50 feet and additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
13. Gates for driveways and/or roadways shall comply with the CA Fire Safe Regulations.
14. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with CFC Appendix B.
15. Commercial - Approved hydrants shall be installed based in accordance with requirements in CFC appendix B. NFPA 1142 can be referenced for rural water supply. Private fire service mains shall be installed, tested and maintained per NFPA 24 2016 edition.
16. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
17. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2016 edition for the installation of Underground Fire Protection Mains.
18. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the San Luis Obispo amendments and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
19. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.

20. Provide 100 feet of defensible space around all structures.

21. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Should you have any questions, contact me at (805) 593-3427 or email at dell.wells@fire.ca.gov



THIS IS A PROJECT RE-REFERRAL

DATE: 9/15/2020
TO: 5th District Legislative Assistant, Building Division, Cal Fire/County Fire, County Assessor, Environmental Health, Public Works, Sheriff, California Fish and Wildlife, US Fish and Wildlife, RWQCB, AB52
FROM: Eric Hughes (ehughes@co.slo.ca.us or 805-781-1591)

PROJECT NUMBER & NAME: DRC2018-00234 CLARK (PREVIOUSLY DRC2018-00153)

PROJECT DESCRIPTION: A Proposed Conditional Use Permit to establish a phased cannabis operation to include outdoor cannabis cultivation, outdoor ancillary nursery, and ancillary processing and transport (distribution-transport only). The project also includes a request to modify the fencing standards of the County Land Use Ordinance. The proposed project site is in the Rural Lands land use category and is located at 5145 Calf Canyon Highway, approximately 5.8 linear miles East of Highway 299. The project site is located within the San Luis Obispo North County Salinas River Sub Planning Area.

APN(s): 070-174-012 and 070-174-022

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

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

- YES (Please go on to PART II.)
NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

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: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached.

11/20/2020 L. Terry 11/20/2020
Date Name Phone



COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT

Michael Hill *Health Agency Director*

Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

November 20, 2020

To: Eric Hughes, ehughes@co.slo.ca.us
SLO County Planning and Building

From: Environmental Health
Leslie Terry, 805-781-5553, lterry@co.slo.ca.us

RE: DRC2020-00234 (Clark)
APN 070-174-012 and -022

Applicant to return attached Hazardous Materials Declaration Flowchart to this office. Be advised that threshold levels are 55 gallons, 500 pounds or 200 cubic feet and common materials include (but are not limited to): fuel, paint, lubricants, pesticides, herbicides, fertilizers, pool chemicals, and compressed gases. Contact Pete Hague at (805) 781-5554 or phague@co.slo.ca.us in this office with any questions regarding this form. The form should be submitted directly to Pete Hague.

Verify water supply adequacy and potability as needed for proposed use. Applicant/property owner is advised that if the on-site population (including all uses served by water system) reaches 25 persons or more for at least 60 days per year, including residents and employees, any domestic water supply would be required to permit as a public water system. If the property does not currently meet the threshold to become a public water system, but onsite population increases at a later date, property owner/manager to contact this office to determine if a public water system is required. Please be advised for future planning purposes that water system requirements will be reviewed if/when any building permit application is submitted. Applicant or property owner/manager to contact Liberty Amundson at lamundson@co.slo.ca.us or (805) 781-5551 for questions regarding water supply.

If plumbing / fire suppression plan review determines a cross connection device is necessary, then an annual device test requirement shall be added as a condition of this CUP.

Environmental Health Services

2156 Sierra Way, Suite B | San Luis Obispo, CA 93401 | (P) 805-781-5544 | (F) 805-781-4211
www.slopublichealth.org/ehs

HAZARDOUS MATERIALS BUSINESS PLAN EXEMPTION FLOWCHART

Under penalty of law, I declare that I have followed the flowchart and checked the boxes that are appropriate for this business's operations. I also understand that the SLO County CUPA must be notified if our operations or procedures change and make the above statement inaccurate.

Name (print)

Signature

Business Name

Address

Date

START HERE
Do you generate hazardous waste in ANY quantity?

Do you store, use, or handle hazardous material at any one time during a calendar year in quantities equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at standard temperature and pressure?

Sign and submit this document – you need not submit a business plan or pay a fee

Are you a physician, veterinarian, pharmacist, dentist, or podiatrist who stores ONLY oxygen, nitrogen or nitrous oxide and the total quantity of each gas on-site is 1,000 cubic feet or less?

Agricultural Business

Is your facility either a :

Other Business

Do you store ONLY motor vehicle fuel in above or underground tanks at 1,100 gallons or less capacity and the TOTAL volume of fuel is less than 20,000 gallons?

Submit Form S, Form I, and Form M one time only and pay a one time fee.

Do you store ONLY motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)

Sign this document – you need not submit a business plan or pay a fee

Do you store ONLY motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)

Do you store ONLY N-P-K fertilizers (excluding ammonium nitrates) less than 10,000 pounds total?

Do you apply liquid fertilizer no more than four times a year, apply and store it over period of less than seven days, and is the quantity less than 1,190 gallons and you do not store any other hazardous materials in reportable quantities?

Is your facility:
A) a remote site (a remote site is defined as an unstaffed facility located in an isolated, sparsely populated area. The facility is secured and not accessible to the general public) and
B) is the inventory less than: 500 cubic feet compressed inert gas, 500 gallons combustible liquid fuel, 200 gallons electrolytes in closed containers, 500 gallons lubricating and hydraulic fluids, and 1,200 gallons of flammable gas used as fuel (propane)?

Submit a one time business plan, complete exemption form R and pay a one time fee.

Submit a business plan and pay an annual fee to:

Within San Luis Obispo city limits:
SLO City Fire Dept, 2160 Santa Barbara Ave
San Luis Obispo, CA 93401-5240
Ph: (805) 781-7380

All other cities and unincorporated areas:
San Luis County CUPA, PO Box 1489
2156 Sierra Way
San Luis Obispo, CA 93406
Ph: (805) 781-5544

COMMON HAZARDOUS MATERIALS

- Lubricants
- Solvents
- Compressed Gases
 - Fuel
- Pesticides
- Paint

COMMON HAZARDOUS WASTES

- Crank Case Oil
- Used Anti-Freeze
- Paint
- Used automotive batteries
- Spent solvents

Not sure?

Please contact The County of San Luis Obispo
Public Health Department
Division of Environmental Health
at
(805) 781-5544



Date: September 21, 2020
To: Cassidy McSurdy, Project Planner
From: David E. Grim, Development Services
Subject: DRC2018-00234 (formerly DRC2018-00153) Clark MUP, State Route 58, Santa Margarita, APN 070-174-012

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. The project site is located on SR 58, a Caltrans maintained roadway. The applicant must satisfy Caltrans concerns regarding impacts to their facilities. The new access proposed as part of the project (recommended in the OEG traffic engineer's report dated August 7, 2020) to achieve adequate sight distance will need to be reviewed and approved through a Caltrans encroachment permit.
- B. The proposed project is within a drainage review area. A drainage plan is required at the time of future building permit submittal by Public Works. The applicant should review Chapter 22.52.110 of the Land Use Ordinance.
- C. This project appears to not meet the applicability criteria for Stormwater Management since it is located outside a Stormwater Management Area or is within but creates or replaces less than 2,500 square feet of impervious area.
- D. If the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may require preparation of a project Stormwater Control Plan even though it is located outside a Stormwater Management Area.

Recommended Project Conditions of Approval:

Access

- 1. **Prior to commencing permitted activities**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
- 2. **Prior to commencing permitted activities**, the applicant shall provide evidence to the Department of Planning and Building that access improvements have been designed and shall be constructed in conformance with Caltrans standards.

Stormwater Pollution Prevention Plan (SWPPP)

- 3. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Drainage

4. **At the time of application for construction permits**, the applicant may be required to submit complete drainage plans for review and approval in accordance with Section 22.52.110 of the Land Use Ordinance.
5. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

G:\Development\DEVSERV Referrals\Land Use Permits\CUP\DRC2018\DRC2018-00234 Clark CUP 5145 SR58, Santa Margarita\DRC2018-00234 Clark MUP Santa Margarita_revised09212020.docx

Creston Advisory Body Recommendation

Chairperson: Sheila Lyons, 805-239-0917, P.O. Box 174 Creston CA 93432, salyons@airspeedwireless.net

From:

Date: 3/10/20

CAB Area # Representative, Jan Morris
(805) 438-4380 jansmorris@gmail.com

To: Eric Hughes ehughes@co.slo.ca.us (805) 781-1591

Supervising Planner, San Luis Obispo Planning & Building Dept.

Project Specifics:

Proposed cannabis Minor Use Permit for 43,500 sq/ft of canopy, utilization of an existing building for processing and secure storage (Phase 1) and the future (Phase 2) construction of up to 22,000 sq. ft. of greenhouse for mixed-light indoor cannabis cultivation to be located at 5145 Calf Canyon Hywy, Creston

DRC:2028-0153 Direct link:

<https://www.slocounty.ca.gov/getattachment/ckb5f0ec-ea96-4784-9708-61738758b337/DRC2018-00153-CLARK-Referral-Package.aspx>

Dates:

Presented to CAB by Jamie Jones and Jessica Miller of Kirk Consulting on February 19, 2020. Eric Clark, Applicant was absent....as they do not live here.

Specific Issues:

- a. Neighbors have serious concerns about the proposed cannabis cultivation operations on the Bigfoot Property and its impact on the neighboring residential property owners. A huge factor on this project, and many others we have seen in the Creston area, is that the owners (applicants) do not intend to live on the property, thus will not experience all that goes with living with the issues that arise from such a project. This is a huge part of our rationale for determining that this project is not community compatible. The area in which the Bigfoot Property is located is not suitable for commercial cannabis production as proposed. It is surrounded by families living in a residential ranch setting, whose enjoyment of their properties has already suffered, and will continue to suffer, major adverse impacts from the proposed development.
- b. The previous submitted medical marijuana application revealed that both applications contain a significant number of erroneous and misleading statements in those documents. Excerpts from the Development Statement can be found in the attached letter for reference.
- c. The Development Statement states on the first page that "the proposed project is located at 5145 Calf Canyon Highway, Santa Margarita, CA 93453, approximately 35 miles east of downtown Santa Margarita. The Development Statement even includes an illustrative map showing the location of the Bigfoot Property. This is one of the many misleading images used to seek and gain approval. Both the statement and the map are patently false. The Bigfoot Property is in fact located less than 6 linear miles from downtown Creston and Santa Margarita.
- d. On Page 8 of the Development Statement, a map showing the "Distance to Offsite Residence" is provided in an effort to illustrate that there are no

residences nearby that would be impacted by the cannabis development. In fact, the Bigfoot Property is surrounded by residential homes that are already suffering from the impacts of the existing cannabis operations.

- e. The Development Statement also states: "The cultivation area and Phase 2 greenhouse area are not visible from any offsite location." This is not true. The existing cultivation area is visible from the Pritt property and others as well.
- f. The Development Statements also states: "Cannabis has been cultivated outdoors at this site for several years with no odor complaints of any kind." This is not true. The tenants on the adjacent property have for the past several years' experience significant odor problems from the existing operations on the Bigfoot Property. They have complained that the cannabis odor is frequently overpowering and nauseating. The neighbors have expressed complaints to local law enforcement about the existing cannabis operation over the past several years. It is misleading for Bigfoot to suggest that its neighbors have not been adversely impacted by the existing cannabis operations.
- g. In the Development Statement, Bigfoot acknowledges that its proposed cultivation sites do not comply with the required setback of at least 300' from all property lines. The proposed cultivation site is a mere 204' from the southern property line, which borders the residential property mentioned in item f above. No variance should be allowed. The applicant should meet required setbacks. It should be noted that in upcoming revisions on the cannabis ordinance (Fall 2020), separations of 1000 ft are being recommended by the Planning Commission.
- h. There is the issue of trespassing. The existing cannabis operations have led to an increase in trespass incidents on the neighbor's property causing the neighbor to fortify his fencing. The neighbor is concerned that there is not a regular presence on the property as the local owner's address is a UPS store in Atascadero. He does not reside on the property. Additional burdens of this kind of business should not fall on the neighbors.
- i. According to the Development Statement, Bigfoot Valley, LLC proposes to increase its water usage to almost 1 million gallons per year. This would be a 10 fold increase over the existing water usage. One neighbor's well went dry and had to drill a new well after Bigfoot starts purpling for their commercial operations. The new well cost in the excess of \$50,000.00. The issue of increasing water usage, during a drought, and without any consequences (unlike rules that all other property owners are being required to comply with, whether residential or ag zoned) should be enough to deny this project on its own. Clearly the impact of such projects on their neighbors is unfair, burdensome and irresponsible. The applicants rights should not outweigh the neighbors.
- j. Prior to this project being brought before the full CAB, three CAB members visited the proposed site on January 22, 2020 and met with Mr. Clark. At that time the property showed evidence of previous cannabis outdoor cultivation and extensive road work from highway to cultivation site. The applicant stated that the property was to be brought up to proper standards prior to permit approval by SLO County. This is an example of closing the door after the horse has left the barn. The previous work appeared to the visitors' untrained, but informed eyes, to have been a violation of existing codes for grading and earthmoving.
- k. There was much discussion from both CAB members and from the public. Some of the concerns mentioned were water use, capability of electrical infrastructure, road condition/maintenance, zoning compatibility, owner does not live on the property, and odor, all are examples of specific issues and most notably overall community incompatibility. There was a large turn out by the public and there was very little, if any, support for this project expressed by meeting attendees.

- I. After hearing the questions posed by CAB members and the public and hearing answers provided by the Applicants representative, a motion was made that the project be denied.

Conclusions: CAB concerns were as follows:

Creston community at large feels strongly that this project is compatible not with the community. Generally, the properties in the Creston community are rural residential not commercial businesses with processing. Commercial projects such as this are not appropriate in Rural Residential zoning, especially with other homes in close proximity.

A commercial project such as this is a problem where trucks delivering and retrieving cannabis product will be required to travel into and away from the said property onto a state highway where the speed limit is 55mph.

There is a concern for the impact on property values of such a project in a rural residential neighbor, especially with these smaller sized lots. Properties in other neighborhoods have seen impact to their resale values when this type of project has moved into the area. Several properties in Creston are proof of this claim as well, with those properties finding little or no interest with feedback from potential buyers saying they don't want to have to deal with the issues that exist with potential cannabis projects in the neighborhood.

Odors are a concern. Due to past odor issues emanating from this property, neighbors are concerned there will be future problems and waiting for resolutions through code enforcement (up to several years) this is not an acceptable risk.

Water is a concern. This project would be allowed to pay for additional water usage. Why? This does not save water, does not work towards sustaining the Basin or help to replenish the Basin. Agriculturists in the area object to this operation being allowed to purchase additional water. Local rural residents fear that the additional water usage will draw down their relatively shallow well levels even further.

Length of permit – We were told that a cannabis cultivation permit is required to be renewed every five years and is linked to the land rather than the business owner. This should not be the policy. New owners should have to reapply to make sure that they meet all current policies rather than being grandfathered in. Also, for a permit to be renewed it should have to come up to current standards as well. No grandfathering!

Also, see the attached letter from the residents whose property aligns with the cannabis property. Brian and Christine Pritt

Final Vote: Eight CAB members were present. 8 votes, all in favor of denial

Signatures:

CAB Area #5 Rep. - Jan Morris

Chairperson, Sheila Lyons Sheila A. Lyons

February 14, 2020

Creston Advisory Board
Attn: Shiela Lyons, Chairperson

Re: Bigfoot Valley, LLC – Cannabis Use Permit Application
5145 Calf Canyon Highway, Santa Margarita, CA 93453

Dear Creston Advisory Board:

The purpose of this letter is to express our opposition to the Cannabis Conditional Use Permit application (the “Cannabis Application”) submitted by Bigfoot Valley, LLC for the property located at 5145 Calf Canyon Highway, Santa Margarita, CA (The “Bigfoot Property”). We own the adjacent property at 5335 Calf Canyon Highway, where we have built a home and live with our child now for 14 years. (I have lived and worked in SLO county for 25+ years and currently own and operate many businesses and employee over 400 of our fellow SLO county citizens) We have serious concerns about the proposed cannabis cultivation operations on the Bigfoot Property and its impact on the neighboring residential property owners, including our family and our neighbors.

We have had an opportunity to review the Supplemental Development Statement and supporting documents submitted by Bigfoot Valley, LLC (the “Development Statement”) and the previous submitted medical marijuana application, we have noted both applications contain a significant number of erroneous and misleading statements in those documents. A copy of the Development Statement is enclosed for your reference. The balance of this letter outlines those inaccurate statements and our concerns. We urge the Board to oppose Bigfoot’s Cannabis Application.

The Development Statement states on the first page that “the proposed project is located at 5145 Calf Canyon Highway, Santa Margarita, CA 93453, *approximately 35 miles East of downtown Santa Margarita.*” The Development Statement even includes the following illustrative map showing the location of the Bigfoot Property: This is one of the many misleading images used to seek and gain approval.

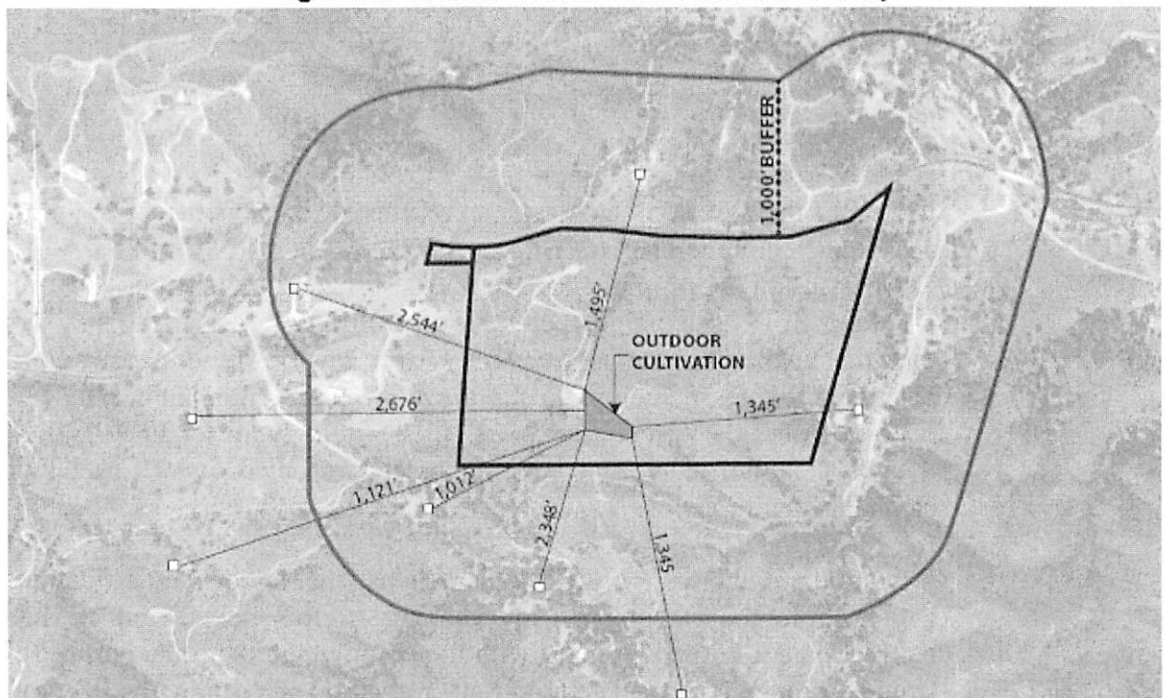
Figure 1: Vicinity Map



Both the statement and the map are patently false. The Bigfoot Property is in fact located *less than 6 linear miles from downtown Creston and Santa Margarita*. The area in which the Bigfoot Property is located is not suitable for commercial cannabis production as proposed. It is surrounded by families living in a residential ranch setting, whose enjoyment of their properties will suffer major adverse impacts from this proposed development. This may not be immediately apparent due to the misleading information presented in Bigfoot's Development Statement.

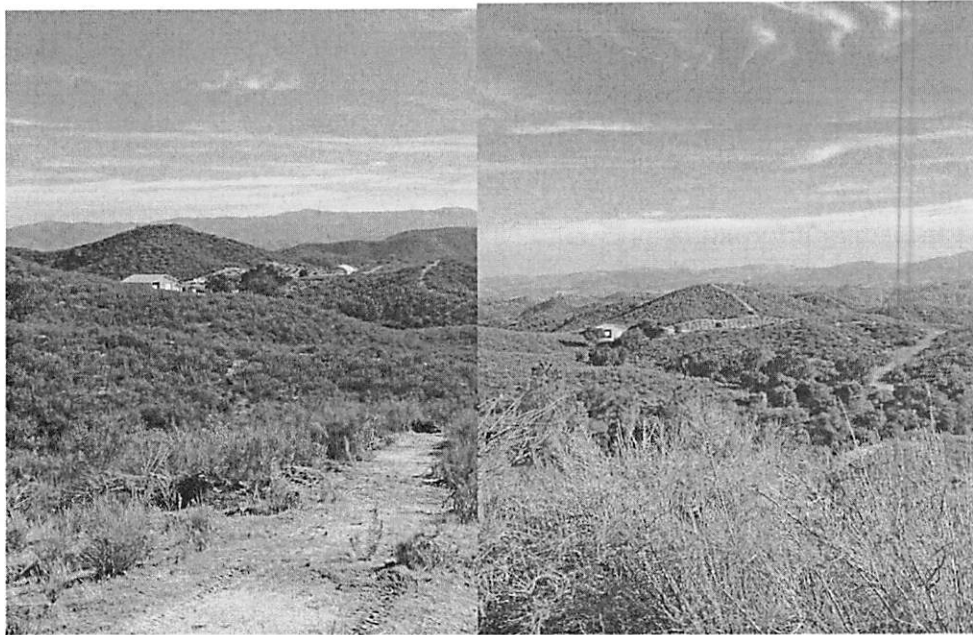
On Page 8 of the Development Statement, a map showing the "Distance to Offsite Residence" is provided in an effort to illustrate that there are no residences nearby that would be impacted by the cannabis development. Below is a copy of that misleading map.

Figure 3: Distance to Offsite Residence Map



The distances shown in the above illustration are not accurate and are in fact grossly misleading. This is apparent from mere cursory review of the length of the lines shown and the stated distances. In fact, the Bigfoot Property is surrounded by residential homes that are already suffering from the impacts of the existing cannabis operations.

Page 9 of the Development Statement states: "The cultivation area and Phase 2 greenhouse area are not visible from any offsite location." This is not true. The existing cultivation area is visible from our property, and likely from other properties as well. Below are photos taken from our property of the existing cannabis operations on the Bigfoot Property.



Page 5 of the Development Statement states: “Cannabis has been cultivated outdoors at this site for several years with no odor complaints of any kind.” This is not true. The tenants on our property have for the past several years experienced significant odor problems from the existing operations on the Bigfoot Property. They have complained that the cannabis odor is frequently overpowering and nauseating. I have also personally expressed complaints to local law enforcement about the existing cannabis operation over the past several years. It is extremely misleading for Bigfoot to suggest that its neighbors have not been adversely impacted by or upset with the existing cannabis operations.

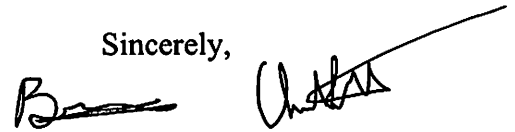
These factors weigh heavily against the setback modification requested by Bigfoot. In the Development Statement, Bigfoot acknowledges that its proposed cultivation sites do not comply with the requirement that they be setback at least 300’ from all property lines. The proposed cultivation site is a mere 204’ from the southern property line, which borders our residential property. Strictly adhering to the 300’ setback requirement is especially important for this project given the impact on the neighboring properties, including odor (which is already a significant problem), not to mention visibility of development, light, noise and other impacts. Under no circumstances should the setback requirements be modified for this proposed project.

We are further concerned about issues of trespass and water consumption. The existing cannabis operations have, we believe, led to an increase in trespass incidents on our property, which has already caused us to improve our own fencing. Expanded operations on the Bigfoot Property will only exacerbate this issue. There is no residence on the Bigfoot Property, nor is there a local owner with a regular presence on the property. The address of the “Principal Office” of Bigfoot Valley, LLC according to its filings with the California Secretary of State filings (7343 El Camino Real #113, Atascadero, CA 93422) is a UPS store in Atascadero.

As this Board is well aware, water consumption and conservation are major issues for families living in the Creston Area. According to the Development Statement, Bigfoot Valley, LLC proposes to increase its water usage to almost 1 million gallons per year, which we estimate to be a 10 fold increase over the existing water usage. This will inherently deplete the water supply that serves the surrounding properties. We recently have had to drill a new well as ours went dry after Bigfoot started pumping for their commercial operations. Our new well cost us in excess of \$50,000.00. We are very concerned that Bigfoot's proposed operations will deplete the supply to our well, as well as other wells in the vicinity.

We ask the Board to carefully consider the issues and concerns described in this letter. We strongly oppose Bigfoot Valley LLC's Cannabis Application and urge the Board to oppose it as well. Should you have any questions, please feel free to contact us at the phone number listed above.

Sincerely,

Handwritten signatures of Brian and Christine Pritt. The signature on the left is 'Brian' and the signature on the right is 'Christine'. Both are written in black ink.

Brian and Christine Pritt