

URGENT NOTICE
SLO County Cannabis Land Use Permit Appeal Hearing
Rescheduled to MAY 3, 2022 SLO County Supervisor Hearing
Project: Industrial Size Commercial Cannabis Project
Project Site: 1255 Penman Springs Road Paso Robles
SLO County Project No. DRC2018-00228

Neighbors and Friends,

Please support our appeal requesting the County Board of Supervisors to reverse the Planning Department's approval of the proposed large Industrial Size Commercial Cannabis project located at 1255 Penman Springs Road Paso Robles. The Supervisors appeal hearing is now scheduled for May 3, 2022 after two previously scheduled April and July 2021 hearings were continued by the Supervisors to later dates. Your support opposing this project may be accomplished in several ways such as attending the May 3rd hearing in-person and making public comments during the hearing (Board Zoom meetings are no longer allowed); by submitting written comments to the Board and each of the Supervisors; and, by signing our online petition opposing this project.

Project Description

This proposed project would be located at 1255 Penman Springs Road Paso Robles. This area is occupied by rural residential homes, winery tasting rooms and event facilities, various vineyard operations and a horse training and boarding facility that caters to minors. Several residences are located within 500 to 1000 feet of the project. The project site is located directly across Penman Springs Road from the Earnest Hemingway Winery Tasting Room and event facility and within less than a ¼ mile of the Penman Springs Winery and Tasting Room. No other legal cannabis activities are located in the general Penman Springs area. One illegally operated cannabis project located in the immediate area was shutdown by the County in 2020.

This project will be a major Outdoor and Indoor (greenhouse) Industrial Size Commercial Cannabis Cultivation and Cannabis Processing Complex comprised of the following:

- 2.63 acres (114,600 square feet) of outdoor unmitigated odor producing cannabis cultivation areas. Plants will be cultivated in temporary hoop houses that do not provide for any odor mitigation processes.
- Construction of 27,500 square feet of greenhouse structures (six (6) 4,578 sq. ft. each) to cultivate 22,000 square feet of indoor mature flowering cannabis plants.
- Construction of three (3) greenhouses (3,600 square feet each) to cultivate 10,800 square feet of indoor immature nursery cannabis plants.
- Construction of a 6,000 square foot building to house a cannabis product processing facility, an office space and a materials and fertilizer storage area. Cannabis processing activities include drying, curing, trimming and packaging of cannabis product.
- A 21 space parking area.
- The Project proposes to operate year around (365 days) with a maximum of 8 full time equivalent employees and 11 seasonal or part time employees. Total of 19 employees.
- Hours of operation shall be from 6:00AM to 6:00PM seven days per week and 6:00AM to 9:00PM during the various harvest periods
- Two (2) harvests of outdoor cannabis cultivation per year. May be three (3) outdoor cultivation harvests per year if hoop houses are utilized on the entire proposed outdoor cultivation area.
- Four (4) proposed annual harvests of indoor greenhouse cultivation per year.

Please Submit Public Comments Opposing This Project

We are asking you to support our appeal opposing this project by submitting public comments to the County Board of Supervisors. All public comments become part of the appeal hearing record. There are several following ways to voice your opposition to this project.

- Sign the Online petition that opposes this project that can be found on our website www.nocannabisinourbackyard.org or at www.ipetitions.com . It only takes a minute to sign. The

results of the petition will be presented during the hearing. This website allows for comments in addition to your signature. Comment will be very helpful.

- We encourage everyone to attend the May 3rd hearing and comment during the public comment period for our hearing agenda item. Speaking directly to the Supervisors informing them of your opposition to this large Industrial Size Commercial Cannabis project has the greatest influence on the Supervisors decision making. PUBLIC COMMENTS DURING THE HEARING ARE LIMITED TO THREE (3) MINUTES, The Board of Supervisors recently cancelled its Zoom type teleconferencing of their meetings. Public comments previously allowed during hearings by phone or recorded messages are no longer allowed. The May 3rd hearing will be held at the San Luis Obispo Government Center located at 1055 Monterey Street SLO. Contact Christina at 805-550-7045 or by email at nocannabisinourbackyard@gmail.com for more information on hearing location & time.
- Submit written comments by email or regular mail to the Board Clerk and each of the five Supervisors. If you submitted written comments for the project's November 20, 2020 permit approval hearing and/or the April and/or July 2021 continued hearings, please update and resubmitted your comments. Indicate whether you are a SLO County resident and if you live in the North County Paso Robles – Templeton area. Written comments should indicate a reference such as **“Comments RE: May 3, 2022 Board of Supervisors Land Use Permit Appeal Hearing – Agenda Item ? Appeal of Cannabis Project No. DRC2018 -00228.**

We suggest that your written comments address any or all of the following::

- Severe Drought conditions that have depleted the Paso Robles groundwater Basin. SLO County reclassified the designations of the Paso Basin Severe Drought areas and no longer considers the Penman Springs area as a designated Paso Basin area of Severe Decline. The project applicants currently estimate the project's annual Paso Basin groundwater use to be 6 Acre Feet of Water per year (AFY). This amounts to 1,955,000 gallons per year. This project site was previously operated as a horse training and boarding facility and used less than one (1) acre foot of water per year. Certain wells in the immediate area of the project have suffered total and intermittent groundwater supply failures as recent as in just the last few months. An April 11, 2022, California State drought report says that this winter was the “Driest winter months in 100 years and marks the third year of drought. January, February, and March 2022 had the least rain and snow on record for any of these months in California.” A property sharing its property line with the project has recently suffered failure to both of its wells serving a small vineyard & two residences on the property. Current estimates to redrill two (2) new wells to 800 feet is currently \$110,000. As of February 2021, the County reports that 70 Paso Robles Basin wells have gone dry and submitted permits for new wells within five (5) miles of this project site.
- Cannabis produces a very strong skunk like odor that is extremely detrimental to the health and living conditions of residents, businesses and workers in the general area of cannabis projects. SLO County Cannabis ordinances prohibit the detection of cannabis odor beyond cannabis project property lines. The SLO County cannabis ordinances require a standard 300-foot setback of outdoor cultivation area from project property lines. Major odor problems experienced in SLO County, Santa Barbara County and in other areas of the California and other states have proven, BEYOND A REASONABLE DOUBT, that a 300-foot setback has no effect on the detection of cannabis odor offsite. Depending on weather and constantly shifting wind conditions, cannabis odor may be detected and impact neighboring properties, homes and businesses more than 2 miles away from the project. Cannabis odor endangers the health, welfare and living conditions of residents, business workers and visitors in large areas surrounding cannabis projects. **This project does not propose any outdoor cannabis cultivation odor mitigation systems for preventing offsite odor problems and the effectiveness of the project's proposed currently undefined indoor greenhouse odor mitigation systems is highly questionable.**

A cannabis project located in the Templeton El Pomar Road area that essentially consists of the same outdoor and indoor cannabis operations has been cited by County Code Enforcement within 3 months

of beginning its operations in July 2021 for at least five major odor code violations within a 3-week period. Cannabis odor produced by this Templeton project has affected offsite properties, residences and business operations in the general area. Odor from this project has been detected at Templeton High School and Elementary School, the downtown area of Templeton and various Templeton area public recreation areas including Evers Park Field.

- Concerns regarding public safety and crime attracted to the area. The County intentionally fails to provide public notice of reported criminal activity associated with cannabis activities or cannabis operator County and State code, permitting and licensing violations. There are reports of break-ins and thefts experienced by North County area cannabis projects. The County avoids publicizing criminal activity occurring on cannabis project sites.
- Incompatibility of the project with the Penman Springs area. SLO County Cannabis cultivation IS NOT A RECOGNIZED AG CROP OPERATION. The project applicants intentionally misrepresent this in their operating plans and their Public Relations communications. SLO County classifies cannabis projects as COMMERCIAL ACTIVITIES NOT AG ACTIVITIES. Cannabis projects are required to submit to County and State permitting and licensing laws and regulation not required by REGULAR RECOGNIZED AG operations. Regular AG operations are not required, for example, to implement extensive Security Plans or submit to Quarterly Site Inspections by County and State Code Inspectors.
- Violations of California Environmental Quality Act Laws (CEQA). SLO County produced a Mitigated Negative Declaration document in an effort to comply with CEQA law. Our Neighborhood Group opposing this project engaged a CEQA law firm in 2021, at considerable cost, to review the project and the County's MND. Our Attorney's found the County's acceptance of the project MND's conclusions that "Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent will not significantly adversely impact the environment." Our Attorneys have determined that a full Environmental Impact Report (EIR) is required prior to the County's approval of a Cannabis Land Use Permit. Should the Supervisors deny our appeal on May 3rd we will be filing a CEQA lawsuit to reverse the County's illegal decision.

Our law firm's April 16, 2021 23 page CEQA opposition letter sent to the Supervisor's supporting our appeal of the project's approval for consideration during our April 20, 2021 appeal hearing can be found at www.nocannabisinourbackyard.org under MORE or by going to the County's site at <https://agenda.slocounty.ca.gov/iiip/sanluisobispo/file/getfile/132337>

- Violations of CEQA included such things the project has been determined to violate CEQA law and regulations such as underestimating the project's Paso Basin water usage, environmental impacts of cannabis odor, greenhouse operating noise affecting neighboring properties exceeding County noise ordinance limitations and other CEQA issues discussed in the attached legal letter.

We encourage everyone to attend the May 3rd hearing and comment during the public comment period for our Agenda item. In person comments are the most impactful. Written comments may be submitted at any time by Email or regular US Mail, Comments should be submitted no later than three (3) days prior to the meeting date (April 30th) in order to be made part of the hearing record. We recommend that written comments be emailed to all of the following County indicated email addresses including to each of the five County Supervisor office email addresses.

Please submit your comments to the following email addresses:

The Clerk of the Board	ad Board clerk@co.slo.ca.us
County Administrator Wade Horton	whorton@co.slo.ca.us
County Planning Director Trevor Keith	tkeith@co.slo.ca.us
County Counsel Rita Neal	rneal@co.slo.ca.us
John Peschong – Dist 1 Super	jpeschong@co.slo.ca.us

Bruce Gibson - Dist 2 Super bgibson@co.slo.ca.us
Dawn Ortiz-Legg - Dist 3 Super District3@co.slo.ca.us or ssartain@co.slo.ca.us
Lynn Compton - Dist 4 Super lcompton@co.slo.ca.us
Debbie Arnold - Dist 5 Super darnold@co.slo.ca.us or district5@co.slo.ca.us

Or send comments by regular mail to:
Clerk of the Board of Supervisors
1055 Monterey St. D430
San Luis Obispo, CA 93408.

Your comments will be placed in the administrative record of the hearing . **Written comments will not be read aloud or presented visually during the hearing. This is why in person public comment is much more impactful.** Some of you submitted written comments for the November 20, 2020 Planning Department permit approval hearing, and/or the April 20, 2021 and/or the July 13th continued hearings. We recommend that your previous written comments be resubmitted if you choose to not present new or revised comments.

Our group has created a website www.nocannabisinourbackyard.org where you can obtain more information on this project and more information regarding the impacts of cannabis in a community. There is also a link on the website to our online petition where you can e-sign and comment. Just click on Sign Petition & Comment found at the top of the page. The results of this petition along with the comments will be made part of public comment during the hearing. Web address for the petition is www.ipetitions.com/petition/opposition-to-penman-springs-cannabis-project

Thank you for your time & consideration. Please let us know by phone or email if you have any questions.

Kindest Regards,

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