

APPEAL TO THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

Submit to: Clerk of the Board
County Administration Building
105 E. Anapamu Sreet, Suite 407
Santa Barbara, CA 93101

2019 JUN 17 PM 4:32

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

RE: Project Title 6+k/k+6 Farms
Case Number IBCDP-00000-00077
Tract/ APN Number 005-280-040
Date of action taken by Planning Commission, or Surveyor June 5, 2019

I hereby appeal the Approval with conditions of the Planning Commission
(approval/ approval with conditions/ or denial) (Planning Commission or County Surveyor)

Please state specifically wherein the decision of the Planning Commission or Surveyor is not in accord with the purposes of the appropriate ordinance (one of either Article II Coastal Zoning Ordinance, County Land Use and Development Code, Montecito Land Use and Development Code or Chapter 21, Land Division) or other applicable law, or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission or Surveyor, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made. {References: Article II Section 35-182.2.C; County Land Use and Development Code Section 35.102.020.C; Montecito Land Use and Development Code Section 35-492.020.C, Chapter 21 Section 21-71.4.2.C.2}

Attach additional documentation, or state below the reason(s) for this appeal.

See attached information.

Specific conditions being appealed are:

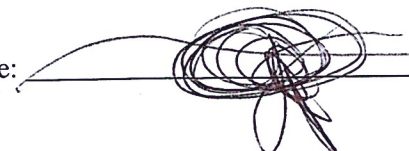
See attached information

Name of Appellant (please print): Concerned Carpentierians + Maureen Foley Claffey

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Appellant is (check one): Applicant Agent for Applicant Third Party Agent for Third Party

Fee \$ 0 {Fees are set annually by the Board of Supervisors. For current fees or breakdown, contact Planning & Development or Clerk of the Board. Check should be made payable "County of Santa Barbara".}

Signature:  Date: 6/17/19

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g set for: _____ Date Received: 6-17-19 By: Sheila de la Guerra File No. _____

Attachment to Appeal to Santa Barbara County Board of Supervisors

Concerned Carpenterians (“Appellant”) hereby appeals the County of Santa Barbara (“County”) Planning Commission’s (“Planning Commission”) approval of the proposed cannabis cultivation project located at 3408 Via Real and 3561 Foothill Road in Carpinteria, California (Case No. 18CDP-00000-00077) (“Project” or “G&K Project”) and denial of Appellant’s appeal to the Planning Commission.

If the Santa Barbara County Board of Supervisors upholds the Planning Commission’s determinations, they will commit legal error. The Planning Commission improperly exempted the Project from an Environmental Impact Report (“EIR”) analysis under the California Environmental Quality Act (“CEQA”), erred in adopting the Planning Staff’s May 28, 2019 CEQA report, and failed to require that the Project Applicant submit a development plan. In addition, the Project violates the Coastal Land Use Plan and Article II of the Coastal Zoning Ordinance, which are components of the County’s Local Coastal Plan. Finally, in approving the Project, the County violated Concerned Carpenterians’ due process rights. For these reasons, Concerned Carpenterians respectfully requests that the Santa Barbara County Board of Supervisors deny the Project development application and CEQA exemption.

Through this appeal, Concerned Carpenterians adopts and incorporates all objections to the Project that it has previously raised and that have been raised by any other individual or entity during the administrative process for this Project before the County of Santa Barbara.

I. Appellant Is an Aggrieved Party

Concerned Carpenterians is a grassroots community organization dedicated to safeguarding the quality of life we have historically enjoyed in Carpinteria and the Carpinteria Valley. Our mission is to: focus on regulations, enforcement and compliance; work with elected officials for stronger regulations where necessary; and actively campaign to monitor and remedy commercial cannabis practices that adversely impact our residents.

The G&K Project is near two residential zones (the Polo Fields Condos and La Mirada), many of our member’s homes, avocado ranches, and children’s playgrounds. The negative impacts of approving the G&K Project include but are not limited to: significant odor/air quality issues, falling property values, health, safety and crime issues, traffic and parking congestion, inestimable damage to our neighborhood and town’s reputation as a famed, uniquely charming beach town. In addition, if this Project is approved, nearby avocado ranches will be forced out of business.

Concerned Carpenterians appealed this Project to the Planning Commission, and now appeals the Planning Commission's determination on the G&K Project. For these reasons, Concerned Carpenterians and our members are aggrieved parties for purposes of this appeal.

II. Reasons for Appeal

A. The Planning Commission Improperly Exempted the Project from CEQA.

Under the California Environmental Quality Act, a Programmatic Environmental Impact Report (also called a Program EIR or "PEIR") is used for purposes of (1) avoiding multiple EIRs, (2) simplifying later environmental review, and (3) consideration of broad programmatic issues. (Continuing Education of the Bar, *California Practice Under CEQA* (2016) § 10.14B.) When a public agency, such as the County, would like to approve another activity or project that may relate to the Program EIR, CEQA requires that the agency complete an EIR to examine the specific effects of that subsequent project. (*Id.* at § 10.16A; Pub. Resources Code, § 21094(a) ["[w]here a prior environmental impact report ("EIR") has been prepared and certified for a program, plan, policy, or ordinance, the lead agency for a later project... shall examine significant effects of the later project upon the environment by using a tiered environmental impact report"].)¹

To determine whether a tiered EIR is appropriate, an agency must engage in a two-step process. "First the agency considers whether the activity is covered by the program EIR by determining whether the activity will result in environmental effects that were not examined in the program EIR." (Continuing Education of the Bar, *California Practice Under CEQA* (2016) § 10.16A, citing Cal. Code Regs., tit. 14, § 15168(c)(1).) Second, "if the agency determines the activity is covered by the program EIR, [it] must evaluate the proposed activity [or project] to determine whether any new environmental effects would occur, or new mitigation measures would be required due to events occurring after the Program EIR was certified." (*Ibid.*, citing Cal. Code Regs., tit. 14, § 15168(c)(2).)

¹ In this context, a subsequent EIR is called a tiered EIR. (Pub. Resources Code, § 21068.5 ["'Tiering' or 'tier' means the coverage of general matters and environmental effects in an environmental impact report prepared for a policy, plan, program or ordinance followed by narrower or site-specific environmental impact reports which incorporate by reference the discussion in any prior environmental impact report and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior environmental impact report"].)

The County's decision to exempt the Project from an EIR violates CEQA for three reasons. First, the County failed to conduct an adequate initial study. Second, the County's finding that it was not required to complete a tiered EIR is not supported by the evidence, as the evidence demonstrates that the Project will have significant adverse effects on the environment that were not examined in the PEIR. Three, the County failed to recognize that the G&K Project changes the previously exempt flower operations and includes changes to development that should required a Development Plan.

i. The County failed to conduct an adequate initial study.

When a public agency has prepared a Programmatic EIR, and wishes to approve a later project that may fall under the PEIR, "CEQA requires a lead agency to prepare an initial study to determine if the later project may cause significant environmental effects not examined in the first tier EIR." (*Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 528, citing Pub. Resources Code, § 21094(a) and (c); see also *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 945.) The initial study must examine the later project in a detailed manner before determining that the later project does not require an EIR. (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1319 [*"Sierra Club"*].) The initial study "shall analyze whether the later project may cause significant effects on the environment that were not examined in the prior environmental impact report." (*Id.* at § 21094.) An initial study must disclose the data or evidence supporting the study's findings. (See *Citizens Ass'n for Sensible Dev. v County of Inyo* (1985) 172 CA3d 151, 171 [discussing EIR initial study requirements].)

The County never circulated an initial study for this Project. The County Planning Department did, however, issue a Memorandum titled "CEQA Determination – Finding that CEQA Guidelines § 15164, 15168(c)(2), and 15152 apply to the G&K Farm/K&G Flower Cannabis Cultivation (Case No. 18CDP-00000-00077) at 3480 Via Real, secondary address of 3561 Foothill Road, Carpinteria area, 1st Supervisorial District" ("Project CEQA Determination"). (Exhibit A: Project CEQA Determination.) It was not identified as an initial study or provided to the public as such. Nor did the Planning Commission's determination identify the Project CEQA Determination as an initial study.

Even if the Project CEQA Determination constitutes an initial study, it does not provide adequate evidence and analysis to support its determinations. It states: "The proposed project presents no additional impacts and clearly falls within the definition of an indoor mixed light and nursery cannabis operation studied within the PEIR... Previously identified mitigation measures remain applicable and adequate to reduce potential impacts to less than significant levels where feasible..." (Exhibit : Project CEQA Determination) The Project CEQA Determination does not

identify specific data or evidence that supports these conclusions and thus does not comply with CEQA. Please remedy this error by conducting a proper initial study.

ii. The evidence demonstrates that the Project will likely have a significant adverse effect on the environment which was not examined in the Program EIR.

Where a public agency, such as the County, has prepared a Program EIR, it must prepare a tiered EIR for a later project if substantial evidence demonstrates that the later project “*may arguably* have a significant adverse effect on the environment which was not examined in the prior program EIR.” (*Sierra Club, supra*, 6 Cal.App.4th at 1319 [emphasis added].) This establishes a “low threshold” for when a public agency must prepare a tiered EIR. (*Ibid.*) Any doubts “must be resolved in favor of environmental review and the agency must prepare a new tiered EIR” even if there is “contrary evidence.” (*Ibid.*) The Program EIR did not sufficiently examine a plethora of environmental impacts. Concerned Carpinterians has outlined examples of such deficiencies below.

a. The PEIR does not sufficiently analyze or mitigate air quality impacts.

The evidence demonstrates that the Project will have significant impacts on air quality. As explained by Patricia Holden, Professor at the University of California, Santa Barbara Bren School of Environmental Science and Management and numerous scientific articles and studies, the cultivation of cannabis has a considerable impact on air pollution. (Exhibit B: Holden correspondence and supporting scientific studies.) As Holden states, cannabis plants create BVOC emissions, including terpenes, that could contribute to air pollution and may cause other health impacts. The Project, if approved, would include 356,070 square feet for cannabis cultivation. In conjunction with the 52 other cannabis projects in the County Planning and Development pipeline, the Project will result in cumulatively significant air pollution and will significantly degrade air quality. Yet the PEIR did not adequately examine impacts on air quality or provide sufficient mitigation for such impacts. The PEIR made no attempt to quantify, measure, examine or control any cannabis emissions at all. An Air Quality element is conspicuously absent from the PEIR, despite the fact that other California County cannabis laws take this into consideration. At a bare minimum, the PEIR and the County's Zoning Ordinance should require cannabis projects, including the G&K Project, to limit cannabis BVOC and other emissions. (See Exhibit B: Holden correspondence and supporting scientific studies.)

The PEIR also did not identify residential areas and neighborhoods as sensitive receptors, and thus did not examine the impact of air pollution from cannabis operations on Carpinteria residents. The Project is directly adjacent to four homes and nearby three densely populated

residential zones: the La Mirada neighborhood (an EDRN); the Polo Fields Condominiums and the Padaro Lane residences. The lack of effective cannabis air emission controls, regulations and systems will be particularly harmful to sensitive receptors in residential areas. Yet the PEIR failed to adequately identify sensitive receptors, or address or mitigate such impacts. Under CEQA, the County must examine the air quality impacts from this Project that were not analyzed or mitigated in the PEIR.

The PEIR also failed to sufficiently examine the air quality impacts of cannabis projects. Recent research has indicated a connection between cannabis and asthma, which is not included in the PEIR. (See Exhibit M: Diagnosis and analysis of cannabis allergy.) As explained by Professor Holden in her Letter to the Planning Commission, and a number of other scientific analyses, the emissions generated by the Project will have a significant impact on human health and safety, which will particularly harm sensitive receptors. Holden states, "The production of Cannabis on commercial scales is a new endeavor whose environmental threats have been hypothesized but, at this point, remain uncertain... BVOCs are responsible for the noxious odors associated with Cannabis... Cannabis terpenes, like other biogenic terpenes, have the potential to be precursors of ground level ozone... To form ozone, Cannabis BVOCs would react with other substances in the atmosphere under specific, but not unusual, ambient conditions. Such potential for ozone formation from Cannabis BVOCs was recently estimated using Cannabis BVOC emissions measured on a per plant basis... Cannabis BVOCs could outweigh other ozone-forming compounds in urban areas, depending on many factors including Cannabis cultivation extent... Santa Barbara County should require that cultivation projects prevent Cannabis BVOCs and particulate emissions to the atmosphere, including from greenhouses" and that "the greenhouse structures can fully contain and prevent emissions." In order to sufficiently protect public health for the G&K Project, the County should require air quality monitoring and facility inspections to ensure that emissions are controlled from any Cannabis greenhouse growing operation county-wide. (Exhibit B: Holden correspondence and supporting scientific studies.) The County did not do so in the PEIR.

Nor does the PEIR take into consideration existing air quality issues in the Carpinteria area where the G&K Farm is located and cumulative effect of the new Cannabis Industry traffic and its effect on air quality. What is known is that existing air quality in Carpinteria is sub-standard, as shown by this information from the APCD. What should be shown is how G&K's impacts will affect this air quality. See Exhibit E, a graph of air quality from the County. (Exhibit E: Air Quality Graph.) The County also needs to show how air quality in the ESH will be impacted by the Project.

Such impacts, including the Project's individual effects on residential areas and air quality, as well as the cumulative effect of this Project and other, future cannabis projects, must

be examined in a tiered EIR for the Project. Such impacts also must be mitigated through a tiered EIR.

b. The PEIR failed to adequately assess whether approved odor mitigation measures are actually effective in reducing environmental impacts.

This is critical considering that in the PEIR, odor was recognized as a significant Class 1 impact which is designated in the PEIR as "significant." The G&K Projects' County-approved Byers System, by the applicant's own admission, will only reduce odors by 90 percent, in perfect meteorological conditions. (Exhibit C: Video recording of June 5, 2019 Planning Commission hearing.) At the June 5, 2019 hearing, the County failed to show that the Project's odor control is determined to effectively prevent odors and the Planning Commissioners' themselves were completely unconvinced by the Projects submitted "Criterion" report of odor abatement certification. (Exhibit D: G&K Certification of odor control or Criterion Report.) At the hearing, creator of the Byers System, Marc Byers, said that he believes his system will only capture 90 percent of the escaping malodors, but cannot capture 10 percent of such odors. The Project greenhouse will be next to at least three other greenhouses. Each greenhouse will release 10 percent of the odors created on site. This will result in a large cumulative impact from odor.

In addition, the testimony of Concerned Carpinterians' members provides concrete evidence that the Byers System is not effective in eliminating or effectively reducing odors. We know from the testimony at the June 5, 2019 Planning Commission Hearing that the Byers System is being used at the Ever-Bloom Nursery in Carpinteria, directly across from Carpinteria High School. As recently as June 16, 2019, the *Los Angeles Times* reported that a CHS teacher still complained of smells. (See Exhibit I: "The World's Largest Pot Farms..." *LA Times* article.) Teachers have complained about having to air out their classrooms at the high school and many times the odor lingers till lunchtime at the high school. A resident who visited a cannabis project neighbor had problems getting rid of this new odor on her skin, clothes, and car. The Project's proposed Byers System is being currently used in 12 out of 26 operations in Carpinteria. Yet residents are still complaining of health symptoms resulting from cannabis odors. (See Exhibit I: "The World's Largest Pot Farms..." *LA Times* article.)

The Project's Byer System is also unsound from a basic engineering standpoint. The G&K Project plans to use pipes placed around the perimeter at 15' high while the vents are at 25' feet high. The Project states that his vapor, when released, will create a curtain that will capture the malodors escaping from the vents. However, wind is needed to blow the vapor to the 25 foot height to be effective. If there is no wind the system doesn't work. (See Exhibit F: Photo of G&K Farm from street view in June 2019, from Foothill Road.)

In addition, the technology used may create new odors instead, in addition to creating additional environmental harm by introducing unknown compounds into the environment. Residents near the Ever-Bloom Nursery, where the Byers System is in place, state that there is now new, dryer-like, burning or chemical smell that is unpleasant. There is no specific data available regarding the chemical composition of the proprietary blends used in the Byers System, nor is there an analysis, in the PEIR or otherwise, as to the environmental impacts of such a system. Other than the statement that the vapor consists of essential oils, a surfactant, and water, no one knows what is in the formula and there are no studies included in the Project or PEIR that discuss or examine the accumulative effect of 24/7, 365-day spraying of the product into the environment. In fact, it is unclear which proprietary formula the Byers System will utilize for this Project. G&K documents reference two different products ambiguously, and the Byers System will use a proprietary formula of either Ecosorb CNB 100 and/or CNB 607. Without this data, the County cannot assess the environmental impacts of the Byers System. This is particularly concerning as the Project stands adjacent to a Riparian Zone and is in an Environmentally Sensitive Habitat ("ESH"). In conjunction with the 52 other proposed County cannabis projects in the 4-mile area of Carpinteria, there will be significant unforeseen cumulative impacts from all this material in the air and water that have not been studied or examined in the PEIR.

This is not sufficient to protect the health and safety of surrounding wildlife, residents, children, and sensitive receptors in the La Mirada EDRN, Polo Fields Condominiums and Padaro Lane residences and does not effectively reduce or eliminate this environmental impact. The PEIR, therefore, in permitting such odor abatement, vapor-phase systems, does not provide sufficient mitigation for odors from the Project and other related cannabis projects and does not sufficiently examine potential secondary environmental impacts of using odor abatement systems.

c. The PEIR did not adequately assess the impact of cannabis operations on existing land uses and agricultural operations in the Carpinteria area.

The Project, in conjunction with other cannabis projects, will have significant impacts on existing agriculture in Carpinteria.

Cannabis operations primarily utilize open, vented greenhouses. Historic agriculture operations in Carpinteria, however, have been a mix of greenhouses, open orchards, and fields. Carpinteria Valley is beautiful because patient farmers have invested in orchards and fields. Though greenhouses have added economic vitality, they detract entirely from the aesthetics of the area. Approval of this Project, and other cannabis projects utilize greenhouses, will significantly impact the visual character of the Carpinteria Valley. Cannabis will also

significantly increase the intensity of use in agricultural areas, which will have negative effects on existing land uses.

Crops in Carpinteria typically include flowers, hydroponic vegetables, outdoor field cultivation, and orchards that require a relatively stable intensity of use, including stable numbers of workers, on such agricultural land. Cannabis cultivation will increase the number of employees at each of these locations and the intensity of use on such land. This will impact other land uses adjacent to cannabis developments.

The approval of the Project, in conjunction with the approval of other cannabis operations, threatens the viability of historical agriculture. As cannabis regulations prohibit any amount of pesticides, even organic ones, on cannabis crops, cannabis projects, such as the Project at issue here, threaten existing agricultural land uses. (See Melinda Burns, *Avocado and Cannabis Growers Struggle Over Insecticides*, Santa Barbara Independent, (May 9, 2019) available at <https://www.independent.com/2019/05/09/avocado-and-cannabis-growers-struggle-over-insecticides-2/>; (Exhibit I). The approval of cannabis projects, as a result, prevents avocado farmers and the owners and operators of other orchards from protecting their crops in a manner that has been effective in the Carpinteria Valley for decades. (See *ibid.*) Farmers are afraid that if they utilize insecticides, such insecticides will inadvertently land on cannabis crops, the cannabis will be banned from being sold, and the farmers will be subject to liability from cannabis producers. (*Ibid.*) The Project is bordered on two sides by avocado orchards, and thus threatens to disrupt land uses on adjacent properties. This has the potential to seriously harm existing land uses and the Carpinteria community as a whole.

Of the approximately 2,386 acres of agricultural land in Carpinteria, 2200 are avocados and 186, or less than eight percent, are allowed to be cannabis. Though the number of cannabis operations permitted in the Carpinteria Valley is relatively small, approval of cannabis operations, including the Project at issue here, threaten the remaining 92 percent of agricultural lands. These cumulative impacts to agricultural land uses were not adequately studied in the PEIR, and therefore must be reviewed in a tiered EIR for the Project.

d. The G&K Project approvals and the PEIR do not adequately address a number of other environmental hazards and issues.

The PEIR and, therefore, the G&K Project, do not adequately address light pollution (PEIR, section 3), noise pollution, (*id.* at section 3.10), and increased traffic (*id.* at section 3.12) (and related air quality) impacts because they do not consider the full extent of the potential environmental hazards and issues.

The County states that lighting “will be shielded” for cannabis projects but there is no evidence of this night shielding on the G&K Project. However, the plans proposed do not anticipate the issues related to clear-sided, fiberglass buildings and their relationship to nocturnal animals using the Riparian Zone where the project is located as a nighttime corridor or the fact that it sits in an Environmentally Sensitive Habitat (“ESH”).

In terms of transportation, the PEIR and Project Plans are inadequate to cover the many accessory vehicles (besides employee cars) that are involved with the Cannabis Industry, as witnessed by members of Concerned Carpinterians who already live next door to functioning cannabis operations in Carpinteria. Those residents regularly witness: regular cash delivery trucks (special unmarked vehicles), regular product delivery trucks; delivery drivers, maintenance workers, consultants, food delivery drivers. (There are no nearby restaurants to walk to and the workers now call-in for food to be delivered.) At 3:30pm, there is already an increase in traffic. The many cannabis workers from G&K will dump onto Via Real and make that worse. As well, the employee parking will inevitably spill out onto Via Real. The Project should include a Traffic Study and calculate daily trips, not based on just employees but all trips and their impacts. Traffic is also a Class 1 Impact: “significant.” Therefore, it should be addressed and mitigated effectively. The PEIR does not do so.

Last, according to the PEIR, sound quality, with regard to traffic, is also a Class 1 Impact, due to increased vehicles on property and sounds of construction traffic. G&K does nothing to address these vehicle traffic sounds. But more importantly, the PEIR does not even consider the over 65-decibel level sound pollution involved with the numerous 24/7, 365-day use of various industrial HVAC and odor abatement machinery. Because the Project is in an ESH and in a Riparian Zone, the Project has unknown deleterious effects on ESH, which must be mitigated by performing a full environmental review of the Byers System and to provide third-party analysis for air pollution control technologies.

These Class 1 impacts will have serious health and safety effects on the sensitive receptors, local residents, children, the ESH, Riparian Zone, and endangered species and should have been covered in the PEIR and the G&K Project plan. The Project, therefore, requires a tiered EIR to examine and mitigate such impacts.

B. If the Planning Commission's Determination is Upheld, the County Will Violate the Local Coastal Program.

A local coastal program consists of a land use plan, such as the Santa Barbara County Coastal Land Use Plan, and a local implementation plan, such as the Santa Barbara County Article II Coastal Zoning Ordinance. “[W]hen taken together... [the land use plan and local

implementation plan] implement the provisions and policies of" the Coastal Act. (Pub. Resources Code, § 30108.6, see also Pub. Resources Code, § 30512.)

i. The Project, as approved, violates the County's Coastal Land Use Plan.

The Coastal Land Use Plan ("Land Use Plan") provides: "prior to the issuance of a development permit, the County shall make the finding, based on [evidence], that adequate public or private services and resources (i.e. water, sewer, roads, etc.) are available to the proposed development... Lack of available public or private services or resources shall be grounds for denial of the project." (Land Use Plan, Policy 2-6.) The Project, as described above, in conjunction with other cannabis operations, will place a major strain upon existing power infrastructure. As such, the Project should be denied under the Land Use Plan.

The Land Use Plan defines "small wetlands and streams" as environmentally sensitive "habitat areas by definition." (Land Use Plan, Policy 3.9.4.) "Prior to the issuance of a development permit, all projects... affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project." (*Id.* at Policy 9-1.) The Project site is located on a local stream, which by definition, contains environmentally sensitive habitat. It is unclear from the record whether the County has made the appropriate findings required by Policy 9-1 and whether the Applicant has indicated the precise locations of habitats potential effected by the proposed Project. This has the potential to violate] Policy 9-1. Please remedy this deficiency.

Policy 3-19 provides: "Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction." The County's approval of the Project does not include sufficient mechanisms to protect the stream that runs through the Project site. For this reason, the Planning Commission erred when approving the Project.

The Land Use Plan also dictates that any project must provide a 100 foot buffer around all streams in rural areas. (Land Use Plan, Policy 9-37.) It also prohibits any agriculture within a stream corridor, which encompasses both the stream and the 100 foot buffer around it. (*Id.* at Policy 9-42, definitions.) The Project runs adjacent to a stream but it is not clear from the Project description or the permit approvals that it provides 100 foot buffer around the stream. Nor are there clear provisions that the Project will not conducts agricultural operations within the stream corridor. This does not provide assurances that the Project will maintain a 100 foot buffer around the stream and will not, in fact, degrade important resources in the stream bed.

For these reasons, the Planning Commission erred when approving the Project, and Project approval will violate the County's Coastal Land Use Plan.

ii. The Project, as approved, violates the County's Article II Coastal Zoning Ordinance.

1. If the County approves the Project, it will permit the Project Applicant to engage in conduct that endangers Carpinterians and causes a public nuisance.

The provisions of the County's Article II Coastal Zoning Ordinance ("Coastal Zoning Ordinance") that govern cannabis cultivation provides: "Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance." (Coastal Zoning Ordinance, § 35-144U.A(2)(b).

If the Project is approved, it will, in conjunction with other projects, endanger human health. As discussed in the EIR analysis, above, the Project, in conjunction with other cannabis operations, will have significant negative impacts on Carpinterians' health.

It will also result in a public nuisance. "A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons..." (Civ. Code, § 3480.) As discussed in this appeal, there is no clear evidence that the Byer's odor control system will sufficiently or safely eliminate odors from cannabis cultivation at the Project. This will affect and cause significant discomfort for those that live and work near the Project and constitute a public nuisance.

2. The evidence does not support the County's finding that the Byer's Odor Control System meets the requirements of the Coastal Zoning Ordinance.

There is no evidence that the odor abatement plan for the Project complies with the Coastal Zoning Ordinance requirements. The Coastal Zoning Ordinance requires that a "Professional Engineer or Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor." (Coastal Zoning Ordinance, § 35-144U.C(6)(d).) Though the Applicant provided a certification from a Professional Engineer, the Professional Engineer's conclusions are not supported by evidence.

As discussed in this appeal, the evidence does not demonstrate that the methods used for reducing odors are consistent with best control technologies for mitigating odors.

The Coastal Zoning ordinance also requires that, if projects utilize "vapor-phase systems" such as the Byer's system, such systems must "be odor-neutralizing." (Coastal Zoning Ordinance, § 35-144U.C(6)(e)(2)(a).) But, as discussed in this appeal, the Byer's System fails to neutralize odors. Despite the use of the Byer's System, Carpinteria residents state that they still smell cannabis, and, as explained by the creator of the System itself, the System does not neutralize or eliminate 10 percent of all odors emitted.

For these reasons, use of the Byer's system at the Project violates the Coastal Zoning Ordinance.

3. The Project's fencing plan violates section 35-144U.C(2)(c) of the Coastal Zoning Ordinance.

The Coastal Zoning Ordinance requires: "[w]here fencing would separate an agricultural area from undeveloped areas with native vegetation... said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage." (Coastal Zoning Ordinance, § 35-144U.C(2)(c).) The Project is located along a creek bed with native vegetation. As currently approved, the fencing boxes in the local creek, would prevent wildlife from accessing creek water, and would impede a wildlife corridor.

For these reasons, the Project, if approved, will violate the Coastal Zoning Ordinance, and thus the Local Coastal Plan.

C. The County Violated Concerned Carpinterians' Due Process Rights.

The California Constitution, article 1, section 7 provides: "A person may not be deprived of life, liberty, or property without due process of law." Adjudicative government actions that implicate significant or substantial property deprivation require procedural due process standards of reasonable notice and the opportunity to be heard. The proceedings at hand are adjudicative government actions that implicate significant property deprivation. As such, the County must provide Concerned Carpinterians and other potentially aggrieved parties with reasonable notice of all data considered at public hearings pertaining to this Project, and must provide a reasonable and fair opportunity to be heard. The County has failed to do so.

First, the County refused to accept late-submitted comments by Concerned Carpinterians' members and other aggrieved members of the public. For example, [insert

example of who was denied]. However, though the County did not receive a letter from Marc L. Byers, creator and proponent of the Byers Deodorization System, until June 5, 2019, it nevertheless accepted his letter into the record and considered it in reviewing the appeal. (See Exhibit J: Byers Letter.)

Second, Concerned Carpinterians did not receive a Staff Report regarding revised recommendations for the Project to be debated during the June 5, 2019 County Planning Commission Hearing until approximately twenty minutes prior to the hearing itself. This deprived Concerned Carpinterians of reasonable notice and an opportunity to meaningfully comment on County staff's recommended revisions.

Finally, the Planning Commissioners did not clearly articulate the reasons that they denied the appeal and upheld the Project approval at the June 5, 2019 hearing. The County did not provide Concerned Carpinterians with a Determination Letter articulating the Planning Commission's reasons for approving the Project and denying Concerned Carpinterians' appeal. As a result, the County has not provided Concerned Carpinterians with a sufficient opportunity to substantively review and respond to the Planning Commission's determination.

Each of these errors have violated Concerned Carpinterians' right to due process.

III. Conclusion

The issues raised in this appeal are indicative of overarching problems with the permitting for cannabis grow operations in Carpinteria and throughout Santa Barbara County. Upholding this appeal is the first step the Board of Supervisors must take to begin to correct its past missteps. To put things in perspective, look at the number. Although Santa Barbara County only comprises 1.8% of California's land, 35% of the state's marijuana cultivation licenses have been issued for cannabis operations within the County. Even more shocking is that 14% of all legal cannabis is being grown in a 4-mile area of Carpinteria, a tiny town on the southern tip of Santa Barbara County. How did this happen? We know now that many people have worked behind the scenes for months to craft cannabis-friendly regulation designed to benefit the pot growers with dollar signs in their eyes, without regard to health, safety, and the environment.

In Carpinteria, right now, farmers, families, children and elderly folks, in addition to regular citizens, face an existential threat with the invasion of the Cannabis Industry. For years, Carpinterians have relied on safe neighborhoods. But cannabis is now slowly corroding the values, community and fabric of this place. Families that farmed here continuously since the 1860s and, who are now growing avocados, are being threatened with lawsuits to continue their family legacy. Children with asthma are forced to spend hours in classrooms imbued with the unknown, long-term health affects of Byers System mystery mist and cannabis BVOCs.

Grandparents refuse to host their grandchildren here because of health impacts due to the cannabis smell and emissions. Cannabis cash is seeping into every civic structure, from the School District to City Hall to the local newspaper. Longtime friendships are being torn apart by a new industry that is seeking to profit on the good will of local residents, before exploiting the landscapes and then leaving. This is not an accident; people are profiting, right now, on the misery, suffering and labored breathing of children and the elderly.

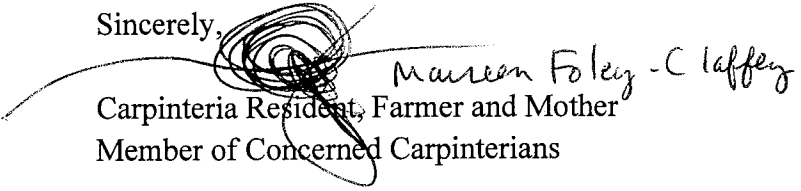
There are remedies to this issue. There is still time to wake-up to the problems at hand and begin to turn the tide towards common-sense regulations that benefit the public's health and grower's bottom line equally. First, Concerned Carpinterians ask that the County re-examine this Appeal, and any future County work on Commercial Cannabis in Santa Barbara County and Carpinteria, with a close eye on its commitment to public service and with attention paid to possible conflicts of interest (moral, ethical and financial) between the cannabis grower and Supervisors Das Williams and Steve Lavagnino, due to their conflicts of interest as demonstrated in the *Los Angeles Times* article. (Exhibit I: "*The World's Largest Pot Farms...*") Second, we ask that the County Supervisors create a moratorium on all cannabis projects as soon as possible, effective immediately.

With such a high density of cannabis operations, it is essential that the County regulate the cannabis industry in a manner that is clear, enforceable, and sufficiently protective of our community and our environment; ensure that all cannabis projects requesting Coastal Development permits comply with our Local Coastal Program, including our land use plan and the Coastal Zoning Ordinance; and protect human health, existing neighborhoods, and the environment. Third, we'd like to see a Conditional Use Permit for every cannabis project in the Coastal Zone. Fourth, we'd like to see a full environmental review of the Byers System, by a third party, and a third-party analysis of air pollution and cannabis. Last, we believe that the density of these projects and the myriad unintended consequences warrant a full re-opening of the PEIR. It is clear, now, that the document is fundamentally flawed and should be fundamentally re-written and reviewed with transparent, open, public input. Anything short of full revision will continue to result in poor public planning, lawsuits, gray areas and lack of clear enforcement mechanisms or controls.

For these reasons, Concerned Carpinterians respectfully requests that the Santa Barbara County Board of Supervisors deny the Project development application and CEQA exemption.

Thank you for your careful consideration of this important matter.

Sincerely,


Carpinteria Resident, Farmer and Mother
Member of Concerned Carpinterians

List of Exhibit for G&K Appeal to Board of Supervisors

Exhibit A - CEQA Determination – Finding that CEQA Guidelines § 15164, 15168(c)(2), and 15152 apply to the G&K Farm/K&G Flower Cannabis Cultivation (Case No. 18CDP-00000-00077

Exhibits B: Expert Letter from Holden, Articles referenced by Holden in her letter.)

Exhibit C: June 5, 2019 Planning Commission hearing video link

Exhibit D: Criterion Report

Exhibit E: Air Quality Graph

Exhibit F: Photo from June 2019 of street view of G&K Farm on Foothill with vents open

Exhibit G: Public comments letters from Weil and Manolia

Exhibit H: Late Memo from Planning and Development

Exhibit I: “The World’s Largest Pot Farms...” *Los Angeles Times*

Exhibit J: Marc Byers letter submitted late but included in public record

Exhibit K: Pictures of Arroyo Paredon in June 2019

Exhibit L: Late letters excluded from public record

Exhibit M: Asthma and cannabis allergy information



Exhibit A
County of Santa Barbara
Planning and Development

Dianne M. Black, Director
Steve Mason, Assistant Director

TO: Dianne Black, Director

FROM: Petra Leyva, Supervising Planner
Development Review Division
Staff Contact: Petra Leyva

DATE: March 7, 2019

RE: CEQA Determination - Finding that CEQA Guidelines § 15164, 15168(c)(2) and 15162 apply to the G&K Farm/K&G Flower Cannabis Cultivation (Case No. 18CDP-00000-00077) at 3480 Via Real, secondary address of 3561 Foothill Road, Carpinteria area, 1st Supervisorial District

California Environmental Quality Act (CEQA) Guidelines § 15164 allows an addendum to be prepared when only minor technical changes are necessary and none of the conditions described in CEQA Guidelines § 15162 call for the preparation of a subsequent Environmental Impact Report (EIR) or Negative Declaration (ND) have occurred. Staff recommends that the combination of the 2018 Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (Case No. 17EIR-00000-00003; SCH No. 2017071016) and this Addendum constitute adequate environmental review for the G&K Farm/K&G Flower Cannabis Cultivation (Case No. 18CDP-00000-00077).

Proposed Project Description

The applicants propose to use of the existing 5 greenhouses totaling 356,070 square feet for cannabis cultivation, with nursery, mixed light cultivation, off-site distribution and existing fencing ranging from 6 to 8 feet in height. The odor abatement unit will be located within the exiting shade structure. Two (2) existing water tanks and four (4) proposed water tanks will be used as part of the cannabis operations. The existing agricultural warehouse of 16,896 square feet is not part of the cannabis cultivation operations approved under this Coastal Development Permit. Water for the cannabis cultivation operations will be served by an existing agricultural water well. Domestic water will continue to be served by Carpinteria Valley Water District. The parcel will continue to be served by an existing septic system and the Carpinteria/Summerland Fire Protection District. Access will continue to be provided off of Via Real. The property is a 14.66 acre parcel zoned AG-I-10 and shown as Assessor Parcel Number 005-280-040, located at 3480 Via Real with a secondary address of 3561 Foothill Road, Carpinteria, First Supervisorial District. No trees are proposed for removal. No signs that would identify the site are proposed or authorized. Traffic generation will be reduced by implantation of a Site Transportation Demand Management Plan, which includes employees and contractors transported to the site during regular operations by CalVans (<https://calvans.org>) and shared parking areas for rideshare participants. Onsite parking is located in front of Greenhouse #5 near Via Real entrance.

The G&K Farm/K&G Flower Cannabis Cultivation project is consistent with all development standards in Section 35.144.U of the Santa Barbara County Land Use & Development Code regulating cannabis operations.

Location of Proposed Project

The project site is zoned AG-I-10 in the unincorporated area of the County addressed as 3480 Via Real, secondary address of 3561 Foothill Road, Carpinteria area and shown as Assessor's Parcel Number 005-280-040 in the 1st Supervisorial District.

Background

CEQA Guidelines § 15168(c)(2) allows the County to approve an activity as being within the scope of the project covered by a program environmental impact report without a new environmental document, if the County finds pursuant to Section 15162 that no new effects could occur or no new mitigation measures would be required. CEQA Guidelines § 15162 provides that no subsequent EIR or ND is required if: 1) no substantial changes are proposed which require major revisions of the previous Program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) no substantial changes occur with respect to the circumstances under which the Project is undertaken which require major revisions of the previous Program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or 3) no new information of substantial importance concerning the Project's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the previous Program EIR was certified, has been received.

CEQA Guidelines § 15164 allows an addendum to be prepared to the 2018 PEIR since only minor technical changes or additions are necessary and none of the conditions described in CEQA Guidelines § 15162 call for the preparation of a subsequent EIR or ND. This addendum addresses changes to the Project, through addition of the site specific proposed project description, which was adopted as part of the Cannabis Land Use Ordinance and Licensing Program on February 6, 2018.

Previously Approved Project and Analysis of Proposed Project

The Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (PEIR), Case No. 17EIR-00000-00003, and associated revision letter were certified by the Santa Barbara County Board of Supervisors on February 6, 2018 (SCH No. 2017071016). The potential environmental impacts of the Cannabis Land Use Ordinance and Licensing Program were evaluated in the certified PEIR and mitigation measures for these impacts were incorporated into the PEIR and codified as development standards in the County's Land Use & Development Code.

The PEIR evaluated the potentially significant impacts of cannabis operations, including cultivation, nurseries, manufacturing (volatile and non-volatile), distribution, testing,

microbusinesses, and retail, in the unincorporated areas of the County. Impacts in the issue areas of aesthetics and visual resources, agricultural resources, air quality, biological resources, cultural resources, geology, energy conservation, public services, water resources, hazards and public safety, land use, and noise, were found to be reduced to less than significant levels with mitigation. Mitigation measures were adopted as development standards as part of the ordinance amendments allowing cannabis operations in Santa Barbara County.

Class I impacts were identified as follows:

Impact AG-2. Cumulative cannabis-related development would potentially result in the loss of prime agricultural soils. However, the Project would not result in conversion to non-agricultural use or impair agricultural land productivity (whether prime or non-prime).

Impact AQ-1. Cannabis activities could be potentially inconsistent with the Clean Air Plan and County Land Use Element Air Quality Supplement.

Impact AQ-3. Emissions from operations of cannabis activities could potentially violate an air quality standard or substantially contribute to an air quality violation, and result in a cumulatively considerable net increase of a criteria pollutant for which the County is in nonattainment.

Impact AQ-4. Cannabis activities could be potentially inconsistent with the Energy and Climate Action Plan.

Impact AQ-5. Cannabis activities could potentially expose sensitive receptors to objectionable odors affecting a substantial number of people.

Impact NOI-2. Cannabis cultivation, distribution, manufacturing, processing, testing, and retail sales facilities would result in long-term increases in noise from traffic on vicinity roadways and from cultivation operations.

Impact TRA-1. Cannabis activities may result in increases of traffic and daily vehicle miles of travel that affect the performance of the existing and planned circulation system.

Impact TRA-2. Cannabis activity operations may result in adverse changes to the traffic safety environment.

The Board of Supervisors adopted a Statement of Overriding Considerations for these Class I impacts on February 6, 2018.

The proposed project presents no additional impacts and clearly falls within the definition of an indoor mixed light and nursery cannabis operation studied within the PEIR. The location of the proposed project was determined to be an appropriate location upon certification of the PEIR by the Board of Supervisors. No significant changes to the project description are necessary and the environmental setting of the project site has not substantially changed since the PEIR was certified. Previously identified mitigation measures remain applicable and adequate to reduce

potential impacts to less than significant levels where feasible and have been applied as project conditions which will be monitored by Staff to ensure compliance during project implementation.

Location of Documents

The documents, including, but not limited to, the PEIR, the Statement of Overriding Considerations, and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

Findings

Pursuant to CEQA Guideline § 15168, Planning and Development finds that no new effects could occur as a result of the proposed project, no new mitigation measures are required for the proposed project, and, the proposed project is within the scope of the project covered by the PEIR. Therefore, no new environmental document is required for the G&K Farm/K&G Flower Cannabis Cultivation. In addition, pursuant to Section 15162, no new significant environmental effects would occur, previously identified environmental effects will not increase in severity, and no new information of substantial importance will require revisions to the previously approved PEIR due to the G&K Farm/K&G Flower Cannabis Cultivation.

In conclusion, Planning and Development finds that the previous environmental document, the 2018 Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report, together with this Addendum may be used to fulfill the environmental review requirements of the current proposed project. Preparation of a subsequent EIR is not required.

Exhibit B

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BREN SCHOOL OF ENVIRONMENTAL SCIENCE AND MANAGEMENT

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JUN 05 2019

June 4, 2019

Ms. Lisa Plowman, Director
Jeffrey Wilson, Deputy Division Director
Department of Planning & Development
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, California 93101

| | |
|---------------|--------|
| AGENDA ITEMS | |
| ITEM #: | 4 |
| MEETING DATE: | 6/5/19 |

Subject: Santa Barbara County Land Use and Development Code; Article II – Santa Barbara County Coastal Zoning Ordinance Establishing Regulations for the Cultivation, Manufacture and Distribution of Commercial *Cannabis* for Adult Use as Adopted February 6, 2018.

Dear Ms. Plowman:

I have been asked by my concerned neighbors in the More Mesa Eastern Goleta Valley area of Santa Barbara to examine the process set out in the above-referenced Santa Barbara County Land Use and Coastal Zone ordinances for mitigating the potentially adverse public health and environmental impacts which may result from the cultivation and manufacture of commercial *Cannabis* in proximity to residential neighborhoods. In particular, I have looked into and will explain how these impacts may manifest themselves on persons residing within the coastal areas of southern Santa Barbara County.

A. Introduction and Background. I am a Professor in the Bren School of Environmental Science & Management at the University of California, Santa Barbara (UCSB) where I lead research in environmental problem solving, and teach courses in waste treatment, pollution remediation, environmental microbiology, and biogeochemistry. For more than twenty years at UCSB, my research has informed water quality management (including in collaboration with, or in service to, the City of Santa Barbara or the County of Santa Barbara), soil processes, and risk assessment of emerging contaminants. Most recently, funding pending from the UC Office of the President will allow my researching—with collaborators from UCSB plus three other universities in California—the environmental consequences of tobacco products and of *Cannabis* cultivation and product use.

Thus, my interest in this subject and my concerns as expressed in this letter - while, admittedly personal in nature - are also nonetheless thoroughly professional as well as carefully informed by my expertise across various academic disciplines and my own professional research and experience. In addition, my husband is a retired private-sector engineer who designed water and wastewater facilities worldwide for over thirty years, and he shares my concerns over the potential negative health impacts related to *Cannabis* and the potential difficulty of properly engineering a workable system which adequately mitigates the possible environmental and nuisance impacts of *Cannabis* cultivation. In short, we are both technically trained and educated (e.g. my degrees are B.S., M.S. and M. Eng. in Civil and Environmental Engineering from the University of Tennessee, Purdue University, and UC Berkeley, respectively, plus a Ph.D. in Soil Microbiology from UC Berkeley) professionals. My own doctoral dissertation (UC Berkeley) regarded mechanisms of biodegradation of a volatile organic compound (VOC) in soil environments, a topic highly relevant to the issues discussed herein. As a result of our training and experience, we have some significant concerns about the current rush to cultivate and manufacture adult-use *Cannabis* in our area of Santa Barbara County in the absence of systematically researching how to do so while protecting human and environmental health.

I should also state that one of the reasons I agreed to do this work and to prepare this letter is my professional opinion that the "mitigation" pre-conditions written into the above-referenced County *Cannabis* land-use regulation adopted by the Board of Supervisors in February 2018 are unproven to be effective in actually mitigating the potentially adverse health and environmental impacts of commercial *Cannabis* on people living in proximity to these commercial operators. This is particularly true for those measures mandated by the County ordinances for eliminating noxious odors from *Cannabis* – **measures which apparently ignore the need to not just eliminate noxious odors, but to protect the public from the related and concurrent environmental pollution which could result from the commercial cultivation of *Cannabis*.**

B. Health Concerns Related to Noise and Air Quality Degradation. My primary health concerns relate to the noise and inevitable failure consequences of what will ultimately be needed to prevent degradation of air quality. The production of *Cannabis* on commercial scales is a new endeavor whose environmental threats have been hypothesized but, at this point, remain uncertain.¹ While the human health implications of *Cannabis* use, whether medicinal or recreational, are also uncertain, it is telling that the National Academy of Sciences does not address potential environmental health concerns, and the reasons for this are clear - there simply is not yet enough known about such concerns.²

However, the following *is* known and well-established:

- *Cannabis sativa* (marijuana) plants, like many natural and agricultural plants, emit various types of terpenes³ which are chemicals that are broadly categorized as biogenic volatile organic compounds (BVOCs).⁴

- BVOCs are responsible for the noxious odors associated with *Cannabis*,⁵ but it is the BVOCs, not the odors per se, that have the potential to undermine human health and environmental quality. This is an important distinction, as the regulatory discourse in Santa Barbara County currently only regards “odors” when it is actually the emissions to the ambient environment of the odorous compounds—the *Cannabis* BVOCs whose smells simply confirm their presence at olfactory thresholds—that should be controlled to protect air quality and human health.
- *Cannabis* terpenes, like other biogenic terpenes, have the potential to be precursors of ground level ozone^{4,6} which is regarded by the U.S. Environmental Protection Agency (U.S. EPA) as a serious human health threat.⁷
- To form ozone, *Cannabis* BVOCs would react with other substances in the atmosphere, under specific, but not unusual, ambient conditions.⁶ Such potential for ozone formation from *Cannabis* BVOCs was recently estimated using *Cannabis* BVOC emissions measured on a per plant basis.⁴
- *Cannabis* BVOCs could outweigh other ozone-forming compounds in urban areas, depending on many factors including *Cannabis* cultivation extent.¹

C. Recommended Air-Quality Mitigation Measures. While the atmospheric chemistry and real ozone forming potential of *Cannabis* greenhouse operations are not currently estimable for the Eastern Goleta Valley where I live, or elsewhere in Santa Barbara County, the potential is scientifically logical, i.e. supported sufficiently by published research to date. Consequently, Santa Barbara County should require that cultivation projects prevent *Cannabis* BVOCs and particulate emissions to the atmosphere, including from greenhouses such as in my neighborhood. To prevent air emissions, at least the following conditions of approval would be needed for *Cannabis* cultivation applications, including in my neighborhood:

- Insist, for any cultivation project condition of approval, that the greenhouse structures can fully contain and prevent emissions. In my neighborhood, the existing 1950s era greenhouse structures, given their dilapidated and obviously irreparable states, must be replaced with new greenhouses. These extremely dilapidated structures simply cannot be retrofitted to efficiently and effectively contain *Cannabis* air emissions that have the potential for unacceptable health consequences, no matter what supposedly “state-of-the-art” emissions control systems are proposed.
- Require fully and properly engineered air handling and control systems to prevent release of *Cannabis* BVOCs and other emissions into the air surrounding any growing facility. More experienced regulators elsewhere, for which some examples were at one time compiled⁸ (and which are retrievable via internet searching,⁹) appear to have such requirements of *Cannabis* applicants. Yet, currently, the Santa Barbara County Air

Pollution Control District (APCD) Advisory¹⁰ recommends and requires only unnamed non-specific “deodorizing systems” for “odor abatement”.

Given the potential health risks associated with *Cannabis* cultivation air emissions, it is surprising that the Santa Barbara County APCD does the following: 1. fails to recognize in its most recent Advisory the emissions, and thus air quality, issues posed by *Cannabis* cultivation, 2. focuses instead on mere symptoms (“odor”), and 3. implicitly endorses “deodorizing systems” which could—by their own uncertain emissions of other VOCs and additive chemicals – actually exacerbate ground-level ozone formation and thus compound threats to the health of humans and other biological receptors near *Cannabis* growing operations. *In my opinion, there are too many unknowns to simplistically accept “deodorizing” as an actual and real solution to protecting public health and the environment.*

- Require air quality monitoring and facility inspections to ensure that emissions are controlled from any *Cannabis* greenhouse growing operation.
- For those *Cannabis* projects which required a County public hearing prior to their initial approval, to mandate a one-year “compliance review hearing” before the County Board or Staff member which issued the original permit approval in order to substantiate that the emissions control system has been operating correctly and effectively and without significant complaints from nearby residents and owners.

It is beyond the scope of this letter to fully research and attempt to recommend best practices for emissions controls at *Cannabis* greenhouse operations. Yet it is fairly obvious that the current flood of *Cannabis* applications have not addressed the real concerns of noxious and potentially hazardous air emissions, since most, if not all, of those applications propose a deodorizing approach instead of emissions control, and do so for dilapidated greenhouses.

Moreover, as recently summarized and as recognized in the County’s *Cannabis* zoning regulations, potentially harmful *Cannabis* emissions may be significantly removed by carbon (activated, presumably) filtration,⁶ which would require an engineered design—for air handling and treatment technology performance plus operations. I am particularly interested, and have started research as such, in biofiltration as an alternative approach for removing *Cannabis* BVOCs from captured emissions, since such an approach could have many advantages.¹¹ In my judgment, physicochemical (e.g. activated carbon) and biological (e.g. biofiltration) approaches for odor scrubbing are well-established and mature technologies that could be engineered and adapted for *Cannabis* greenhouse grow emissions control.

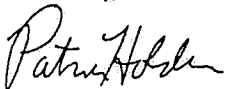
D. Establish and Adopt a Systematic Scientific Basis for Health and Environmental Protection. I strongly advocate that the County revisit its current ordinance to reflect a more thorough and systematic, scientifically-based, evaluation of *Cannabis* cultivation for its potential health and environmental impacts. There is currently a lack of definition, and rigor, that belies what the citizens of this County deserve and expect. These issues are propagated into the recent

June 4, 2019

APCD Advisory.¹⁰ Besides the APCD's Advisory's conflation of "odor" with "VOCs" (when the former is a symptom of the latter), there is a conflation in the Advisory of various inequivalent approaches to protect air quality. In part 3b, the APCD Advisory refers to "activated carbon filtration systems" and "deodorizing systems" in one parenthetical expression, as examples of "odor abatement" and, in doing so, imply that these are equivalent technologies.¹⁰ Not only is this incorrect, but the presentation is diffuse, without reference to any specific system or its performance criteria. There is no specific basis presented for the APCD's recommendations for "HEPA" filters for smoking lounges, for example, and the U.S. EPA technical summary that is cited has no specific recommendations for *Cannabis* BVOCs or other air pollutants. In part 3a, the APCD again conflates measures to "abate odors" by co-listing "containment, ventilation, filters, control and/or deodorizing systems". As stated previously, firstly the recommendation emphasizes odors and not BVOCs. This is problematic, as emitted BVOCs in amounts below an odor threshold are uncertain with regards to their potential to contribute to health or environmental impacts. Secondly, in not systematically describing the objectives of these inequivalent measures, the APCD confuses in that: 1) "containment" and "ventilation" are not odor abating measures but rather are measures for air handling within entire facilities, 2) "filters" has a diffuse to no meaning in this context, and 3) "control" might well be equivalent to "containment" achieved by an appropriate technology, but neither "control" of odors nor "containment" of emissions is necessarily achieved by a "deodorizing" system. The APCD "strongly recommends the use of odor abatement measures that are designed by a professional engineer or certified industrial hygienist" but states no criteria for performance and makes no mention of a burden of proof that any proposed systems, albeit by licensed professionals, will perform in a manner that protects human health and the environment.¹⁰ Given the novelty of the *Cannabis* industry in California, not taking direct responsibility for setting performance criteria and establishing a means by which air quality can be protected from *Cannabis* emissions constitutes an abdication of responsibility by the APCD and, therefore, the County.

E. Conclusion. Assuming that the County-permitted *Cannabis* projects are to be ultimately held fully and effectively responsible for containing the adverse air emissions which they create, then the air handling and control systems mandated for that purpose should be established and proven technologies which do not generate excessive noise in peaceful neighborhoods. I, along with many immediate neighbors, as well as many other Santa Barbara County residents and property owners, expect Santa Barbara County to seriously attend to all aspects of the potential health and environmental concerns associated with the cultivation and manufacture of *Cannabis* — especially how commercial *Cannabis* operations will be compatible with the surrounding neighborhoods, will contain their adverse air emissions, and will not negatively impact the current quality of life and the environment of Santa Barbara County.

Sincerely,



Patricia A. Holden, Ph.D.

Resident, 1205 Anderson Lane, Santa Barbara CA 93111

cc: Santa Barbara County Board of Supervisors
Santa Barbara County Planning Commission members
Dennis Bozanich, Santa Barbara County CAO's office
Daniel Kleman, Deputy Director, County Planning & Development

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Exhibit ~~B~~
C

Video of June 5, 2019 Planning Commission

Hearing:

http://sbcounty.granicus.com/MediaPlayer.php?view_id=3&clip_id=3544

Cannabis Odor Abatement Plan

February 7, 2019

Prepared for:

Graham Farrar; Padaro Glass House

Site Address: 3561 Foothill Rd
Carpinteria, CA 93013

Prepared by:

Nate Seward, PE, CIH

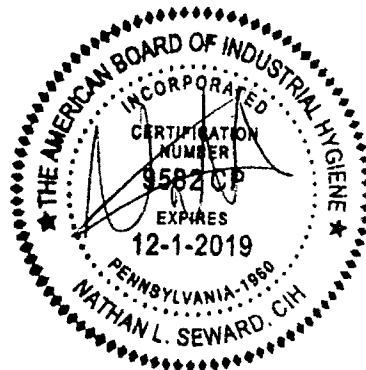
Professional Mechanical Engineer (M31978)

Certified Industrial Hygienist (9582 CP)

Certified Radon Tester #108180RT

EPA & IICRC Instructor (WRT & AMRT)

Licensed Asbestos Abatement Consultant (I-1923)



comprised of two polysorbate surfactants and a blend of citrus and pine oils with the remainder water (see Attachment for SDS Sheet). The product will be delivered at a rate of 3-6 gallons/day, depending on grow cycles, to neutralize the cannabis odors as it mixes within in the air stream around the perimeter of the structures. According to the manufacturer, the neutralizing vapor will always be surrounding the malodor, even if wind direction shifts. The system is and can also be remotely monitored to determine if adjustments need to be made or if neutralizing products are getting low. The system is capable of running during any odor emitting activities, including 24/7 operations.

The applicant is aware that environmental conditions (temperature, humidity, wind direction & speed) will likely change during the day and/or seasonally which may increase or decrease the odor intensity of the cannabis activities. The applicant understands these environmental fluctuations and is committed to monitoring the odor abatement system thru olfactory observations and making necessary adjustments to the system in order to eliminate cannabis related odors beyond the property boundaries.

Conclusion: Our onsite evaluation of the proposed system along with the review and understanding of the technology literature for the Byers system did not reveal any obvious concerns with the technology. Based on these findings AND assuming that all claims made by the manufacturer are true in that 1)the products (CNB 100) are actual deodorant neutralizers (not masking agents) 2)that the system can be modified or adjusted to deliver the deodorant with the objective to obtain a neutral odor and 3)that the deodorant and/or neutralizing by-products are not a public health (acute or chronic) or environmental concern, it is our professional opinion that this odor abatement technology is an accepted industry-specific best control technology designed to mitigate odor.

Limitations: It should be noted and understood that although cannabis activities have been legalized and permitted within the County, it is expected that illegal and unpermitted commercial and personal growing operations will continue within the immediate area. These operations are not complying with State or County regulations, particularly as it relates to odor abatement and therefore malodor complaints by the public may be incorrectly directed at the applicant. Cannabis odors, whether "real" or "psychological" are subjective and interpretive, depending on the receptor. Generally, the intensity of an odor will dissipate over distance and therefore in theory, the further the receptor is from the emitting-source, the less intense the odor generally is observed.

If you have any questions or concerns regarding the information provided, please do not hesitate to call us at 805.644.8347 or my cell phone at 805.432.4888.

Respectfully submitted,



Nate Seward, PE, CIH

Professional Mechanical Engineer (M31978)
Certified Industrial Hygienist (9582 CP)
Certified Radon Tester #108180RT
EPA & IICRC Instructor (WRT & AMRT)
Licensed Asbestos Abatement Consultant (I-1923)

From: [REDACTED]
Subject: Air quality index in 2013
Date: May 6, 2019 at 8:30 PM
[REDACTED]

This didn't get into the Additional documentation but it is worth mentioning when we talk about air quality.

Air pollution and air quality trends

(lower is better)

AQI CO NO₂ SO₂ Ozone PM₁₀ PM_{2.5} Pb

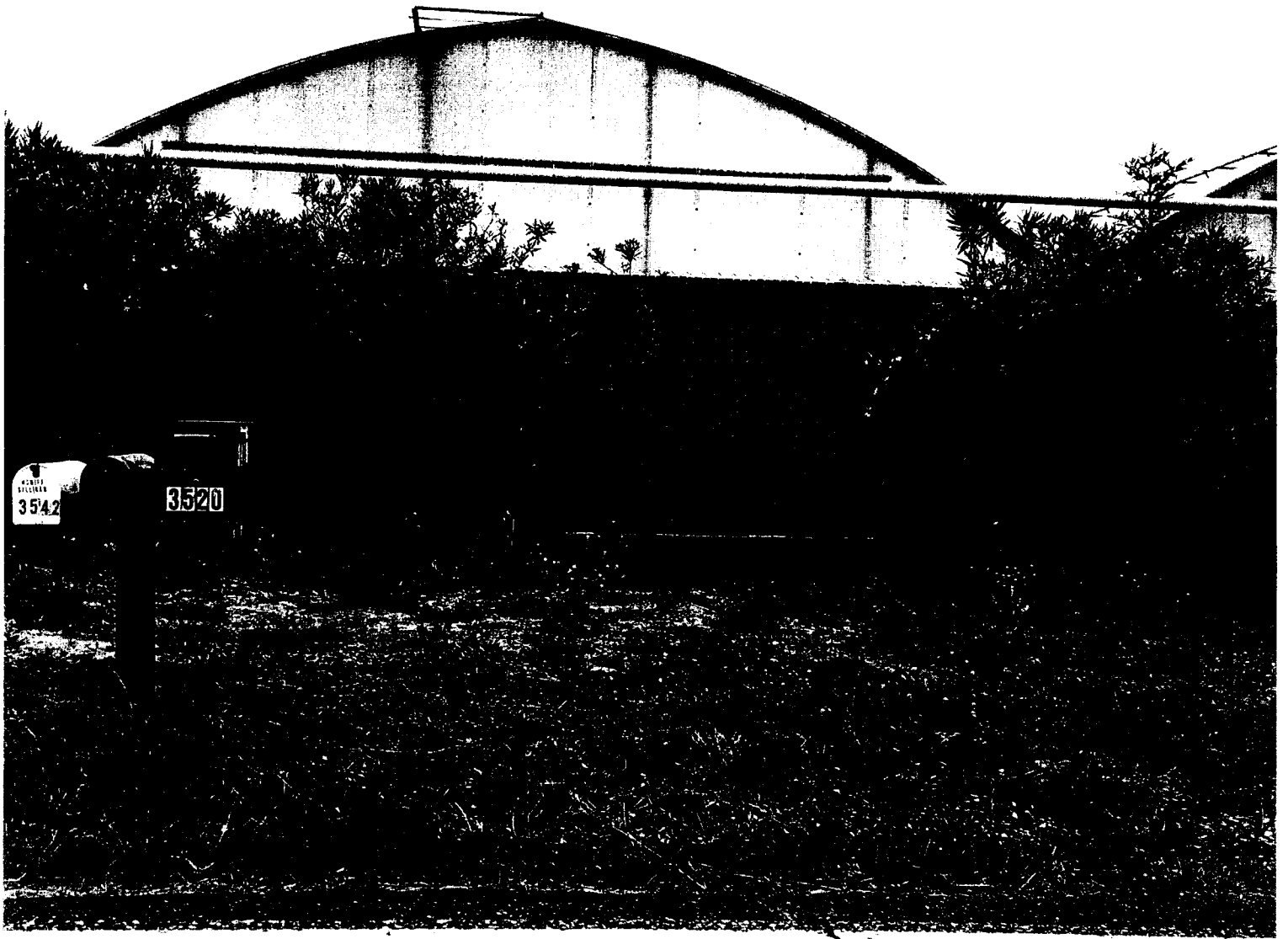
Air Quality Index (AQI)



Air Quality Index (AQI) level in 2013 was **106**. This is significantly worse than average.

City: **106**
U.S.: **75**

<http://www.city-data.com/city/Carpinteria-Valley-California.html#b>
5/7/19



Villalobos, David

From: Jim Mannoia <jim.mannoia@gmail.com>
Sent: Tuesday, June 04, 2019 10:05 PM
To: Villalobos, David
Subject: G&K Farms Appeal
Categories: Purple Category

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

June 4, 2019
3375 Foothill Road Unit #911
Carpinteria, CA 93013

| | |
|------|--------|
| DATE | 4 |
| TIME | 6/5/19 |

Dear David,

I am writing to ask you to PLEASE support the appeal of the G&K Farm Cannabis project which I believe is before tomorrow, June 5. I am concerned about several things.

1. I share with many, the general worry that cannabis permitting has gotten out of hand with FAR too many permits being issued and contemplated for our county. I believe that the number of permits and the acreage proposed would put more than 50% of all California permits in Santa Barbara alone. That makes no sense to me.
2. But more specifically, I object to the Byers odor control system that is proposed to mask the odor which is one of the biggest worries we have as residents so close to this project. Our Carpinteria valley already smells like skunks every night, and as summer comes on, and we leave windows open, it will become intolerable! From what I read, the Byers system has NOT been tested except by those who submit the permit proposals in the first place. AND I BELIEVE IT RELEASED VOLATILE ORGANIC COMPOUNDS INTO THE AIR as part of the masking process. If you approve this permit, it will become a green light for every other permit in the pipeline that this system is acceptable. PLEASE RECOGNIZE THAT YOUR DECISION ON G&K WILL BE PRECEDENT SETTING!
3. There are other concerns I have with the impact of TOO MANY PERMITS in our valley. These include lowered water tables (See Humboldt County), noise, night lights, and the fact that the anticipated tax revenue will likely NOT be what is projected (See Oregon and Colorado gluts resulting in destruction of cannabis crops!)
4. Please remember that there may well be amendments to the cannabis ordinance during the July meeting of the Board of Supervisors. In particular I object to excluding the Coastal Zone from the restrictions on AG-1 (small sites) for growing cannabis. So in my opinion, it is too early to allow any more permits to go through.

Thank you and PLEASE DO NOT ALLOW THE G&K PERMIT TO BE GRANTED.

Sincerely....for a rational limit and control on cannabis growing in our county,

V. James ("Jim") Mannoia

618-593-7156

RECEIVED
 JUN 05 2019
 S.B. COUNTY
 PLANNING & DEVELOPMENT
 HEARING SUPPORT

Villalobos, David

From: Sandy Weil <sandyweil@cox.net>
Sent: Monday, June 03, 2019 9:44 PM
To: Brown, Cecilia
Subject: Uphold the Appeal for G & K Farm
Categories: Purple Category

| | |
|----------------------|---------|
| SEARCHED | INDEXED |
| SERIALIZED | FILED |
| JUN 03 2019 | |
| SANTA BARBARA COUNTY | |
| 4 | |
| | 6/5/19 |

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

TO: Santa Barbara County Planning Commission

RE: UPHOLD THE APPEAL FOR G & K FARM

My husband and I have lived in the Carpinteria Valley for the past fifteen years. We have attended many County of Santa Barbara Supervisor meetings since January, 2017. We are aware that the State as well as our County was totally unprepared to handle the influx of cannabis growers and all of the serious issues that have arisen since Proposition 64 was passed. There are many key issues that are facing the residents of Carpinteria and the Carpinteria Valley. Two important issues are DENSITY and PROXIMITY! After listening to promises that have not been fulfilled, we find that we continue to suffer from the stench of the grow throughout our small area. We continue to watch the pure greed and lack of concern that is displayed by those who wish to expand or start a new business! We were supposed to have limits!?

Our lives have dramatically changed since the cannabis business has arrived. There seems to be absolutely no concern for the placement of these businesses and now we are faced with even more permit requests to further devastate our very small area. It is our understanding that Santa Barbara County already has the highest number of cannabis growers in the state. Carpinteria is no longer considered a wonderful place to live or visit!

The stench of the grow follows us on the streets and roads throughout the city and valley and directly into many of the homes that are in proximity to the greenhouses. We are asking you NOT to grant any additional permits.

We now have an issue with our avocado ranches that can no longer be sprayed for insects because of the overspray that would possibly damage the cannabis! Who among you wants to accept the responsibility for causing the avocado crop that has been grown here for over 70 years to be devastated?

The Byers odor masking system is unproven, without third party independent peer reviewed evidence of its efficacy in eliminating cannabis odor.

We are concerned about the odor control system's long term effects on human health and the environment.

We are concerned that masking chemicals and surfactants will have a negative impact on the surrounding residents, wildlife, soil, etc. Who is standing up for each of these listed points?

Byers only masks odor and does not remove the volatile organic compounds (VOC's). The VOC/ozon air pollution risk and impact on human health was not covered in the County's PEIR.

CEQA requires proper environmental review of this significant risk. This project will cause significant impacts that were not identified or evaluated in the County's PEIR!

We are sincerely asking for your very careful consideration of the permit and UPHOLD the Appeal.

Allan & Sandra Weil
7165 Shepard Mesa Rd
Carpinteria, CA 93013



COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Santa Barbara County Planning Commission
FROM: Petra Leyva, Supervising Planner
DATE: June 5, 2019
RE: 19APL-00000-00009

Staff recommends replacing Condition Nos. 9 and 12 of the Coastal Development Permit (CDP) included in Attachment B of the Planning Commission Staff Report dated May 28, 2019 (Attachment B), with new conditions revised to more closely reflect the development standards of Section 35-144U of the Article II Zoning Ordinance. The original Condition Nos. 9 and 12 of the CDP shown in Attachment B are shown in strikeout text, and the new, recommended Condition Nos. 9 and 12 are shown as underlined text, below.

REVISED CONDITION NOS. 9 AND 12

9. **Landscape Plan and Screening Plan.** ~~The applicant shall implement the Landscape Plan and Screening Plan stamped 'Zoning Approved'.~~

~~**TIMING:** The Landscaping and Screening Plan shall be implemented prior to commencement of use and/or prior to final inspection, whichever occurs first, as applicable. All landscaping and screening shall comply with the following:~~

- ~~a. Landscaping installed with the purpose of screening commercial cannabis activities shall, within five years, reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and onsite parking areas from the nearest public road(s).~~
- ~~b. All landscaping shall be installed prior to initiating cultivation activities.~~
- ~~c. A performance security, in an amount to be determined by a landscape architect and approved by the Department, prior to the issuance of any permits, shall be filed with the County to ensure installation and maintenance of the landscaping for two years. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.~~

~~d. Landscaping shall be maintained for the life of the project.~~

~~**MONITORING:** Permit Compliance staff shall monitor implementation prior to final inspection and/or commencement of use, whichever occurs first, and throughout the life of the project.~~

9. **Landscape Plan and Screening Plan.** The applicant shall implement the Landscape Plan and Screening Plan stamped 'Zoning Approved'. **PLAN REQUIREMENTS:** All landscaping and screening shall comply with the following:

a. Landscaping installed with the purpose of screening commercial cannabis activities shall, within five years, reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and onsite parking areas from the nearest public road(s).

b. All landscaping shall be installed prior to initiating cultivation activities.

c. A performance security, in an amount to be determined by a landscape architect and approved by the Department, prior to the issuance of any permits, shall be filed with the County to ensure installation and maintenance of the landscaping for two years. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.

d. Landscaping shall be maintained for the life of the project.

TIMING: The Owner/Applicant shall submit two copies of the Plan to P&D processing planner for review & approval prior to issuance of the Coastal Development Permit, AND enter into an Agreement with the County to install required landscaping & water-conserving irrigation systems and maintain required landscaping for two years.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance staff that all required components of the approved Plan are in place as required prior to Final Building Clearance. Compliance staff will release installation security upon satisfactory installation of all items in approved plans.

12. **Odor Abatement Plan.** The applicant shall implement the Odor Abatement Plan stamped 'Zoning Approved'.

~~***TIMING:** The Odor Abatement Plan shall be implemented prior to commencement of use and/or the issuance of final building inspection and/or throughout the operation of the project, as applicable. All odor abatement measures shall comply with the following:*~~

~~*a. Odors must be prevented from being experienced within residential zones.*~~

~~*b. An approved odor control system must be installed.*~~

~~*c. If an operator is utilizing an approved and certified vapor phase system, the vapor phase systems must comply with the following:*~~

~~*i. The resulting odors must be neutralized, not masked;*~~

~~*ii. The technology must not be utilized in excessive amounts to produce a different*~~

- ~~scents such as pine or citrus;~~
- ~~iii. The system shall meet the United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.~~
 - ~~d. The following individual has been designated as the responsible party for responding to odor complaints and must comply with the following procedures for addressing odor complaints:~~
 - ~~i. The local contact, as indicated in the approved Plan, shall be available by telephone on a 24-hour basis to respond to calls regarding odor complaints.~~
 - ~~ii. The applicant shall provide to property owners and residents of property located within 1,000 feet the contact information of the local contact responsible for responding to odor complaints. The operator is required to immediately notify the County of any changes to the local contact.~~
 - ~~iii. The operator is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.~~
 - ~~iv. Failure to respond to calls in a timely and appropriate manner may result in revocation of this permit. Responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call if corrective action is required to address any violation of this condition.~~
 - ~~v. The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information:
 - ~~1. contact information of the complainant, as well as a description of the location from which the complainant detected the odors;~~
 - ~~2. time that the operator received the complaint;~~
 - ~~3. description of the complaint;~~
 - ~~4. description of the activities occurring onsite when the complainant detected the odors; and~~
 - ~~5. actions the operator implemented to address the odor complaint.~~~~
 - ~~vi. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis operation and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years.~~
 - ~~e. The applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s) and complaint tracking system records.~~
 - ~~f. If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of Article II Coastal Zoning Ordinance Section 35-144U.C.6. Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The Department may require the corrective actions to be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this condition, the Department may take~~

~~additional enforcement actions pursuant to Chapter 35-108 (Enforcement and Penalties) which may include, but are not limited to, initiating proceedings to revoke this permit.~~

~~—**MONITORING:** Permit Compliance staff shall monitor implementation prior to final inspection and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Applicant, to verify compliance with the Odor Abatement Plan.~~

12. **Odor Abatement Plan.** The applicant shall implement the Odor Abatement Plan stamped 'Approved.' The odor abatement plan must prevent odors from being experienced within residential zones as determined by the Director.

PLAN REQUIREMENTS: The Odor Abatement Plan must include the following:

- a. A floor plan, specifying locations of odor-emitting activities and emissions.
- b. A description of the specific odor-emitting activities that will occur.
- c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activities.
- d. A description of all equipment and methods to be used for reducing odors.
- e. The Odor Abatement Plan shall be reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist. The certification shall acknowledge that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
- f. Establish an Odor Complaint resolution plan which includes the following:
 - i. Name and contact information of the individual (local contact) responsible for responding to odor complaints. The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.
 - ii. Verification that property owners and residents of property located within 1,000-feet of the cannabis operation (parcel boundaries) have been provided with the odor complaint contact information.
 - iii. Agreement to immediately notify the County of any changes to the local contact
 - iv. Agreement to contact the Permit Compliance Planner within 24 hours of the receiving an odor complaint.
 - v. Acknowledgement that all odor complaints will be responded to in a timely fashion (i.e., response within one hour of the time the initial call was made and corrective action taken within two hours of the initial call).
 - vi. Acknowledgement that failure of an operator to respond to an odor complaint call in a timely fashion may result in revocation of the permit.
- g. Description of an Odor Complaint Tracking System and Implementation Plan. This System shall include the method for recording the following required information:

- i. Complainant contact information
- ii. Description of the location from which the complainant detected the odors
- iii. Time that complaint was received
- iv. Description of the complaint;
- v. Description of the activities occurring on site when the complainant detected the odors
- vi. Actions the operator implemented in order to address the odor complaint.
- vii. Agreement to provide the Complaint Tracking System records to the Department as part of any Departmental inspections of the cannabis operation and upon the Department's request.
- viii. Agreement to maintain the Complaint Tracking System records for a minimum of five years.
- h. Explicit agreement to allow Planning & Development access to the facility all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.

i.

TIMING: The Owner/Applicant shall submit two copies of the Plan to P&D for review and approval prior to issuance of the Coastal Development Permit.

MONITORING: Permit Compliance staff shall monitor implementation prior to Final Building Clearance and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Applicant, to verify compliance with the Odor Abatement Plan.

REVISED ACTIONS

Staff recommends that the County Planning Commission take the following actions based on the recommended changes to Condition Nos. 9 and 12 that are set forth above:

1. Deny the appeal, Case No. 19APL-00000-00009.
2. Make the required findings for approval of the project specified in Attachment A of the staff report dated May 28, 2019, including California Environmental Quality Act (CEQA) findings.
3. Determine the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15162, 15164, and 15168(c)(2), included as Attachment C.
4. Grant *de novo* approval of the project, Case No. 18CDP-00000-00077, subject to the conditions included as Attachment B—as revised pursuant to the changes set forth in the memorandum from staff to the County Planning Commission, dated June 5, 2019.

The world's largest pot farms, and how Santa Barbara opened the door

By Joe Mozingo

Jun 12, 2019 | 5:00 AM | Buellton, Calif.

In a sandy draw of the Santa Rita Hills, a cannabis company is planning to erect hoop greenhouses over 147 acres — the size of 130 football fields — to create the largest legal marijuana grow on earth.

Across the Santa Ynez River, two miles away, a farmer is planting the planet's second biggest grow, at 83 acres. Several operations are already as large as what industry trackers say are the world's other behemoths, in Colorado and British Columbia, with a dozen more slated to be much bigger.

Santa Barbara County's famed wine region — with its giant live oaks and destination tasting rooms — and the quiet beach town of Carpinteria have become the unlikely capital of California's legal pot market.

Now row after row of white plastic hoop houses sprawl amid rolling vineyards and country estates, and coastal bungalows and schools carry the whiff of backcountry Humboldt.

Lobbied heavily by the marijuana industry, Santa Barbara County officials opened the door to big cannabis interests in the last two years like no other county in the nation, setting off a largely unregulated rush of planting in a region not previously known for the crop. County supervisors voted not to limit the size and number of marijuana grows. They chose not to vet growers' applications for licenses or conduct site inspections.

They decided to tax the operations based on gross revenue instead of licensed square footage, as Humboldt and Monterey counties do, even though the county has no method to verify the numbers. So far, the county has received a fraction of what its consultants had predicted.

Santa Barbara officials are not alone in trying to lure cannabis cultivation. But the other local governments seeking this revenue stream are mostly in remote, economically depressed regions, not high-priced coastal and tourist areas.

In Santa Barbara, growers and their hired advocates developed close ties to two county supervisors, Das Williams and Steve Lavagnino, who pushed for and won nearly every significant measure the cultivators asked for. A third supervisor elected in November, Gregg Hart, hired a marijuana lobbyist as his chief of staff.

The cannabis boom has caused a backlash from residents and vintners afflicted by the smell, and farmers who worry that spraying their avocados could make them financially liable for tainting

multimillion-dollar marijuana crops. Fearing for their businesses and quality of life, they have organized into activist groups, hired attorneys, filed lawsuits and zoning appeals.

The county is now trying to rein in the industry with stricter regulations and law enforcement.

California voters passed Proposition 64, legalizing recreational marijuana, in November 2016. In the ensuing 16 months, Santa Barbara County supervisors worked on plans to regulate and tax the industry, while allowing it to vastly expand under temporary licenses.

The open window, combined with no limits on crop size, drew companies with the means to invest millions of dollars.

Farms in Santa Barbara County hold 35% of all cultivation licenses issued in California this year, despite the county having only 1.8% of the state's land. Humboldt County, the historic center of the marijuana universe, has 22%, while illegal grows there continue to dominate the larger black market.

Santa Barbara County officials say the industry will boost the agricultural economy, provide jobs and shore up government coffers.

A drone's-eye view of cannabis hoop houses growing on 30 acres of the Santa Rita Hills that recently had been planted with bell peppers. (Brian van der Brug/ Los Angeles Times)

Supervisor Williams said the revenue from the cannabis tax allowed them to create a sheriff's enforcement team that began eradicating illegal grows in August. "Thirty-five raids in a small county is a lot," he said.

He envisions the county fostering an industry that obeys the law, pays its taxes and solves problems affecting its neighbors. He conceded that the board's actions helped create a "Wild West situation that we're just cleaning up now."

"Our community is painfully divided about how to bring this industry under control," he said.

At the south end of the county in Carpinteria, the skunky odor of marijuana pours out the open vents of steel-frame greenhouses that the cut flower industry used for decades. Residents said the irritant makes eyes water and chests tighten. Some complain of headaches and nausea.

Casey Adams, 61, who has taught at Carpinteria High School for 33 years, said the smell comes and goes. It's worse in the morning, he said, and it doesn't seem to have changed much with the odor control systems. "Every day you get that scratchy throat," Adams said.

The county mandated that growers in the Carpinteria Valley, which sits on unincorporated land surrounding the city, install odor control systems as part of their land use permits, and though the rule has not gone into effect, at least 12 of the 23 operations have done so, according to officials. But how much of the odor has been contained or neutralized is difficult to ascertain.

Joan Esposito, 76, lives across from a greenhouse and says the smell still “permeates everything.”

Odor control systems are not required outside Carpinteria in the more rural wine country.

In the Santa Ynez and Santa Maria valleys, the smell of pot can overwhelm the wine tasting rooms downwind of grows, while vast rows of polythene hoop houses have become eyesores on the pastoral landscape, threatening the tourism-dependent economy of one of the nation’s top viticulture zones, famous to non-connoisseurs as the setting of the 2004 movie “Sideways.”

“The skunk smell is a deterrent to other animals and humans,” said Tyler Thomas, the winemaker at Dierberg, which sits on a wedge of land surrounded by 230 acres in the permitting process for pot. “We have human beings coming to our tasting room we don’t want to deter.”

Farmers closest to cannabis came to realize they can no longer spray pesticides without fear of being held liable for contaminating neighboring cannabis grows. By law, marijuana must be destroyed if it tests positive for pesticide.

“The pesticide levels set for cannabis are extremely low,” said Rick Shade, who manages 600 acres of avocado trees in the Carpinteria Valley.

Marijuana growers agreed to sign a contract to not hold farmers liable for their crops if they spray during a specified time period. But commercial crop dusters last month decided they didn’t want to take the risk.

Sharyne Merritt, who has 13 acres of avocados, says even the organic spray she normally uses is banned for cannabis and the only acceptable one “is completely ineffective.”

“The cannabis growers will make tons of money while I’m going to lose half the value of my crop,” she said. “No one seems to have thought this through.”

Graham Farrar, a Carpinteria Valley grower and president of the Carp Growers cannabis coalition, said he and his members would continue to look for a solution.

Many of the Carpinteria-area cannabis growers were in the flower industry, he said, and have deep ties in the town. “It’s really in our best interest to make our neighbors happy,” he said. “I like to walk into the coffee shop with my head held high.”

The rush to profit from cannabis in Santa Barbara started during a moratorium on new grows.

On Feb. 14, 2017, county supervisors cleared the way: Anyone who said they had been growing medical cannabis on or before the day the moratorium was passed — Jan. 19, 2016 — could continue to cultivate the same amount on the same land if they signed into a registry that would grandfather them in.

The growers did not have to provide any evidence that they owned or leased the property at the time, much less that they were cultivating cannabis there.

This registry became the de facto list of legal growers in the county.

When the state announced in the fall of 2017 that it was going to issue the first temporary cultivation licenses, the county turned to the registry to determine eligibility. Those on the list just had to sign an affidavit under penalty of perjury that they were growing medical marijuana on their site prior to Jan. 19, 2016.

The supervisors rejected a measure recommended by the planning commission to have staff ask for documentation and research the veracity of the statements.

The affidavit became the only documentation the California Department of Food and Agriculture was given to issue the state license. Santa Barbara was the sole county to rely just on an affidavit.

Proposition 64 stipulated that large-scale grows not be licensed until 2023 to give small, local operators a chance to establish themselves before big corporate interests entered the market. State agriculture officials issued licenses for small grows of 10,000 square feet or less of planting space and medium licenses for up to an acre. But they allowed a loophole: Growers could stack as many of the small licenses as they wanted, leaving it to local jurisdictions to set limits.

When Santa Barbara County supervisors decided to allow unlimited licenses, moneyed interests from all over the state saw an opportunity.

The state licensing authority was suddenly deluged with applications for sites in Santa Barbara County — many filed by companies from Northern California and Los Angeles. All claimed they had been growing in Santa Barbara since January 2016.

In the Santa Ynez Valley wine region, long tunnels of hoops began popping up last year. Just three weeks after the vote not to set limits, Iron Angel II registered with the state as a limited liability company based in Agoura Hills. By the end of the year, it had 265 small licenses — plus a single medium license — allowing it to grow 60 acres altogether.

Another grow, a 30-acre greenhouse complex north of Buellton, had more than 600,000 plants (before it was raided for reasons the Sheriff's Department would not reveal).

Noe Nava works on the inline fertigation system that blends fertilizer with water to feed marijuana plants growing in a steel-frame greenhouse at Arroyo Verde in Carpinteria. Al Seib / Los Angeles Times

Stefanie Keenan said the rush to plant caused a spike in land values that has kept potential small growers like her and her husband out of the market. “They’re charging \$10,000 an acre a month to grow marijuana,” said Keenan, who lives in Buellton. She urged the supervisors to start with a pilot program of local growers that would have less of an impact in communities. “You could have eased people in. But this is so in your face.”

Blair Pence said the field next to his winery on Highway 246 in the Santa Rita Hills had been planted with bell peppers until the spring of 2018. Now cannabis is growing on 30 of those acres and the sharp odor rolls down the canyon to his home and tasting room.

He said another grow popped up on the parcel on the other side of his neighbor's land, along with two more across the street, and numerous others along the highway between Buellton and Lompoc — all in 2018, two years after the operators claimed they were already growing there.

“These guys are all lying through their teeth,” Pence said.

A review of the sites on Google Earth confirms his observation that many farms were not there when the affidavits said they were, including one operated by a member of the county agricultural advisory board, John De Friel, who is applying for permits to grow 83 acres this year. De Friel did not respond to requests for comment.

Dennis Bozanich, the deputy county executive officer in charge of developing cannabis regulations, said the sheriff has eradicated about 20 licensed farms because the operators lied on the affidavits about having grown since Jan. 19, 2016, and that investigations into others are ongoing.

The state temporary licenses are expiring this year. The county now requires growers to go through its land use permitting process, which gives neighbors a chance to appeal. (But while that process is underway, temporary license holders, with the county's consent, can get a state provisional license that allows them to grow for another 12 months.)

Every extra day helps. A 20-acre harvest could make over \$40 million.

The county is now quickly approving the longer-term grows. Those operations will be subject to more regulation than the last two years, officials say. They will have to tag and inventory every plant, a state requirement to ensure they pay taxes and sell only to licensed distributors.

For the Carpinteria area, supervisors set a 186-acre limit because of residents' complaints about the smell. But elsewhere, the only limit on acreage is what the market will bear.

In early May, Pence's attorney learned that the county had approved a land-use permit for a 50-acre marijuana grow, bigger than any in Colorado or Canada, across the street from the winery.

“I never received any notice from the county,” Pence said. “I had one day to appeal.”

The cannabis policy was developed largely by Bozanich and Supervisors Williams and Lavagnino. The two supervisors formed an ad hoc committee — not subject to California's open-meeting laws — that guided Bozanich and planning staff in writing temporary measures and, ultimately, a broad ordinance regulating the industry.

At board meetings, Bozanich, Williams or Lavagnino floated concepts they had already discussed with growers — like the registry — and growers lined up to support them during the

public comments. While there were numerous public hearings, few residents attended most of them and many were later caught unaware by the scope of the cultivation, failing to anticipate the consequences of the incremental measures being passed.

The supervisor who regularly opposed the industry's agenda, Janet Wolf, retired this January and said the board's actions felt less like a policy debate than a "fait accompli."

"Bottom line, people didn't understand the implications of anything that was going to happen," she said. "We'd never taken on a huge land-use issue and do it by an ad hoc committee in the 12 years I was on the board."

Emails and calendars released to The Times through the state public records act show marijuana lobbyists and growers had easy and regular access to Williams and Lavagnino.

Erin Weber, a cannabis consultant with California Strategies, a Sacramento-based lobbying firm, drafted a letter last year for Williams to send to the Coastal Commission, urging it to certify the county's cannabis regulations in the coastal zone.

"This is very faithful to what we discussed," Williams responded in an email. "We will submit it without changes." He told The Times that because the anti-cannabis side also supported the regulations, he saw no problem with signing the letter.

In the fall of 2017, Weber and her colleague Jared Ficker were lobbying hard to let growers on the registry cultivate with no limits. Williams' calendar contains an entry on Sept. 4 for "Sailing Trip/Diving" with Ficker and Williams' wife.

When the planning department last year recommended a measure that the marijuana farmers should bear all the costs of appeals to their permits filed by neighbors, the cultivators emailed Williams that it was unfair and urged him to reject it. "Don't worry, I'll fix it with a 50-50 recovery model. Don't tell anyone though," he wrote to grower Mike Palmer.

"On it," he wrote to Farrar, the president of Carp Growers, "We will cost split it if I get my way."

"Thanks Das," Farrar replied.

The move would have put half the cost of county staff time — as much as \$14,000 for a single appeal — on the grower and half on the person making the appeal.

Instead, the supervisors decided not to vote on the staff recommendation, saying it was unfair to growers, and left the county to bear the entire amount.

Williams met frequently with Farrar. He wrote a letter of recommendation on Farrar's behalf to Culver City, where the grower was seeking to open a dispensary.

The two also socialized.

“Hey man,” Farrar emailed Williams in September 2018, a couple months after the appeal measure was shot down, recommending shows they might see at the Santa Barbara Bowl. “The National — this will be awesome.. i’ve got an event before so not sure if i can make it but definitely will if i can.”

In 2017 and 2018, members of Carp Growers contributed a total of \$16,500 to the supervisor’s campaign committee, and they donated \$12,000 to Lavagnino in the month leading up to the final vote on the cannabis ordinance last year.

Williams said the contributions and his friendships did not influence his decisions. “I have friends on the other side of this, too. This is a small community.”

Emails suggest Farrar also had a casual relationship with Lavagnino, even though his district is on the opposite end of the county as Carpinteria. They attended a fundraising dinner together in Santa Barbara for the Special Olympics in October. That morning, Farrar wrote to the supervisor: “Hey man — happy Sunday .. what are you thinking for tonight? When do you want to get there? Drinks before?”

Lavagnino also said he had friends on both sides of the issue. He said the regulatory process and law enforcement will sort out “the people in this for a quick buck” and leave responsible operators.

“These people have invested a lot of money getting to this point,” he said, “They’re going to want to follow the rules.”

Lavagnino has said repeatedly that the county’s goal was to bring an illicit industry into the light and make it pay taxes. The supervisors drafted a tax measure that voters passed requiring growers to pay 4% of their gross receipts to the county.

This had a couple advantages over taxing by square-footage: growers would not have to pay for failed crops, and operators who ran their own distribution and retail ventures would be taxed just once, at the final sale. But for the time being, the county had a system in which they had no idea how many plants were grown, nor how much product was sold.

In February 2018, a consultant for the county, HdL Companies, estimated the county would collect between \$15 million and \$21 million in taxes annually from the 47 acres that was licensed to grow at that point. If that acreage expanded, so would the tax stream. That month, Lavagnino urged two of his skeptical colleagues to pass a tax referendum and land-use policy so the county could reap the rewards.

“I’m trying to generate what could be \$20-to-\$40 million a year for the county,” he said.

By the end of 2018, the acreage licensed had grown to more than 630 acres. Even if only a quarter of that were cultivated, the county would be due between \$24 million and \$36 million annually in taxes, using the consultant’s formula and price-per-pound of \$500 to \$750. But for

the three tax quarters collected so far, covering the peak of the harvest season, the county has received only \$4.6 million.

“We’ve been somewhat flying blind,” Bozanich said.

He said this will change later this year as growers come into compliance with the comprehensive ordinance passed last year and must register every plant with the state.

Statewide cannabis industry leaders say there are not enough licensed dispensaries in California to buy what is being grown.

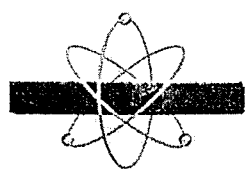
“It’s either going to leak into the informal market or rot in warehouses,” said Hezekiah Allen, a cannabis lobbyist who headed the California Growers Association for four years and now serves on the board. “This is absolutely ludicrous in terms of volume.”

“We think it takes 1,100 acres to supply the entire state,” he said.

By the end of May, the growers in Santa Barbara County had applied to plant 1,415 acres.

Joe Mozingo is a projects reporter for the Los Angeles Times. He won a Robert F. Kennedy Award for covering the earthquake in Haiti and the ASNE Punch Sulzberger Award for Online Storytelling for his in-depth look at a federal investigation into relic poaching in rural Utah that led to three suicides. Mozingo helped lead The Times’ coverage of the Isla Vista killings in 2014 and a Miami Herald investigation into the space shuttle Columbia crash in 2003; both were finalists for the Pulitzer Prize. His book, “The Fiddler on Pantico Run: An African Warrior, His White Descendants, a Search for Family” was a 2012 “Discover Great New Writers” pick by Barnes and Noble.

Exhibit 7



Byers Scientific & Manufacturing

Industrial Odor Management

June 3, 2019

Honorable Planning Commissioners,

| | |
|---------------------|--------|
| <u>AGENDA ITEMS</u> | |
| ITEM #: | 4 |
| MEETING DATE: | 6/5/19 |

RECEIVED

JUN 03 2019

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Re: Public Comment Agenda Item #4; 3561 Foothill Road; G&K Farm/K&G Flower

Thank you for the opportunity to comment on the proposed project at 3561 Foothill Road. Byers Scientific has installed our best available odor control technology at this site. We are confident that the technology will effectively mitigate odor from cannabis activity, when the site is permitted and operational.

Byers Scientific & Manufacturing designs, engineers and manufactures equipment for application in the industrial odor management industry. In conjunction with our distributor- partnership with OMI Industries, our equipment is in use in landfills, materials recovery facilities, leachate treatment plants, cannabis growing facilities and other industrial and agricultural applications across North America.

With regard to the cannabis growing industry, Byers Scientific & Manufacturing is the largest provider of deodorization systems in North America. At present we are treating over 7.5 million square feet (~172 acres) of canopy in the US and Canada. Included in our client list is the largest cannabis company in the world where we treat, among other installations, the world's largest permitted cannabis greenhouse.

A BS&M "system" means that it is a fully integrated package of an essential oil-based odor neutralizer, a custom manufactured odor unit and an engineered means of releasing the neutralizer along a header all remotely managed and monitored via a secure cellular/ethernet network.

The header is suspended atop and around structures such as greenhouses in order to take advantage of natural air currents. Airborne odors are in a gaseous state and odor neutralization is predicated on physical contact of the neutralizer with the malodor. It follows then that the highest probability of contact is when the neutralizer is introduced into the same airstreams upon which the nuisance odor is traveling. In the case of greenhouse or similar structures, a benefit of "double-dosing" is observed. As an example, take a rectangular greenhouse oriented precisely east to west. Now allow for a wind current traveling precisely north to south. Given that along with north side of the facility, on an east to west axis is the header emitting deodorizer, the wind current must pass through that virtual curtain of vapor and carry it over the greenhouse. This is precisely where neutralization occurs. However, as the mixture of neutralizing vapor and any residual malodor continues to travel the airstream south, it is once again exposed to the southern header on the east to west axis and mixes even

further.

In addition to a proven odor neutralizer and fully engineered delivery system, we are able to provide equipment that is remote monitored and controlled, 24/7, for the highest degree of operator ease as well as compliance reporting. Every Byers Scientific & Manufacturing unit is part of our Customer Service Monitoring System which is a SCADA¹ based platform supported by an SQL server.

This system allows for our units to autonomously communicate with the operator via SMS text and email to apprise of such needs as filling the deodorizer storage tank or replacing the air filter. Additionally, Byers Scientific staff can remotely program the unit's output to increase or decrease as conditions on-site change due to weather or other events. In the event that a unit goes offline due to either internal or external events e.g., power failure, the unit will send an alarm to the operators as well as Byers Scientific staff apprising of the situation.

The vapor that is released from the header into the near-airstream is a biogenic VOC. The acronym "VOC", or Volatile Organic Compound, is very often a misunderstood and misrepresented term. The distinction that is paramount but nearly always omitted is "harmful" vs. "non-harmful" VOCs. In the English language the term Volatile has, in general, a negative connotation and its association with Organic Compounds conjures up perceptions of danger. However, in the scientific sense, volatile simply means the point at which a substance's boiling point equalizes with atmospheric pressure. At a flower shop, the scent of roses and other flowers we are inhaling, on purpose, are biogenic VOCs. Therefore, the "volatility" of the Ecosorb deodorizer is simply describing the essential oils' ability to vaporize and join the airstream where it combines with the odorous cannabis terpenes and eliminates the malodor.

The basic constituent essential oils in Ecosorb is widely published: the oils derive primarily from the Pine and Citrus families and their safety has long been established by multiple testing bodies. The essential oils utilized in the Ecosorb material have similar chemical profiles to the emissions naturally released from dense pine forests, stands of eucalyptus trees or citrus orchards commonly found throughout the central coast region.

Please do not hesitate to contact me directly in advance of the hearing with any questions,

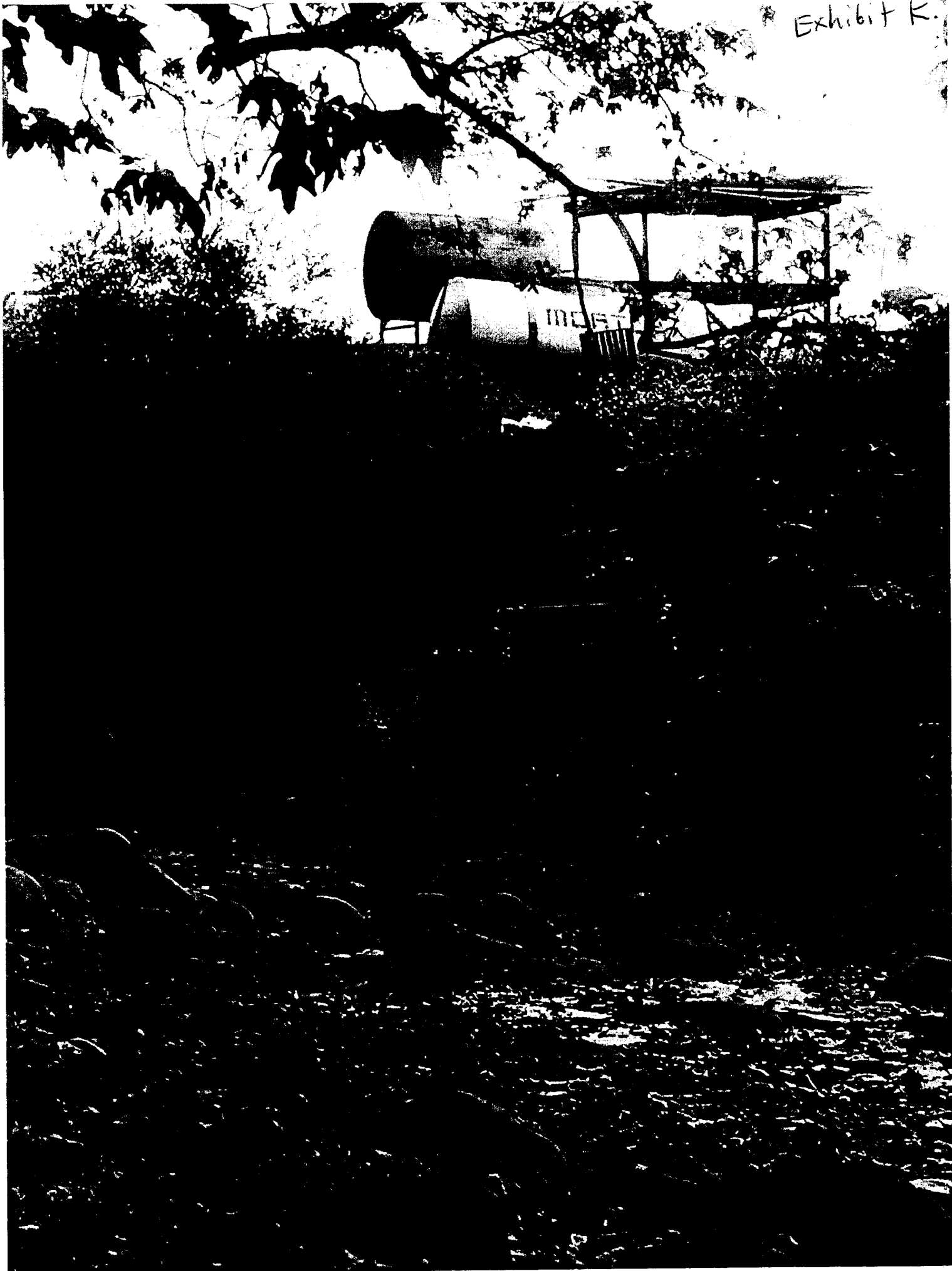
Sincerely,

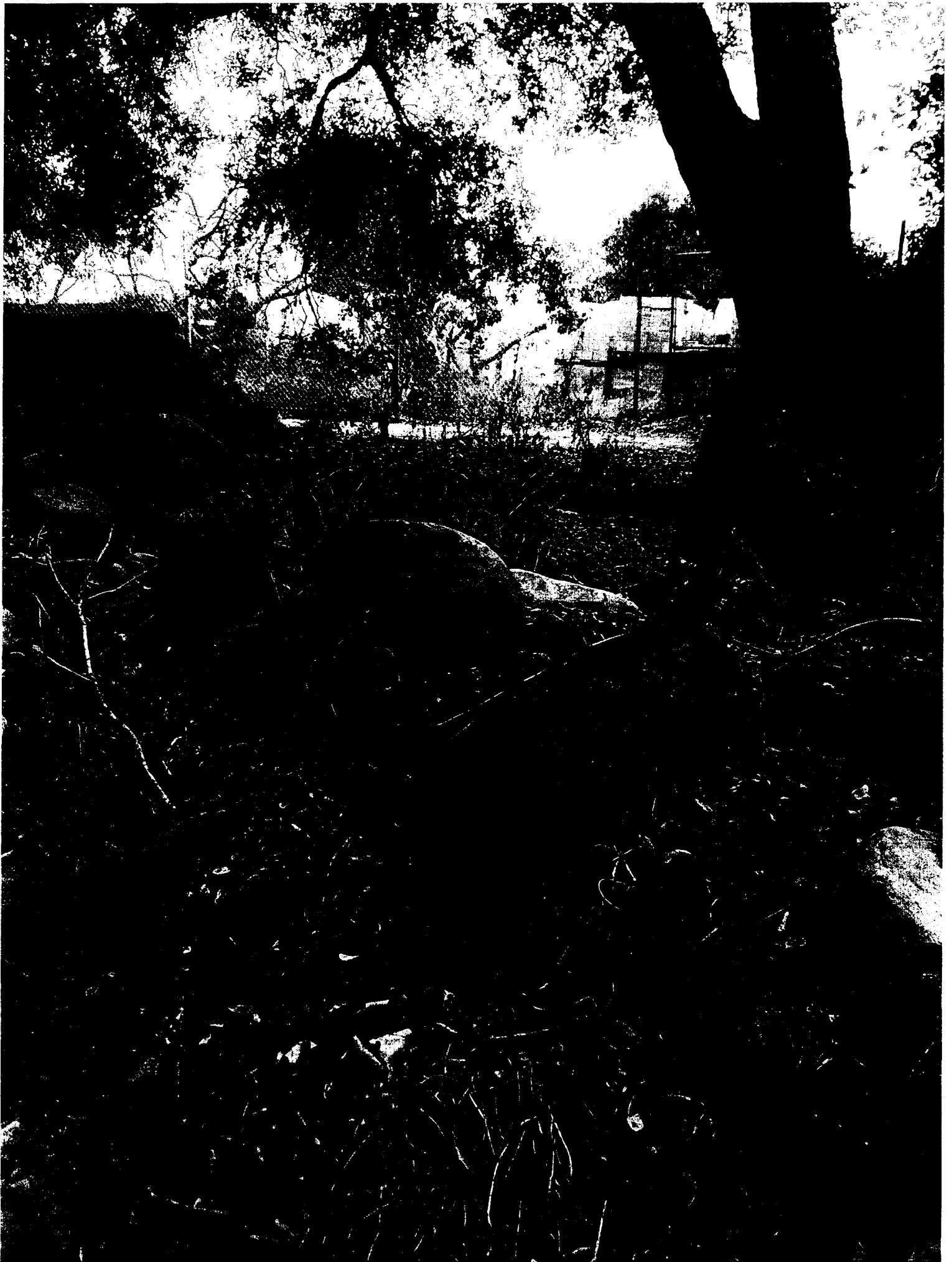
Marc L Byers
Owner/President

¹ SCADA: Supervisory Control & Data Acquisition

Byers Scientific & Manufacturing

Exhibit K.





RECEIVED

Exhibit L

Villalobos, David

From: SB Coalition for Responsible Cannabis, <coalition4responsiblecannabis@gmail.com>
Sent: Tuesday, June 04, 2019 12:34 PM
To: Villalobos, David
Subject: 6/5/19 Planning Commission: Uphold Appeal of G&K Farm

Categories: Purple Category

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Planning Commissioners:

The Coalition for Responsible Cannabis (CRC) supports the appeal before you today of the G&K Farm/K&G Flower. The appeal was made on several grounds, and of great concern to the CRC is the precedent that a permit approval would set in approving the "Byers odor masking system", concerns laid out more specifically in the appeal documents.

In addition, the Coalition supports the concerns and issues identified in the appeal addendum regarding the need for an independent, impartial third-party analysis of the odor control system [not one hired by the appellant or the applicant]. Approval of this permit will set a precedent for the HUNDREDS of cannabis permit applications in the pipeline. The staff report cites a study referenced in the PEIR appendix of the apparent effectiveness of the Byers odor system on a landfill in San Diego. That is not an acceptable metric upon which to base allowance of this system on a completely separate industrial use that is on AG 1 property near homes, businesses and schools.

We find it unacceptable and inappropriate that the applicant be allowed to withhold information of the chemicals used in the byers system, and of secondary chemical byproducts of the odor masking process. California has embraced rigorous right to know procedures, and we believe that every resident has a right to know what chemicals are being sprayed in the air to mask cannabis odors.

The Coalition also supports the assertions in the addendum that raise concerns about the adequacy of CEQA review of this project. The potential impacts of this project are not adequately addressed or identified in the PEIR, and it is inaccurate to conclude the project is exempt from further CEQA review.

We also find the staff's analysis of general plan consistencies inadequate, in particular the effect that both terpenes and other VOCs, as well as the secret chemicals utilized in the byers process, have upon localized and regional air quality. cumulatively, Carpinteria cannabis activities and associated emissions from the Byers System conflict with the air quality element

of the general plan. since the PEIR found the Cannabis Ordinance potentially inconsistent with this general plan element and the County's Clean Air Plan, individual permits must have the project's consistency assessed.

Finally, the Coalition would like to remind the Planning Commission of the status of potential amendments to the cannabis ordinance coming before the Board of Supervisors in July. The issue of the appropriateness of cannabis industry operations on AG 1 zoning, under an LUP or CDP, or at all, has been discussed by the BOS and the PC. The City of Carpinteria held a meeting last week and expressed unanimous support for a Special Meeting on June 17 to discuss potential requests of the Board of Supervisors or Coastal Commission. The cumulative impacts of the industry operations especially in the Carpinteria Valley are beginning to take their toll.

It is unfortunate that many of the comment letters opposing the appeal employ name-calling and personal insults, as opposed to reliance on the project and appeal issues. The personalities or likability of project applicants, or appellants, is irrelevant. The questions before you are about public policy, environmental review and neighborhood impacts. We urge you to focus on those as you deliberate and decide.

We request that you uphold the appeal, direct the submission and public review of additional information regarding alternative and more effective methods for controlling odors, and assess the project's emissions with the air quality element and clean air plan.

Sincerely,
Coalition for Responsible Cannabis

Villalobos, David

From: Anna Carrillo <Annacarp@cox.net>
Sent: Monday, June 03, 2019 11:38 PM
To: Villalobos, David; Brown, Cecilia; Michael Cooney; JParke@aklaw.net
Subject: 19APL-00000-00009

Categories: Purple Category

RECEIVED

JUN 04 2019

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

To: Planning Commission RE: Appeal 19APL:00000-00009

From: Anna Carrillo, member Concerned Carpenterians

6/5/2019

19APL:00000-00009
4
6/5/19

I would like to address our concerns in Carpinteria with odors/emissions from the widely used Byers System that is being touted as the favored odor abatement system in Carpinteria.

Nate Seward, the industrial hygienist, who wrote the verification for this project discusses Ecosorb CNB100, while G&K says they will be using Ecosorb 607. I have asked the hygienist if these are one and the same or different but have not received an answer. In the Operational Plan for this project it is stated that Ecosorb 607 is a broad spectrum odor neutralizer and proven deodorizer at use in landfills, compost facilities, waste water and treatment plants. No where does it say it works for the smelly terpenes of the cannabis plants. We don't know what is in the proprietary formula and what new compound/VOC is being created.

Though this vapor phase system has been installed in many greenhouses in Carpinteria and is being used as the poster child for other areas, we feel that it is not effective in eliminating the odors/emissions. Though this operation is not yet cultivating, we are concerned that once this site begins cultivation the residents in the La Mirada and potentially the Polo Field will have more problems than they currently experience from adjacent sites. Many people are suffering from watery eyes, respiratory issues, nausea, headaches. Our quality of life here in Carpinteria has been severely disrupted from lack of effective measures in limiting the odor/emissions. The high school is surrounded by greenhouses and is greatly affected. Classrooms there have to be aired out in the morning till lunch time. Announcements have to be made to visiting sports teams that the students aren't smoking/vaping and that the smell is from the neighboring greenhouses. Residents are woken up at night and many can't open their windows and/or enjoy outdoor activities during the day and even in the evening.

Two friends of mine recently visited 2 different greenhouses using 2 different vapor phase systems – one with the Byers' System and one using the Piiian system. They both had similar reactions afterwards, losing their sense of smell for 1 ½-2 weeks. So now we are beginning to wonder what is being put into the air and if this is in fact dangerous. From our understanding there hasn't been any toxicity report done on the effects of the vapor phase system and humans.

Byers is using CNB100 which is made up of plant oils, 2 surfactants, and water. It's hard to believe that the placement of the outside pipes placed 9 feet below the vents can capture all the hot air rising out of the vents. Dr. Laura Hauptert, the inventor of this product (OMI Industries) has stated "oil molecules grab the odor molecules, fall to the ground and biodegrade over time. The masking agents let go of odor molecules." When there is no wind the molecules will not mix and then the odors/VOCs from the terpenes have not been "neutralized" as the system is supposed to do. Dr. Laura Hauptert, OMI Industries says that 90% of the product

degrades in 28 days. I assume that is from one application. What is it when this is done 24/7? We don't know what is in the system. There needs to be a toxicity report.

Already in 2013, the air quality in Carpinteria was measured above the national average. I assume this is due to our proximity to the freeway. At that time our Air Quality Index was measured at 106, when the US average was 75. So currently this must be much higher because of the VOCs being emitted from the cultivation/processing of cannabis in our old dilapidated greenhouses which even if they could be sealed up, have to vent. From a study Jan. 2019 in Denver done by William Vizuete he measured the VOCs released into the air and postulated that cannabis farms in the Denver area are contributing to their air quality issues. "Researchers have known for a long time that VOCs emitted by plants can contribute to smog. VOCs can mix with nitrogen oxides, produced by cars and sun produce ground-level ozone, a pollutant." What is the VOC content of the product being used?

There needs to be an air model study done to show the dispersion of odors, concentration of odors, how weather moves those odors, what and who is affected by these odors based on weather patterns.

Our greenhouses are old, drafty, and were never designed to be sealed to grow smelly cannabis crops. For this industry to be good neighbors in Carpinteria the greenhouses need to be replaced with ones that can be sealed with carbon filters. If the electrical grid is the problem in Carpinteria then there needs to be a limit on what can be allowed. Residents shouldn't suffer from lack of foresight from county officials.

I urge you to support this appeal and recommend the following changes:

- 1.If a vapor phase system is to be used, then place the pipes at the ridge vents, not 9 feet away.
2. Request a toxicity report on the proprietary formula used to verify the short-term and long-term effects on humans.
3. Request an air model study to check wind patterns.
4. Determine the VOC content of the product being used.
5. Determine that this project is not exempt from CEQA based on Significant Class 1 impacts of Air Quality including the cumulative affect of so many projects with the same air quality impacts in our small Carpinteria Valley.

JUN 04 2019

ATTENTION ITEMS
4
6/5/19

Villalobos, David

S.B. COUNTY
From: Sarah Triguero <SarahTriguero@gmail.com>
Sent: Monday, June 4, 2019 10:42 AM
To: Brown, Cecilia; Mike@aklaw.net; Villalobos, David
Subject: Letter in Support of Upholding Appeal on G&K Flowers

Categories: Purple Category

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Planning Commissioners,

I wanted to submit a letter in support of upholding the appeal on G&K Flowers in Carpinteria. My journey on this appeal is an interesting one. I like Graham Farrar as a person and was actually initially very open to the idea that there may be an "in-between" emissions control mechanism - something better than Byers odor masking but perhaps short of full-scale carbon filtration - that could work to drastically minimize/eliminate VOC emissions and odors from the open-venting greenhouses. While I wish that were the case, I have since done a lot of research that leads me to the conclusions that:

(1) There is just **not a realistic way for this development (or any utilizing an odor masking system) to meet the county's standard for Odor Abatement Plans, which is that they "must prevent odors from being experienced within residential zones, as determined by the Director,"** unless it moves to full carbon filtration in wholly closed-loop (not open-venting) greenhouses, which is unfortunately not how our Carpinteria Valley greenhouses were constructed.

(2) I also have grave concerns that the **county's EIR did not cover VOC emissions from cannabis cultivation (which combine with air and NOx to form ozone air pollution, a serious respiratory health and environmental concern), which this project would contribute to.** CEQA requires environmental review of such significant impacts, particularly cumulative impacts from multiple nearby developments, which did not happen here. The county's EIR focused on odor, not on ozone air pollution, which is the much bigger problem (though both are of course unfortunate). The EIR does not mention terpene/VOC ozone pollution as an impact - the only air-related considerations explored relate to odor, missing the big air pollution risk from cannabis cultivation entirely, which other jurisdictions have explored and identified as a significant CEQA-worthy impact.

Regulatory Intent:

First off, I'd like to cut and paste from the Coastal Zoning Ordinance (Section 35-144U) in regard to cannabis, which state that its purpose is: *"This Section establishes standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of and in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales."*

It also states up top that *"Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance"*.

I think it's very important to look at regulatory intent here, since it's very clear that the standard is that marijuana cultivation should not threaten the health, welfare and quality of life of nearby EDRNs, residences and

schools. I applaud the Board of Supervisors for setting out this intent, which I think we can probably all agree is a good one. I think the county has been overly optimistic however in believing that emissions/odor control can be realistically achieved in open-venting greenhouses, which are what we have in Carpinteria Valley (by design, they open up to vent to the sky or through their sides).

The county's cannabis regulations clearly state that "methods to be used for reducing odors [must be] consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor" and must be certified by a "Professional Engineer" or "Certified Industrial Hygienist". The county regulations allow both activated carbon filtration systems (these are the clear industry gold standard and actively prevent cannabis terpenes/volatile organic compounds ("VOCs") from escaping), as well as vapor phase systems that neutralize odors, provided that they do not odor-mask and are not utilized in excessive amounts to produce a differing scent.

The Byers Odor Control System:

The Byers System is an odor masking system that uses perimeter-placed tubing on the exterior of a greenhouse to release odor-masking chemicals/surfactants (think Febreze). As cannabis terpenes leave the open areas of the greenhouse, the premise is that natural air movement will mix them with the Byers system odor masking chemicals, which will bind with the terpenes in such a way that they are no longer perceptible from an odor standpoint. My concerns with this system are as follows:

--**AIR POLLUTION:** The cannabis terpenes/VOCs are merely odor-masked - they are still present in the air and are ozone precursors. As such, the Byers System does not address cannabis cultivation VOC air pollution. The unfortunate thing is that cannabis plants emit a lot of VOCs, and VOCs are air pollutants in and of themselves. Indoors, they are subject to standards to protect human health. Outside, they combine with sunlight and NOx to create ground-level ozone/smog (this is particularly an issue in sunny cannabis cultivation areas near freeways, which this development unfortunately is in). Ozone is an air pollutant that is very harmful to respiratory health, cardiovascular health, and the environment (natural ecosystems, agricultural crops and animals). I have included several regulatory and article links below from Colorado, which outline the VOC/ozone air pollution issues with cannabis growing and best practices for cannabis emissions containment. It states very clearly that "carbon filtration is the best control technology for reducing VOC emissions from cannabis cultivation facilities"--up to 98% of VOC emissions can be controlled this way but **ONLY IF** the carbon filtration is done in closed greenhouses that do not open to open-vent as ours do in Carpinteria. Carbon filtration works when it is in a closed-loop HVAC system. An article in Science Magazine (copied below) estimates that Denver's indoor farms could double the city's volume of smog-forming VOCs and are located along two busy highways (think the 101 in our case). A direct quote from the article by atmospheric scientist William Vizuete: "If the farms are putting out a significant amount of terpenes, there is not a worse place to put them...If I was designing an ozone reactor, this is what I'd do". Colorado, Vancouver and other areas are realizing the huge impacts from VOC/ozone air pollution due to cannabis cultivation and are acknowledging carbon filtration in closed loop HVAC systems as the only genuine, realistic mitigant.

<https://www.colorado.gov/pacific/cdphe/greencannabis/air-quality>

<https://environmentalrecords.colorado.gov/HPRMWebDrawer/RecordView/1235675>

<https://www.denvergov.org/content/dam/denvergov/Portals/771/documents/EQ/MJ%20Sustainability/DRAFT%20Air%20Quality%20Section.pdf>

<https://www.sciencemag.org/news/2019/01/legal-pot-farms-expand-so-do-air-pollution-worries>

<http://adsabs.harvard.edu/abs/2017AGUFM.A43F2539W>

<https://www.civilized.life/articles/cannabis-smog-causes-public-outcry-in-metro-vancouver/>

Below is an additional article out of Vancouver and Santa Cruz County's EIR, which goes into great detail on air pollution emissions projected from cannabis cultivation. Santa Cruz County determined that the anticipated air pollution due to cannabis cultivation reached the CEQA "thresholds of significance" under the CEQA

Guidelines, which require consistency with applicable air quality plans. **Santa Barbara County's EIR did not address the material, substantial impact of VOC/ozone emissions from cannabis cultivation - this project/development has not gone through proper CEQA review.**

http://www.sccoplanning.com/Portals/2/County/Planning/env/Cannabis_EIR/Individual%20EIR%20Sections%20PDF%20Files/3.3_AirQuality_CannabisEIR_Draft.pdf

--**ODOR:** The Byers odor masking system (leveraging Ecosorb) is unproven, without third party independent peer-reviewed evidence of its efficacy in eliminating cannabis odor. The odor control argument for Byers rests solely on manufacturers' clearly biased marketing claims and does not reflect impartial peer-reviewed scientific tests or certification. This fails the county's test of a system having to demonstrate effectiveness in controlling odors such that they are not perceptible in residential areas. From what we've seen so far in Carpinteria, these systems, even when operating, do not work. Anyone who lives in La Mirada, the Polo Fields, along Via Real or Foothill or near the High School can tell you that it still stinks or - worse yet - reeks of odor masking agents (and sometimes both) - even when the alleged "good operators" are running their systems. The alleged "good operators" blame alleged "bad actors" who allegedly do not have odor control currently. Bottom line, we're in a circular logic game here, but it's time to get realistic that the odor masking/neutralizing is not independently proven to work - residents and schoolchildren are unwitting experimental subjects. See the below Rolling Stone article about best practices in cannabis cultivation odor control, from which I quote: "By adding a different scent profile, you're never going to clean the room". Once again, best practices refer to closed-loop greenhouses with charcoal filtration.

<https://www.rollingstone.com/culture/culture-features/inside-the-high-tech-solution-for-smelly-smelly-weed-630032/>

--**IMPACT OF BYERS SYSTEM ON HUMAN HEALTH AND THE ENVIRONMENT:** There has not been sufficient study of the odor control system's long term effects on human health and the environment - I am concerned that masking chemicals will have negative impacts on residents, children and the environment. What effect will the Byers odor masking agents have on our respiratory health? Our ability to smell good smells? What effect will the residue left by the Byers system have on our agricultural soils, streams, and existing crops? In reading the Byers-commissioned assessment and Ecosorb CNB 100 Safety Data Sheet on the Byers website, it is interesting to note that it states "avoid release to the environment" and "prevent liquid from entering watercourses." In addition, under "Section 12: Ecological Information" on the Safety Data Sheet, it notes that no data is available on biodegradability in water, and also states "biaccumulative potential not established". The development for G&K Flowers states in its Odor Abatement Plan that it plans to use 3-6 gallons of Ecosorb per day, so, even by its own standards, the manufacturer's commissioned public health safety analysis is insufficient in scope (since by its own admission it is based on using the product at a rate of 2.5 gallons per day). In addition, we have to think about the **cumulative impact** of multiple developments deploying many more gallons of Ecosorb into the air at the same time across Carpinteria Valley.

I sincerely thank you for reading this discourse and hope it is helpful as you evaluate this appeal.

Best regards,
Sarah Trigueiro



DONATE

MARIJUANA CANNABIS ALLERGY

Cannabis sativa (hemp) is a plant that thrives in diverse environmental conditions. It is used as industrial hemp (low THC cultivars) in manufacturing of yarn, fiber, installation and rope. Hempseed is also touted as a super food rich in protein and promoted for general good health.

Higher THC cultivars are grown for medicinal use generally in the treatment of nausea, anxiety and pain. It is consumed as a recreational drug commonly known as marijuana. It is generally smoked, vaporized or eaten. This industry is growing at a rapid pace particularly with the legalization and relaxation of the laws governing marijuana use.



Allergy and Sensitization

Cannabis exposure is common. In the southwest United States pollination by female plants results in airborne dissemination with inhalation and resulting sensitization. Marijuana sensitization can also occur in workers involved in the flourishing marijuana industry.

Hempseed exposures can be inadvertent as it is found hidden in foods and drinks.

Allergic sensitization including the development of specific IgE can result from inhaling, smoking, touching, and eating marijuana or cannabis allergens.

How do I know if I have a marijuana allergy?

The symptoms of marijuana allergy include many clinical manifestations depending on how a person was exposed. Contact or touching the plant can result in breaking out in rashes, hives,