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**VIA EMAIL AND HAND DELIVERY**

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**RE: Supplement to Concerned Carpinterians' Appeal of the Santa Barbara County Planning Commissions' Determination Regarding G&K Farms – Case No. 18CDP-00000-00077, located at 3408 Via Real and 3561 Foothill Road in Carpinteria, California**

Dear Honorable Supervisors:

This letter is submitted as a supplement to the above-referenced appeal (“Concerned Carpinterians’ Board of Supervisors Appeal”). Through this correspondence, Concerned Carpinterians adopts and incorporates its previous appeal, as well as all objections to the Project that it has previously raised and that have been raised by any other individual or entity regarding this Project before the County of Santa Barbara.

As explained in the appeal and described herein, if the Santa Barbara County Board of Supervisors (“Board of Supervisors”) upholds the Planning Commission’s determinations, the County will commit legal error. As described herein, the Project will have significant site-specific impacts that were not analyzed in the Program Environmental Impact Report (“PEIR”), drafted for the Cannabis Ordinance, nor examined in County Staff’s one paragraph environmental assessment of the Project. The County must conduct an environmental impact analysis that complies with the California Environmental Quality Act (“CEQA”) to assess and mitigate these site-specific impacts. In addition, as explained in the appeal, the Project, as approved, will violate Santa Barbara’s Local Coastal Program (“LCP”), as it does not comply with the LCP’s two implementing regulations: the Coastal Land Use Plan and the Coastal Zoning Ordinance. Finally, the Project’s Conditions of Approval, including the fencing and security plan, odor abatement plan, noise plan, and lighting plan are not sufficiently clear or specific for Project approval or to ensure mitigation of site-specific environmental impacts. The Board of Supervisors thus does not have sufficient information before it to clearly understand specific details of the Project or to include clear, enforceable parameters or conditions for Project approval.

These issues gave the Santa Barbara Planning Commission pause with respect to two cannabis cultivation projects in Buellton earlier this month. Because of similar issues, the Planning Commission returned the proposed projects to County staff for further analysis prior to proceeding. (See Exhibit A [Noozhawk Article].) We encourage the Board of Supervisors to also

carefully review the Proposed Project, and cautiously proceed with respect to this permit application.

Specifically, to remedy the issues raised in this letter, Concerned Carpenterians respectfully requests that the Board of Supervisors deny the Project. In the alternative, Concerned Carpenterians requests that the Board return the Project to County staff for appropriate environmental review under CEQA, alter the Project to ensure that it complies with the Coastal Zoning Ordinance and Land Use Plan, and require clear, specific, and enforceable Conditions of Approval for the Project.

***1. The Planning Commission Failed to Conduct Proper Environmental Review for the Project Under CEQA.***

Under the California Environmental Quality Act, a Programmatic Environmental Impact Report is used for purposes of (1) avoiding multiple Environmental Impact Reports ("EIRs"), (2) simplifying later environmental review, and (3) consideration of broad programmatic issues.<sup>1</sup> The purpose for the County's PEIR was to inform decisionmakers of potentially significant impacts from the cannabis ordinance. The PEIR itself noted it was too general for use in project-specific environmental review processes.<sup>2</sup>

When a public agency, such as the County, would like to approve another activity or project that relates to the Program EIR, CEQA requires that the agency first determine whether the Project appropriately falls under the Program EIR, and then complete either a separate EIR or a tiered EIR to examine the specific effects of that subsequent project.<sup>3</sup>

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<sup>1</sup> Continuing Education of the Bar, *California Practice Under CEQA* (2016) § 10.14B.

<sup>2</sup> The PEIR's Executive Summary states:

This EIR is considered a Program EIR, and due to the expansive nature of the Project and programmatic implementation, is characterized and examined as a Program EIR prepared pursuant to §15168 of the State CEQA Guidelines. **As a Program EIR, the level of detail included in the project description and methodology for impact analysis is relatively more general than a project-level EIR, as individual cannabis activity site-level details are not available for prospective license applications or would be considered too speculative for evaluation.** This approach allows the County Board of Supervisors to consider broad implications and impacts associated with the Project while not requiring a detailed evaluation of individual properties. Methods to analyze the Project's environmental effects consider cumulative cannabis activity (e.g., cultivation, distribution, manufacturing, processing, retail operations, testing, etc.) or site development under the Project, or a reasonable buildout scenario for a particular resource area (see also, Section 3.0, *Introduction and Approach to Analysis*). This EIR may be incorporated by reference in subsequent CEQA review documents to describe regional influences, secondary effects, cumulative impacts, and other broad factors that apply to the Project as a whole. (PEIR 12-2017, p. ES-1.)

<sup>3</sup> Continuing Education of the Bar, *California Practice Under CEQA* (2016) § 10.16A; Pub. Resources Code, § 21094(a) ("[w]here a prior environmental impact report ("EIR") has been

To determine whether a separate or 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."<sup>4</sup> 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."<sup>5</sup>

The County's decision to exempt the Project from subsequent environmental review fails to comply with required CEQA review for two main reasons. First, the County failed to conduct an adequate initial study of the Project's potentially significant impacts. Second, the County should have conducted a Negative Declaration or separate EIR for the Project, or, in the alternative, completed a tiered EIR to examine project impacts. The County's 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, 1<sup>st</sup> Supervisorial District" ("CEQA Determination"), fails to complete the necessary project-level impact assessment or satisfy the County's duties to conduct project-level environmental analysis under CEQA, and constitutes a pattern and practice of evading CEQA for cannabis entitlements.

***A. The County failed to conduct an adequate initial study.***

***i. The County did not prepare an adequate initial study to determine the appropriate level of subsequent environmental review required for the Project.***

Where a public agency is faced with a project that may require a project EIR, it must conduct a preliminary review to determine whether a Project is subject to CEQA and then must conduct an initial study.<sup>6</sup> In order to comply with CEQA, a California public agency must determine whether CEQA applies to a proposed activity before taking action.<sup>7</sup> CEQA applies if

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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"); *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 528, citing Pub. Resources Code, § 21094(b) ["If the subsequent project is not consistent with the program or plan, it is treated as a new project and must be fully analyzed in a project--or another project... EIR"].)

<sup>4</sup> Continuing Education of the Bar, *California Practice Under CEQA* (2016) § 10.16A, citing CEQA Guidelines, § 15168(c)(1).

<sup>5</sup> *Ibid.*, citing CEQA Guidelines, § 15168(c)(2).

<sup>6</sup> CEQA Guidelines, §§ 15063, 15063, 15064, 15070.)

<sup>7</sup> *Davidson Homes v. City of San Jose* (1997) 54 Cal.App.4th 106, 112, as modified on denial of reh'g (1997) ["*Davidson Homes*"].

the activity qualifies as a project under CEQA, which is defined in the statute as “an activity undertaken by a public agency which may cause a physical change in the environment.”<sup>8</sup> If the activity qualifies as a project under CEQA, the agency must conduct an initial study to determine whether the project will have a significant environmental effect and whether the agency must conduct an EIR.<sup>9</sup>

The Project at issue will clearly cause a physical change in the environment, including, but not limited to, an increase in chemicals emitted into the air, increased odors, and increased impacts to surrounding farming and agriculture, but the County did not conduct an initial study. Rather, it compiled a brief memorandum which contained, in total, one brief paragraph that cursorily examined the Project in the context of the PEIR. (See Concerned Carpentierians' Board of Supervisors Appeal, Exhibit A [CEQA Determination], pp. 3-4.)<sup>10</sup> It was not identified as an initial study or provided to the public as such.

Even if the CEQA Determination could be considered an initial study for project level environmental analysis, it does not contain the elements required for inclusion in an initial study by CEQA. CEQA requires that an initial study:

...contain in brief form:

- (1) A description of the project including the location of the project;
- (2) An identification of the environmental setting;
- (3) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries. The brief explanation may be either through a narrative or a reference to another information source such as an attached map, photographs, or an earlier EIR or negative declaration. A reference to another document should include, where appropriate, a citation to the page or pages where the information is found.
- (4) A discussion of ways to mitigate the significant effects identified, if any;
- (5) An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls;
- (6) The name of the person or persons who prepared or participated in the initial study.<sup>11</sup>

As discussed below, the CEQA Determination failed to clearly identify environmental effects of the Project, nor did it contain a discussion of how to mitigate significant effects outside of the context of the PEIR. It, therefore, is an insufficient replacement for a proper initial study for a potential project EIR. To remedy this issue and comply with CEQA, the Board of

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<sup>8</sup> *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112 [“*Mountain Lion Foundation*”].

<sup>9</sup> See CEQA Guidelines, §§ 15061, 15063, 15064, 15070.

<sup>10</sup> *Id.* § 15168(c)(4) Checklist for Commercial Cannabis Land Use Entitlement and Licensing Applications.

<sup>11</sup> *Id.* § 15063.

Supervisors must direct staff to conduct an initial study that complies with Section 15063 of the CEQA Guidelines.

**ii. The County did not prepare an adequate initial study to determine if a tiered EIR was required for the Project.**

When a public agency has prepared a PEIR, 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."<sup>12</sup> The County never circulated an initial study for the Project, but completed a CEQA Determination.

Even if the CEQA Determination qualified as an initial study, it does not comply with CEQA requirements for analysis of whether the circumstances warrant a tiered EIR. An initial study for a tiered EIR must examine the later project in a detailed manner before determining that the later project does not require an EIR.<sup>13</sup> 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."<sup>14</sup> An initial study must disclose the data or evidence supporting the study's findings.<sup>15</sup>

The CEQA Determination provided by the County includes a one-paragraph Project description. (See Concerned Carpinterians' Board of Supervisors Appeal, Exhibit A [CEQA Determination], pp. 1-2.) It then outlines, in general terms, the broad items that the PEIR examined. (*Id.* at pp. 2-3.) It provides only one very brief paragraph that describes the Project in the context of the PEIR. The extent of the County's analysis of whether the Project's impacts were analyzed in the PEIR, in full, reads:

The proposed project presents no additional impacts and clearly falls within the definition of a [sic] 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

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<sup>12</sup> *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4<sup>th</sup> 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.

<sup>13</sup> *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1319 ["*Sierra Club*"].

<sup>14</sup> *Id.* at § 21094.

<sup>15</sup> See *Citizens Ass'n for Sensible Dev. v County of Inyo* (1985) 172 CA3d 151, 171 ["*Citizens Ass'n for Sensible Dev*"] (discussing EIR initial study requirements).

be monitored by Staff to ensure compliance during project implementation. (*Id.* at pp. 3-4.)

This analysis contains absolutely no discussion of potential Project-specific impacts that would help the County determine whether Project impacts or characteristics are assessed in the PEIR.<sup>16</sup> It does not identify what impacts the Project may have. It does not compare those impacts to the impacts identified in the PEIR. It does not discuss or explain how the PEIR did or did not examine such impacts in the context of the Project's location, in relation to wildlife, potential environmentally sensitive habitat area, neighborhoods, schools, or childcare centers, the Project's specific air quality and odor impacts, its impacts to surrounding agriculture, nor does it discuss how these impacts will affect the environment in conjunction with the plethora of other cannabis projects in the vicinity. This hardly meets the requirements that a public agency examine the later project in a detailed manner before determining that the later project does not require an EIR<sup>17</sup> or that an initial study disclose data or evidence supporting the study's findings.<sup>18</sup>

The CEQA Determination also fails to provide a clear explanation for its conclusion that the Project "presents no additional impacts" outside of those examined in the PEIR. An agency, such as the County, cannot simply draw conclusions without analysis.<sup>19</sup> It "must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order."<sup>20</sup> Here, the County fails to explain or provide any data demonstrating how it reached the conclusion that the Project "presents no additional impacts" nor does it explain where in the PEIR the Board of Supervisors determined that this specific location, at 3561 Foothill Road in Carpinteria, is an appropriate location for this specific Project. (See Concerned Carpinterians' Board of Supervisors Appeal, Exhibit A [CEQA Determination], p. 3.) This is insufficient under CEQA.<sup>21</sup>

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<sup>16</sup> *Id.* at p. 7.

<sup>17</sup> *Sierra Club, supra*, 6 Cal.App.4th at 1319.

<sup>18</sup> *Citizens Ass'n for Sensible Dev., supra*, 172 CA3d at 171.

<sup>19</sup> See *Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 511-512, 515 ["*Topanga*"].

<sup>20</sup> *Ibid.*

<sup>21</sup> County staff or the Project proponent may contend that the County is permitted to complete a checklist rather than an initial study. Even if this assertion is supported by law, the CEQA Determination is still deficient, as it does not constitute a checklist. Even if it was organized as such, the CEQA Guidelines, Section 15168(c)(4) require that a checklist "document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR." As discussed *supra*, the CEQA Determination does not demonstrate that County staff engaged in any substantive evaluation of the Project site or activity to determine whether the environmental effects of the Project were covered in the PEIR. It contains no site-specific analysis, no data regarding site activity, and completely ignores many of the impacts associated with the Project that were not analyzed in the PEIR, as discussed in subsequent sections of this correspondence.

Further, the CEQA Determination is not supported by substantial evidence. Under CEQA, an agency's analysis and determinations must be supported by evidence in the record.<sup>22</sup> As discussed below, there are numerous impending impacts associated with the Project that were not examined by the PEIR. As such, the County's determination that the Project "presents no additional impacts and clearly falls within... the PEIR" is not supported by the evidence.<sup>23</sup>

The County's practice of CEQA compliance in reliance on a defective and inadequate memorandum or checklist represents a County-wide pattern and practice of evading CEQA for all cannabis entitlements. Project-level environmental review is plainly required by cannabis permits.

The CEQA Determination does not comply with the requirements of CEQA. Consequently, at a minimum, the County must prepare an initial study and follow the conclusions indicated by that study prior to making any final environmental determination of or County approval of the Project. To do so, please direct this application back to the Planning and Development staff for a proper and comprehensive CEQA environmental determination.

***B. The County must prepare an independent environmental impact analysis for the Project, as circumstances have changed and new information regarding the Project and Project impacts have become available after the certification of the PEIR.***

Pursuant to CEQA, this Project, as proposed by the applicants at this specific environmental location, must undergo its own form of definitive environmental review. When an agency has prepared an EIR for a project, it must prepare a subsequent, independent project EIR for later projects, such as the one at issue here, in three circumstances.<sup>24</sup> First, where "[s]ubstantial changes are proposed in the project which will require major revisions of the environmental impact report."<sup>25</sup> Second, where "[s]ubstantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report."<sup>26</sup> And third, when "[n]ew information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available."<sup>27</sup> The PEIR was certified in early 2018, long before the Project Applicant requested project approval from the County in December 2018. In the time between the adoption of the PEIR, and the Project Applicant submitting an application for a land use permit to the County, substantial changes have occurred with respect to the circumstances under which the Project now operates, and new information relevant to the Project and Project impacts

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<sup>22</sup> Cal. Code Civ. Proc. § 1094.5; Cal. Pub. Resources Code, § 21168.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1317.

<sup>25</sup> Cal. Pub. Resources Code, § 21166(a).

<sup>26</sup> *Id.* § 21166(b).

<sup>27</sup> *Id.* § 21166(c).

has become available. Under these circumstances, the County must prepare a stand-alone EIR for the Project.

At the time the PEIR was prepared, the EIR drafters could not have known where specific cannabis projects would be located, that cannabis projects would be clustered and highly concentrated in certain areas, and thus had no way of knowing various significant site-specific impacts for this Project (such as proximity to sensitive receptors in Carpinteria and how proximity of this specific Project to adjacent agricultural operations would impact agricultural resources, discussed herein). The PEIR drafters could not have known that there would be such a plethora of large cannabis project applications in the immediate vicinity of the Project, nor could the drafters have anticipated the immense cumulative impact of these projects, as discussed below. This falls squarely under the second and third criteria which require a project EIR.

In addition, when the PEIR was prepared, it assumed that unlimited cultivation area licenses (Type 5 license) would not be permitted until 2023. The PEIR did not contemplate that project applicants would be permitted to “stack” licenses such that they equate to cultivation areas permitted by the Type 5 license.<sup>28</sup> In fact, at the time the PEIR was certified, the Department of Food and Agriculture had published final regulations for awarding cannabis cultivation licenses under Proposition 64.<sup>29</sup> The regulations described the State's process for awarding licenses based on the size of the cultivator. So-called “medium” cultivation licenses — which measure up to 1 acre outdoors or up to 22,000 square feet indoors — would be limited to one per person or entity. “Large” cultivation licenses — which measure over 1 acre outdoors or over 22,000 square feet indoors — would not be awarded until 2023, giving independent farmers a head start in the industry before large agricultural companies.

While these regulations specified no limitations for accruing licenses for small cultivation, it was assumed by the drafters of the PEIR that the limit to one per person or entity applied to small cultivation licenses. The PEIR analysis of potential cannabis cultivation impacts and mitigation was based on this assumption. It was not until after the PEIR was certified, in January 2018, that a lawsuit filed by the California Growers Association against the California Department of Food and Agriculture (“CDFA”) brought into the public knowledge that CDFAs regulations did not limit the number of persons or entities that could apply for and hold small cultivation licenses. It is now clear that cultivators may amass an unlimited number of “small” cultivation licenses, which equate to the permitted sizes of the “medium” and “large” licenses, which are not available until 2023.

This Project, as proposed, would include 356,070 square feet of indoor cannabis cultivation, well beyond the threshold for large cultivation licenses. (See Exhibit B [Santa Barbara Planning and Development Permit Conditions of Approval], A-1.) The PEIR contemplated generalized impacts for approval of Projects more than sixteen times smaller than the Proposed Project. The PEIR was not predicated on the concept that such huge swaths of large

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<sup>28</sup> See PEIR 3-7, 3-12, and in subsequent discussions regarding Cumulative Impacts.

<sup>29</sup> See *Emergency Regulations for Cannabis Cultivation*.



indoor cultivation, such as the cultivation proposed for this Project, would be permitted until 2023. As a result, the PEIR did not examine how such a large amount of indoor cannabis cultivation would have significant impacts to air quality, including regional air quality and sensitive receptors located near the Project; to local agricultural resources, including avocado orchards due to pesticide drift; or, how the Project, in conjunction with other large indoor and outdoor cultivation, would result in significant cumulative environmental impacts. (See Discussion of impacts, *infra*.) This change in circumstances implicates the second criteria and thus requires a separate EIR for this Project.

The PEIR also only contemplated that cannabis would be grown on a maximum of 1,126 acres within the County.<sup>30</sup> It predicated its analysis of all impacts, including cumulative impacts, on this projection. However, since that time, on July 9, 2019, the County raised the limit for cannabis cultivation to 1,510 acres.<sup>31</sup> This constitutes almost a 400% increase in the acreage of cannabis cultivation in the County, and will result in exponentially increased significant impacts, including, but not limited to, impacts to air quality, local agriculture, and significant cumulative impacts. The PEIR did not contemplate such a large amount of cannabis cultivation and production would be permitted, and as such, does not fully analyze or examine how this scale of cannabis cultivation will impact the environment and human health. This change in circumstances implicates the first, second, and third criteria that require preparation of a new project EIR.

Under CEQA, these factors require that the County engage in a separate EIR for the Project in order to adequately assess this new information. To remedy this issue, please direct County staff to prepare a stand-alone project EIR for this Project.

***C. In the alternative, the County must prepare a tiered EIR.***

Where a public agency, such as the County, has prepared a Program EIR, it must prepare a tiered EIR for a later project that falls under the auspices of the Program EIR 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.”<sup>32</sup> This establishes a “low threshold” for when a public agency must prepare a tiered EIR.<sup>33</sup> 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.”<sup>34</sup>

The PEIR did not examine a plethora of environmental impacts, including, but not limited to, impacts the Project will have on air quality, agricultural resources, land use compatibility, and cumulative impacts from clusters of cannabis projects in Carpinteria. The

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<sup>30</sup> PEIR, p. 3-5.

<sup>31</sup> See Board of Supervisors Minutes Order, July 16, 2019.

<sup>32</sup> *Sierra Club, supra*, 6 Cal.App.4th at 1319 (emphasis added).

<sup>33</sup> *Ibid*.

<sup>34</sup> *Ibid*.

impacts outlined below are intended to supplement the analysis provided in Concerned Carpinterians' appeal to the Board of Supervisors, which discusses noise pollution, light pollution, and increased traffic, as well as the impacts listed below.

### **i. Agricultural Resources**

The PEIR fails to analyze pesticide and insecticide drift in the Project site vicinity and its impacts on agricultural resources, including avocado orchards, local food production, and vineyards. Carpinteria has more than 2,386 acres of agricultural land that may be effected by the Project, and subsequent cannabis projects, including flower cultivation, hydroponic vegetable, outdoor field cultivation, orchards, and vineyards.

As discussed in the appeal, the Project parcel is located between two avocado farms,<sup>35</sup> and surrounded by well-established farms and flower operations that have used pesticides and insecticides to maintain farming practices and protect crops for years. (See Exhibit C [Vicinity Maps].) It is located within 3.5 miles of Riccavalle Vineyard, and within 8.5 miles of Rincon Mountain Winery.

State law prohibits pesticide "drift" from properties adjacent to cannabis cultivation. Such prohibition gives a cannabis cultivator the legal right to sue both the pesticide applicator and the applicator's customer (i.e. the owner of the adjacent property) for damage that results to their cannabis product. In most cases, trace amounts of pesticide from an adjacent agricultural operation does not materially impact adjacent agricultural operations. Cannabis, however, is different. The Bureau of Cannabis Control has adopted certain regulations that prohibit cannabis from containing any traces of certain pesticides.<sup>36</sup> Detection of even one part per billion of certain pesticides results in destruction of the entire cannabis plant, with the attendant financial loss to the cannabis grower.

In Carpinteria, and throughout the County, aerial pesticide applicators (used for decades and necessary for economically productive avocado production) have refused to apply materials to either conventional or organic avocado crops due to incompatibility with nearby cannabis cultivation operations.<sup>37</sup> In various interviews with Scott Van Der Kar, an avocado grower in the Carpinteria foothills, Mr. Van Der Kar has explained that many Oxnard-based pest control companies that treat the avocado crop would no longer spray the insecticides that work best on avocados, for fear of contaminating cannabis crops with the slightest trace of residue and getting sued.

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<sup>35</sup> Concerned Carpinterians' Board of Supervisors Appeal, p. 8.

<sup>36</sup> See 16 CFR 42, § 5719.

<sup>37</sup> See e.g. Burns, M. May 9, 2019. *Avocado and Cannabis Growers Struggle over Insecticides*. Santa Barbara Independent. Burns, M. Burns, M. May 10, 2019. *The unintended consequences of cannabis: Can avocado and marijuana growers peacefully coexist?* KEYT. May 23, 2019. *Commercial Sprayers Pull Out of Carpinteria Deal with Cannabis Operators*. Noozhawk.

This is particularly problematic for existing agriculture because of pesticide drift. Pesticide drift is an inevitable problem in pest management strategies that rely on spray and dust pesticide formulations. Drift occurs when pesticides or insecticides are inadvertently applied off target or enter a gaseous state in the air, and are transported through the air. A 2001 study by Texas A&M University researchers shows that pesticides can volatilize into the gaseous state and be transported over long distances fairly rapidly through wind and rain.<sup>38</sup> A U.S. Geological Survey report reached similar conclusions, finding, "After they are applied, many pesticides volatilize into the lower atmosphere, a process that can continue for days, weeks, or months after the application, depending on the compound. In addition, pesticides can become airborne attached to wind-blown dust."<sup>39</sup>

Well-established farms, orchards, and vineyards, including many in Carpinteria, have always used pesticides and fungicides to control threats to their crops. These practices are already in place, and have been well before the Project proposed to grow cannabis in the center of a swath of avocado orchards and other farms. This creates significant impacts, risks and issues to the extent it potentially bars Carpinterians farmers from historic farming practices, and as a result, has the potential to make agricultural uses of the land infeasible.

This issue (and others related to terpenes) is exacerbated in the Carpinteria Valley near the Project site because of an inversion specific to the Carpinteria area that occurs during summer months between May and October.<sup>40</sup> During an inversion, as the air temperature increases above the soil surface and the coldest, densest air is at the surface. Its density steadily decreases with increasing height. The result is a very stable stratification of air that prevents vertical air motion. When an applicator introduces spray droplets into very stable air (as during an inversion), the smaller droplets fall slowly and may float along with the air for long distances.<sup>41</sup> Temperature inversions cause long distance pesticide drift. With the cool, humid conditions found during a temperature inversion, small droplets can remain suspended above the sprayed area for a long time. Just as morning fog slowly moves into lower elevations, the concentrated cloud of droplets can move down slope with the layer of cool air and cause damage or contamination for miles. Sloped areas are not the only concern during temperature inversions. As winds pick up, suspended droplets can be carried great distances from level application sites

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<sup>38</sup> Wade, T., et al. 2001. *Atmospheric Deposition of PAH, PCB and Organochlorine Pesticides to Corpus Christi Bay*. Texas A&M Geochemical and Environmental Research Group. Presented at the National Atmospheric Deposition Program Committee Meeting.

<sup>39</sup> *USGS Releases Study on Toxic Rainfall in San Joaquin Valley*.

<https://archive.usgs.gov/archive/sites/www.usgs.gov/newsroom/article.asp-ID=169.html>

<sup>40</sup> City of Carpinteria General Plan and Local Coastal Plan, p. 125. While this plan specifically applies to the City of Carpinteria, and the Project is located outside of City limits, the inversion expands beyond City limits. See *ibid*.

<sup>41</sup> Thostenson, A, et al. 2017. *Air Temperature Inversions Causes, Characteristics and Potential Effects on Pesticide Spray Drift*. North Dakota State University.

as well.<sup>42</sup> This will be particularly problematic in summer months, as pesticides will be transported from existing agriculture to cannabis in the Carpinteria Valley.

Due to the inevitable occurrence of drift, the summer inversion in this area, and the immense potential liability for accidental drift unto cannabis, farmers in the vicinity of the Project will be precluded from utilizing pesticides and insecticides essential to their farming and agricultural practices. Some applicators have declined to continue to provide services for farmers and vintners located near cannabis for fear of liability. As a result, it will not be viable to maintain any agriculture that utilizes pesticides or insecticides in the vicinity of cannabis operations.

Under CEQA, a significant impact to the environment occurs when it will “convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use,” “conflict with existing zoning for agricultural use,” or “involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in the conversion of farmland to non-agricultural use.”<sup>43</sup> Here, the occurrence of drift, in conjunction with the inversion and prohibition on pesticides or insecticides in cannabis, will likely result in the conversion of farmland to non-agricultural uses. Paradoxically, these lands rendered unsuitable for agricultural use due to cannabis will also be unsuited for residential uses due to cannabis' proximity as well.

Further, there are specific impacts to cannabis cultivation cited near vineyards and tasting rooms, which will also be amplified by air basin inversion. Both vineyards and tasting rooms are treated by the County and related agencies as supportive agricultural uses; such uses are also impacted by unmitigated cannabis cultivation. Wine grapes specifically are sensitive to surrounding air quality, as evidenced by the abundance of research regarding the impact of specifically eucalyptus terpenes and the volatile phenols from smoke when the foregoing are near growing wine grape clusters.

As explained *infra* and in an expert letter from Patricia Holden, Professor at the University of California, Santa Barbara Bren School of Environmental Science and Management, the odors emitted from cannabis are at least in part derived from volatile terpene oils produced by the plant. It is well established in peer reviewed literature that another non-grapevine plant, eucalyptus – which shares the production of volatile terpenes – is capable of impacting the quality of grapes and subsequent wine when the grapevines are grown near eucalyptus trees.<sup>44</sup> Eucalyptus emits a terpene called “cineole” and has been well-studied in its

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<sup>42</sup> NC State University NSF Center for Integrated Pest Management. *Pesticide Drift*.

<https://pesticidestewardship.org/pesticide-drift>

<sup>43</sup> CEQA Guidelines, Appendix G, § II.

<sup>44</sup> See e.g. Capone, D, et al. 2012. *Vineyard and Fermentation Studies To Elucidate the Origin of 1,8-Cineole in Australian Red Wine*. Journal of Agricultural and Food Chemistry. See Capone, D., et al. 2012. *Evolution and occurrence of 1,8-cineole (eucalyptol) in Australian wine*. Journal of Agricultural and Food Chemistry.

relationship to wine produced from grapes grown nearby. Most importantly, cannabis is known to contain this same terpene.<sup>45</sup> Just like with eucalyptus, these terpenes travel through the air. This effect will only be more significant with the presence of inversion.

There have also been peer reviewed studies performed to determine the “rejection threshold” of eucalyptus in wine by consumers.<sup>46</sup> This clearly implies that a threshold exists at which negative impressions are associated with the eucalyptus terpenes that contaminate the adjacent wine grapes. Eucalyptus is not unpleasant in certain lower level concentrations near trees, so the fact that a quantity can be reached in wine to create consumer “rejection” is noteworthy because cannabis volatile terpenes are also not necessarily unpleasant in very small quantities.

As also explained by Professor Holden, *infra*, the presence of strong odors indicates the presence of terpenes. As such, it is obvious to the standard observer that cannabis emits either more or stronger terpenes than eucalyptus trees. Thus, adjacent agricultural operations growing wine grapes are potentially significantly impacted when they are located where weather patterns, such as inversions, can carry terpenes from cannabis cultivation to such agricultural areas. Sensory science of wine has long established the need to avoid confounding aromas in order to properly appreciate and understand a wine. Based on the foregoing, odors and terpenes in the air will very likely impact wine grape quality, wine production quality during open air fermentation, guest experience of the aromas of these wine (in turn, consumer purchasing decisions), and reviews from visitors to Riccavalle and Rincon Mountain Winery. The impacts potentially make wine grape growing in the vicinity of the Project impossible.

The same can be said for smoke taint, which occurs when the volatile phenols guaiacol and 4-methylguaiacol enter grapes mainly through the skins and the waxy cuticle of the grape berries. At its most basic, in the presence of smoke, these volatile phenols enter the grape berry and the plant binds the smoky compounds to grape sugars.<sup>47</sup> Due to the off-taste resulting from smoke taint, wines that contain smoke taint cannot be sold, and must be destroyed by the producing winery. There is limited to no research to confirm if other related compounds, such as cannabis terpenes, will similarly react when the compounds contact wine grapes, but the potential is real and significant.

The PEIR, however, did not analyze or examine these issues. It did not examine how drift will impact adjacent agricultural land, how this will be exacerbated by Carpinteria Valley's summer inversion, and how this will result in the loss of agricultural land uses near the Project

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<sup>45</sup> McPartland JM, Russo EB. 2001. *Cannabis and cannabis extracts: greater than the sum of their parts?* Journal of Cannabis Therapeutics. at p. 117.

<sup>46</sup> Saliba, A., et al. 2009. *Consumer rejection threshold for 1,8-cineole (eucalyptol) in Australian red wine.* National Wine and Grape Industry Centre, Charles Sturt University.

<sup>47</sup> Härtl, Katja, Schwab, Wilfried. 2018. *Smoke Taint in Wine How smoke-derived volatiles accumulate in grapevines.* Vines & Wines Magazine.

site.<sup>48</sup> In addition, because the PEIR does not examine or analyze this impact, it also fails to provide mitigation for the likely loss of agricultural land.<sup>49</sup>

Under CEQA, this must be remedied with a tiered EIR analysis. A public agency must prepare a tiered EIR for a project subject to a PEIR 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.”<sup>50</sup> If the EIR determines that the early morning inversion, air quality, and drift issues would result in a significant impact to agricultural resources, the County must provide enforceable mitigation for this issue.

## ii. Air Quality Impacts

The Project, and reasonably foreseeable other nearby projects, will generate a significant amount of new air pollutants. The Project implicates at least four separate air pollution impact issues: 1. regional air quality impacts from the increased generation of ozone precursors and particulate matter; 2. human health effects experienced by Sensitive Receptors – youth, elderly, persons with respiratory and/or chemical sensitivities at both acute and chronic levels of exposure; 3. odor impacts; and 4. the impacts of the air pollution control technologies themselves, including the Byers System identified as a part of the Project Description. All of these air quality and air pollution impacts will be exacerbated by the summer inversion in Carpinteria Valley, are potentially significant, and warrants analysis in a project-specific environmental review document.<sup>51</sup>

### 1. Regional Air Pollution

The PEIR does not sufficiently analyze or mitigate air quality impacts that will result from the Project. The evidence demonstrates that the Project will have significant impacts on regional air quality, and will be amplified by the inversion in the area, as discussed *supra*. 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. (Concerned Carpinterians' Board of Supervisors Appeal, Exhibit B [Expert Letter from Holden, articles referenced by Holden in her letter].)

For example, in the January 2019 issue of *Science Magazine*, the author explained that cannabis is a source of volatile organic compounds that can contribute to smog. In fact, one

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<sup>48</sup> See PEIR, pp. 3.2-19-3.2-23.

<sup>49</sup> *Id.* at pp. 3.2-24-25.

<sup>50</sup> *Sierra Club, supra*, 6 Cal.App.4th at 1319 (emphasis added).

<sup>51</sup> Note that the Santa Barbara County Air Pollution Control District (“APCD”) recently reviewed a proposed cannabis cultivation project within the County, and indicated that it had several concerns regarding specificity in the Project requirements, sufficient environmental review, and air pollution impacts. (See Exhibit G.)

recent study suggested the cannabis cultivation located in Denver could be worsening the city's air pollution. As with Santa Barbara County, Denver's air quality already violates federal standards. Denver's own "Cannabis Environmental Best Management Practices Guide", explains that cannabis plants and other processes at cultivation sites emit terpenes which are Volatile Organic Compounds (VOCs) known for their strong odors. It further states:

VOCs alone do not necessarily pose a direct threat to human health or the environment. However, they do contribute to ground-level ozone by chemically reacting with other types of pollution, specifically, nitrogen oxides (NOx) in the presence of sunlight. Ozone is an air pollutant that is harmful to human health and negatively impacts the environment, therefore it is important that the cannabis industry mitigate VOCs in their processes. (Concerned Carpinterians' Board of Supervisors Appeal, Exhibit B [Expert Letter from Holden, articles referenced by Holden in her letter].)

Depending on the practices used, the Project, along with other reasonably foreseeable projects, may also generate significant quantities of both gross and fine particulate matter – PM<sub>10</sub> and PM<sub>2.5</sub>.

The Project, if approved, would include 356,070 square feet of concentrated cannabis cultivation, with nursery and mixed light cultivation. In conjunction with other related projects in the area, the Project will result in cumulatively significant air pollution and will significantly degrade air quality. Yet the PEIR did not adequately examine impacts on regional air quality or provide sufficient mitigation for the impacts of large (greater than 22,000 square feet) indoor cultivation. Any treatment of this issue in the PEIR is defective for project-specific application due to the flawed baseline and failed assumptions of size, number and location of cultivation site considered in the PEIR.

In addition, the PEIR did not examine or analyze the specific air quality impacts in the context of the Carpinteria Valley, or the Valley's summer inversion.<sup>52</sup> It included a very broad overview of generalized County-wide weather patterns, but did not specifically discuss airflow or weather patterns in the Carpinteria Valley or how this might impact or effect air quality impacts from cannabis operations.<sup>53</sup>

Under CEQA, the County must examine the air quality impacts from this Project that were not analyzed or mitigated in the PEIR.

## 2. Sensitive Receptors

The PEIR defines sensitive receptors for air pollution impacts as follows:

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<sup>52</sup> PEIR, pp. 3.3-1 – 3.3-2 (discussing County wide settings in very general terms).

<sup>53</sup> *Id.* at pp. 3.3-17 – 3.3-23 (discussing impacts in very general terms).

### 1.3.2.2 Sensitive Receptors

Individuals with **pre-existing health problems**, those who are **close to the emissions source**, or those who are **exposed to air pollutants for long periods of time** are considered more sensitive to air pollutants than others. Land uses such as **primary and secondary schools**, hospitals, and convalescent homes are considered to be relatively sensitive to poor air quality **because the very young, the old, and the infirm are more susceptible to respiratory infections and other air quality-related health problems** than the general public. **Residential land uses are considered sensitive to poor air quality** because people in residential areas are often at home for extended periods and are therefore subject to extended exposure to the type of air quality present at the residence. **Recreational land** uses offer individuals a location to exercise and are therefore considered moderately sensitive to air pollution. Vigorous exercise places a high demand on the human respiratory function and poor air quality could add potentially detrimental stresses to the respiratory function.<sup>54</sup>

Indeed, one of the stated Project Objectives in the EIR is to:

Limit potential for adverse impacts on **children and sensitive populations** by **ensuring compatibility of commercial cannabis activities with surrounding existing land uses**, including **residential neighborhoods, agricultural operations**, youth facilities, recreational amenities, and educational institutions.<sup>55</sup>

Santa Barbara County's CEQA air quality thresholds identify "sensitive receptors" as including children, elderly or acutely ill."<sup>56</sup> Courts have found similar definitions. In *Downtown Fresno Coal v. City of Fresno* (2016) 2016 Cal. App. Unpub. LEXIS 5212, the Fifth Appellate District reviewed a Negative Declaration that assessed the impacts of air pollutants, including odor, on sensitive receptors as follows:

Those who are sensitive to air pollution include children, the elderly, and persons with preexisting respiratory or cardiovascular illness. A sensitive receptor is considered to be a location where a sensitive individual could remain for 24 hours, such as residences, hospitals, or convalescent facilities. . . . [W]hen assessing the impact of pollutants with [one]-hour and [eight]-hour standards (such as carbon monoxide), commercial and/or industrial facilities would be considered sensitive receptors for those purposes.<sup>57</sup>

In *Downtown Fresno*, the court specifically noted the Negative Declaration's treatment of odors on sensitive receptors as follows:

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<sup>54</sup> PEIR, § 3.3.2.2 Sensitive Receptors (emphasis added).

<sup>55</sup> *Id.*, Project Objectives, § 2.3.2.

<sup>56</sup> CEQA Thresholds Chapter 5, § B.

<sup>57</sup> *Downtown Fresno*, Slip. Op. at 39.



Two situations create a potential for odor impact. The first occurs when a new odor source is located near an existing sensitive receptor. The second occurs when a new sensitive receptor locates near an existing source of odor. . . .<sup>58</sup>

While the PEIR acknowledged that tourists visiting the County's "outdoor facilities" are considered a sensitive group,<sup>59</sup> it failed to identify residential areas and neighborhoods as sensitive receptors, and impact of air pollution from cannabis operations on residents and business that serve the public near Carpinteria, nearby EDRNs, or along Highway 101. The Project is located less than a mile from the City of Carpinteria, less than half a mile from the La Mirada, Serena Park, Ocean Oaks, Padaro Lane EDRNs, and is very close to other nearby neighborhoods that are less than a mile from the Proposed Project. (See Exhibit D [Cannabis Map].) Likewise, the Project is located 3.4 miles from Carpinteria High School, 2.4 miles from Aliso Elementary School, and in close proximity to a number of in home daycare facilities. As explained by Professor Holden 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 in residential areas and local schools. (See Concerned Carpinterians' Board of Supervisors Appeal, Exhibit B [Expert Letter from Holden, articles referenced by Holden in her letter]; Exhibit F [Rea Scientific Article Discussing Terpenes and Terpenoids Health Effects].) According to Doctors William J. Rea, Carolina Restrepo, and Yaqin Pan, in *Terpenes and Terpenoids in Chemical Sensitivity*, terpenes and terpenoids, produced by cannabis can trigger symptoms and pathology in sensitive patients. (Exhibit F, pp. 1, 2.) Yet the PEIR failed to adequately address or mitigate such impacts.

In addition, though the PEIR references tourists and visitors to "outdoor facilities" as sensitive "users", but does not assess impacts to such users in the PEIR. The Project is located approximately 1,500 feet from the Santa Barbara Polo Fields, and approximately less than 3,000 feet from Padaro Lane businesses and restaurants, which are attractions for tourists and locals alike, and will doubtless have health and safety impacts.

To comply with CEQA, and protect our citizens, the Board of Supervisors must direct Planning Staff to prepare of a robust and complete air quality impact analysis assessing the likely location of sensitive receptors, including residences and locations where youthful, elderly and persons with compromised respiratory capacity are located, the impacts of the inversion, and evaluate the Project's potentially significant impacts upon them.

### 3. Odor Impacts

Appendix G of the CEQA Guidelines provides that a project may have significant air quality impacts if it "creates objectionable odors effecting a substantial number of people." Likewise, *Santa Barbara County's Environmental Thresholds and Guidance Manual* provides

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<sup>58</sup> *Id.*, at p. 46-47; *see also* Citizens for Responsible Equitable Environmental Development v. City of Chula Vista (2011) 197 Cal.App.4th 327, 332 ("Sensitive receptors' include children.")

<sup>59</sup> PEIR, p. 3.1-7.

that a project “creates odor... impacting a significant number of people” may have significant air quality impacts.<sup>60</sup> The PEIR did not examine whether the Project, specifically, would create odors, the intensity of such odors, nor how many people would be impacted by odors emanating from the Project site.<sup>61</sup> Nor did the PEIR adequately assess whether odor mitigation measures proposed by the PEIR are actually effective in reducing environmental impacts specific to this Project. Though the PEIR itself recognized that odor impacts vary widely depending on the location and siting of a cannabis project, the County failed to analyze specific odor impacts for the Project.<sup>62</sup> As explained by Professor Holden, and described in Concerned Carpenterians’ appeal, the Project will result in the release of significant odors, caused in part by volatile terpene oils released by the plant. (Concerned Carpenterians’ Board of Supervisors Appeal, Exhibit B [Expert Letter from Holden, articles referenced by Holden in her letter].) Such odors and concurrent terpenes can significantly impact sensitive receptors. As the Project is located near numerous residential areas and other sensitive receptors (discussed *supra* and in the Concerned Carpenterians’ appeal), it will have an impact on a significant number of people.<sup>63</sup> As such, the County is required, pursuant to CEQA, to develop a tiered EIR for this Project to analyze and, if necessary, mitigate such impacts.

#### 4. Air Pollution Control Technology Impacts

In addition, as discussed in depth in Concerned Carpenterians appeal to the Board of Supervisors,<sup>64</sup> the PEIR does not examine or analyze potential effects or impacts of specific odor mitigation systems.

The Project Coastal Development Permit Application proposed that it use a Byers waterless vapor phase system for odor mitigation. (Exhibit E [Coastal Development Permit Application], pp. 8-10.) In order to attempt to address cannabis odors, the Byers System releases essential oils and surfactants in a vapor form which may have significant impacts to the environment. (See *id.* at p. 8.) The Byers System manufacturer has not released the composition of this proprietary blend (“Ecosorb”), and as such, the PEIR has not examined whether the use of the Byers System will have impacts on air quality, sensitive receptors, and the environment. (See *id.* at pp. 8, Beyers Odor Control Data.) Emitting one compound to neutralize a project’s air pollution and odor emissions and may require substantial volumes of the neutralization compound. Applying the levels of vaporized Ecosorb neutralizing agent emissions associated with the Project results in probable emissions in excess of 200 tons of Ecosorb per year in that area.

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<sup>60</sup> *Santa Barbara County’s Environmental Thresholds and Guidance Manual*, p. 23.

<sup>61</sup> See generally PEIR, pp. 3.3-22 – 23.

<sup>62</sup> PEIR, p. 3.3-8 (“the predictability and degree to which cannabis odors can travel is highly variable and depending on climatic and topographic conditions near a cannabis site”).

<sup>63</sup> Concerned Carpenterians’ Board of Supervisors Appeal, pp. 4-5.

<sup>64</sup> *Id.* at p. 6.

The Byers system, as designed to completely surround Project building with perforated pipes and continuous emission of Ecosorb also leads to the possibility of un-collided molecules. This in turn leaves a resultant disinfectant/deodorant smell.<sup>65</sup> Residue is also formed by un-collided molecules of the essential oils and the surfactant carrier agent. According to the original developer of the Ecosorb product, Dr. Laura Hauptert, resultant residue left after collision or non-collision of essential oils and surfactant falls to the surrounding ground and does not dissipate for 28 days. These constitute additional odor and added pollutants that were not studied in the PEIR.

There has not been full disclosure of the constituents of this materials nor evaluation of effects on sensitive receptors – its primary application has been to industrial processes like landfills and waste water treatment plants, which are typically located at a considerable distance from residences, not in proximity to homes as with Cannabis odor mitigation. (See Exhibit E, p. 8.) The impacts of use of the Byers system in close proximity to residential uses has not been studied. No health study has been done for humans or wildlife, given the frequency, dosage, or long term exposure which would be the conditions under which this system would be implemented for cannabis odor-mitigation by Byers to nearby communities, and such information has not been included in the PEIR.

This will likely have a significant impact on the environment and sensitive receptors, and must be studied in an EIR prior to implementation. Any environmental analysis must include a complete disclosure of all aspects of the project, including its air pollution control technologies, as part of the Project Description and must evaluate such air pollution control technologies in the context of the Project site in an environmental review document

### **iii. Land Use Compatibility**

According to the *Santa Barbara County's Environmental Thresholds and Guidance Manual*, and the PEIR, a project may have significant land use and planning impacts if it is incompatible with a surrounding neighborhood.<sup>66</sup> As discussed *supra*, the Project as proposed, is

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<sup>65</sup> It is unclear how effectively the Byers system will neutralize odors. According to testimony by Marc Byers himself at a November 8, 2018 San Luis Obispo County Planning Commission Hearing, in order for Ecosorb to truly “neutralize” the cannabis odors, the odor molecule must collide with the Ecosorb molecule at a 1:1 ratio. In contrast to the Byers delivery method, collision is best achieved under a pressurized system which provides a controlled environment, in order to ensure such a ratio between the odor and the Ecosorb product and to ensure that such molecules collide. Systems like Fogco and MicroCool offer such a pressurized System, whereas the Byers delivery system does not pressurize the two molecules, and only offers a random chance at colliding the two molecules by its placement around the perimeter of the building and well below the open roof vents emitting the cannabis odors.

<sup>66</sup> *Santa Barbara County's Environmental Thresholds and Guidance Manual*, p. 118; PEIR, p. 3.9-32; CEQA Guidelines Appendix G, § IV (e) (“Would the project . . . [c]onflict with any local policies or ordinances?”); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903 (“[I]f substantial evidence supports a fair argument that the proposed project conflicts with

incompatible with surrounding agriculture due to issues with drift and pesticide contamination of cannabis crops. It is also incompatible with adjacent residential uses due to problematic odors and air quality impacts and conflicts with various zoning ordinance standards, including those in the Land Use Plan and Coastal Zoning Ordinance adopted for the purpose of avoiding or mitigating an environmental effect.

The PEIR acknowledges that tourists visit Santa Barbara County for purposes of "tourism, wine-tasting, beach going, bicycling, hiking, equestrian, cultural events, and other recreational activities." The PEIR, however, fails to analyze project incompatibility with surrounding uses, including areas used by tourists (such as the nearby Polo Fields, downtown Carpinteria, and Padaro Lane) that are considered a "sensitive group" in the PEIR.<sup>67</sup> It also fails to fully assess odor impacts in neighborhoods.<sup>68</sup> As the Project individually and cumulatively will arguably have a significant impact on neighborhood compatibility, the County must prepare an EIR for the Project to examine, and, if necessary, mitigate these impacts.

The Project is also inconsistent with various goals and policies of the County's Coastal Zoning Ordinance and Land Use Plan for the Coastal Zone, as discussed in Concerned Carpinterians' previously submitted appeal to the Board of Supervisors.<sup>69</sup> As such, pursuant to *Pocket Protectors, supra*, substantial evidence supports a fair argument that the Project conflicts with policies that were adopted for the purpose of avoiding or mitigating an environmental effect.

In addition, the Project conflicts with the County's Agricultural Element. The Agricultural Element provides as its first goal:

GOAL I. Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.

The Commission has evidence that the Project, individually and cumulatively, will impair or preclude the continuation agriculture in the Project vicinity. This significant General Plan inconsistency has not been addressed in review of the Project and needs to be considered in an environmental review document and as part of the Commission's determination whether this entitlement can be found consistent with the General Plan as required.

The foregoing policies and standards, including the standards in the Coastal Zoning Ordinance and the Land Use Plan, discussed in Concerned Carpinterians' appeal, were adopted

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policies [adopted for the purpose of avoiding or mitigating an environmental effect] this constitutes grounds for requiring an EIR").

<sup>67</sup> See PEIR, pp. 3.9-47 - 3.9-48.

<sup>68</sup> See discussion, *supra*, in the Air Quality section.

<sup>69</sup> Concerned Carpinterians' Board of Supervisors Appeal, pp. 10-13.

to protect the environment. The Project clearly conflicts with these policies and standards, and thus the evidence supports a fair argument that the Project will have a potential significant impact on the environment.

#### **iv. Cumulative Impacts of Multiple Projects in a Small Geographic Area**

The PEIR failed to analyze any reasonably foreseeable cannabis projects within the vicinity of the Project or examine the potentially significant impacts of such projects in conjunction with the proposed Project.

CEQA Guidelines Section 15130 require that an agency analyze cumulative impacts in an EIR when the resulting impacts are “cumulatively considerable” and, therefore, potentially significant. Cumulative impacts refer to the combined effect of project impacts with the impacts of other past, present, and reasonably foreseeable future projects.<sup>70</sup> Generally, projects that are located within geographical proximity to each other (e.g., two or more projects utilizing the same roadways) have the potential to contribute to cumulative impacts to an environmental resource or issue area. The impacts of a project and related projects are considered “cumulatively considerable” when “the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”<sup>71</sup> As discussed herein, the Project, in conjunction with other cannabis projects in the area, will result in cumulative impacts that were not examined in the PEIR.

The PEIR assumed that the unlimited cultivation area licenses (Type 5 license) would not be permitted until 2023 and did not contemplate that project applicants would be permitted to “stack” licenses such that they equate to cultivation areas permitted by the Type 5 license.<sup>72</sup> As such, the PEIR did not address or study the impacts or mitigation measures for indoor cannabis cultivation beyond 22,000 square feet in size, or clusters of cultivation on adjacent parcels. However, at this time, applicants are permitted to stack licenses, which has resulted in unlimited cultivation areas. The cumulative impacts of such areas have not been analyzed by the PEIR.

The PEIR did not include, discuss, or contemplate additional cannabis projects. CEQA requires that an EIR discuss any cumulative impact, which “consists of an impact which is

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<sup>70</sup> CEQA Guidelines, § 15355 state: “‘Cumulative impacts’ refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or several separate projects. (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”

<sup>71</sup> CEQA Guidelines, § 15065(a)(3).

<sup>72</sup> See PEIR, pp. 3-7, 3-12, and in subsequent discussions regarding Cumulative Impacts.

created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.<sup>73</sup> As discussed in this correspondence, cannabis projects will cause related impacts, and, as such, must be analyzed in any cumulative impact discussion applicable to the Project.

In the PEIR's cumulative impacts analysis, it addresses other development projects in the County, but does not analyze or examine the plethora of County-wide cannabis projects or cannabis projects in the vicinity of the Project itself.<sup>74</sup> Yet there is a proliferation of cannabis cultivation projects in the vicinity of the Project. There are 52 proposed cannabis projects in the 4-mile area of Carpinteria. Currently, there are 15 cannabis cultivation projects that are being reviewed by County planning within a mile and a half of the Proposed Project. (See Exhibit D [Cannabis Map].) In total, this comprises 142.71 acres of cannabis cultivation in a very small geographic area. (See *ibid.*) For context, the world's current largest outdoor cultivation site is 36 acres and is located on Los Sueños Farms in Pueblo, Colorado. The 15 projects currently in review near the Proposed Project, total 142.71 acres of cannabis cultivation, or 9% of the County's approximately 1,510 acres designated for cannabis cultivation as of July 9, 2019.<sup>75</sup>

This incredibly high concentration of projects have not been even identified by the County or listed, let alone examined, in an environmental review document. Yet, substantial evidence demonstrates that, these projects, in conjunction with the Project, will have significant cumulative adverse effects on the environment.

The issues discussed above and in Concerned Carpinterians' appeal to the Board of Supervisors will only be exacerbated with the cumulative impacts of the plethora of pending cannabis cultivation projects clustered in the Carpinteria Valley. None of these cumulative impacts were studied in PEIR. Thus, the Project, in conjunction with other projects in the area, "*may arguably* have a significant adverse effect on the environment which was not examined in the prior program EIR.<sup>76</sup> As such, in order to comply with CEQA, the County must prepare a program or tiered EIR to examine the cumulative impacts the Project in conjunction with other cannabis projects in the Carpinteria Valley.

#### **a. Cumulative Impacts to Air Quality**

The PEIR failed to examine whether the Project, in conjunction with other cannabis operations, would have an impact on regional and localized air quality. There are currently 15 proposed outdoor cultivation operations in 1.5 mile radius of the Project, and numerous additional projects proposed around the City of Carpinteria. This will have a disproportionate

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<sup>73</sup> CEQA Guidelines, § 15130; see CEQA Guidelines, § 15355(b).

<sup>74</sup> See PEIR 3-15 – 3-16, Table 3.0-6 (listing pending non-cannabis development in Santa Barbara County that existed at the time the PEIR was prepared); Table 3.0-5 (listing pending ordinances that may result in cumulative effects).

<sup>75</sup> See Board of Supervisors Minutes Order, July 16, 2019.

<sup>76</sup> *Sierra Club, supra*, 6 Cal.App.4th at 1319 (emphasis added).

impact on the air quality to this segment of the community. Under CEQA, the County must examine this cumulative impact in an EIR for the Project. The PEIR, however, failed to do so. It did not assess the impacts of numerous large-acreage cannabis cultivation projects within close proximity in the Carpinteria Valley or how this would cumulatively impact air quality.

As explained *supra*, cannabis plants and other processes at cultivation sites emit terpenes which are Volatile Organic Compounds (“VOCs”) that contribute to ground-level ozone by chemically reacting with nitrogen oxides (“NOx”) in the presence of sunlight. Ozone is harmful to human health and negatively impacts the environment. Depending on the practices used, the Project, along with other reasonably foreseeable projects, may generate significant quantities of both gross and fine particulate matter – PM<sub>10</sub> and PM<sub>2.5</sub>. These impacts will be exacerbated by the cumulative effects of cannabis cultivation sites clustered in the Carpinteria Valley, as the larger and greater the acreage of outdoor cultivation, the greater the VOC emissions. As such, the County must examine these impacts on regional and localized air quality in the Carpinteria Valley, and mitigate them accordingly.

#### **b. Cumulative Impacts on Adjacent Agriculture**

The PEIR reviewed the potential cumulative impacts associated with cannabis activities, and specifically stated that cannabis cultivation “would include potential exposure to agricultural resource conflicts associated with the combined new cannabis canopy by registrants seeking licenses, of 376 acres up to 1,126 acres, with additional acreage for support development and future license applicants, as well as development of structures to support cannabis cultivation and manufacturing activities.” This section of the PEIR concludes that agricultural land use consistency impacts are “entirely mitigated”, yet Table ES-1 states that no mitigation is required to address the Class I impacts.<sup>77</sup>

Under CEQA, this must be remedied with a further EIR analysis, as drift issues may have a significant adverse effect on adjacent agricultural resources, particularly when cannabis cultivation projects are clustered and result in hundreds of acres of cannabis collectively growing adjacent to pre-existing agricultural operations. A public agency must prepare a tiered EIR for a project subject to a PEIR 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.”<sup>78</sup> If the EIR determines that the early morning inversion and drift issues would result in a significant cumulative impact to agricultural resources, the County must provide enforceable mitigation for this issue.

#### **c. Land Use Compatibility Impacts**

As discussed *supra*, the Project conflicts with the County's Agricultural Element, which provides:

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<sup>77</sup> PEIR, Table ES-9.

<sup>78</sup> *Sierra Club, supra*, 6 Cal.App.4th at 1319 (emphasis added).

Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.

The Board has evidence that the Project, individually and cumulatively, will impair or preclude the continuation of avocado and related agriculture in the Project vicinity. This significant General Plan inconsistency has not been addressed in review of the Project nor has it been examined in the context of the large number of projects proposed in the Carpinteria Valley.

**2. *Even if CEQA Permitted the County to Approve the Project Without a Separate or Tiered EIR, the Project Permit Requirements Do Not Ensure Enforceable Mitigation.***

Even if the Project could lawfully proceed without a subsequent site-specific environmental review, which it cannot, mitigation required by the PEIR is not properly included in Project permit requirements, conditions, agreements, or other measures. Under these circumstances, the County will not ensure that mitigation is actually implemented and enforced. This is impermissible under CEQA.

An agency “shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures,” and must have a monitoring program to ensure the implementation of mitigation.<sup>79</sup> “*The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.*”<sup>80</sup>

If the Board of Supervisors approves the Project as proposed, it will fail to ensure enforceable mitigation for a number of items, as discussed in Concerned Carpinterians’ appeal to the Board of Supervisors, and in Section 3, below. For example, the Project’s odor abatement plan is not sufficiently specific, nor does it ensure that odors from the Project will be appropriately neutralized.<sup>81</sup> In addition, the PEIR requires that Projects shield lighting for cannabis projects. Though the Project involves clear-sided, fiberglass buildings, and involves mixed light cultivation, there is no evidence in the record that the Project will include mitigation to actually shield evening light pollution for the Project. (Exhibit B [Coastal Development Permit Conditions of Approval], A-1.)<sup>82</sup> There are also no clear provisions for mitigating noise impacts emitted from the Project’s HVAC and odor abatement machinery and no clear mechanisms for

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<sup>79</sup> Cal. Pub. Resources Code § 21081.6 (a) and (b).

<sup>80</sup> *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, citing *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260-1261, Cal. Pub. Resources Code, § 21002.1(b) (emphasis in original).

<sup>81</sup> Concerned Carpinterians’ Board of Supervisors Appeal, p. 4-6.

<sup>82</sup> *Ibid.* at p. 9.



testing or enforcing the County's requirement that noise levels do not exceed 65 decibels beyond the property line. (*Ibid.*)<sup>83</sup>

For these reasons, the County should alter the conditions of approval to ensure that the significant impacts of this Project are actually mitigated.

**3. *The Project's Conditions of Approval are Not Sufficiently Specific and do not Contain Appropriate Enforcement Mechanisms.***

The Conditions of Approval do not clearly identify what the Project will entail or what, exactly, the Board of Supervisors would permit if they uphold Project approval. Nor do they provide sufficiently specific enforcement mechanisms. The Conditions of Approval reference a landscape and screening plan, a security and fencing plan, an odor abatement plan, a lighting plan, and a noise plan, but none are sufficiently specific.

Though the landscape and screening plan was updated by the Planning Commission, per Planning Staff's June 5, 2019 recommendation, it does not explain what type of landscaping should be used to screen the Project or any other component of the landscaping plan that the Board can review and approve. Rather, it states that the plan must be approved by "the Department, prior to the issuance of any permits." (Concerned Carpenterians' Board of Supervisors Appeal, Exhibit H [June 5, 2019 Planning Memorandum], p. 2.) This does not include provisions for County staff to review the site and ensure that the Project has actually implemented and met the requirements of the plan. (*Ibid.*) In addition, the Project application does not include a plan to provide landscaping and screening for the Project, so it is unclear, based on this information, what even the Project applicant proposes. (Exhibit E [Coastal Development Application], p. 7.)

Likewise, the Conditions of Approval do not actually incorporate an odor abatement plan.<sup>84</sup> (Concerned Carpenterians' Board of Supervisors Appeal, Exhibit H [June 5, 2019 Planning Memorandum], p. 4.) Rather, they provide criteria for the plan, and permit County staff to review and approve the plan at a later date, after Project approval. (*Ibid.*) Though the Project application includes proposed odor abatement techniques and procedures, the Conditions of Approval themselves do not contain any details or requirements regarding specific odor abatement techniques, placement of odor abatement systems, or other key data regarding the implementation of such a plan. (Compare Exhibit B [Coastal Development Permit with Conditions of Approval], p. 4 with Exhibit E [Coastal Development Permit Application], pp. 8-10.) There are no specific criteria outlined, timelines, enforcement mechanisms, or monitoring schedules included in the plan to ensure that the Project operator actually complies with any odor

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<sup>83</sup> *Ibid.*

<sup>84</sup> Note that the Santa Barbara County Air Pollution Control District ("APCD") recently reviewed a proposed cannabis cultivation project within the County, and indicated that it had several concerns regarding specificity in the Project requirements, sufficient environmental review, and air pollution impacts. (See Exhibit G.)

abatement plan and mitigates odors. (Compare Exhibit B [Coastal Development Permit with Conditions of Approval], p. 4.)

The Conditions of Approval are equally non-specific regarding a fencing and security plan and a lighting plan. (See Exhibit B [Coastal Development Permit Conditions of Approval], p. A-1.) Though the Applicant included a description of a proposed fencing and security plan in their initial application for a Coastal Development Permit, the County has not clearly incorporated the proposed plan into enforceable conditions of approval for the Project. (Compare Exhibit E [Coastal Development Permit Application], pp. 6-7 [describing proposed fencing and security]; with Exhibit B, A-2 [Coastal Development Permit Conditions of Approval].) The Conditions of Approval reference a fencing and security plan, state that "the applicant shall implement the approved Fencing and Security Plan," and state that the plan "shall comply" with cannabis regulations, but do not provide specific, enforceable details for the Board of Supervisors to review and approve. (See Exhibit B [Coastal Development Permit Conditions of Approval], p. A-1.) They state that "Permit compliance staff shall monitor implementation prior to commencement and use," but include no provisions for ensuring post-approval compliance. (*Ibid.*)

Likewise, the lighting plan does not provide any detail regarding the lighting to be used, nor any provisions to ensure that the Project operator will actually shield light pollution for the Project. (Exhibit B [Coastal Development Permit Conditions of Approval], A-1.)<sup>85</sup> Though the Project application includes proposed lighting to be used at the Project, it is unclear whether the County is incorporating the proposal provided by the Applicant as a Condition of Approval, and the Conditions of Approval do not include clear provisions for monitoring and enforcement. (See Exhibit E [Coastal Development Permit Application], pp. 7-8.)

As discussed, *supra*, are also no clear provisions for mitigating noise impacts emitted from the Project's HVAC and odor abatement machinery and no clear mechanisms for testing or enforcing the County's requirement that noise levels do not exceed 65 decibels beyond the property line, nor clear or specific dictates as to how this will be accomplished. (Exhibit B [Coastal Development Permit Conditions of Approval], A-1.)<sup>86</sup>

The Conditions of Approval thus are not clear, and do not clearly outline compliance criteria for the Project operator. They do not include clear enforcement mechanisms, procedures or consequences for failure to comply. Without clear plans that include details regarding what the Applicant is required to do included in the Conditions of Approval or the Project permit, it is unclear what, exactly the Board will approve with respect to this Project. Failure to include clear, objective criteria in the Project permit or Conditions of Approval will make it difficult, if not impossible, for the County to enforce any requirements for fencing and security, odor, noise, lighting, and landscaping and screening. This, in turn, fails to ensure that potential environmental impacts from the Project are mitigated, and creates a situation in which the environment and the

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<sup>85</sup> *Ibid.* at p. 9.

<sup>86</sup> *Ibid.*

surrounding community are not protected from potential adverse effects of the proposed cannabis operation. (See discussion, *supra*, regarding enforceable mitigation.) In addition, many of the "plans" included in the Conditions of Approval allow County staff to approve plan details at a later date, and, as a result, do not provide the Board with the opportunity to review and determine if these plans are appropriate, legal, or advisable for the Project.

Given the vast potential impacts of this Project, the fact that it is one of the first of many cannabis projects to make its way through the County Planning process, and the fact that the land use approval runs with the land, the County should ensure clear, enforceable measures for Project operation. Please update the Conditions of Approval to provide clear, objective requirements for each of the plans listed above, include regular County monitoring requirements, and clear, enforceable consequences for failure to comply with plan requirements.

#### **4. Conclusion**

The Project and surrounding projects will have significant direct and cumulative impacts to agricultural resources, land use compatibility, and air quality that were not adequately reviewed in the PEIR or by staff prior to approval of the Project. As a result, such impacts have not been appropriately mitigated or addressed in Project approval. As also explained, *supra*, the Project as proposed, fails to comply with a number of applicable land use regulations and General Plan standards, and is not sufficiently specific for approval.

To remedy these issues, Concerned Carpinterians respectfully requests that the Board of Supervisors deny the Project. In the alternative, Concerned Carpinterians requests that the Board return the Project to County staff for appropriate environmental review under CEQA, alter the Project's conditions of approval to ensure that the Project complies with the Coastal Zoning Ordinance and Land Use Plan, and require a more specific, detailed, and enforceable Project description as well as clear, specific, and enforceable Conditions of Approval for the Project.

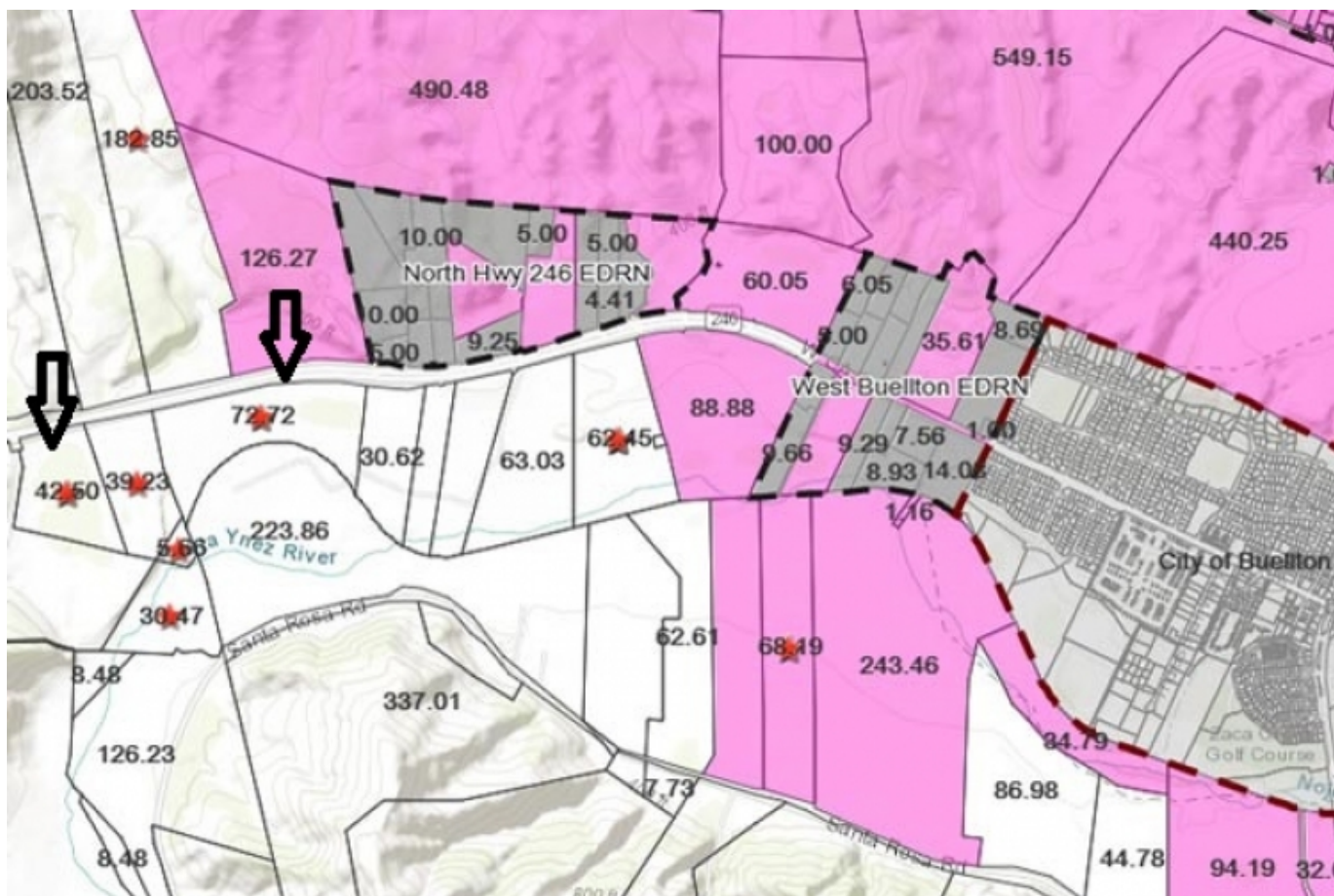
Thank you for your careful and diligent consideration of this matter.

Sincerely,

Concerned Carpinterians

# **Exhibit A**

## County Planning Commission Delays Decision on 2 Buellton-Area Cannabis Cultivation Appeals



The County Planning Commission discussed two cannabis cultivation operations on West Highway 246 at Thursday's meeting, and continued the issue to September. (Santa Barbara County photo)

By Giana Magnoli, Noozhawk Managing Editor | @magnoli | August 8, 2019 | 6:53 p.m.

**County Planning Commissioners** (<https://www.countyofsb.org/plndev/hearings/cpc.sbc>) continued two appeal hearings for Buellton-area outdoor cannabis cultivation permits after raising concerns Thursday about the adequacy of environmental review, potential odor impacts, and overall compatibility.

These operations on West Highway 246 are near urban areas and existing agriculture (vineyards), have no requirement for odor control as outdoor grows, and are the largest marijuana farms the Commission has reviewed to date.

Commissioners said they need to have more information before making a decision on the appeals,

and whether the programmatic environmental impact reports were adequate, so hearings on both projects were continued to Sept. 13.

"It seems to me that this concentration of operations in this area, especially around our gateway (to the Santa Ynez Valley) can make a substantial difference," Commission Chair John Parke said.

The Santa Rita Valley Ag, Inc. operation is at 7680 West Highway 246 near Buellton, and the application details plans for 37 acres of outdoor cultivation and 25 shipping containers (about 8,000 square feet) for drying and storage.

The applicant is Sebastiano Sterpa of Glendale, and attorney Linda Ash said the business owners include Rob Harvey of Pinpoint Leak Detection in Santa Barbara and Ventura counties; John Harris of Numeric Solutions LLC in Ventura; Richard Banks who owns several Santa Barbara County businesses; Don Pedersen of Ventura; and Sage Finch of Finch Agricultural Consultants, Inc. in Arroyo Grande.

The Santa Barbara West Coast Farms operation has no street address, but is located about 3.5 miles from the interchange of West Highway 246 and Highway 101, according to the county. It's two properties away from the Santa Rita Valley Ag, Inc. operation, a county map of cannabis permit applications shows.

The applicant, Scott Rudolph of La Jolla, plans 45 acres of outdoor marijuana cultivation and 5 acres of nursery, processing and storage areas, with two new agricultural buildings, according to the county.

Both farms would have on-site security staff and fencing, and boost staffing for harvest time. Representatives of Santa Barbara West Coast Farms agreed to the hearing continuance but did not give their formal presentation on the project Thursday.

Blair Pence, of Pence Vineyards, appealed both cannabis cultivation permit approvals, arguing that the projects are not compatible with the neighborhoods, and will have negative environmental, visual and traffic impacts.

Pence told the Planning Commission that marijuana farms near his ranch property have already impacted his property and businesses; He's lost income from horse boarding as clients leave due to the smell and intimidation of armed guards patrolling nearby parcels.

"In reality, the smell and these other effects never stop," Pence said.

Linda Ash, representing the applicant Santa Rita Valley Ag, said the operator's permit application complies with the current county standards and is entitled to the land use permit.

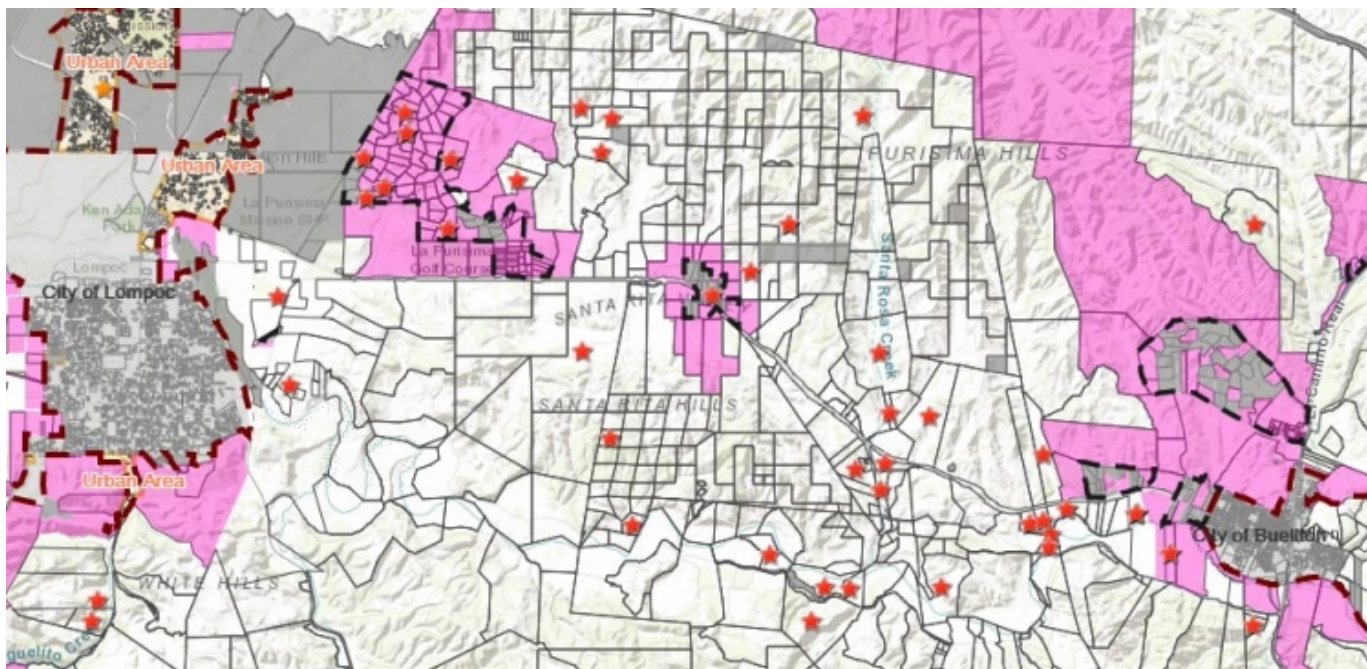
The proposed shipping containers — something the commissioners did not like — will be earth-toned and at the back of the property, away from Highway 246, she noted.

Buellton City Manager Scott Wolfe spoke during public comment to say the City Council doesn't oppose cultivation, but wants it to be more considerate of adjacent uses.

The city is heavily impacted by the marijuana grows just outside city limits, with strong odors in the

afternoons that are disruptive to residents, businesses and the growing tourism industry, Wolfe said.

Residents' attempts to enjoy the community are "marred by the impact of cannabis planted in too near a proximity, in too high a concentration, and with too little regulation by the county to effectively protect them from the sensory assaults," he said.



A Santa Barbara County map of cannabis permit applications, in red, and approvals, in orange, show a concentration along West Highway 246 between Lompoc and Buellton. (Santa Barbara County photo)

There are more than a dozen applications for cannabis farms along West Highway 246, between the city limits of Lompoc to the west and Buellton to the east.

The operations on AG-2-zoned properties do not require odor control unless the properties require a conditional-use permit instead of a land-use permit – and neither of these did.

The Santa Barbara County Board of Supervisors [supported a long list of cannabis ordinance changes last month](https://www.noozhawk.com/article/supervisors_support_more_changes_santa_barbara_county_cannabis_regulation) ([https://www.noozhawk.com/article/supervisors\\_support\\_more\\_changes\\_santa\\_barbara\\_county\\_cannabis\\_regulation](https://www.noozhawk.com/article/supervisors_support_more_changes_santa_barbara_county_cannabis_regulation)), including a [ban on cannabis cultivation for inland AG-1-zoned](https://www.noozhawk.com/article/supervisors_ban_cannabis_cultivation_ag_1_properties_santa_barbara_county) ([https://www.noozhawk.com/article/supervisors\\_ban\\_cannabis\\_cultivation\\_ag\\_1\\_properties\\_santa\\_barbara\\_county](https://www.noozhawk.com/article/supervisors_ban_cannabis_cultivation_ag_1_properties_santa_barbara_county)) parcels smaller than 20 acres.

These are the second and third appeal hearings heard by the County Planning Commission, [which previously denied](https://www.noozhawk.com/article/planning_commission_denies_appeal_of_carpinteria_area_cannabis_cultivation) ([https://www.noozhawk.com/article/planning\\_commission\\_denies\\_appeal\\_of\\_carpinteria\\_area\\_cannabis\\_cultivation](https://www.noozhawk.com/article/planning_commission_denies_appeal_of_carpinteria_area_cannabis_cultivation)) an [appeal of a Carpinteria Valley greenhouse grow operation](https://www.noozhawk.com/article/carpinteria_cannabis_cultivation_appeal_county_planning_commission_20190602) ([https://www.noozhawk.com/article/carpinteria\\_cannabis\\_cultivation\\_appeal\\_county\\_planning\\_commission\\_20190602](https://www.noozhawk.com/article/carpinteria_cannabis_cultivation_appeal_county_planning_commission_20190602)).

Acquiring a permit from the county is one step in getting cannabis cultivation approvals; Operators also need to get a county business license and state license.

— *Noozhawk* (<http://www.noozhawk.com>) managing editor Giana Magnoli can be reached at

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[https://www.noozhawk.com/article/2\\_buellton\\_area\\_marijuana\\_farm\\_appeals\\_at\\_planning\\_commission](https://www.noozhawk.com/article/2_buellton_area_marijuana_farm_appeals_at_planning_commission)

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# **Exhibit B**



**COASTAL DEVELOPMENT PERMIT NO.: 18CDP-00000-00077**

**Project Name:** G&K FARM/K&G FLOWER - CANNABIS CULTIVATION  
**Project Address:** 3561 Foothill Road, CARPINTERIA, CA  
**A.P.N.:** 005-280-040  
**Zone:** AG-I-10

The Planning and Development Department hereby approves this Coastal Development Permit for the project described below based upon compliance with the required findings for approval and subject to the attached terms and conditions.

**APPROVAL DATE:** 3/6/2019  
**LOCAL APPEAL PERIOD BEGINS:** 3/7/2019  
**LOCAL APPEAL PERIOD ENDS:** 3/18/2019  
**DATE OF PERMIT ISSUANCE (if no appeal is filed):** 3/19/2019

**APPEALS:**

1. The approval of this Coastal Development Permit may be appealed to the County Planning Commission by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (Article II Section 35-182).
2. Final action by the County on this permit may not be appealed to the California Coastal Commission; therefore payment of a fee is required to file an appeal of the approval of this Coastal Development Permit.

**PROJECT DESCRIPTION SUMMARY:** Mixed light cannabis cultivation in existing greenhouse structures. Cannabis operation includes incidental distribution (removal of product from parcel). To receive additional information regarding this project and/or to view the application and/or plans, please contact Petra Leyva at 123 East Anapamu Street, Santa Barbara, by email (Petra@co.santa-barbara.ca.us), or by phone ((805) 568-2071).

**PROJECT SPECIFIC CONDITIONS:** See Attachment A.

**ASSOCIATED CASE NUMBERS:** None

**PERMIT ISSUANCE:** This Coastal Development Permit will be issued following the close of the appeal period provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (Article II Section 35-181). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review

(BAR), and an appeal of that final approval has not been filed.

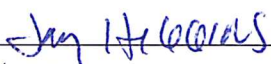

- 4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
- 5. **Other approvals.** Any other necessary approvals required prior to issuance of this Coastal Development Permit have been granted.

**PERMIT EXPIRATION AND EXTENSION:** This permit shall remain valid only as long as compliance with all applicable requirements of the Article II Coastal Zoning Ordinance and the permit continues, including the conditions of approval specific to this permit. Additionally:

- 1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (Article II Section 35-169).
- 2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (Article II Section 35-169).
- 3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal which has the effect of upholding the approval, or (c) some other date as indicated in this permit (Article II Section 35-57B).

**WORK PROHIBITED PRIOR TO PERMIT ISSUANCE:** No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).


**OWNER/APPLICANT ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.



3.6.19

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Print name Signature Date

**Coastal Development Permit Approval By:**


3/10/19

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Director, Planning and Development Date

**PERMIT ISSUANCE:** The permit shall be issued and deemed effective on the date signed and indicated below.

**Planning and Development Department Issuance By:**

\_\_\_\_\_ / \_\_\_\_\_

Planner Date

**ATTACHMENT A: CONDITIONS OF APPROVAL**

**Project Description**

- 1. Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

This Coastal Development Permit is to allow for the 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.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

- 2. Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**Project Specific Conditions**

- 3. Building Permits:** All necessary building permits shall be obtained for any structure and/or uses associated with the cannabis cultivation operations
- 4. Cannabis Waste Discharge Requirements:** The applicant shall comply with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers
- 5. Cannabis Waste Management Requirements:** The applicant shall comply with the California Department of Food and Agriculture's comprehensive Cannabis Cultivation regulations which include principles and guidelines for cannabis waste management, including regulations on composting cannabis waste.

6. **Fencing and Security Plan:** The applicant shall implement the approved Fencing and Security Plan demonstrating security and screening of the commercial cannabis activity throughout the operation of the project and in compliance with Cannabis regulations 35-144U.2

TIMING: The owner/applicant shall comply with these measures prior to final building inspection and throughout operation of the project.

MONITORING: Permit Compliance staff shall monitor implementation prior to commencement of use.

7. **Inspection:** All permitted commercial cannabis activities are subject to review and inspection from law enforcement or any agents of the State or County charged with enforcement of Cannabis Regulations.
8. **Land Use Entitlement Compliance:** Following issuance for the land use entitlement for the cannabis activity, all commercial cannabis activities that are subject to a land use entitlement shall be subject to County inspection to determine compliance with the land use entitlement requirements, Section 35-144U, County Code, and State law.

9. **Landscape & Screening Plan:** The applicant shall implement the Landscape Plan and Screening Plan. Landscape and Screening Plans shall be implemented prior to issuance of final building permits and/or grading inspection and/or throughout operation of the project, as applicable.

TIMING: Landscape and Screening Plans shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable.

MONITORING: Permit Compliance staff shall monitor implementation prior to final inspection and commencement of use.

10. **Lighting Plan:** Exterior lighting for commercial cannabis activities shall be sited and designed to avoid impact to biological resources and comply with Section 35-139 (Exterior Lighting) and Section 35-102F (CA-Carpinteria Agricultural Overlay District).

TIMING: Lighting shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project as applicable.

MONITORING: Permit Compliance staff shall monitor throughout operation of the project.

11. **Noise Plan:** Buildings shall be adequately soundproofed so that interior noise shall not exceed 65 decibels beyond the property line. Environmental control systems shall be located and/or shielded to avoid generating noise levels above 65 decibels heard by sensitive receptors, in compliance with the Santa Barbara County Noise Element. The combined decibel level for all noise, sources as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency. The noise produced by a generator shall not be audible by humans from neighboring residences.

TIMING: All noise levels shall not exceed 65 decibels beyond the property line.

MONITORING: P&D compliance staff shall conduct inspections throughout cannabis operations.

12. **Odor Abatement Plan:** Odor Abatement Plan shall be in compliance with Section 35-144U.6 and shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable.

TIMING: Odor Abatement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable.

MONITORING: Permit Compliance staff shall monitor implantation of plan throughout cannabis operations.

13. **Permit Compliance Inspections to Ensure Condition Compliance:** All commercial cannabis facilities shall be monitored through inspection and photo documentation by P&D Permit Compliance staff. All permitted commercial cannabis activities are also subject to review and inspection from law enforcement or any agents of the Sate or County.

Initial Inspection and Monitoring: All commercial cannabis facilities shall be monitored through inspection and photos documentation by P&D Permit Compliance staff: a) prior to commencement of use to ensure compliance with the permit conditions and plans, b) within the first year (during the active growing season) to ensure compliance with the permit conditions and plans, c) annually for the next four years thereafter (during the active growing season), or more frequently as determined by P&D if a complaint is received.

TIMING: P&D compliance staff shall conduct inspections to review condition compliance annually for five years. P&D Compliance shall review the need for continuing compliance inspections after five years, at which time the frequency of monitoring inspections may be reduced at the discretion of P&D. Monitoring can resume by P&D Compliance if a complaint is received.

14. **Records:** Permittees of commercial cannabis activities shall maintain clear and adequate records and documentation, in accordance with State law, the State's track-and-trace program, and as required by Section 35-144U, demonstrating that all cannabis or cannabis projects have been obtained from, and are provided to other permitted and licensed cannabis operations. All records unless otherwise specified in Section 35-144U, shall be maintained for 5 years and shall be subject to review, inspection, examination, and audit by the Department of Planning & Development.
15. **Revocation:** This entitlement to allow commercial cannabis activities may be revoked in compliance with Section 35-169.8 (Revocation) of the County Code.
16. **Security Fencing Plan:** The applicant shall implement the Security Fencing Plan demonstrating security fencing of the commercial cannabis activity.

TIMING: The Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable.

MONITORING: Permit Compliance staff shall monitor implementation prior to commencement of use.

17. **Site Transportation Demand Management (TDM) Plan:** The applicant shall implement the

approved Site Transportation Demand Plan throughout operation of the project and in compliance with Section 35-144U.C.1.j.

**TIMING:** Site Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable.

**MONITORING:** Permit Compliance staff shall monitor implantation of plan throughout cannabis operations.

- 18. Transfer of Ownership:** In the event that the permittee sells or transfers its interest in the cannabis operations facility, the permittee and/or succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding operator shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.

Notification of changes in property ownership shall be given by the permittee to Planning & Development within 30 days of such change.

- 19. Water Efficiency:** To the maximum extent feasible, water-conserving features shall be included in the design of the proposed cannabis cultivation and in compliance with Section 35-144U.c.1.k

#### **Permit Specific Conditions**

- 20. Abandonment Revocation:** The Permittee shall remove all structures, equipment and associated improvements and restore the site to its pre-cannabis operations state within one year of discontinuing use of the facility or upon permit revocation. Should the permittee require more than one year to complete removal and restoration activities the permittee shall apply for a on-time extension. In the event the owner requests that the facility or structures remain, the owner must apply for necessary permits for those structures within one year of discontinued use. If use of the facility is discontinued for a period of more than one year and the facility is not removed or restored to another permitted use, the County may remove the facility at the permittee's expense.

- 21. Business Licenses:** Permittees of commercial cannabis activities shall remain in good status a valid County Business License, as required by the County Code, and a valid State Cannabis License, as required by the California Business and Professions Code.

#### **County Rules and Regulations**

- 22. Rules-01 Effective Date-Not Appealable to CCC:** This Coastal Development Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. ARTICLE II §35-169.4.
- 23. Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 24. Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any

proposed changes to approved COASTAL DEVELOPMENT PERMIT plans. Substantial conformity shall be determined by the Director of P&D.

25. **Rules-23 Processing Fees Required:** Prior to issuance of COASTAL DEVELOPMENT PERMIT, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
26. **Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
27. **Rules-31 Mitigation Monitoring Required:** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
  - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
  - b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to issuance of COASTAL DEVELOPMENT PERMIT as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
  - c. Note the following on each page of grading and building plans "This project is subject to Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval.
  - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
28. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
29. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and



additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

# **Exhibit C**



Klentner Ranch

192

Bella

Island View Nursery

Foothill Rd

Santa Barbara Polo & Racquet Club

192

Foothill Rd

Paquita Dr

La Mirada St

192

3561 Foothill Road

Valley Flowers

1

Via Real

Gallup & Stribling Orchids

Padaro Ln

Creekside Floral

Via Real

Jimenez Nursery & Landscapes

Westerlay Orchids

Corvette Services

Seaside Gardens



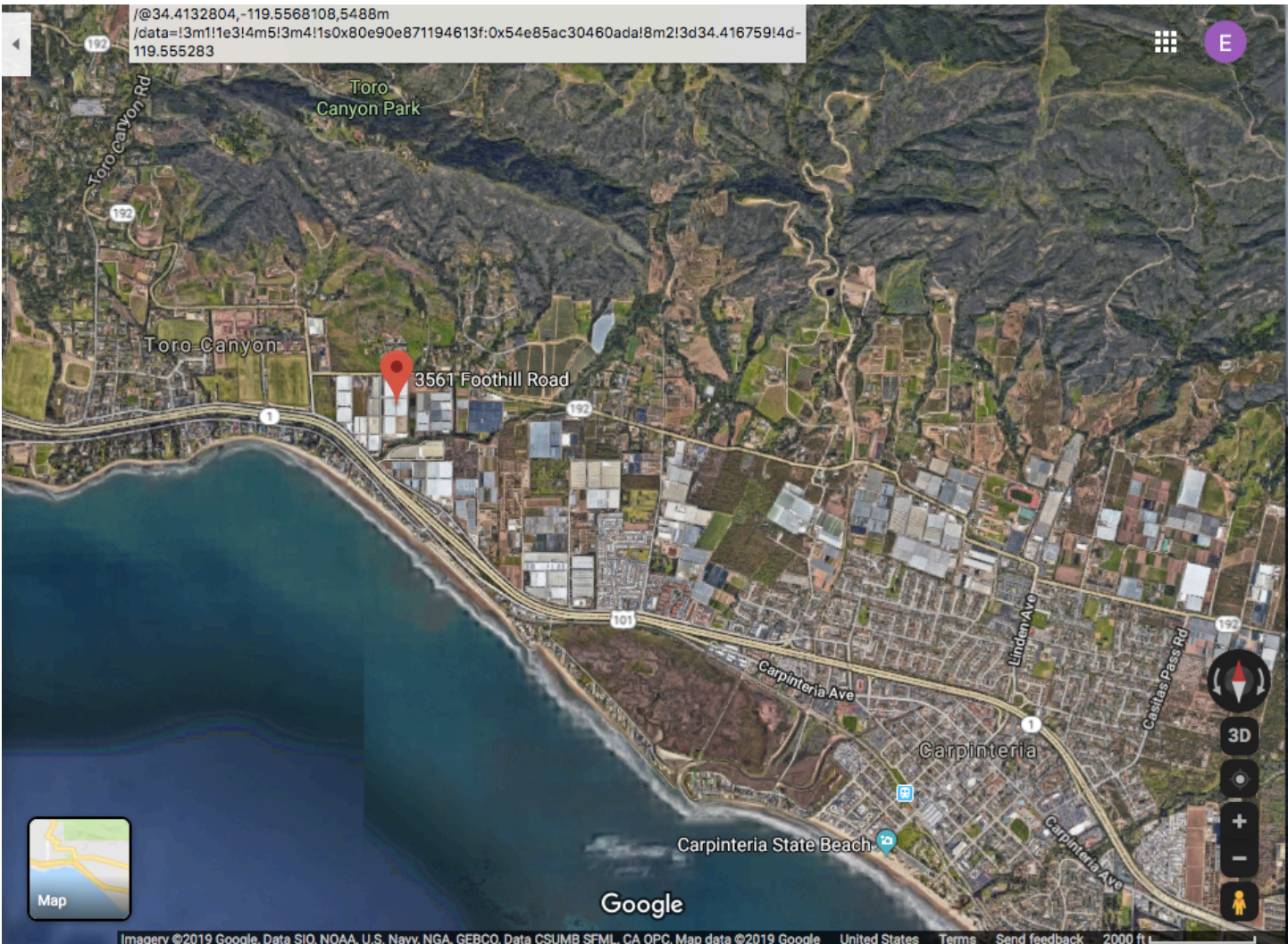
Map

Google

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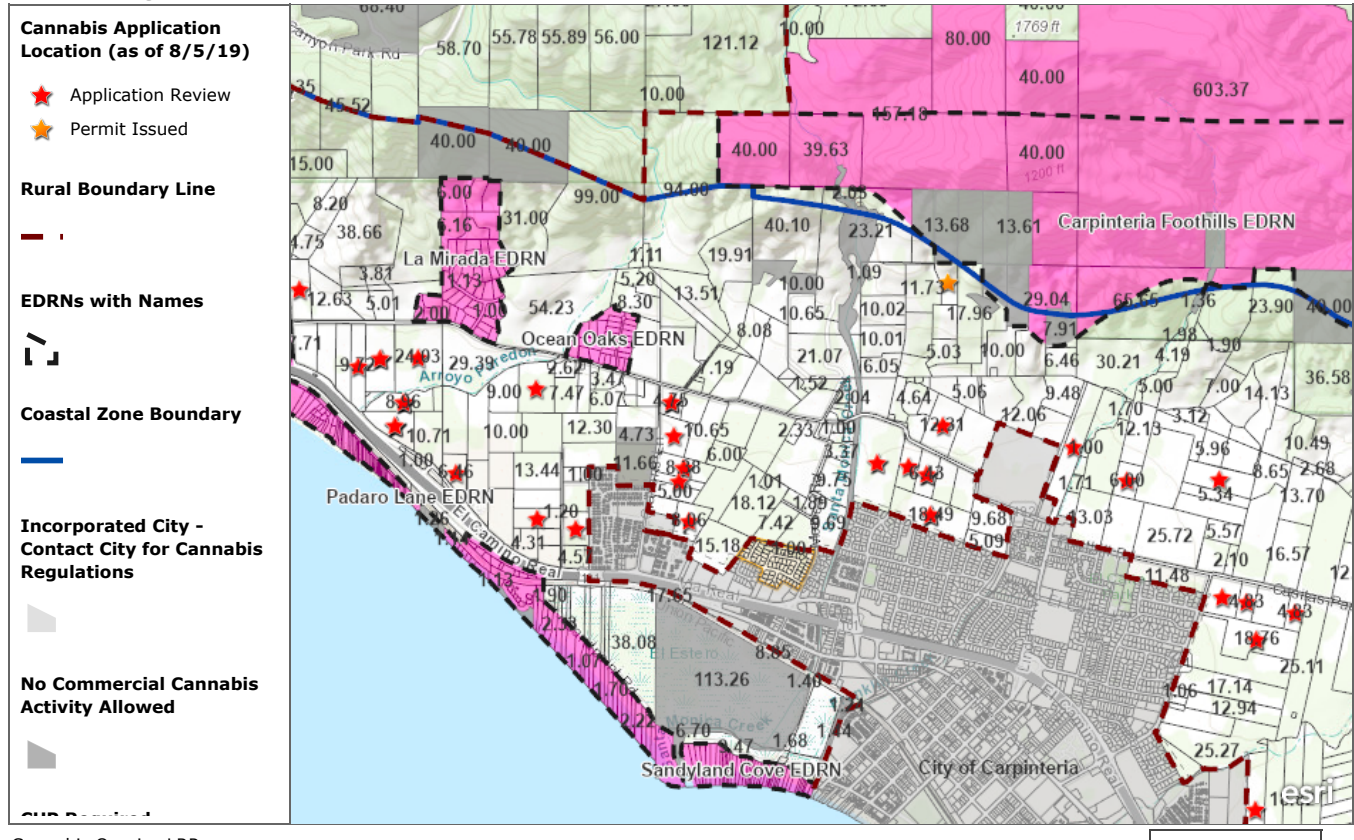
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Google

# **Exhibit D**

### Cannabis Queries LRP



Cannabis Queries LRP

0.6mi

Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

# **Exhibit E**

Magu Farms, LLC

Operational Plan

Coastal Development Permit Application

County of Santa Barbara Planning & Development Department

December, 2018

Amended March, 2019



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Address:  
3561 Foothill Road, Carpinteria, CA

APN:  
005-280-040

Proposed Project:

Magu Farms is the property owner of 3561 Foothill Road, Carpinteria CA. Magu Farms (Magu) is applying for a Coastal Development Permit pursuant to the County’s Coastal Zoning Ordinance for indoor cannabis cultivation. There is no change of use from its current agricultural operations on site, and no new additional structures or expansion of footprint is proposed. Magu is proposing propagation of immature plants (nursery) and mixed light cultivation of cannabis, as well as drying and packaging, in 5 pre-existing greenhouses, totaling 356,070 square feet. Cultivation will be the primary use of the property, and post processing, packaging and transport only distribution will be subordinate, incidental and accessory to the cultivation operation. No cultivation in hoop houses is proposed and the proposed site is not within an EDRN or on a site that requires use of a roadway located within an EDRN. Odor control is included in the project.

Land Planner:  
H&H Environmental, Inc.  
C/O Jay Higgins  
3217 Calle Noguera, Suite C  
Santa Barbara, CA 93105  
805-617-4563; JAY@HIGGINSLAND.COM

Table of License Types and Existing Structures

State License Type	Pre-Existing Infrastructure	Square Footage
Nursery	Greenhouse #5	68,072
Mixed Light Tier 1 Cultivation	Greenhouse #1	77,931
Mixed Light Tier 1 Cultivation	Greenhouse #2	78,026
Mixed Light Tier 1 Cultivation	Greenhouse #3	67,966
Mixed Light Tier 1 Cultivation	Greenhouse #4	68,002

Organization

Magu is a single asset entity. Kyle Kazan is the Managing Member. Kazan is also involved with another State licensed cannabis cultivation farm in Carpinteria, which has become an industry model for compliant cannabis cultivation, and has hosted numerous State and local officials on tours of industry best practices including best available odor control technology, water recapture and reuse, track and trace, sustainable growing techniques, perimeter security and

utilization of pre-existing infrastructure. Magu Farms is proposing to apply these same best practices at 3561 Foothill Road.

#### Ownership

Kyle Kazan, Managing Member of Magu, is a former police officer, and now heads one of the leading real-estate cannabis investment funds.

Graham Farrar, is the CEO of MGF Management Company, which will be providing consulting services to Magu and managing the cannabis nursery, cultivation, processing and transport only distribution activities at the proposed site. Farrar is an entrepreneur and executive management professional with proven track record of launching and growing multiple companies. He has experience facilitating revenue growth and profitability, and driving product development, optimizing performance, and customer service for several startup companies including iStoryTime, a pioneer, award winning app for youth education.

Farrar is also the Founder and CEO of “The Farmacy” a licensed cannabis retail storefront in the City of Santa Barbara. Farrar secured one of only three allowable cannabis storefront retail permits from the City throughout a competitive merit-based process. The Farmacy is scheduled to open in Q1 2019.

Lastly, Farrar also directs operations at “Glass House Farms” – a State licensed cannabis cultivation farm in the unincorporated area of Carpinteria. Under his leadership, Glass House Farms secured one of the first State cannabis cultivation licenses. “Glass House” is an industry model for compliance, high-quality product, and utilization of best available technologies to accelerate performance and profitability. He is the general manager of the two proposed operators on site, and the applicants for the CDP: K&G Farms and G&K Produce.

#### Objectives

Magu Farms’ objective is to produce high-quality, sun-grown cannabis in premium greenhouses in Carpinteria. The cannabis will be cultivated using innovative growing techniques on rolling benches to maximum production efficiency, quality and yield. Cannabis products grown onsite will be branded with a focus on sustainable cultivation methodologies in the pristine agricultural Carpinteria Valley of Santa Barbara County. Products will only be sold to other licensed cannabis businesses. Magu Farms will be an industry model for compliance, modernization, high-tech efficient agricultural production and superior cannabis products.

#### Qualifications

Farrar is uniquely qualified to manage and direct compliant cannabis operations at the proposed site. He has a proven track record of launching and growing multiple companies, including Glass House Farms on Casitas Pass Road, which has been established as an industry model for compliance, efficiency, safety and quality. Not only did Farrar secure one of the first State temporary cultivation licenses, he also participated in the development and adoption of the Santa Barbara County cannabis ordinance and business license.

Farrar is a Board Member and Founder of “CARP Growers” – Carpinteria Association for Responsible Producers – which is comprised of local cannabis farmers and industry leaders who are utilizing best practices and investing in the local community through philanthropic initiatives and partnerships. CARP Growers represent over 150 State licenses and employ over 600 local residents. All members are State licensed cultivators who operate at the highest standards.

Farrar has a solid understanding of the State and local cannabis operating standards. He is among the first to have successfully implemented a track and trace system at his existing licensed cultivation farm at Casitas Pass Road in Santa Barbara County. Furthermore, he has executed a comprehensive and successful product testing regime for mold, pesticides, heavy metals and other harmful contaminants. All cannabis product grown under his supervision is passes all Cat 1, 2 and 3 (not required until 2019) testing and is approved for sale in California.

#### Consulting Team

Magu Farms has engaged California Strategies, a state-wide governmental affairs firm, to assist with permitting, licensing, and overall cannabis compliance since 2016. California Strategies regularly advises Magu Farms regarding the newest State and local regulations, compliant business development and implementation of best practices. California Strategies also assists Magu Farms maintain compliance and good standing with other regulatory bodies including California Department of Food and Agriculture, CalCannabis Division, Central Coast Regional Water Quality Control Board, California Department of Tax Administration and California Department of Consumer Affairs, Bureau of Cannabis Control.

Jay Higgins, AICP, is advising Magu Farms on the design of the project and its ancillary components for compliance with the County of Santa Barbara’s Coastal Zoning Ordinance, and other evolving County departmental policies and standards that will ensure compatibility with Magu’s surrounding neighbors and the community.

#### Waste and Discharge Requirements General Order

3561 Foothill Road has already secured sign off from the Central Coast Regional Water Quality Control Board for cannabis activity onsite (Notice of Applicability, Water Quality Order). Magu Farms’ cannabis activities are consistent with the requirements of the State Water Board’s Cannabis Cultivation Policy and General Waste Discharge Requirements and Waiver of Water Discharge Requirements for Discharges Associated with Cannabis Cultivation Activities. This includes compliance with regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers, with the State. **See attached.**

#### Nursery, Cultivation, Processor and Transport Only Distribution

Magu Farms is proposing to propagate immature plants (nursery), and cultivate cannabis with light deprivation (“mixed light tier 1”) in 5 pre-existing greenhouses, totaling 356,070 square feet of cultivation. Existing rolling benches will serve as growing platforms. All water will be

recaptured and reused. Growing techniques will not include lighting, except in Greenhouse #5, which will consist of a nursery. There will be no light pollution since all greenhouses include black out shades.

Cannabis that is cultivated in the greenhouses will then be processed in place, which includes drying, trimming, curing, and storing in compliance with State regulations. Cannabis will then be packaged and labeled as required by MAUCRSA. Next the cannabis will be loaded into a licensed and secure small sprinter van for transportation - "transport only distribution type 13." (The product will move through the rest of the legal cannabis supply chain, including to another type 11 distributor for lab testing and quality assurance and control before being transferred to a licensed retailer.).

A minimum of 10% of the cannabis product distributed shall be sourced from plant material cultivated on the same lot. Transport only distribution is subordinate and incidental to the cultivation use of the lot, and the area for transport only distribution occupies a smaller footprint than the area that is designated for cultivation on the lot.

#### Fencing and Security

Magu Farms has comprehensive perimeter security including, existing fencing and 24/7 video surveillance, which exceed State standards. All fencing blends into the surrounding terrain and does not create visual impacts.

Existing, chain-link perimeter fencing ranges in height throughout the property: 6'8" – 8' above grade all in compliance with County standards.

The fencing does not separate the property from an undeveloped area or a habitat management plan easement area, and therefore does not present risks to wildlife or preclude wildlife passage. The fencing does not include razor wire, tarp, dust guard fencing, privacy netting or polyethylene plastic. The fence has a lockable gate that are locked at all times, except during ingress/egress. There are no markers that indicate that cannabis is cultivated on site that are visible from offsite.

Magu has vetted a variety of video surveillance systems and selected a Hikvision Camera System, which has a camera resolution of 2944 × 1656; this is above and beyond the minimum State requirement of 128 x 720 pixels. The storage device and cameras are transmission control protocol (TCP/IP) and capable of being accessed via the internet. The system shall at all times be able to effectively and clearly record images of the area under surveillance (BCC §5044). (Refer to Hikvision Video Surveillance Data Sheet.)

Magu will install cameras that are permanently mounted and in a fixed location and capable of clearly recording all activity occurring within 150 feet of all points of entry and exit on the licensed premises – which is above and beyond the minimum State requirement of 20 feet.

The video camera placement clearly records the following areas (BCC §5044):

- a) All areas where cannabis activities take place, including nursery, cultivation, harvesting, drying, curing, trimming, storage, packaging, weighing, logging, loading, unloading, transportation and secure waste storage area.
- b) The parking lot;
- c) Entrance and exit to the premise, which will be recorded from both indoor and outdoor vantage points;

The cameras allows for clear and certain identification of any person and activities in all areas noted above, including recording of facial features with sufficient clarity to determine identify (BCC §5044). This will allow for more than sufficient quality for effective prosecution of any crime found to have occurred on the site.

Cameras will record continuously 24 hours per day at 20-30 frames per second (the minimum State requirement is 15 fps). The storage device of the surveillance recordings shall be protected from tampering or theft; it will be stored in a secure area.

The Director of Operations shall be responsible for keeping the video surveillance recordings for a minimum of 45 days. Recordings will be immediately available to the Bureau and County Sheriff's Department upon request (BCC §5044).

The images shall clearly and accurately display the date and time, as measured in accordance with the US National Institute Standards and Technology standards. The surveillance shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or storage device (BCC §5044).

#### Landscape and Screening

Cannabis cultivation is not visible from public places including public rights of way. All cannabis activity, including cultivation, takes place in pre-existing greenhouses. No new structures, greenhouses or agricultural accessory structures or on-site parking areas are proposed.

#### Lighting Plan

The only artificial lighting that is being proposed is limited to greenhouse #5 which will be used for propagation of immature plants – “nursery.” Magu is proposing to use 312 lights at 550 watts each, in approximately 68,000 square feet. Magu is not proposing any artificial lighting for the purposes of cultivation in greenhouses #1-#4.

Magu Farms will not emit any light pollution, including night lighting, as the greenhouses include comprehensive black out shades which cover the entire nursery and cultivation area. Existing light deprivation systems is provided by Total Energy Group. In Greenhouse #5, the type of black out shade is “SFR WB/B” which allows for .1 light transmission – 99% darkness. In Greenhouses #1-4, the type of black out shade is “SFR WB/B/B” which also allows for .1 light transmission – 99% darkness. For more information see the **attached Fact Sheet**.

Lighting for security will consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the property. All outdoor lighting for parking, loading or security will be fully shielded and directed downward.

Lighting due to mixed light cultivation activities shall not be visible outside the structure between sunset and sunrise.

#### Noise

Magu Farms is not proposing to utilize any equipment indoors that will exceed 65 decibels beyond the property line. The only noise-generating equipment is the Byer's Scientific Odor Control technology which runs at 65 decibels at 30 feet. The Odor Control equipment is over 61 feet from the property line. Therefore, at 61 feet (property line) the equipment will generate less than 60 dB. See the attachment for more details.

#### Odor Abatement

The odor-emitting activities that may occur are as follows:

1. Cultivation - growing
2. Harvesting
3. Drying
4. Trimming
5. Storing – All cannabis trim or flower will be stored in air-tight bags, which will be placed in a designated storage room. The storage room will also be temperature controlled with dehumidifiers to prevent deterioration of cannabis products.
6. Packaging – packaging of flower, or pre-rolls may emit odor

Nursery (propagation of immature plants) will not generate odor because the plant is not flowering. Storage or transportation of packaged product will not emit odor because the product will be in compliant packaging, which is child-resistant, re-sealable and tamper evident.

The facility operates on a continual harvest schedule. This means that all cycles of operation are happening on an ongoing basis, odor emitting activities are limited to late flower, harvesting and trimming. Flowering and harvesting occur in the greenhouses, trimming occurs in the greenhouse. Drying and curing occur in enclosed areas that are not open to the outside environment. The odor control system covers the entire property including the greenhouses.

The Byers Scientific Industrial Odor Management technology Ecosorb 607 is a broad spectrum odor neutralizer. It is a blend of essential oils, food grade surfactants, and purified water and is designed to be delivered in vapor phase using BS&M's patent-pending technology. Ecosorb 607 is a highly effective and proven deodorizer at use in landfills, compost facilities, waste-water and treatment plants. Additionally Ecosorb 607 has been subject to extensive public health and

safety studies by third party scientific consultants and demonstrated to pose no public health concerns.

Refer to the attached Odor Abatement Plan certified by Marc Byers, with Byers Scientific, for more information.

The following individual/local contact will be responsible for responding to odor complaints by telephone on a 24-hour basis.

Philip van Spronsen  
Senior Manager, Maintenance  
[philip@glasshousefarms.org](mailto:philip@glasshousefarms.org)  
cell: 805-707-4448



Magu will provide property owners and residents of property located within 1,000 feet of the proposed site with the contact information above. Magu will immediately notify the County of any changes to the local contact. Magu will notify the County of any complaints received within 24 hours.

Odor will be abated through installation and maintenance of comprehensive and effective charcoal air scrubbers throughout the perimeter of all buildings/structures including greenhouses. Vapor phase systems are proven highly effective in preventing and mitigating cannabis odors, and are an industry best practice. This technology is used to abate odors from other industries such as waste water treatment plants, solid waste, composting facilities and other agriculture. The vapor phase system absorbs, reacts, and removes odors without masking.

We are committed to transparency with the public and the County and will post our contact information on our website, to increase the communities direct access to our maintenance manager. This will facilitate an expeditious response to any odor complaints.

Van Spronsen will receive training from Byers Scientific (the vapor phase system supplier) to ensure he is well versed on the best use and maintenance of the technology.

Below are our odor complaint response procedures:

1. Receive and log/record complaint date, time, details and complainant;
2. Identify the source of the complaint;
3. Check to make sure all product is properly stored in air-tight containers and bags in climate controlled storage rooms;
4. Verify the integrity of the vapor phase system;
5. Activate back-up system as necessary;
6. Log odor complaint mitigation;
7. Communicate back to the source of the complaint that the odor source has been mitigated;



8. Evaluate existing systems, procedures and technologies to ensure the issue does not repeat itself.

All odor complaints received will be responded to within one hour of the time the initial call was made and a corrective action shall commence within 2 hours of the initial call.

Magu will provide the odor tracking system records to the County upon inspections or request and maintain the records for a minimum of 5 years.

Magu will allow the County access to the site at all times, without notice, for the purposes of inspecting odor mitigation practices, odor sources, and complaint tracking system records.

#### Signage

Magu is not proposing any signs at this time.

#### Tree and Habitat Protection wildlife movement plan

Magu is not proposing to remove native vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special status wildlife species, nesting bird, or federal or state listed special status plant species. Magu is not proposing to prune, damage or remove any native trees, or to locate cannabis activities in or near wildlife movement areas.

#### Compliance with Water Efficiency Standards

Magu is proposing water-conservation features including:

1. Evaporative barriers on exposed soils and pot
2. Rainwater capture and reuse
3. Recirculated irrigation water (zero waste)
4. Timed drip irrigation
5. Soil moisture monitors; and
6. Use of recycled water.

- Irrigation plan

- We will be utilizing a fully integrated environmental control system (Priva) that will control the irrigation process. Priva will communicate with soil monitors that read the pH and moisture levels of the soil and applies water and nutrients accordingly.
  - Under normal conditions this will result in several small feedings throughout the course of a day, greatly reducing excess run off.

- Plant runoff and recapture plan

- Each rolling bench (growing platform) will be set up to collect and divert all plant runoff into an underground cistern tank in each greenhouse. All five tanks will pump the runoff to a centralized location to begin the treatment process.

- The first part of the treatment process will remove any foreign debris. Once the water is free of all debris it will be sterilized. Once the sterilization process is completed the water will be blended back in during feedings utilizing Priva's pre-EC controlling abilities.
- Rainwater capture and reuse
  - Each building on site utilizes a concrete aqueduct on three sides of each building in conjunction with gutters and downspouts to return clean rain runoff to a centralized point.

#### Site Transportation Demand Management Plan

All greenhouse employees and contractors will be transported to the project site during regular operations by CalVans (<https://calvans.org>). Shared parking areas for rideshare participants will be available on site. The number of laborers per working day (M-F) is expected to be between 40-50, depending on grow cycle with hours of operation between 6:00AM – 3:30PM.

Distribution of product off site will occur on average 1.5x per day in a 'Sprinter' type van.

#### Records

Magu will maintain clear and adequate records and documentation in accordance with State law, the State's track and trace program, and demonstrate that all cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. Magu will use Trellis, track and trace system, which is compatible with Metric. All records will be maintained for 5 years and subject to review, inspection, examination and audit by the County of Santa Barbara.

- END



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Central Coast Regional Water Quality Control Board**

November 27, 2018

CANNABIS REGULATORY PROGRAM  
3\_42CC405793

K&G Flowers LLC  
Graham Farrar  
3561 Foothill Road  
Carpinteria, CA 93013  
Email: [graham@kgflowers.com](mailto:graham@kgflowers.com)

Magu Farm LLC  
Graham Farrar  
1072 Casitas Pass Road 309  
Carpinteria, CA 93013  
Email: [graham@glasshousefarms.org](mailto:graham@glasshousefarms.org)

Si necesita ayuda en español llame al  
(805) 549-3881  
如果協助必要用中文, 請叫  
(805) 542-4648

**Via Electronic Mail Only**

Dear Responsible Party:

**NOTICE OF APPLICABILITY, WATER QUALITY ORDER WQ-2017-0023-DWQ, K&G FLOWERS LLC, SANTA BARBARA COUNTY**

Site Name:	K&G Flowers
Site Address:	3561 Foothill Road, Carpinteria, CA 93013
APN(s):	005-280-040

K&G Flowers LLC (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) online portal on October 26, 2018, for discharges of waste associated with cannabis cultivation related activities. The Discharger self-certifies that the cannabis cultivation activities are consistent with the requirements of the State Water Board's *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy) and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharger identification (WDID) number 3\_42CC405793.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA).

DR. JEAN-PIERRE WOLFF, CHAIR | JOHN M. ROBERTSON, EXECUTIVE OFFICER

895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401 | [www.waterboards.ca.gov/centralcoast](http://www.waterboards.ca.gov/centralcoast)

## 1. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than or equal to 1 acre (43,560 square feet), no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation is greater than 1 acre.

Therefore, the cannabis cultivation activities are classified as Tier 2, low risk.

## 2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable best practicable treatment or control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period following their enrollment date shall submit to the Central Coast Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Central Coast Water Board in developing a compliance schedule as described in Attachment A of the General Order.

## 3. TECHNICAL REPORT REQUIREMENTS

The following technical reports shall be submitted by the Discharger as described below:

1. A *Site Management Plan*, by January 23, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Management Plan*.
2. A *Nitrogen Management Plan* must be submitted by January 23, 2019, consistent with the requirements of General Order Provision C.1.d., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Nitrogen Management Plan*.
3. A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

Technical reports shall be submitted electronically to the Central Coast Regional Water Board office at the following email address: [CentralCoast.Cannabis@waterboards.ca.gov](mailto:CentralCoast.Cannabis@waterboards.ca.gov) and shall include "Cannabis General Order" in the email subject line and your WDID Number and the Cannabis General Order Application Number.

## 4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement.

Annual reports shall be submitted to the Central Coast Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Central Coast Water Board's Executive Officer, the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

## 5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2, low risk with the current annual fee assessed at \$1000. The fee is due and payable on an annual basis until coverage under this General Order is formally terminated. You will receive an annual invoice. To terminate coverage, the Discharger must submit a Notice of Termination, including a *Site Closure Report* at least 90 days prior to termination of activities and include a final MRP report.

## 6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Central Coast Water Board reserves the right to inspect the site before approving an NOT. Attachment C includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

If the Discharger cannot comply with the General Order or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the Central Coast Water Board staff contact by telephone at (805) 549-6194 so that a site-specific compliance schedule can be developed.

All monitoring reports, submittals, discharge notifications, and questions regarding compliance and enforcement should be directed to James Bishop at [CentralCoast.Cannabis@waterboards.ca.gov](mailto:CentralCoast.Cannabis@waterboards.ca.gov) or (805) 594-6194.

Sincerely,

for John M. Robertson  
Executive Officer

ECM #: 849233  
R:\RB3\Shared\Cannabis\Applications\Santa Barbara County\K&G Flowers LLC 405793\NOA\_2L\_K&G Flowers LLC\_405793.pdf

cc: Kevin Porzio, State Water Resources Control Board, Sacramento  
[dwq.cannabis@waterboards.ca.gov](mailto:dwq.cannabis@waterboards.ca.gov)

Jeff Theimer; [graham@glasshousefarms.org](mailto:graham@glasshousefarms.org)

Dennis Bozanich, County of Santa Barbara, Executive Branch,  
[dbozanich@countyofsb.org](mailto:dbozanich@countyofsb.org)

James Bishop, Central Coast Regional Water Quality Control Board,  
[James.Bishop@waterboards.ca.gov](mailto:James.Bishop@waterboards.ca.gov)

Arwen Wyatt-Mair, Central Coast Regional Water Quality Control Board,  
[Arwen.wyattmair@waterboards.ca.gov](mailto:Arwen.wyattmair@waterboards.ca.gov)



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Central Coast Regional Water Quality Control Board**

July 17, 2018

CANNABIS REGULATORY PROGRAM  
3\_42CC403040

G&K Produce, LLC  
Graham Farrar  
1072 Casitas Pass Road 309  
Carpinteria, CA 93013  
Email: [graham@glasshousefarms.org](mailto:graham@glasshousefarms.org)

Magu Farm LLC  
Graham Farrar  
1072 Casitas Pass Road 309  
Carpinteria, CA 93013  
Email: [graham@glasshousefarms.org](mailto:graham@glasshousefarms.org)

Si necesita ayuda en español llame al  
(805) 549-3881  
如果協助必要用中文，請叫  
(805) 542-4648

*Via Electronic Mail Only*

Dear Responsible Party:

**NOTICE OF APPLICABILITY, WATER QUALITY ORDER WQ-2017-0023-DWQ, G&K PRODUCE, LLC, SANTA BARBARA COUNTY**

Site Name:	Glasshouse Padaro
Site Address:	3561 Foothill Road, Carpinteria, CA 93013
APN(s):	005-280-040

G&K Produce (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) online portal on June 22, 2018, for discharges of waste associated with cannabis cultivation related activities. The Discharger self-certifies that the cannabis cultivation activities are consistent with the requirements of the State Water Board's *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy) and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharger identification (WDID) number 3\_42CC403040.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA).

DR. JEAN-PIERRE WOLFF, CHAIR | JOHN M. ROBERTSON, EXECUTIVE OFFICER

895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401 | [www.waterboards.ca.gov/centralcoast](http://www.waterboards.ca.gov/centralcoast)

## 1. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger states that the cannabis cultivation activities occur within a structure with a permanent roof and a permanent, relatively impermeable floor (e.g., concrete or asphalt paved) and that all hydroponic/industrial wastewaters generated are discharged to a community sewer system in compliance with the sewer system requirements. Therefore, the cultivation activity is consistent with the requirements of the General Order's conditional waiver.

Therefore, the cannabis cultivation activities are classified as conditionally exempt and meet the requirements of the Waiver.

## 2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable best practicable treatment or control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period following their enrollment date shall submit to the Central Coast Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Central Coast Water Board in developing a compliance schedule as described in Attachment A of the General Order.

## 3. TECHNICAL REPORT REQUIREMENTS

The following technical reports shall be submitted by the Discharger as described below:

*A Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the Conditional Waiver. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

Technical reports shall be submitted electronically to the Central Coast Regional Water Board office at the following email address: [CentralCoast.Cannabis@waterboards.ca.gov](mailto:CentralCoast.Cannabis@waterboards.ca.gov) and shall include "Cannabis General Order" in the email subject line and your WDID Number and the Cannabis General Order Application Number.

## 4. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Central Coast Water Board reserves the right to inspect the site before approving an NOT. Attachment C includes the NOT



form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

If the Discharger cannot comply with the General Order or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the Central Coast Water Board staff contact by telephone at (805) 549-3159 so that a site-specific compliance schedule can be developed.

All monitoring reports, submittals, discharge notifications, and questions regarding compliance and enforcement should be directed to Leah Lemoine at [CentralCoast.Cannabis@waterboards.ca.gov](mailto:CentralCoast.Cannabis@waterboards.ca.gov) or (805) 549-3159.

Sincerely,



Digitally signed by Harvey C.  
Packard

Date: 2018.07.17 07:51:47 -07'00'

for John M. Robertson  
Executive Officer

ECM #: 848425

R:\RB3\Shared\Cannabis\Applications\Santa Barbara County\G&K Produce 403040\NOA\_Waiver\_G&K  
Produce\_403040.pdf

cc: Kevin Porzio, State Water Resources Control Board, Sacramento  
[dwq.cannabis@waterboards.ca.gov](mailto:dwq.cannabis@waterboards.ca.gov)

California Strategies, [eweber@calstrat.com](mailto:eweber@calstrat.com)

Dennis Bozanich, County of Santa Barbara, Executive Branch,  
[dbozanich@countyofsb.org](mailto:dbozanich@countyofsb.org)

Leah Lemoine, Central Coast Regional Water Quality Control Board,  
[leah.lemoine@waterboards.ca.gov](mailto:leah.lemoine@waterboards.ca.gov)

Arwen Wyatt-Mair, Central Coast Regional Water Quality Control Board,  
[Arwen.wyattmair@waterboards.ca.gov](mailto:Arwen.wyattmair@waterboards.ca.gov)



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



October 15, 2018

Graham Farrar  
K&G Flowers  
1072 Casitas Pass Road, Box 309  
Carpinteria, CA 93013  
[Graham@kgflowers.com](mailto:Graham@kgflowers.com)

Dear Mr. Farrar:

**No Lake or Streambed Alteration Agreement Needed  
Notification No. 1600-2018-0230-R5  
K&G Flowers**

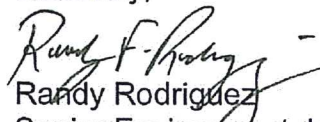
The California Department of Fish and Wildlife (CDFW) has reviewed your Lake or Streambed Alteration (LSA) Notification (Notification). We have determined that your project is subject to the Notification requirement in Fish and Game Code section 1602, including payment of the Notification fee.

CDFW has also determined that your project will not substantially adversely affect an existing fish or wildlife resource. Accordingly, you will not need a LSA agreement for your project. You are responsible for complying with all applicable local, state, and federal laws in completing your work. A copy of this letter and your Notification (with all attachments) should always be retained and accessible at the work site.

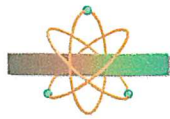
Please note, if you change your project so that it differs materially from the project you described in your original Notification you will need to submit a new Notification and corresponding fee to CDFW.

Thank you for notifying us of your project. If you have questions regarding this letter, please contact Brock Warmuth, Environmental Scientist, at (805) 962-4698 or by e-mail at [brock.warmuth@wildlife.ca.gov](mailto:brock.warmuth@wildlife.ca.gov).

Sincerely,

  
Randy Rodriguez  
Senior Environmental Scientist (Supervisory)

ec: CDFW  
Kevin Hupf, Sr. ES Specialist-San Diego  
Brock Warmuth, ES-Santa Barbara

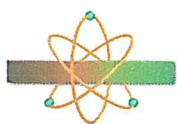


## WATERLESS VAPOR-PHASE SYSTEM FOR ODOR CONTROL



### KEY FEATURES:

- Patent-pending Uniform Vapor-Distribution Technology ensures that a consistent and controllable level of product is dispersed via the perimeter piping
- Remote monitoring 24/7 by Byers Scientific staff on status of all machine operating parameters
- Rugged weather resistant enclosure capable of withstanding prolonged exposure to wind, rain and other elements
- UL Listed control panel is designed for site specific electrical requirements (e.g. 480 VAC, 3 Phase)
- Air filter replacement can be done safely from outside, no need to open/unlock door
- Product reservoir tank provides up to three weeks of uninterrupted operation before needing refill
- Key personnel receive email/SMS text notifications alerting of machine needs such as low tank level or air filter replacement
- Operational data are logged to provide evidence of compliance to local/state/federal agencies
- Optional weather station fully integrated with SCADA system available
- Utilizes Ecosorb® 607, a proprietary blend from OMI Industries that is specifically formulated for use in BS&M equipment
- Each system is custom designed and engineered for a client's site-specific characteristics
- Interior access via lockable 120-degree angle, gas assisted door for general machine maintenance such as product tank filling



# ECOSORB® 607 TECHNICAL DATA SHEET



Ecosorb® 607 is a broad spectrum odor neutralizer formulated by OMI Industries specifically for Byers Scientific & Manufacturing. The product is a blend of essential oils, food grade surfactants, and purified water and is designed to be delivered in vapor phase using BS&M's patent-pending technology. Ecosorb® 607 is a highly effective and proven deodorizer at use in landfills, compost facilities, waste-water treatment plants and numerous other applications across the United States and Canada. Additionally, Ecosorb® 607 has been subject to extensive public health and safety studies by 3rd party scientific consultants and demonstrated to pose no public health concerns.

## FEATURES

- True odor neutralized
- Biodegradable and non-toxic
- Environmentally friendly
- No measurable flash point
- Scientifically proven

## ADVANTAGES

- Absorbs, reacts, and removes odors without masking
- Usually no permits required
- Safe for employees and neighbors
- Safe for all environments
- It performs as advertised

## PHYSICAL PROPERTIES

pH:	~6.2 (see note below)
Specific Gravity:	~0.99
Boiling point:	~208° F
Appearance:	Milky White
Odor:	Slight Citrus

pH note: Ecosorb® 607 is made with purified water therefore having little ionic activity. Common pH instruments that measure ionic activity can give false low readings in the pH 4 range.

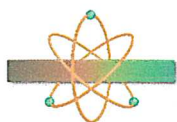
## HMIS CLASSIFICATION

Health: 0      Flammability: 0      Reactivity: 0      Protective Equipment: B

## ALL INGREDIENTS CAN BE FOUND LISTED ON THE FOLLOWING CHEMICAL SUBSTANCE INVENTORIES:

United States:	TSCA
Canadian:	DSL
European:	EINECS
Australian:	AICS

*Ecosorb® is a trademark of OMI Industries*



# ECOSORB® 607 TECHNICAL DATA SHEET



## HANDLING AND PACKAGING

Ecosorb® 607 is shipped in HDPE containers. It is recommended that the product be stored in HDPE, polypropylene or stainless steel containers. Storage containers should be kept tightly sealed, long term exposure to ambient air can affect the product and it will attract airborne particulates. During storage it should not be subjected below 35° F or above 85° F. Allowing the product to freeze is especially damaging and will disrupt the emulsion. Extended exposure to higher temperatures may cause separation, but the emulsion can be restored through agitation or mixing. The product does not burn.

## DISPOSAL AND CLEANUP

Wash with water or soap and water. The product is not hazardous to humans, animals, or the environment and can be disposed of by flushing down a drain.

## CONTAINERS

Ecosorb® 607 is available in the following sizes:

- 5 Gallon Pails
- 55 Gallon Drums
- 275 Gallon Containers

## EXCLUSIVE DISTRIBUTOR OF ECOSORB® 607

Ecosorb® *Remarkably effective. Surprisingly simple.*



One Corporate Drive, Suite 100  
Long Grove, IL 60047, USA  
Phone: 800.662.6367 Fax: 847.304.0989  
[www.omi-industries.com](http://www.omi-industries.com)

Ecosorb® is a trademark of OMI Industries

# **Exhibit F**

ORIGINAL RESEARCH

# Terpenes and Terpenoids in Chemical Sensitivity

William J. Rea, MD, FACS, FAAEM; Carolina Restrepo, MD; Yaqin Pan, MD

## ABSTRACT

**Context** • Terpenes and terpenoids are a diverse class of organic compounds produced by a variety of plants, particularly conifers. Chemically sensitive patients can be targeted by terpenes and terpenoids, resulting in a triggering of symptoms and pathology. Often patients cannot clear their symptoms from exposure to chemicals unless terpenes and terpenoids are avoided and neutralized along with chemical avoidance and treatment.

**Objective** • This article evaluates the presence, diagnosis, and treatment of terpenes exposure in chemically sensitive patients.

**Design** • A double-blind, placebo-controlled, 2-part study was designed to establish the chemically sensitive state of the patients in part 1, followed by a second set of challenges to determine each patient's concurrent sensitivity to terpenes and terpenoids in part 2. In all of the challenges, normal saline was used as a control. A case report illustrates the history of 1 patient and describes the authors' treatment methods.

**Setting** • The study was developed and conducted at the Environmental Health Center of Dallas (EHC-D) because the environment within the center is 5 times less polluted than the surrounding environments, as determined by quantitative air analysis and particulate counts.

**Participants** • A total of 45 chemically sensitive patients at EHC-D with odor sensitivity to terpenes. The cohort included 18 males and 27 females, aged 24-62 y.

**Intervention** • Patients were deadapted (4 d) and evaluated in a 5-times-less-polluted environment, which was evaluated using air analysis and particulate counts. After

deadaptation, the patients were challenged by inhalation in a controlled, less-polluted glass steel booth inside an environmentally controlled room with an ambient air dose of the toxics in the order of parts per billion (PPB) and parts per million (PPM). These toxics included formaldehyde, pesticide, cigarette smoke, ethanol, phenol, chlorine, newsprint, perfume, and placebo. They were also challenged intradermally with extracts of volatile organic compounds (VOCs), including formaldehyde, orris root, ethanol, phenol, cigarette smoke, chlorine, newsprint, perfume, terpenes, terpenoids, and placebo.

**Outcome Measures** • Inhaled challenges recorded pulse, blood pressure, peak bronchial flow, and other signs and symptoms 30 min before and at 15-min intervals for 2 h postchallenge. Intradermal challenges recorded wheal size and the provocation of signs and symptoms.

**Results** • Different numbers of patients were tested for each terpenes source because of time-related factors or the cumulative effect of testing, which made patients unable to continue. Of 45 chemically sensitive patients in the study, 43 demonstrated sensitivity to terpenes.

**Conclusions** • This particular patient group was positive for a number of toxic and nontoxic chemicals provoking their symptoms. This study shows there was a connection between VOCs, other chemicals, and terpenes in chemically sensitive patients in a prospective cohort study. It has also shown the potential for terpenes to exacerbate symptoms of chemical sensitivity. Further research on this topic is recommended. (*Altern Ther Health Med.* 2015;21(4):12-17.)

**William J. Rea, MD, FACS, FAAEM, is president, founder, and director; Carolina Restrepo, MD, is a fellow; and Yaqin Pan, MD, works in research and development. All are located at the Environmental Health Center in Dallas, Texas.**

Corresponding author: William J. Rea, MD, FACS, FAAEM  
E-mail address: [wjr@ehcd.com](mailto:wjr@ehcd.com)

While diagnosing and treating chemically sensitive patients at the Environmental Health Center of Dallas (EHC-D) under less polluted conditions, the authors observed some patients complain that the odor of plants (terpenes) caused their chemical sensitivity to exacerbate and manifest by spontaneous bruising, petechia, edema, acne, or inability to walk a straight line with eyes open or closed. These patients' chemical sensitivity could not be controlled until the odors were recognized and then eliminated or neutralized by injection.

Terpenes and terpenoids are 2 of the most common natural incitants involved in chemical sensitivity, along with toxic chemicals such as natural gas, pesticides, herbicides, volatile organic chemicals, and metals. Terpenes are a class of natural hydrocarbons having a relationship to isoprenes, which are building blocks of natural substances. Isoprene consists of 5 carbon atoms attached to 8 hydrogen atoms ( $C_5H_8$ ).<sup>1</sup> The most common isoprene is 2-methyl-1,3-butadiene, which was found in the breath analysis of the patients by Guenther et al.<sup>2</sup> Terpenoids are an oxygenated derivative of hydrocarbons or new compounds structurally related to isoprene. More than 5000 structurally determinate terpenes are known. Terpenes have an odor that appears to be pleasant to normal people but is toxic to chemically sensitive patients.<sup>3</sup> The odors of pine or cedar are examples of natural terpenes that can trigger many reactions in the body, including all the major systems, as seen in the authors' series of patients. Not only are the terpenes released from natural plants such as pine, cedar, hogwort, juniper, eucalyptus, and camphor, or natural plant derivatives, such as turpentine, but they are in the air from oil refineries, natural rubber factories, and isopentenyl pyrophosphate and dimethylallyl pyrophosphate factories.

Isoprenes are emitted in almost equivalent quantities as fumes from plants as methane gas is from the earth, accounting for almost one-third of all natural hydrocarbons released into the atmosphere.<sup>2</sup> Chemically sensitive patients can be targeted by terpenes and terpenoids resulting in triggering of symptoms and pathology, just as toxic chemicals do. Often chemical avoidance and treatment do not clear these patients' symptoms until they have been treated by elimination and intradermal neutralization of terpenes.

Camphor is a terpenoid known as 1,7,7-trimethylbicyclo(2.2.1)heptan-2, with the chemical formula  $C_{10}H_{16}O$ . It is found in the wood of the camphor laurel *Cinnamomum camphora*, a large evergreen tree very common in California and the southern United States.<sup>1</sup> Camphor contains volatile chemical compounds in all plant parts. Camphor has 6 chemical variants including (1) camphor; (2) linalool; (3) 1,8-cineole; (4) nerolidol; (5) safrole; and (6) borneol. Another common source is synthetic disinfectants.

## MATERIALS AND METHODS

### Participants

The cohort was composed of 45 patients at EHC-D who demonstrated chemical sensitivity to ambient doses of chemicals such as natural gas, pesticides, formaldehyde,

phenol, chlorine, cigarette smoke, newsprint, and/or ethanol. In addition, each of the participants also complained of terpene sensitivity, particularly the odors of pine, mountain cedar, ragweed, hogwort, eucalyptus, and mint, as well as natural rubber. Even though they avoided exposure to and the authors retreated for the chemicals, the participants remained ill because of their sensitivity to the odors of the terpenes, which persisted 365 days per year. The cohort included 18 males and 27 females, aged 24 to 62 years.

### Setting

The study was developed and conducted at the Environmental Health Center of Dallas (EHC-D) because of the less polluted environment, as determined by quantitative air analysis and particulate counts. EHC-D was designed to minimize chemical and particulate emissions. Surfaces and structural materials of copper, porcelain, steel, aluminum, and glass were used for this reason. A recirculating ventilation system was used to prevent outside air toxics from entering. High-quality, charcoal, paper, and steel filters were used in the ventilation system to shield patients from fumes of any outgassing, extraneous gasses, and extraneous particulates that entered. Employees and patients were also not allowed to use any chemicals including perfume and scented cosmetics inside the facility. The resulting environment within EHC-D is 5 times less polluted than the environment outside the facility.

The air was evaluated for pollutants at the EHC-D and quantified on a daily basis with standard tests that identify fine particulate matter (10 parts per billion [PPB], 2.5 PPB), sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone, pollen, mold, benzene, arsenic, cadmium, polycyclic aromatic hydrocarbons,<sup>4</sup> and others. Using the same air pollutant tests, the results were compared with other areas of the building that were not designed and ventilated in the same manner. The air within the clinic was free of pesticides, solvents, and terpenes.

### Design

The study was divided into 2 parts, both conducted within the less-polluted environment of the EHC-D. Double-blind procedure was employed for both parts, using normal saline as a placebo.

A chemically sensitive cohort of 45 patients exhibiting odor sensitivity to terpenes and terpenoids was evaluated under less-polluted, environmentally controlled conditions for diagnosis and treatment. These patients lived in a specially designed, 5-times-less polluted, environmentally controlled wing of the hospital or outpatient living facility, as determined by air analysis and particulate count. They were deadapted by fasting for 4 days. Their total burden of toxics was reduced as they eliminated some chemicals and particles from their bodies while reducing intake by breathing less-polluted air and ingesting no food. During deadaptation, they also became extremely aware of ambient odors.

The first challenge was an ambient dose of inhaled chemicals in a glass steel booth inside an environmentally controlled room. Ambient doses in the order of PPB were



**Table 1.** Double-blind Inhalant Challenge of Ambient Chemicals in 45 Terpene-sensitive Patients With Chemical Sensitivity in a Less-polluted Room of the Less-polluted Wing at EHC-D

Chemical	Tested (N)	Positive (n)	% Positive	Dosage (PPM)
Perfume	45	45	100.0	Ambient
Newsprint	40	40	100.0	Ambient
Pesticides	21	18	85.7	<0.0034
Formaldehyde	18	15	83.3	<0.20
Cigarette smoke	42	35	83.3	Ambient
Ethanol	21	16	76.2	<0.50
Phenol	22	15	68.2	<0.20
Chlorine	23	12	52.2	<0.33
Placebo	45	0	0.0	Normal saline

Abbreviations: EHC-D, Environmental Health Center of Dallas; PPM, parts per million.

**Table 2.** Double-blind, Intradermal Challenge of Ambient Chemicals in 45 Terpene-sensitive Patients With Chemical Sensitivity

Chemical	Tested (N)	Positive (n)	% Positive	Dosage (PPM)
Formaldehyde	18	18	100.0	<0.20
Orris root	42	40	95.2	0.05
Ethanol	41	35	85.4	<0.50
Cigarette smoke	42	35	83.3	0.05
Newsprint	39	28	71.8	0.05
Perfume	39	26	66.7	0.85
Phenol	17	9	52.9	<0.20
Chlorine	11	6	54.5	<0.33
Placebo	45	0	0.0	Normal saline

Abbreviation: PPM, parts per million.

obtained by setting each chemical in an open glass container inside the booth for 10 minutes. Patients were challenged with perfume, newsprint, pesticides, formaldehyde, cigarette smoke, ethanol, phenol, chlorine, and placebo to prove their chemical sensitivity. Patients had pulse, blood pressure, peak bronchial flow, and other signs and symptoms recorded 30 minutes before and at 15-minute intervals for 2 hours postchallenge. The second challenge in part 1 was an intradermal provocation challenge in the environmentally controlled room. Patients were challenged with formaldehyde, orris root, ethanol, cigarette smoke, newsprint, perfume, phenol, chlorine, and placebo. Each intradermal test was measured for wheal size and the provocation of signs and symptoms.

In part 2, the intradermal challenge conditions of part 1 were replicated and the challenges consisted of pine, trees, ragweed, mountain cedar, grass, and placebo. Each intradermal test was, again, measured for wheal size and the provocation of signs and symptoms.

**RESULTS**

The patients of this series were positive for numerous chemicals, toxic and nontoxic, establishing the chemical sensitivity when challenged in the deadapted state in a less-polluted, specially designed, controlled environment. They were also proven sensitive to the terpenes by intradermal challenge, confirming these patients' responses to the odors of pine, cedar, grass, tree, ragweed, and mountain cedar terpenes.

Different numbers of patients were tested for each toxin or terpenes because of time-related factors, such as patients who had to leave with other obligations or the cumulative

effect of testing, which made patients unable to continue. The group of patients tested in the inhalant challenge (Table 1) was significantly sensitive to perfume (100%), newsprint (100%), pesticide (85.7%), formaldehyde (83.3%), cigarette smoke (83.3%), ethanol (76.2%), phenol (68.2%), and chlorine (52.2%), whereas the intradermal challenge was significant for formaldehyde (100%), orris root (95.2%), and ethanol (85.4%). Cigarette smoke (83.3%) showed similar results in both intradermal and inhalant challenges. The intradermal challenge of terpenoids and terpenes (Table 2) showed a significantly high percentage of patients sensitive to pine (60.5%), trees (38.9%), ragweed (27.8%), mountain cedar (18.9%), and grass (8.1%). None of the patients reacted to the placebo (normal saline) in the inhalant or intradermal challenges in part 1 of the study.

In part 2, the terpenes intradermal challenges (Table 3) showed 23 of 38 (60.5%) patients were sensitive to pine terpenes, 14 of 36 (38.9%) were sensitive to tree terpenes, 10 of 36 (27.8%) were sensitive to ragweed terpenes, 7 of 37 (18.9%) were sensitive to mountain cedar terpenes, and 3 of 37 (8.1%) were sensitive to grass terpenes; therefore, it was established that these patients were not only sensitive to toxic chemicals but also the odor of plant terpenes. None of the patients reacted to the placebo (normal saline) in the intradermal challenge in part 2 of the study. The results show that 43 of 45 (95.6%) chemically sensitive patients were sensitive to terpenes.

Patient management included massive avoidance of pollutants, including terpenes in the air; oxygen therapy (4-8 L/min of oxygen for 2 h/d for 18 d); intradermal immunotherapy (consisting of histamine 05/5 dilution [1:3000] 4 times/d using a dose of 0.10 cm<sup>3</sup>);

**Table 3.** Double-blind Intradermal Challenge of Sensitivity to Various Types of Terpenes and Terpenoids

Terpenes and Terpenoids	Tested (N)	Positive (n)	% Positive	Dosage (PPB)
Pine	38	23	60.5	0.05
Trees	36	14	38.9	0.05
Ragweed	36	10	27.8	0.05
Mountain cedar	37	7	18.9	0.05
Grass	37	3	8.1	0.05
Placebo	38	0	0	Normal saline

Abbreviation: PPB, parts per billion.

serotonin (0.05/4 dilution 4 times/d using a dose 0.10 cm<sup>3</sup>); capsaicin (0.05/4 dilution using a dose of 0.10 cm<sup>3</sup> every 4 d); and terpenes antigens (0.05/3-0.05/6 dilution every 4 d). Intradermal treatment for terpenes and terpenoids was done with optimum testing doses including pine, trees, grass, ragweed, and mountain cedar terpenes. The patients did well with treatment and 43 of 45 improved their symptoms as a result.

**CASE REPORT**

A 71-year-old, white female teacher with a history of chronic anemia came to EHC-D with the complaint of a 25-year history of frontal headache, described as a sharp band of pain that was episodic, presenting 2 to 3 times per week for approximately 20 minutes. Spontaneous exacerbations and remissions had occurred in the prior several years, particularly during the winter. She also reported tinnitus, tingling, numbness, and paresthesias that were related to episodes of dyspnea, epistaxis, nasal discharge, postnasal drip, eye itch, wheezing, and cough.

She had been treated with a variety of medication and had a medical history of chronic sinusitis, anemia, hypothyroidism, hypercholesterolemia, small-calcified intramural leiomyomas, ovarian cysts, and irritable bowel syndrome. No surgery or hospitalization had occurred.

The patient had a history of hypersensitivity to trees, including mountain cedar and pecan trees, and to grasses including Bermuda, Johnson, and Timothy grasses. Her symptoms were triggered by the odor of pine and cedar trees 365 days per year. She smelled a strange odor each time she walked into the house, which had been built in 1968 in a pine/cedar forest, with the interior of the house made primarily of pine and cedar. Table 4 shows test results and evaluation of her house related to an indoor air sample taken on November 11, 2013. The sample was analyzed for the presence of volatile organic compounds (VOCs) and aldehydes, including terpenes and camphor.

This patient was proven to have chemical sensitivity by inhaled challenge and intradermal provocations. When a breath analysis was performed, the patient had levels of

**Table 4.** VOC Air Analysis<sup>a</sup> in House of Participant as Described in Case Report

Chemical	Patients House Interior	Normal House (Control)
Acetic acid	15 PPB	6.1 PPBV
α-Pinene	2 PPB	0.4 PPBV
β-Pinene	1 PPB	0.2 PPBV
Acetic acid, ethyl ester	4 PPB	1.1 PPBV
Acetic acid, butyl ester	2 PPB	0.4 PPBV
Limonene	27 PPB	4.9 PPBV
4-Terpineol	1 PPB	0.2 PPBV
L-Camphor	14 PPB	2.3 PPBV
DDE <sup>b</sup>	2.86 PPB	0 PPB

Abbreviations: VOCs, volatile organic compounds; PPB, parts per billion; PPBV, parts per billion by volume; DDE, dichlorodiphenyldichloroethylene; DDT, dichlorodiphenyltrichloroethane; PPM, parts per million.

<sup>a</sup>Air analysis by Philips method: a detection of VOC in alveolar breath for the presence of chemicals by chromatography and mass spectrometry.<sup>5</sup>

<sup>b</sup>DDE is an organochlorine pesticide metabolite of DDT.<sup>6</sup> DDT is highly persistent in the environment, with a reported half-life of 50 y. Expected DDE levels are 0 PPM. Finding this substance is significant because it exposes suppresses levels of serum immunoglobulin and antibody titers.<sup>7</sup> It inhibits leucocytes and macrophage migration at the cellular level and increases chemical overload leading to hypersensitivity.

**Table 5.** Intradermal Neutralization Case Report

Intradermal Neutralization	Dosage
Antigen: pine terpene	0.5 cm <sup>3</sup> of the 1/0.25 dilution
Antigen: tree terpene	0.5 cm <sup>3</sup> of the 1/3000 dilution
Antigen: ragweed terpene	0.5 cm <sup>3</sup> of the 1/1.25 dilution
Antigen: mountain cedar terpene	0.5 cm <sup>3</sup> of the 1/3000 dilution
Antigen: grass terpene	0.5 cm <sup>3</sup> of the 1/1.25 dilution
Antigen: placebo	Normal saline

camphor, α-pinene, and acetic acid. She also had a positive inhaled provocation to α-pinene and acetic acid. She also had a positive intradermal provocation to α-pinene. Camphor and acetic acid were not tested because of the unavailability of these antigens.

The patient reduced her chemical load and used her available antigens for treatment (Table 5). She removed as much camphor from her house as possible. As a result, she became free of headaches and other symptoms for the first time in 28 years. She has since lived a vigorous life.

## DISCUSSION

This study found a relationship among the sensitivities to the terpenes of pine mountain cedar, tree terpenes, and airborne chemical pollutants. It has shown that a connection exists between VOCs and terpenes in chemically sensitive patients.<sup>8</sup>

The various chemicals and the terpenes acted on all patients based on their individual susceptibilities. Therefore, some had persistent responses to more terpenes than others or identified the chemicals that triggered each patient's symptoms as was illustrated in the case report.

The research team was particularly surprised by how camphor became airborne and apparently was made by the combination of acetic acid and odor from pine terpenes in the house. Camphor can be made in the air by a combination of acetic acid and pinene ( $\alpha$  and  $\beta$ ) and can be a significant factor in terpene sensitivity, a result that the current study found and that it is significant to chemical sensitivity. Camphor may have been in more houses than were reported in our study, but the patients did not report the distinct odor in their houses. Its significance should be observed in further evaluations.

Both chemicals and terpenes can be part of the chemical sensitivity and if the terpenes are ignored and not treated by elimination and intradermal neutralization, these types of chemical sensitivity patients will not improve.

By decreasing each patient's overload in combination with other substances such as pesticides and formaldehyde, 43 of 45 patients improved their symptoms with treatment. This result is attributed to the total decrease in body pollutant load from the controlled environment, the intradermal neutralization, and avoidance of chemicals and terpenes.

This phenomenon of mixed toxins occurring within a room's ambient air was unidentifiable until the effects of chemicals were eliminated by placing the patients in a less-polluted, controlled environment and allowing them to become deadapted. Then an individual's sensitivity to pollutant and terpenes could be seen as the patient was unmasked from the toxic environment and then was presented with individual challenges.

The current study's participants are among the first to report terpenes and terpenoid sensitivity among their triggering agents for chemical sensitivity. The authors do not know whether the participants' sensitivity to terpenes came first or followed the onset of the chemical sensitivity. Either is possible because the terpenes and terpenoids from plants

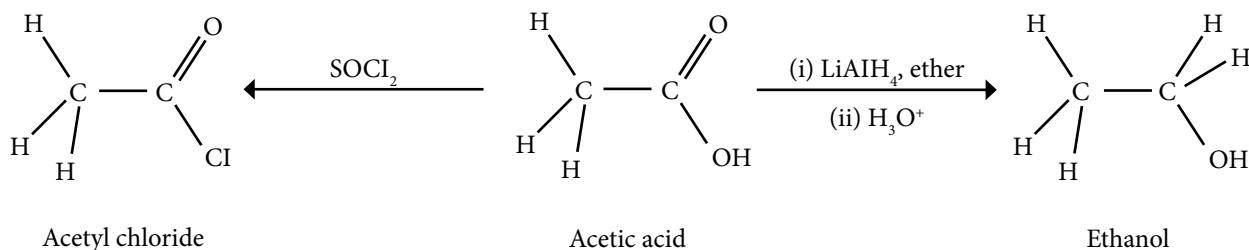
are as prevalent in ambient air within the outdoor environment as is methane gas, which is emitted from the earth<sup>2</sup> and is the number-one trigger, along with pesticides, of the chemically sensitive. These exposures could have occurred when the patients were living in a home that contains terpenes offgassed by the pine furniture,<sup>9</sup> flooring, or cabinetry; in a home that generated camphor when pine was combined with ambient acetic acid; or in a home in the midst of a terpene polluted forest.<sup>10</sup> It has been shown that VOCs, pesticides, and other toxins can disturb the cell membrane, allowing  $\text{Ca}^{++}$  and  $\text{Na}^+$  into the cell. When the  $\text{Ca}^{++}$  combines with protein kinases A and C and is phosphorylated, it can increase sensitivity by a factor of 1000.<sup>11</sup> This may be what happened to those patients who developed terpene sensitivity. Perhaps this mechanism explains both VOC and terpene sensitivity.

Because all of these studies were performed in a controlled, 5-times-less polluted environment and because 43 of 45 patients improved with initial and long-term treatment of not only the reduction of the total environmental toxic load but intradermal neutralization of the terpenes, our observations appear valid. Terpenes sensitivity exists and can be eliminated by avoidance and intradermal neutralization.

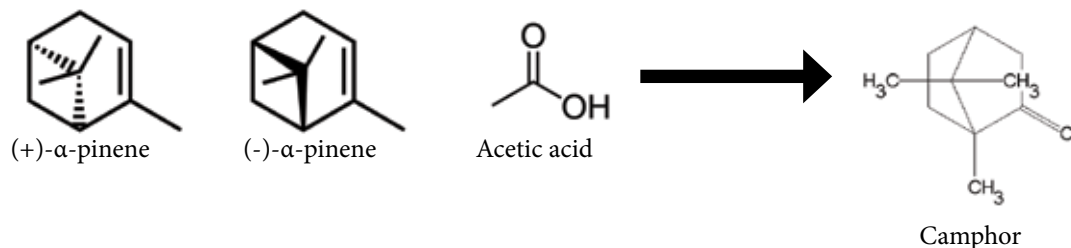
The case report emphasizes the complexity of the chemical exposure in the home as shown in Figure 1, where ethanol is made when one mixes acetic acid with other chemicals yielding ethanol or acetyl chloride. In our series ethanol was positive in 76.2% of patients by the inhalant challenge and in 85.4% of patients by intradermal challenge. The sensitivity from exposure could be from petrochemicals or combining acetic acid and terpenes, such as the formation of camphor (Figure 2).

The puzzling phenomenon in the current case study was the presence of camphor in the patient's home air and its significance in relationship to sensitivity. The majority of the camphor usually comes from camphor dermal applications.<sup>12-15</sup> What is unusual about the results of the current study is that the toxic camphor was in the indoor air of the case study patient's indoor air. Her symptoms had a strong ambient air association with camphor exposure; however, she had used no camphor. The ambient air apparently created or contained the camphor, probably by a combination of  $\alpha$ -pinene,  $\beta$ -pinene, and acetic acid, which is known for creating camphor, as shown in Table 4 and Figure 2.<sup>16,17</sup> Apparently the camphor in the air was enough to sensitize the patient.

**Figure 1.** Mixing acetyl chloride with acetic acid forms ethanol.



**Figure 2.** Mixing  $\alpha$ -pinene or  $\beta$ -pinene with acetic acid forms camphor.



## CONCLUSION

The current study is the first in which chemically sensitive and terpene sensitive patients were studied in a less-polluted, environmentally controlled area of the EHC-D clinic and hospital, revealing case data that contained information about low levels of VOCs and terpene sensitivity. The patients exhibited signs and symptoms from some of their exposures, which illustrated the response in the whole series of patients.

The study found a potential source of sensitivity to terpenes in pine, mountain cedar, and tree terpenes as air pollutants. A particular patient was discussed in the case study who showed a significant frequency of symptoms from chronic inhalant exposure to air in which camphor was made from a combination of  $\alpha$ - or  $\beta$ -pinene and acetic acid in her home's environment. The case study showed that camphor was toxic and compromised the patient's daily activities and exacerbated her chemical sensitivity. Further research on this topic is recommended.

The participants in the study showed positive responses to a number of toxic and nontoxic chemicals that provoked symptoms. This study has shown that a connection exists between VOCs, other chemicals, and terpenes in some chemically sensitive patients.

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# **Exhibit G**



**Santa Barbara County  
Air Pollution Control District**

Our Vision  Clean Air

February 27, 2019

Kimberley McCarthy  
Santa Barbara County  
Planning and Development  
624 W. Foster Road  
Santa Maria, CA 93455

**Re: APCD Incompleteness Items on Central Coast Agriculture LLC– Cannabis Cultivation, 19DVP-00000-00011**

Dear Kimberley McCarthy:

The Air Pollution Control District (APCD) has reviewed the referenced project, which consists of 48 acres of outdoor cannabis cultivation within hoop structures and validation of existing storage containers and an agricultural employee dwelling. The farm presently employs 60 workers which are shared with another agricultural operation at 8701 Santa Rosa Rd. The number of employees is not expected to change with approval of the DVP. The employees arrive at the 8701 Santa Rosa Rd. location and are then transported to this site. The site is served by an existing water well and no grading is required. This project does not require an Odor Abatement Plan under the County Cannabis Land Use Ordinance. The subject property, a 100.92-acre parcel, zoned AG-II-40, is identified in the Assessor Parcel Map Book as APN 083-150-013, and is located at 5645 Santa Rosa Road in the unincorporated area of Santa Maria.

**APCD finds the application to be incomplete and requires more information about the proposed project to determine potential air quality impacts, appropriate permit conditions for the proposed land use, and applicability of APCD permit requirements, prohibitory rules, and other regulatory programs such as the state's Distributed Generation Program.**

Please provide responses to the following items:

1. It appears that aspects of the proposed operation may be subject to APCD permit requirements. Please compile the information necessary to address the items below, and contact APCD Engineering Division to determine applicable permitting requirements. Contact information: David Harris, Engineering Division Supervisor, (805) 961-8824, [HarrisD@sbcapcd.org](mailto:HarrisD@sbcapcd.org).
  - a. Please provide a description of all existing and proposed combustion equipment that will be installed and/or operated onsite to support the proposed project. This could include large water heaters and boilers and engines to supply power to equipment, facilities, or operations (such as power to structures, water pumps, electric power generators). Please note that the County of Santa Barbara Cannabis Land Use Ordinance prohibits the use of generators for cultivation and manufacturing, except for temporary use in the event of a power outage or emergency. **For all existing and proposed combustion equipment, provide the sizing such as Btu rating or horsepower, fuel type, manufacturer specifications, the anticipated hours of fuel usage, and anticipated amount of fuel usage.**

- b. Please state whether any cannabis processing or manufacturing will be taking place onsite. For any proposed cannabis processing and/or manufacturing please describe in detail the processes, equipment, and end-product.
2. Please describe the existing and proposed electrical infrastructure on the property. Include a description of how power will be supplied to meet the electrical needs of all the existing and proposed land uses and structures on the property.
3. Please provide the expected trip generation as a result of the proposed project, including the expected average daily trips and trip types (e.g. worker commute trips, delivery trips/trucks, etc.).
4. Please provide an estimation of expected energy use, water use, and waste disposal. This information is necessary to quantify the long-term indirect greenhouse gas emissions generated by the project.

APCD staff has the following initial advisories on the project:

1. **CEQA Requirements/Environmental Analysis:** If the proposed project involves the installation and operation of equipment that would require an air district permit (e.g., for a boiler, engines for power generation, engines for water pumping, et cetera), then the APCD would be acting as a Responsible Agency under the California Environmental Quality Act (CEQA) and would rely on the project's environmental analysis when evaluating any APCD permits for proposed equipment. However, the project description does not contain enough information for APCD staff to determine whether this project will require any APCD permits and thus, whether the APCD is a Responsible Agency for this project.

If an APCD permit is required for any project equipment or operations, the project's environmental analysis should include the air pollutant emissions for all proposed equipment and activities to avoid additional CEQA documentation requirements related to APCD permit issuance.

2. **Odor Abatement:** This project has the potential to cause odor impacts because of the nature of the operation. Even though an Odor Abatement Plan is not required, the applicant should still design the project to minimize the potential for odor generation and public nuisance complaints through controls or abatement techniques.
3. **New Source Review:** If an APCD permit is required for any project equipment or operations, the APCD will evaluate the emissions from the project to determine whether any New Source Review requirements will apply.
4. **Health Risk:** If an APCD permit is required for any project equipment or operations and the project has the potential to emit toxic or hazardous air pollutants, as part of APCD permit issuance, the project may be required to prepare a Health Risk Assessment to determine the potential level of risk associated with proposed operations.
5. **Permit Timing:** The APCD permit process can take several months. If an APCD permit is required for the project, the applicant is encouraged to submit their Authority to Construct permit



application to the APCD as soon as possible, see [www.ourair.org/permit-applications/](http://www.ourair.org/permit-applications/) to download the necessary permit application(s).

Once the necessary information is provided and reviewed for completeness, the APCD will submit a departmental condition letter for the project. Please ensure that all applicable APCD conditions are included with the Conditions of Approval for the project.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8878 or via email at [WaddingtonE@sbcapcd.org](mailto:WaddingtonE@sbcapcd.org).

Sincerely,



Emily Waddington  
Air Quality Specialist  
Planning Division

cc: Matthew T. Allen  
David Harris, Supervisor, APCD Engineering Division  
Planning Chron File