# SOUTH COUNTY ADVISORY COUNCIL

PO Box 2355 Nipomo, CA 93444-2355

June 4, 2019 (resubmitted on 7/10/19 to include attachments regarding DRC2019-00058)

Supervisor Lynn Compton, 4th District Supervisor County Government Center San Luis Obispo, CA 93408

Dear Supervisor Compton:

On June 3<sup>rd</sup> the SCAC voted in favor of making the following recommendations:

- DRC2019-00020 Phillips 66 Pipeline The council recommended approval of this project without discussion.
- DRC2019-00041 T-Mobile Cellular Tower, 256 Oakglen Ave, Nipomo SCAC recommended approval of this project without discussion.
- DRC2019-00050 and DRC2019-00051, Cannabis growth, outdoor and greenhouse The SCAC notes that these sites have not met water offset requirements because the prior use of this property was cattle grazing. However, some member of SCAC contend this property is not required to comply with water offsets, due to it's location, and voted to recommend approval as long as water offsets are not required by the county.
- DRC2019-00058 Cortez Cannabis Project The SCAC voted to recommend denial of this
  project, due to proximity of sports activities at Nipomo High School (cross-country track
  and others), and due to neighbors' concerns regarding incompatibility with existing
  herbicide and pesticide requirements, particularly on avocado and citrus (see numerous
  letters of opposition).

On behalf of the South County Advisory Council Correspondence Secretary,

Art Herbon

SCAC Chairman

Cc: BoardOfSups@co.slo.ca.us; sfuhs@co.slo.ca.us; mamartin@co.slo.ca.us

Attachment: 11 pages (neighboring residences to DRC2019-00058)

### DRC2019-00058 Cortez Project

As the immediate neighbor to the west of the Cortez property I am totally opposed to this project.

There are many reasons Nipomo Residents should stand together to oppose the myriad (17 or more) of Cannabis cultivation applications in our community being submitted to the County at this time.

ODOR.....

LIGHTS.....

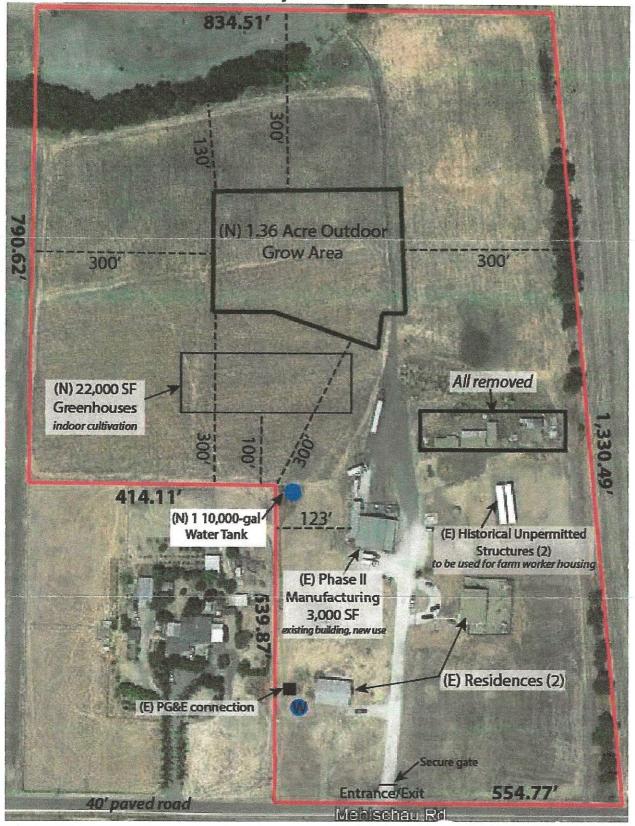
Effects on neighboring existing orchards, vineyards Security issues (just the idea that security needs to be addressed is cause for alarm).

While the Cortez Project on Mehlschau Road addresses these problems in their application, actual following of the guidelines is doubtful in my mind. If you look at the overhead map of Cortez property you see that the 22 acres of bare farmland (and I emphasize bare farmland) that was purchased less than 15 years ago has not been maintained as farmland. Various buildings and residences have popped up over the past few years. (All permitted???)

Over the past few days I have been in contact with each of the neighbors of the Cortez Project and there is NOT one person in favor of this project. Our area has many acres of orchards that will be affected by the incompatibility of herbicides and pesticides currently in use that are not permitted on the Cannabis. Although the raising of Cannabis might be considered farming, do you allow a new commodity to harm those already in existence? Please accept these letters from those unable to attend tonight and I thank you for your consideration of our concerns.

Sincerely, Found Mehlschau

Donna Mehlschau 101 Mehlschau Rd **Project Site Plan** 



June 3, 2019

South (SLO) County Advisory Council

RE: DRC2019-00058 Cortez Project

I am owner of a lemon orchard in Nipomo Located on 530 Mehlschau Rd. and manage the avocado/citrus operations for Mehlschau Ranches.

I am very concerned about the compatibility of the pesticide usage as it relates to my avocado/citrus operation.

The county of San Luis should take a step back and ensure that all concerns are addressed before permitting additional cannabis growing operations.

I have enclosed an article that brings up some of my concerns with the threat to our growing practices. We are located adjacent to the Cortez Project.

Sincerely

Pati Cantu

530 Mehlschau Rd.

Nipomo, Ca. 93444

805-471-6136

pcantu78@gmail.com

South (SLO) County Advisory Council

RE: DRC2019-00058 Cortez Project

I am the owner of Mehlschau Ranch Properties (a lemon / avocado farm, in operation for more than 75 years), 470 East Mehlschau Road in Nipomo. I am very concerned about the compatibility of pesticide usage as it relates to my lemon / avocado operation.

The County of San Luis should take a step back and ensure that all concerns are addressed before permitting additional cannabis-growing operations.

Sincerely, Belva Mehlsahau Hanson

Belva Mehlschau Hanson 800 S. McClelland Street

Santa Maria, CA 93454

(805 235-5/18

bghanson2@gmail.com

San Luis Obispo County Board of Supervisors 1055 Monterey St. San Luis Obispo, CA 93408

Dear Members of the Board,

I am writing this letter to oppose the Cannabis or Hemp operations on the east side of Hwy 101.

This is an old established farming area of many years and these new uses can have a great impact on the existing farms. We have to spray our commercial lemon groves a minimum of 4 times a year, as mandated by the state of California. This requirement is to attempt to eliminate the Asian Citrus Psyllid (ACP) which spreads the Huanglongbing (HLB) disease, which has already wiped out one half of all Florida citrus. This is a real threat to our citrus groves if we cannot spray due the close proximity of Cannabis or Hemp operations.

Hired commercial sprayers are reluctant to spray any groves near cannabis or hemp operations because of liability issues.

In addition to our citrus groves, we also have to spray our commercial avocado trees to prevent insects from causing our fruit from becoming unmarketable.

We have been raising lemons and avocados in Nipomo since 1971 and we live and raise our families on our ranches. I don't feel we should face the liability of having new uses threaten our livelihood.

Sincerely,

Michael J. Cavaletto Ranches, LLC 902 N. Thompson Ave. 960 N. Thompson Ave. 136 Dana Foothill Rd. Nipomo, CA 93444

Michael J. Cavaletto

June 3, 2019

Bill Metz

570 North Dana Foothill Road

Nipomo, California

South County Advisory Council

Attn: Art Herbon, Chairman and board members

I'm writing to you in regards to DRC2019-00058 Cortez Project. I see that Mr. Cortez is applying for a conditional use permit for cultivation of cannabis, a cannabis nursery and to permit use of an existing building for cannabis processing and manufacturing. This is to be done at 3785 Mehlschau Road in Nipomo.

I would like to call attention to the fact that looking from the outside in it appears that Mr. Cortez likes to "push the envelope".

I see that by his map he calls 2 structures "Historical and Unpermitted". I have been in the Nipomo area for over 60 years and never saw any structures in the farming field until Mr. Cortez purchased the property.

While I appreciate the nice pipe fence and landscaping he has done to his property fronting Mehlschau Road it appears the landscaping is on the San Luis Obispo county right of way. Was he issued an encroachment permit?

If Mr. Cortez has been using 25.5 acre feet of water per year on his 22 acres, I have not seen any crops growing that would require that much water on his property.

If Mr. Cortez is planning to use the "Historical Unpermitted Structures" for farm worker housing, is he requesting a "H2A" housing permit for the unpermitted structures?

Mr. Cortez plan calls for 3000 square feet of processing and manufacturing of cannabis products. Will this just be for his production? Is this manufacturing allowed under his current property zoning?

These are just observation and questions that come to my mind. In closing I would suggest you carefully consider allowing Mr. Cortez to go forward with his conditional use permit.

Please contact me if you have questions, concerns or comments.

Respectfully, Bill Metz

13:11 Metz

#### RE: DRC2019-00058 Cortez Project

To whom it may concern:

This letter is in response to a letter addressed to our residence on March 22, 2019 regarding the growth, greenhouse and manufacturing of cannabis at 375 Mehlschau Road, Nipomo, CA 93444. As a direct neighbor to Mr. Emilio Cortez' residence, I strongly oppose the decision for growth, and distribution of cannabis at Mr. Emilio Cortez' residence.

The letter submitted mentions a 22,000 square feet indoor cultivation greenhouse, 1.36 acres of outdoor cultivation, and 3,000 square feet for processing and manufacturing. Per the map diagram this means the manufacturing will be taking place only 123 feet from our property line. As a resident of the Mehlschau community for over fourteen years I can guarantee this will not only have a direct impact on our agricultural ecosystem, overall neighborhood safety, but most importantly will have a direct impact to my children.

As the cannabis will be grown 100 feet next to our house it will be affecting the ecosystem of the land we currently operate. The pesticides that will be used will not only affect the ecosystem for my land in which I plant produce for my family but will also affect those who are also near the abundance of rat poisoning, and carbon dioxide used in this growing process. In addition, the irrigation systems in which will be used in order to keep the cannabis water flowing will potentially dry my current well and/or create potential flooding. This well is the main source of water for the residence meaning the water in which my household drinks can and possibly will be contaminated with harmful pesticides. Finally, the overall air quality, that in which my children breathe, will also be contaminated with the odor of the cannabis and pesticides, and as the residence next door we will be completely consumed by the production and distribution that maintaining cannabis comes with.

The letter addresses creating local well-paying jobs while this street is already filled with families and businesses, there are not any businesses of this nature. After speaking to others on the street there is no agreement on the growth and distribution of cannabis this close to home. Compared to other cannabis farms, this will be operated in a residential area as well as 0.6 miles away from Nipomo High School. The operation will be occurring in both my back yard and sides of my home. As this will be very close to home it will not only create a potential threat of a robbery of the cannabis farm but to my home too. With the increase of workers, my family will be not only removed from privacy but a constant threat to robbery.

After discussing with Mr. Emilio Cortez' the idea behind the operation I do not wish to support this from occurring and feel strongly against any growth and distribution of cannabis especially close to my own home in which I have lived in for over fourteen years. The idea of a cannabis growth and distribution in my own backyard has had a stressful and concerning affect on my family.

Thank you,

Perez Residence
325 Mehlschau Road,
Nipomo, CA 93444

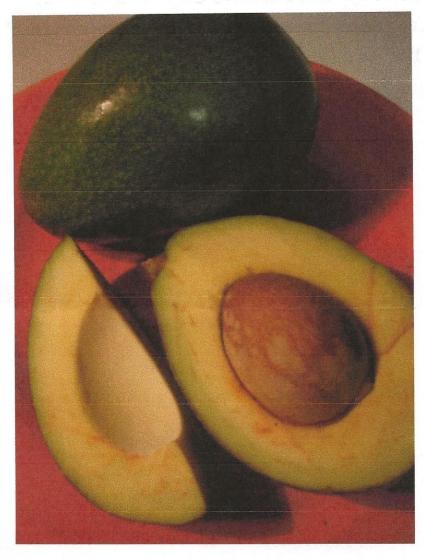
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**Guest Commentary** 

## Sharyne Merritt: Cannabis a threat to other crops

May 1, 2019

99¢ FOR THE FIRST MONTH



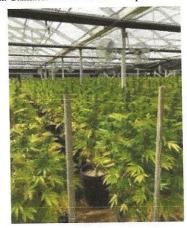
Avocados do not mind unseasonable warmth.

Contributed photo

I grow 13 acres of certified organic avocados in Carpinteria. Our farm is our primary source of income.

For the past 15 years a local agriculture company has been spraying my avocados for persea mites and avocado thrips with Entrust, a certified organic product. Persea mites cause defoliation and low yields. Avocado thrips cause scars that cut wholesale price by half.

But this year they won't spray Entrust or any conventional pesticides for that matter because of fear of lawsuits from cannabis growers. They are one of only three licensed, insured appliers that serve Carpinteria. The second also will no longer spray in Carpinteria for the same reason. The third is checking with their lawyers to see if they could spray in Carpinteria.



0 +2

Sheriff's Office raids suspected illegal cannabis grows in Lompoc, Carpinteria

If a fly, ant or a bit of dust with a speck of Entrust or conventional pesticide enters a greenhouse, cannabis growers are threatening to sue for the entire value of the crop. The number quoted to me was \$7 million per acre.

Greenhouses in Carpinteria are plastic structures with large roof vents that are opened much of the day to cool off the inside. They are not fully enclosed, so insects and dust particles can easily get in.

I contacted 1st District Santa Barbara County Supervisor Das Williams for help and he had the addresses of cannabis growers near my farm sent to me so I could coordinate with these growers. But there is nothing to coordinate if there isn't a licensed and insured applier willing to do the spraying.

As a side note, all three appliers offered to spray Veritran, which is permitted on cannabis. Unfortunately, it is minimally effective on persea mites, and not at all effective on thrips.

A friend who is a cannabis grower offered to spray for me, but I was advised to not take him up on his kind offer because of licensing and state legal issues.

So, marijuana growers will make millions and I will lose half the value of my crop. Doesn't seem fair to me.

This isn't only about avocados. Olives, walnuts, grapes and vegetables all have pests that farmers treat, even organic farmers. And this is not a Carpinteria issue, it's all of Santa Barbara County.

This county has 49 percent of all state, adult-use provisional cultivation licenses, with 1 percent of the state population and 2 percent of the square miles. Anywhere you go, there's likely to be a grow within a couple of miles. Santa Barbara County is also the only coastal county with no limits on size of grows. It has several 80-acre grows in wine country. That's 62 football fields apiece.

And it isn't just a farming issue. Winemakers have had to close tasting rooms because the wind is blowing because you can't taste the wine in the presence of marijuana terpenes. Residential neighbors have to live with the smell of skunk. And no one is talking about potential health problems from the VOC's emitted.

I am not anti-cannabis. I voted for Proposition 64 — but I did not vote for this. I did not vote to be put out of business.

If you care about locally-grown food, local wines or small farms going out of business, or what your kids are breathing, or your property values, start talking about this. If enough people talk about it, maybe politicians will hear and do something about it.

Sharyne Merritt:	Cannabis a threat to other crops   Columnists   santamariatimes.com

Sharyne Merritt is an avocado grower in Carpinteria.

### MORE INFORMATION

6/3/2019

- Public hearing slated on proposed cannabis ordinance amendments
- Santa Barbara County's hoop house ordinance OK'd
- Conditional use permit for cannabis in AG-1 zones recommended by Santa Barbara County Planning Commission