

September 14, 2020

Board of Supervisors

RE: Docket A-20-8

I would like to take this opportunity to thank the board members for their attention to this important issue as well as to address the two letters from the Hilburns, Linda Brown and the Petition to Revoke Cochise County planning and Zoning Decision for Docket Z-20-08 and SU-20-07.

I would first like to point out that currently under Arizona state and local zoning laws any business owner with the desire to grow and harvest medical hemp (the identical plant to cannabis with the identical appearance and odor but only without the chemical THC content*) may do so on the ENTIRE 63-acre parcel without any rezoning, without a special use permit, and without any type of security fencing with absolutely no regard for increased traffic, sight or odor concerns. Fifty day workers or more could drive to this property, park and work the field each and every day under current zoning. It would also be quite legal to construct any number of large greenhouses completely occupying virtually the entire property and totally blocking the view of Mt Graham from the Country General store (which for some reason seems to be one of the main issues, although the project as planned will have a minimum effect, if any, on the view from that store) and would be allowed to grow any product desired, including medical hemp. To further emphasize this point Mrs. Brown in an email communication has informed us that the owner of the property to the east of subject property is considering to plant just such a hemp crop which she seems to have no issues with. These email communications are attached as further evidence to this fact.

As the current zoning allows, an owner could build a 100' silo or a 35' tall, 15,000 sq. ft. hay barn with no consideration or input from the community, the board, or the neighbors.

Under the special use permit which was granted, on August 12th by the Planning and Zoning Commission with the recommendation from Staff, the facility will be limited to just under 3 acres, with the majority of the subject property. approximately 59 acres, remaining as is. There are other possible uses that are allowable on this property with no rezoning or special use permit requirements, which are much more intrusive with many more possible negative consequences. One would think the neighbors would be largely in favor of this project, which we believe to be the case since 89% of notified neighbors voiced no concern at the Special Use Hearing.

This property does not belong to the neighbors and no one in the area has ever shown an interest in purchasing the property in order to preserve the pristine view and current state of the property (dormant) for time immortal. With all due respect, one or two neighbors who may have their own personal agendas, and possibly not the best interest of the community as a whole, do not possess the right to infringe on the current property owner's rights by circulating misleading petitions in an effort to unfairly sway the Board Members who may have not had the opportunity to be present for the entire Special Use hearing held August 12. All issues, concerns, as well as remedies, relative to the proposed use were discussed in great detail, and approved by the Commission. Furthermore, the subject property is located in a transition area from R-36 to RU-4. The rezoning of the subject property falls into a naturally progressive pattern of the area and is supported by Staff, the Planning and Zoning Commission, and (according to the response, or lack thereof, we received from our required notification to the neighbors for the special use hearing) the vast majority of neighbors.

It seems plausible, given the support of the staff and the Planning and Zoning commission who has thoroughly investigated the special use permit and rezoning and approved such with mitigating measures to support any possible community issues that were voiced, and the fact that the property is located in the transition zone from R-36 to RU-4, that denying the rezoning at this point borders on a land "taking without just compensation" with, of course, all the possible repercussions of such action available to the current subject property owners.

Regarding the 10' solid structure fencing, after conversations with the Arizona Dept. of Health Services subsequent to the approval of the structure, it has come to our attention that a variance to the solid fencing may be approved by the State to a less obstructive, chain link fence if a standard, conventional greenhouse structure of steel and polycarbonate is utilized. To even further alleviate any possible neighborhood concerns, our group has made the decision that a standard greenhouse construction will be utilized on this property, we have already made staff aware of this development.

In regards to the petition to Revoke, that was most likely presented to visitors at Ms. Browns Country General Store, who were convinced to sign it as they were purchasing gas or other items. It appears many of the signatories are from well outside the area, some as far away as Tucson. We feel the "petition" grossly and willfully misrepresents the issues and lacked clarification as to the efforts our group has agreed to take to fully mitigate each and every concern voiced by the community via their seven letters, at the Special Use Hearing and thus should not be given serious consideration.

We have followed Cochise County guidelines notifying all 62 property owners as required, and only received 7 letters back voicing any possible concerns. We have worked very hard with staff to address and mitigate each and every concern. All property owners were given the opportunity to attend and voice concerns at the Special Use Hearing and I do not recall any being in attendance. Per the record of the Special Use Hearing held on August 12th, not one neighbor or concerned citizen chose to speak and voice their concerns at that time, which would have been the proper time and forum. To now have 165 occasional visitors to the Country Store oppose this project, being promoted by the owner of the store for whatever agenda, as we feel was the case given her communications with us, is disingenuous and falls outside the normal legal process. If anything this petition which is obviously at odds with the legal use of the project, should have been directed to the Special Use hearing and not this body who is simply deciding on the rezoning issue.

As Staff stated, the proposed use will NOT impact traffic dramatically in the area but more likely reduce traffic based on current zoning allowances. We have agreed to locate our facility entrance to any location on the property that better suits the neighborhood.

Our facility is not being visibly placed on Ft Grant road but rather 1000' off the road and we are required to completely border the facility with native type trees that would all but reduce our visibility to a very small footprint. This is in stark contrast to the much larger (almost 5 times larger) 14 acre indoor/outdoor medical cannabis facility just 2 miles away, across from Apple Annie's, which was approved with seemingly none of the mitigating factors we have agreed to.

Lighting issues were discussed extensively at the Special Use Hearing and we adamantly stated that impact lighting was just as much a concern for ourselves as it was for the community if not more so and we presented plans that will allow the facility to be virtually light pollution free shortly after sundown.

In both letters and the 'petition' the issue of odor is still being misrepresented. The Hilburn's state that they often detect cannabis odor from the facility 2 miles to the North and Ms. Brown states that there will be an "awful stench". The Hilburn's fail to note that the existing facility to the north has approximately 5 acres of OUTDOOR cultivation with absolutely NO odor control systems in place. There

is no comparison. We are proposing using one of the best odor mitigation systems available that has been independently tested to eliminate 98% of odor at a distance of 30' from the greenhouse facility. A copy of these results are attached.

We believe our facility will add income to Mrs. Browns business, there will not be an "awful stench" and we see no evidence whatsoever that rezoning the subject property will decrease Mrs. Browns or anyone's for that matter, property value. We have no plans to advertise this facility and we do not see how a state approved medical cultivation facility in a greenhouse 1000' off the road with the latest technology in odor mitigation will impact much of anyone with the exception of providing jobs to a community in need of job opportunity, additional tax revenue to the county, and much needed relief to Arizona's medical cannabis patients. We do have every intention to hire locally when at all possible, as it is good for the community and is sound economics for us, as bringing people in would be unnecessarily costly.

In conclusion we would like to state that we believe this project will be a win-win for everyone, even the very few who oppose it for whatever reason. We would like to thank the Board of Supervisors for their time and consideration concerning this rezoning issue and look forward to your fair and unbiased favorable determination in this matter.

Sincerely

Ron Redburn

Seed Capital Investments LLC

*https://www.ers.usda.gov/webdocs/publications/41740/15852_ages001eb_1.pdf

Identification: Industrial Hemp or Marijuana? Marijuana and industrial hemp are different varieties of the same plant species, Cannabis sativa L. Marijuana typically contains 3 to 15 percent THC on a dry-weight basis, while industrial hemp contains less than 1 percent (Blade, 1998; Vantreese, 1998). Most developed countries that permit hemp cultivation require use of varieties with less than 0.3 percent THC. However, the two varieties are indistinguishable by appearance. DeMeijer et al. (1992), in a study of 97 Cannabis strains, concluded that short of chemical analysis of the THC content, there was no way to distinguish between marijuana and hemp varieties.

<https://mail.google.com/mail/u/0/#search/ecosorb+industries/FMfcgxwHMjnQczDhFhGSfsLcvlRzQjt>

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Formerly Tracer Environmental Sciences & Technologies, Inc., now a part of SCS Engineers.

Offices Nationwide

September 30, 2019

Santa Barbara County Planning Commission

Planning & Development Department

123 East Anapamu Street

Santa Barbara, CA 93013

Subject: CARP Case Study- Cannabis Odor Management

To Commissioners:

SCS Engineers (SCS) would like to note that due to our firm's broad background in environmental engineering, and odor management specifically, we have been retained by the Carpinteria Association of Responsible Producers (CARP) for the purposes of analyzing and addressing cannabis odors related to client facilities in the region. SCS is an industry leader in the assessment of odor emissions and mitigation methods across North America. SCS has provided environmental solutions for various land uses including but not limited to landfills, wastewater treatment plants, and agricultural & food processing facilities for over forty (40) years.

We recently completed a site specific analysis of an active cannabis facility located at 5138 Foothill Road in Carpinteria (Project Site/Facility). SCS field staff confirmed that the Project Facility was similar to proposed cannabis greenhouses throughout the region with adult-flowering cannabis, ancillary cannabis processing, operable roof vents, and an active odor neutralizing vapor system. SCS collected a suite of fourteen (14) total odor samples at strategically appropriate times and locations in an effort to capture potential maximum odors during calm winds (morning samples), steady winds (afternoons), with the Project Facilities' roof vents open, and with active cannabis processing occurring. These sample collections included upwind locations to determine an odor baseline for the region without cannabis, samples taken inside the greenhouse to reflect unmitigated odor released from cannabis cultivation or processing, and samples taken outside the greenhouse, downwind to capture odor conditions after the application of the odor neutralizing vapor.

These samples were then shipped to an independent third-party laboratory (Odor Science and Engineering, Incorporated in Bloomfield, Connecticut) for analysis. The OS&E laboratory has an expert odor panel which conducts blind evaluations of the odor samples (the panel is not informed of the potential type or source of the samples). The odor panel provides both a character (i.e. sour, skunk, exhaust, garbage) and an intensity for each odor sample. The intensity of odor is quantified as a dilution to threshold ratio (D/T) with higher numbers reflecting stronger odors. For example, the baseline odors present in most communities range from 8-12 D/T. Eight (8) D/T represents eight (8) parts of clean,

purified air for each unit of odor sample. The specially trained and qualified odor panelists can often detect a net increase of 3-5 D/T over this baseline condition. Members of the general public can typically detect a net increase of 5-10 D/T. As a result, SCS typically considers a persistent net increase of odor intensity of seven (7) D/T or greater above baseline to be a nuisance odor detectable by the public.

Results from the case study indicated that the upwind/baseline odor present in Carpinteria had an intensity of twelve (12) D/T with a character commonly including odor descriptors such as: sour, stale, sulfur, and exhaust. Samples of unmitigated cannabis odors within the Project Site's greenhouse ranged from a net increase in odor intensity of 151 D/T (adult-flowering plants) to 238 D/T (adult-flowering plants plus processing) with a character commonly including odor descriptors such as: skunk, mercaptan, and marijuana/pot. Samples taken outside the Project Site's greenhouse with odor mitigation from the neutralizing vapor had a maximum net increase in odor intensity of three (3) D/T with eight (8) out of ten (10) samples showing no net increase in odor intensity. Because all mitigated odor samples remained significantly below a net increase of seven (7) D/T in intensity, no nuisance level odors are anticipated from the Project Facility.

Typical malodor characters observed in these mitigated samples returned to sour, exhaust, and garbage similar to the background sample. Malodors character such as skunk or mercaptan were only observed in two (2) out of ten (10) mitigated samples which had net odor intensities of negative one (-1) and three (3) D/T respectively. With D/T of less than seven (7) these odors are unlikely to be detected by the surrounding public. It is also important to note that the downwind odor sample locations were taken at a range of 30-165 feet from the exterior walls of the greenhouse, far closer than the 600 foot distance to the nearest sensitive receptor. Natural dispersion and dilution would continue to reduce remnant odors.

Based upon this initial case study, SCS' findings conclude that the odor neutralizing vapor system was:

- Successfully eliminating 98.7% or more of cannabis odors in distances as little as thirty (30) feet.
- Performing on par with other leading odor control technologies including carbon filtration.
- The system was successfully mitigating odors even with roof vents open and higher intensity odor activities such as cannabis processing occurring during the odor sampling events.

SCS will continue to work with the cannabis industry to implement environmental solutions, including evolving odor management technology. Our staff are available as a resource should the Commission have additional questions and concerns regarding odor management in the region. We have appended a complimentary slide deck to this memorandum for a graphical illustration of this case study analysis.

Sincerely,

Nathan Eady

Land Use Planner/Project Director

Paul Schafer

Air Quality Specialist/Project Director

Email Communication between Mrs. Linda Brown and Ron Redburn

On Thu, Aug 6, 2020 at 3:32 PM <countrygeneral@vtc.net> wrote:

Here is more for you. The farmer that is on the east side of where you want to put your nasty operation told me that he is considering planting hemp in the spring. Also my neighbor is a fed and is going to use his connections to fight with us to stop you from ruining our neighborhood .

Sent from [Mail](#) for Windows 10

From: [Ron Redburn](#)

Sent: Sunday, August 2, 2020 1:17 PM

To: countrygeneral@vtc.net

Subject: Re: Your concerns you want more what about the awful nasty smell theinvasiveness of the lights .Also what about all my customers that come to mystore and have to smell the nasty dead skunk odor and see the structure youwant to put on the property.

Linda:

Thank you for your email. You may have failed to read our initial letter where we addressed the possible odor concerns. We intend to utilize the Ecosort Natural Odor Control systems that will eliminate smells that occur during a 4 to 6 week period at the end of the cannabis growth cycle. This system does not mask smells but gets rid of them by breaking and neutralizing odor molecules. They are non-toxic, plant-based products, safe for people and the planet. In this manner your customers will not be adversely affected by odor issues.

We are going to great length to address any issues that may arise from our presence.

Sincerely

Ron Redburn

Seed Capital Investments

On Sat, Aug 1, 2020 at 10:41 AM <countrygeneral@vtc.net> wrote:

Sent: Thursday, July 30, 2020 1:07 PM

To: countrygeneral@vtc.net

Subject: Your concerns

Dear Linda,

Thank you for your letter of July 29th voicing your concerns regarding the project planned for the 63 acre parcel of farmland on Fort Grant road, just across from your store. I was recently in your store and was very impressed with how friendly everyone was and the wide selection of goods and services you offer.

I do want to thank you for taking the time to share your concerns regarding the project, that allows us an opportunity for a dialogue that may help each of us better understand the other.

From your letter it is clear that you are upset about the project, but you did not state what you are concerned about other than us "ruining the beautiful peacefulness" you have enjoyed for the last 43 years. I agree with you that the area is indeed beautiful and peaceful and the last thing that we would ever do is disrupt that in any way. There is nothing that we are planning on doing that will, in any way, shape or form, ruin the peacefulness that you have enjoyed all these years. Sometimes when we hear or read something we think we know what it is or will be and our minds immediately paint a picture based on whatever limited information or knowledge we may have on the subject. Oftentimes that picture is far worse and much more sinister than what the actual reality turns out to be. I think that may be the case here.

Linda, we are only planning on using 5 percent of the property, only about 3 acres out of the 63 acres we or anyone else who purchased the property could have legally used. As the plans state, and you are welcome to review the plans, basically there will be a couple of relatively small greenhouses, an administrative building and a processing/packaging building, all enclosed by a fence. It will be very safe and unobtrusive, once construction is completed most people won't even think twice about it, and anyone driving by that did not have prior knowledge as to what it is would have no idea what was being grown there. It is a very small organic footprint. We could be growing tomatoes or vegetables just as easily as medical cannabis and no one would ever know the difference. Our project will have the same type of footprint or impact as a tomato farm in a greenhouse would have. The same number of employees and the same square footage of farmland used, the same admin building and processing/packaging building. No difference other than this will produce medical cannabis to help patients under the care of Doctors all over the state of Arizona, and the other would have produced tomatoes. I have to wonder, would you have been as upset if the crop that was going to be grown across the street was tomatoes?

The only thing I can think of that concerned you so much is that you may have assumed we were planning on selling the medicine (medical cannabis) we produce directly to the patients from the farm across the street from your store. Let me assure you that is not the case. The State of Arizona requires that all medical cannabis be sold by licensed dispensaries. The farm has no such license for a dispensary, (our dispensary is located in Phoenix) so that cannot happen.

I know that I am not going to change your mind with this letter, nor is it my intent to do so. I only hope to gain a better understanding of what exactly your concerns are, exactly how this small 3-acre farm, similar to a tomato or vegetable farm, could possibly have such a negative impact on your peacefulness. If you could articulate your exact concerns to us we would have a better understanding and may be able to alter our plans or add to them or possibly what you are concerned about is something that we are not planning on doing at all.

Linda, we are very proud of what we have been able to do over the last few years. We have given thousands of patients in Arizona the option to get off dangerous addictive pharmaceutical opiates, by providing them with a safe, healthy, organic option, one that their medical doctor prescribed for them. No one has ever died from an overdose of cannabis, but unfortunately, thousands and thousands have died from overdoses of pharmaceuticals. I have friends that have suffered from terrible diseases like MS and others who have found tremendous relief from medical cannabis.

I am confident that once you get to know us and see the way that we operate you will be thankful that we purchased the property across the street from you, and not some other entity that may have had a much larger much more obtrusive, disruptive project in mind for that property. It was just a matter of time until someone purchased it and used it for what it was intended for, farming. Just like when you purchased your property for the store you own and operate today. I am sure there were some neighbors who were concerned about the extra traffic, or noise or other issues your store may have caused to the environment they enjoyed. I can assure you, without a doubt, we are going to do our best To be a good neighbor.

We look forward to getting to know you and I do hope you will share with us any of your specific concerns regarding the project so we can discuss them and work to resolve them together.

Sincerely,

Ronald Redburn