October 22, 2020

RECEIVED on 10/22/2020
By Contra Costa County
Department of Conservation and Development

Joe Lawlor
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

RE: Diablo Valley Farms, LP20-2020 Odor Control Plan

Mr. Lawlor,

Diablo Valley Farms wishes to provide greater specificity regarding the onsite Odor Control Plan.

Odor nuisances associated with cannabis cultivation facilities have the potential to impact neighboring properties, and Diablo Valley Farms is committed to control it onsite, and not contaminate surrounding areas, such as public roadways and neighboring properties.

Attached please find a more detailed odor control plan that includes multiple safeguards to control all nuisance odors at the facility, and to ensure no distinct cannabis odor can be detected outside the parcel on which the facility is licensed to operate.

According to Industry experts, odor depends on what stage and cycle the cannabis plants are in, and odors are much more prevalent with larger plants and during the trimming process. Diablo Valley Farms will be a licensed indoor micro-plant facility – growing cannabis plants from seeds to seedlings, and then selling to licensed operations for transplant into soil. The maturation to flower - with corresponding odor and THC level development - will occur months after the plant leaves our facility. Potent odors are not associated with micro-plants at 3 weeks in development. But Diablo Valley Farms' Odor Control Plan will still include additional safeguards such as an odor mitigating exhaust system coupled with the negative air pressure air system to remove and prevent the escape of odors from the facility.

Additionally we have agreed to Condition of Approval #24 that requires Diablo Valley Farms to document all complaints and take corrective actions to remedy odor impacts. This can be achieved with the articulation of roof-vents or adjustment of the odor-control injection pumps, as needed.

This clarification is in response to comments made at the Zoning Administrator's Hearing held on October 19, 2020. Thank you for your assistance, and attention to this matter.

Sincerely,

Lisa M Borba

Diablo Valley Farms

Cc: Robert Nunn

Attachment: Diablo Valley Farms Odor Control Plan

Diablo Valley Farms Odor Control Plan

Odor Mitigation Strategies

- Be a responsible cannabis cultivator and use best practices and technologies to achieve the most effective odor control onsite.
- Be located away from public roadways and neighboring private parcels to increase the distance odor would have to travel to impact adjacent uses.
- Include an air system that creates negative air pressure between the cannabis facility's interior and
 exterior. Greenhouse ventilation design and room pressurization would control interior air to travel first
 through odor-mitigation technologies prior to being released.
- Include an odor-neutralizing exhaust system specifically designed for the Diablo Valley Farms facility that forces air generated within the cultivation facility to pass through it before being released to the outside. Specific to the Cultivation Area, a non-aqueous odor control chemical delivery system could be used. This system injects an odor mitigating product into the exhaust air. As example, Environmental Solutions manufactures its Vapor Odor Control System based on site specific design, using geographic location and climatological conditions, the odor causing area that requires odor control coverage, and facility specific conditions. This specialized exhaust system injects an odor-mitigating product into the pass-through air, neutralizing the fragrance of the plant and eliminating the distinct cannabis odor. The system is water-based and includes a variable odor control injection pump which allows the user to increase or decrease the odor control solution as needed. The built-in filter system safely mixes the chemical into the main airflow generated by the blower.

Diablo Valley Farms takes very seriously our responsibility to establish a comprehensive and effective odor mitigation strategy for the continued and responsible operation of our cannabis cultivation facility.

June 27, 2019

Ruben Hernandez, Principal Planner Contra Costa County Department of Conservation and Development 30 Muir Road Martinez, CA 94553

RE: Diablo Valley Farms (DVF) Indoor Commercial Cannabis Cultivation Proposal

County File: #MJ19-0051

Assessor's Parcel: 018-220-009

Address: 4425 Sellers Avenue, Brentwood CA Submitted by Bob Nunn, Diablo Valley Farms

1) COVER LETTER/OWNER QUALIFICATIONS

Dear Mr. Hernandez,

Thank you for your invitation to submit a full Proposal for a commercial cannabis activity. The existing Ron Nunn Farms Site identified in the LOI (APN 018-210-008, 830 Sunset Road, Brentwood) is a busy greenhouse and packing operation that includes a number of barns, warehouses, greenhouses and cultivated land. The operation spans a number of parcels along Sunset and north along Sellers Avenue. Due to the need to separate other ongoing agricultural operations from proposed cannabis activities, the location of this DVF Cannabis Proposal has been further defined herein. The proposed cultivation site is more specifically identified here (APN 018-220-009, 4425 Sellers Avenue, Brentwood) and is adjacent and north of the original LOI site. We spoke with Michael Hart about this need to update the specific parcel for this operation in May, and he indicated that this updated location remained consistent with the County process and ordinance requirements. Proof of Ownership (Grant Deed) and APN pages that show the parcel adjacency is attached, for your files.

Pursuant to the February 14, 2019 Request for Proposals for Opportunity to Apply for a Commercial Cannabis Activity Land Use Permit, Please find the required Proposal information for your consideration:

<u>Description of the Business</u>: Robert E. Nunn, operating as Diablo Valley Farms, proposes an indoor Commercial Cannabis Cultivation Business only, that will supply the needs of either adult-recreational or medicinal end-users, via storefront retail or further manufacturing businesses permitted by others.

<u>Type of State License</u>: The Nunn Cultivation operation will obtain an Annual Nursery License from the CalCannabis Cultivation Licensing Division of the California Department of Food and Agriculture (CDFA).

Owner and Proposed Operator Information: Robert E. Nunn, Diablo Valley Farms at 10500 Brentwood Blvd, Brentwood CA 94513 (925) 634-2148

Statement of Qualifications: Robert Nunn is a fifth generation Nunn Family farmer in Contra Costa County, who has commercially grown fruits, vegetables and ornamental trees. He has been a part of the operation of the commercial nursery at the proposed Cannabis location for many years. The Nunn Family Farms operation has an unparalleled depth of experience and credibility working with and within the regulations of the CDFA as experienced commercial food and fiber producers. The Nunn Family Farms were the first organic farmers in East County and incorporated sustainable soils and water practices before they became mainstream – because it was simply the right thing to do for the

DVF Indoor Commercial Cannabis Cultivation Proposal (MJ19-0051) Page 2

resources. And the family behind the Nunn Family Farms remain local, and are the largest farm employer of local residents in East County (maybe even non-farm as well).

Required Statement: By signing this Cover Letter, Robert Nunn indicates that he has read and understands the rules and permitting requirements of the Zoning Ordinance (Chapters 88-28 and 84-86 of the County Code) and of the Commercial Cannabis Health Permit Code (Chapter 413-4 of the County Code).

Thank you for your consideration of this Proposal for the Diablo Valley Farms Commercial Camabis Cultivation Business.

Robert Nunn Owner, DVF

Sinderely

Attachments:

- DVF Proposal Format: Six Required Sections Responsive to the Scoring Guidelines (pages 3-7 herein)
- Diablo Valley Farms Grant Deed (APN 018-220-009)
- APN Pages that show the parcel adjacency (018-210-008 to 018-220-009)
- DVF Commercial Cannabis Cultivation Site (4425 Sellers Avenue, Brentwood CA)
- Conceptual DVF Property Greenhouse Floorplan
- Site Pictures
- \$2,500 Filling Fee

<u>DVF Proposal Format: Six Required Sections Responsive to the Scoring Guidelines</u>

2) LOCATION SUMMARY

<u>APN / Address</u>: 018-220-009 / 4425 Sunset Road, Brentwood CA 94513. The existing 10,000 SF greenhouse building where cannabis cultivation activities are proposed, is located in the far southwest corner of the parcel. If the cannabis cultivation proves economic, a second 10,000 FT greenhouse located to the north of this greenhouse may be converted. In no event will the Indoor Commercial Cultivation exceed 20,000 SF, or the maximum size authorized by the State license for the business.

Zoning District: A-2 Ag (General Plan: AL Agricultural Lands)

Meets all Locational Requirements (Section 88-28.410-b2): The property is (1) not within a Cannabis Exclusion Combining District; b2A does not apply; (b2B) The proposed indoor cannabis cultivation business is located within an agricultural zoning district outside the Urban Limit Line; and b2C and b2D do not apply.

Compliance with buffer/setback/sensitive use requirements (Section 88-28.410-b3): The proposed business is (b3A) not within 1,000 feet of a school, a day care center, a youth center or a drug treatment center; and *b3B does not apply*.

The business is located in an area that would not result in undue influence of cannabis use upon sensitive populations: The proposed indoor cultivation site is located discreetly within an established indoor nursery use, which is accessed from Sellers Avenue to the east via a 1,000-foot driveway (within a 25-foot access easement). In addition, the location is more than 1,500 feet north of Sunset Road, and over a half mile south of Delta Road. The business location is not within 1,000 feet of schools or a drug-treatment facility.

Compatible with surrounding community and nearby land uses: The DVF Indoor Commercial Cannabis Cultivation site is proposed within an existing agricultural packing and warehousing operation, operated by the family-owned Ron Nunn Farms. The proposed site is surrounded by like-buildings (barns, warehouses, greenhouses, a caretaker residence) and cultivated land. The surrounding property is also Zoned A-2 and General Planned Agricultural Lands. The one off-site homesite to the east (APN 018-220-010) is the residence of a co-owner of Pro-Tree Farms – another operator within the Ron Nunn Farms family. The proposed site is also adjacent and east of the City of Brentwood's Wastewater Treatment Plant, which itself has a 200-ft buffer between the existing nursery operations and the plant operations. This is a discreet location, compatible with the surrounding community and nearby land uses.

<u>Provision of Parking</u>: The proposed 10,000 SF indoor cultivation activity area (existing greenhouse) includes a 1,000 SF microplant (seedlings) division, an 8,000 SF growing area and 1,000 SF of employee and office space to support the operation.

<u>Exacerbate crime in a high crime area?</u> The Contra Costa County Sheriff's Office crime reporting district website reports one crime in the area. The proposed location is not within a high crime reporting district.

<u>Business safe and accessible by law enforcement and fire fighters</u>?: DVF Cannabis cultivation activities are proposed in an existing greenhouse building that is accessed via a fire-truck rated, rock-gravel driveway within a 25-foot access off Sellers Avenue. In addition, the property has legal access to

Sellers Avenue 1,000 feet north of the main access, and reciprocal access from the Ron Nunn Farms/Sunset Packing operation property to the south (830 Sunset Road, Brentwood). The site is completely flat. All security gates limiting access at these points will however be accessible to all emergency personnel.

Observed Features of the property are consistent with the proposed site plan: The DVF Commercial Cannabis Cultivation activities are proposed within a greenhouse that had always had commercial cultivation activities and employees present. The lighting, parking, landscaping and access will remain the same as existing. Upgrades to the fencing, lighting, gating and security system will be done, as required by law. Please see attached pictures of the current site, access, greenhouse and conceptual signage.

3) BUSINESS AND OPERATING PLAN

A summary of the operational and financial objectives of the business and detailed plans and budgets showing how the objectives are to be realized.

- **a. Business Plan:** This is a pre-existing, long-term nursery operation that has been developing seedlings to 2-year plants for commercial sale. The addition of Cannabis, which has an annual grow-time, is merely transitioning to a new crop within the ongoing operation. The cannabis product list is always in constant change due to market demand in any event.
- b. Site and Building Plans: (See Attached DVF Commercial Cannabis Cultivation Aerial, and Conceptual DVF Property Greenhouse Floorplan)
- c. Operating Plan: As required by the State, the DVF Business will publish a standard operating procedures manual that will detail how operations will comply with State and Local regulations. It will specifically address how safety and quality of products will be ensured, how record-keeping procedures for financing, testing, and other items/records required are to be kept in accordance with state law, and all product recall procedures, as they are published. This SOP Manual will describe all required track and trace and odor control measures, and detail how cannabis will be received, stored, handled, transported, and secured to prevent theft and trespass. The advantages of an indoor cultivation operation, and at this discreet location, are many, including its ability to trap odors from impacting neighboring properties or creating a public nuisance. This SOP Manual be provided to the County, in compliance with the Ordinance.
 - Proposed hours of operation: The existing hours of operation are 8am-5pm. Hours of operation will only change with possible security needs, but the operational head currently lives on the adjacent parcel (Richard Chavez, APN 018-220-010).
 - Waste disposal information: The site is served by an onsite septic system, which was originally sized to accommodate the employment force onsite. It is property maintained and there has never been an issue.
 - Size, height, colors, design and location of any proposed signage at the business: Only as required by law, additional signage will be simple agricultural directional signage similar to the existing address and Pro-Tree signage onsite (see pictures).

- A parking plan that establishes how all off-street parking requirements
 will be met: All off-street parking requirements can be provided onsite. The aerial and
 site pictures attached here demonstrate the current area where 20 parallel parking spaces
 along the southern greenhouse building and caretaker residence exist. If necessary with
 additional employment, additional parking area is available on this 10-acre property, or on
 the packing shed property to the south.
- A security plan; (See Section 4 below)
- d. Additional required information for commercial cultivation
- (Floor Plan identifying the location and dimensions and boundaries of all proposed canopy areas, and a proposed method of physically delineating those boundaries at the site). See DVF Greenhouse Building Floor Plan. All microplant, growing and office/employee square footage is proposed within the walls of the greenhouse. The uses are separated by interior greenhouse walls, where necessary.
- (Proof of Water Service availability from a retail water supplier). The property is within the boundaries of, and is served by, the East Contra Costa Irrigation District (ECCID). Cultivated products are irrigated with this ECCID water, and onsite employee consumption is provided via drinking water wells.
- (Confirm Appropriate Existing Zoning). The property is Zoned A-2 General Agriculture, and is
 not within a Cannabis exclusion combining district. In addition, since it is within one mile of the
 City of Brentwood City Limit, it is proposed entirely as an indoor activity within an existing
 commercial greenhouse.
- (Describe Cultivation Area Size Information). In accordance with the County Cannabis
 Ordinance, the initial total canopy size for indoor commercial cultivation in the agricultural
 zoning district will not exceed the existing 10,000 SF greenhouse building onsite. In no event
 will the operation exceed 10,000 SF per building, and the lessor of 22,000 SF or the maximum
 size authorized by the ultimate State license for the business.

4) SECURITY PLAN	(Security Redacted)

DVF Indoor Commercial Cannabis Cultivation Proposal (MJ19-0051) Page 6				

5) SUSTAINABILITY

DVF will ensure the sustainability of the cannabis business onsite. The business would be an additional crop to an ongoing nursery operation that was established in the 1970's. Additional energy use associated with upgraded security and lighting would be minimal as the nursery operation has been functioning efficiently for many years on this site. Substantial GHG emissions will be avoided due to the fact that no new facility construction is required to get this business up and running.

- (Water Use Information). The proposed indoor commercial cannabis cultivation activities are proposed within a pre-existing nursery site that actively farms other commercial crops. The water use and drip system are established within the greenhouse, and a water-efficient drip system will continue to be used for the cannabis operation. In addition, the existing nursery operation has raised beds, and the infrastructure to collect used water and reuse it onsite or direct it towards the surrounding agricultural plantings. The DVF Cannabis operation proposes to use the existing set up to maintain the efficient use of water onsite, which meets the requirements of the Zoning Ordinance related to control of wastewater in agricultural areas.
- (Electricity Demands) The site is currently served by overhead electricity. If the economics of
 the onsite power requirements allow, this site has an unusual opportunity to utilize an existing
 low volume natural gas well (owned entirely by the applicant on nearby property) to provide gas
 direct to site that could be placed into a natural gas fired co-generation facility. This would
 enable the site to be completely self-sufficient and off the grid.
- (Avoid/Minimize Air Emissions). Traffic and its associated emissions related to the DVF Commercial Cannabis Cultivation operation will be seasonal. Current employment on the existing operation ranges from 12-24 persons and could be increased to 20-40 persons as required for the increased plant volume. Using a (worst-case) assumption of 1 person per car and 1 round trip necessary per day the car trips are 12-24 RT to 20-40 RT. Truck trips vary based on harvest time and there are large periods of no daily truck traffic. Any transportation offsite will be in compliance with State requirements, which may dictate a smaller commercial vehicle which has greater opportunity to be non-diesel burning, and potentially an alternate fuel vehicle. The current operations manager lives on the adjacent property and additional night time security will be provide as required.
- (Minimize Impacts on Rural Infrastructure water, sewer, roads) Utilizing a pre-existing nursery
 location and operation will not increase the consumption of water at the site. The operation
 uses a similar work force and its use of onsite septic while at work, and roadways to transport
 the employees and products to and from the site will be similar to the present situation. Being

DVF Indoor Commercial Cannabis Cultivation Proposal (MJ19-0051) Page 7

similar in product, employment and resource consumption will minimize the impact this operation could have on the surrounding rural infrastructure.

6) COMMUNITY/ECONOMIC BENEFIT SUMMARY

(Use Key Metrics – summarized- to provide a statement describing the benefits the proposed business will have in these areas)

- The proposed DVF Indoor Commercial Cannabis Cultivation business will provide a product that the local community voted to have legal access to for adult-recreational (in 2016) and medicinal (in 1996) purposes.
- The anticipated tax revenue from the cultivation of commercial cannabis at this pre-existing nursery location will reasonably exceed the tax revenue the County currently collects for the ornamental trees and grocery fruits and vegetable plants currently grown in the location.
- Given that the County is limiting the number of cultivation sites and the size of each operation, the DVF business is expected to serve an unmet need in the community – whether it ultimately be for medicinal or adult-recreational purposes.
- We understand the County received only one Manufacturing LOI in this round of review. The DVF commercial cultivation business may stimulate broader economic development of manufacturing opportunities and new jobs by being a new local source of product.
- The DVF business will avoid negative impacts to the community by being a fenced and secured property, and paying local taxes to emergency services. The provision of jobs, stewardship of natural resources and cultivation of natural products will generally serve as a net community asset.
- The indoor nature of the DVF business would protect overall public health from odors and nuisance, and by producing a product many adults use for medicinal purposes.
- The DVF business will be a locally-owned business, by a local farming family, living in Contra Costa County and Brentwood, with commercial experience, in its 5th and 6th generation of farming. DVF is part of the Ron Nunn Family Farms which is the largest farm employer, including local residents in East Contra Costa County.
- The DVF business is limited to indoor commercial cultivation. This will be a secured facility
 accessed only by employees who are adults and who pass rigorous employment screening.
 There will be no opportunity or reason for children to enter the facility to handle or otherwise be
 encouraged to use the product.

7) Equitable Geographic Distribution

- The DVF proposal at the Sellers Avenue site would not result in an undesirable concentration of indoor cannabis cultivation activities. We are not aware of an adjacent commercial cultivation proposal in East County, and the greenhouse itself is surrounded by similarly owned (Ron Nunn Farms and affiliates) packing sheds, greenhouses and outdoor cultivated fields.
- The DVF proposal at the Sellers Avenue site proposes to serve an area of the County that would not otherwise be served (due to proximate areas being either within the Cannabis Exclusion Combining District or within surrounding City Limits.

(End)

88 48600 HEJKUED AT REQUEST OF Survey MONUMENT PLACER TITLE CO. RECORDING REQUESTED BY FUND PLACER TITLE COMPANY \$10 MAR 25 1988 AND WHEN RECORDED MAIL THIS DEED AND, UNLOTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS O,CrOCK ONTRA COSTÁ COUNTY RÉCORDS CONTRA COSTA NAME DIABLO VALLEY FARMS Route 1, Box 200 STREET Brentwood, Ca 94595 CITY, -SPACE ABOVE THIS LINE FOR RECORDER'S USE-Title Order No.....Bscrow No...701882X...COMPUTED ON FULL VALUE OF PROPERTY CONVEYED,OR COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBRANCES REMAINING AT TIME OF SALE. PLACER TITLE COMPANY DWILLIAMS Signature of Declarant or Agent determining tax. Firm Name

Grant Deed

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

IDA B. GARRELS TRUSTEE, THE IDA B. GARRELS TRUST u/d/t dtd May 28, 1987 hereby GRANT(s) to

DIABLO VALLEY FARMS, a California general partnership

the following described real property in the unincorporated area . County of Contra Costa , State of California:

The East 1/2 of North 1/2 of Southeast 1/4 of Section 6, Township 1 North, Range 3 East, Mount Diablo Base and Meridian.

Reserving Therefrom: An undivided 1/2 interest in all oil, gas casinghead gas, asphaltum, and other hydrocarbons, and all chemical gas, now or hereafter found situated or located in all or any part or portion of the lands herein described lying more than five hundred feet (500) below the surface thereof, together with the right to slant drill for and remove all or any of said oil, gas, casinghead gas, asphaltum and other hydrocarbons and chemical gas lying below a depth of more than five hundred feet below the surface thereof; but without any right whatsoever to enter upon the surface of said land or upon any part of said lands within five hundred feet (500) vertical distance below the surface thereof.

Assessors Parcel No. 018-220-002 IDA B. GARRELS, TRUSTEE, THE IDA B. GARRELS TRUST u/d/t dtd May 28, 1987 Dated February 5, 1988 IDA B. GARRELS, TRUSTEE STATE OF CALIFORNIA COUNTY OF . _day of_ 19_ _, before me, the undersigned Notary Public in and for said County and State, personally appeared IDA B. GARRELS, TRUSTEE Witnessed By: personally known to me (or proved to me on the basis of satisfactory evidence) to be the person. whose name <u>is</u> this instrument and acknowledged that she executed it.

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

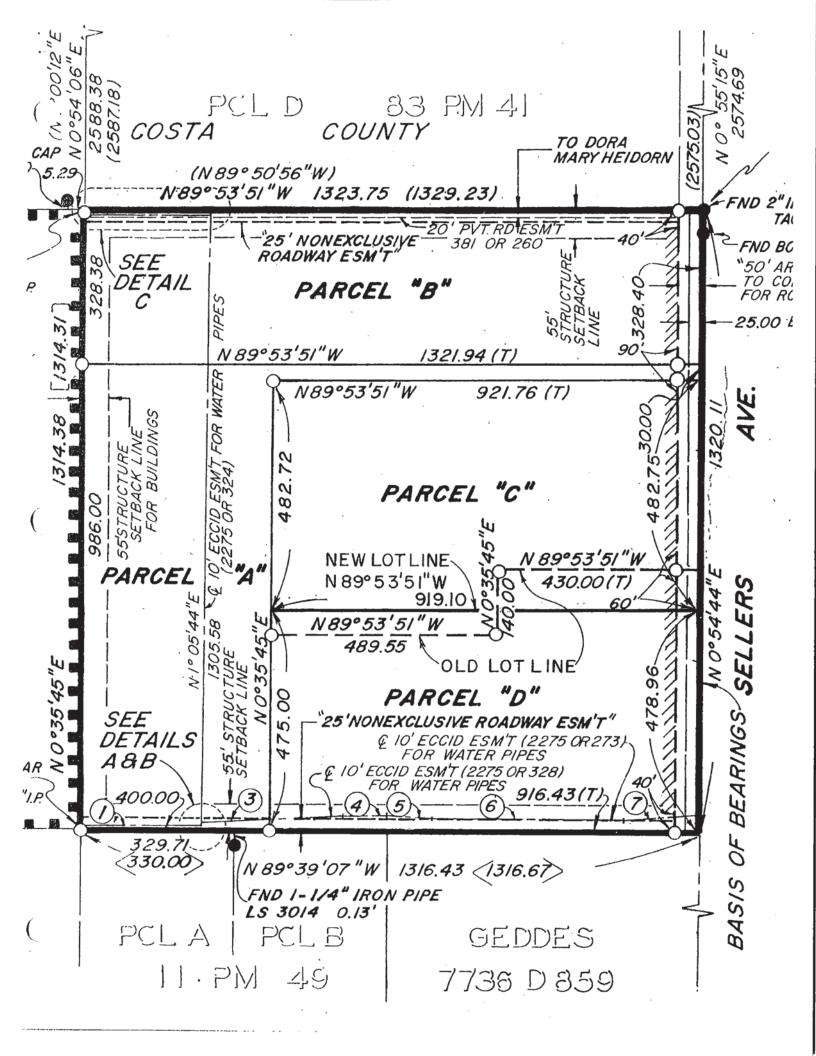
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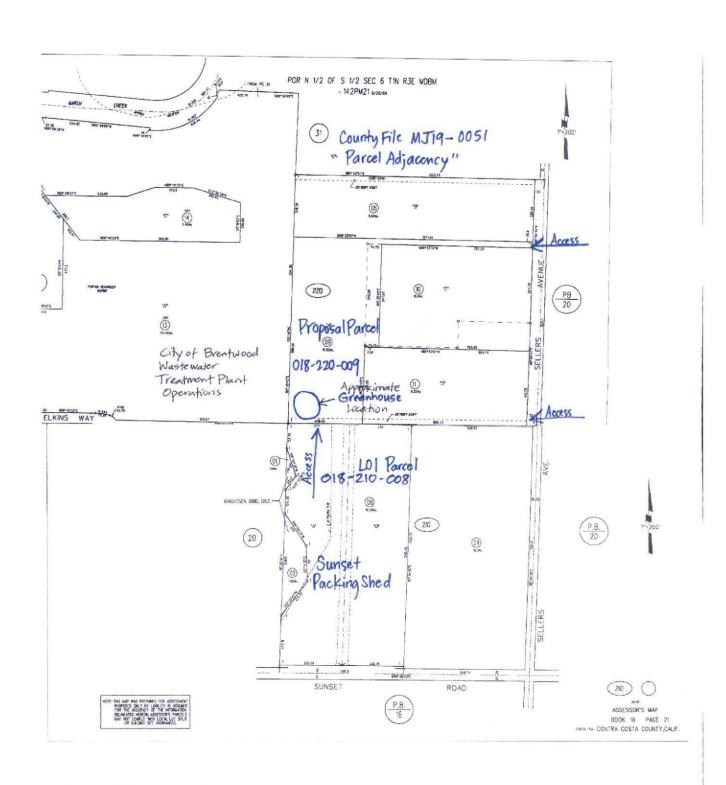
Street Address

Notary Public in and for said County and State

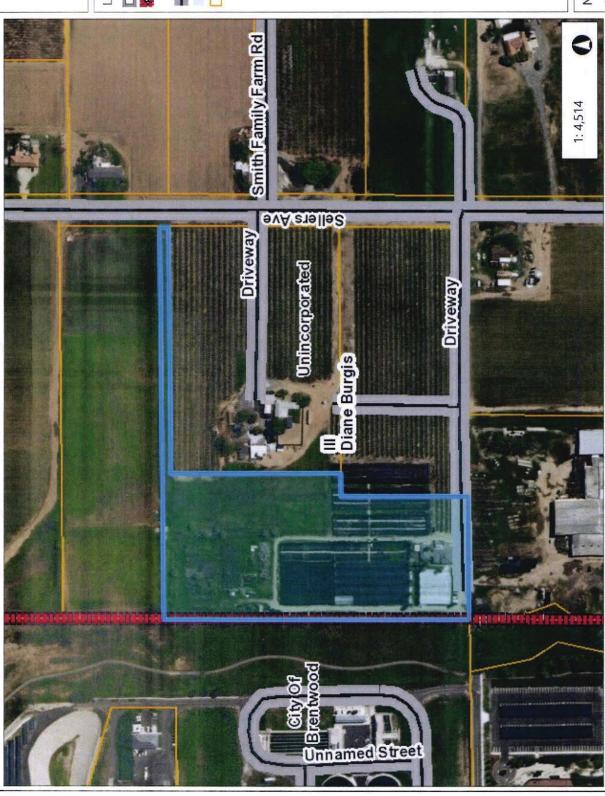
City & State

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Diablo Valley Farms Commercial Cannabis Cultivation





Legend

Board of Supervisors' Districts

Unincorporated Streets

Water Bodies

Assessment Parcels World Imagery

High Resolution 30cm Imagery High Resolution 60cm Imagery Low Resolution 15m Imagery Citations

Notes

County File MJ19-0051 4425 Sellers Avenue, Brentwood

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate,

0.1 Miles

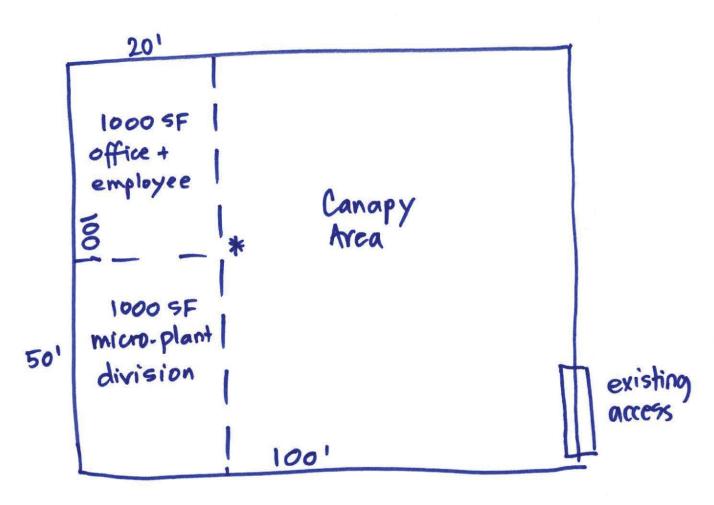
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current, or otherwise reliable THIS MAP IS NOT TO BE USED FOR NAVIGATION

Conceptual DVF Property Greenhouse Floorplan 100ft x 100ft





* Areas can be reconfigured to comply with State+ Local Ordinance

County File MJ19-0051

Diablo Valley Farms Cannabis Cultivation Site Pictures County File #MJ19-0051



South facing Greenhouse wall with louvered fan windows.



Existing Greenhouse, looking north



Entry to Additional Greenhouse (for Potential Future Expansion)



Simple Existing Signage



Existing Door Access to Greenhouse



View of Greenhouse from Sunset Packing Property, looking north