

ALAB MEETING MINUTES

Monday, October 2, 2017

Members and Alternates Present: Jean-Pierre Wolff, Lisen Bonnier, Don Warden, Mark Pearce, Sarah Kramer, Dick Nock, Dan Rodrigues, Claire Wineman, Tom Ikeda, Jutta Thoerner, Mark Battany

Staff Present: Marc Lea, San Luis Obispo County Department of Agriculture, Dick Tzou, San Luis County Public Works Department

Absent Members: Greg France, Chuck Pritchard, Craig Pritchard, David Pruitt

Guests Present: James Green and Patricia Wilmore

1. **Call to Order: 6:01 pm** Chair Wolff

2. **Open Comment:**

- Dan Rodrigues will be speaking at the upcoming 2017 Sustainable Ag Expo to be held at the Madonna Inn Expo Center in SLO on November 13-15.

3. **Previous Minutes – both April and July 2017:**

MOTION: Rodrigues Approve both the April 2017 and July 2017 minutes.

MOTION 2nd: Ikeda

Approved: Unanimous by all voting members. No “no” votes or abstentions.

4. **ALAB Membership Updates**

- Craig Pritchard has been appointed by Supervisor Peschong to serve as the District 1 ALAB representative. Craig was unable to attend this October meeting, but expects to be available for future meetings.
- Chair Jean-Pierre Wolff has reached out to Supervisor Arnold to express the importance of having each district represented on the ALAB board, but we do not have an update on when District 5 will have a new representative appointed.
- Marc has been in contact with ECOSLO regarding the vacant ALAB Environmental Representative. According to the ALAB bylaws, ECOSLO is solely responsible for nominating the Environmental Representative to ALAB. They are working on finding a suitable person, but they haven't named a replacement yet.
- Jean-Pierre had a conversation with the Strawberry Commission regarding the vacant Strawberry Representative, and informed them of the importance of having that industry represented on ALAB given their substantial importance to SLO County agriculture. The Strawberry Commission assured Jean-Pierre that they will find a grower representative for ALAB in the near future.
- **Vice-Chair Vacancy:** Marc reminded members that the Vice-Chair position has been vacant since Melanie Blankenship's ALAB term ended along with the end of Supervisor Mecham's term in January 2017. ALAB had decided to keep the seat unfilled because it looked like Melanie might stay on with ALAB as the new District 1 representative or the Direct Marketing/Organics representative. Since those two positions have now been filled

by others, it is apparent that ALAB needs to appoint a new Vice-Chair. Marc also let members know that this vacancy issue came up recently, as Chair Wolff was unavailable for the September meeting, so it made it difficult to hold a meeting without a designated Vice-Chair. Marc also reminded members that Chair Wolff's term would be expiring at the end of 2017, and that we should address both chair positions since there are only a few more months remaining in the year before Wolff's term will expire.

- **Membership Subcommittee:** Both Mark Pearce and Tom Ikeda agreed to form a subcommittee that would evaluate the needs for a new Vice-Chair, as well as the potential for a change in the Chair position, since Jean-Pierre's two-year term ends in December. They will report back to ALAB at a future meeting.
- **ALAB Meeting Times:** The issue of ALAB meeting start times came up once again. Several members – including Wineman and Nock - expressed the challenge of attending evening meetings and asked if we could consider moving the meeting times to earlier in the day. Several other members – including Rodrigues, Bonnier, and Ikeda - expressed their concerns that they could *only* attend the meetings if they were in the evening, and that new representatives would have to be found if the meetings were held too early in the day. A straw vote was held on a possible compromise of moving the meeting time up one hour to 5 p.m. The straw vote passed and subsequently an official motion was made.

MOTION: Rodrigues Beginning with the November meeting, move the ALAB Meeting start times to 5 p.m.

MOTION 2nd: Bonnier

Approved: Unanimous by all voting members. No "no" votes or abstentions.

MOTION: Ikeda Nominate Don Warden to serve as the Vice-Chair for the remainder of 2017.

MOTION 2nd: Rodrigues

Approved: Unanimous by all voting members. No "no" votes or abstentions.

5. Announcements from ALAB Members & County Ag Department Staff Updates:

- **Pesticide Use Near Schools CA State Regulation Update:** Marc updated the group that there could potentially be new regulations restricting the use of pesticides within ¼ mile of schools and licensed day care operations and, if enacted, could take effect as early as January 1, 2018. Marc informed the group that each grower within ¼ mile of these schools would have to provide that school with an annual notification list of all of the pesticides that they could potentially use. There would also be limitations on certain types of applications, such as fumigations, dust applications, airblast sprayers, aerial applications, and that those applications would not be allowed to be made during the hours of 6 a.m. to 6 p.m. on school days. Any grower with fields within a ¼ mile of these schools will be able to obtain more detailed information from their District Inspector at the Ag Department.
- A single adult glassy-winged sharpshooter (GWSS) was detected in a trap in San Luis Obispo on July 13, 2017. After weeks of high-density trapping and extensive visual surveys, no other GWSS insects, egg masses, or other evidence was detected. There are no signs of an existing population, and it was determined that this single adult was likely a "hitch-hiker" from the more infested portions of southern California.

- 2016 reports from the SOD Blitz (coordinated by UC Berkeley) indicating that the fungal pathogen that causes Sudden Oak Death had been detected within San Luis Obispo County have been determined to be false positives. After numerous subsequent samples were taken in the same areas with no evidence of confirmation of the pathogen, the previous positive results have been attributed to lab error. SLO County officially remains “free-from” the SOD pathogen.
- Detections of the Light-Brown Apple Moth continue to expand in the southern portion of San Luis Obispo County. These detections have led to an expanded quarantine area within the County which may affect local shippers of ag commodities and nursery stock. Please contact Karen Lowerison at the Department of Agriculture for the most up to date information with regard to plant and commodity movement.

6. 6:45 pm Review/possible action:

Discussion: Potential Permanent Ordinance for the regulation of Cannabis Cultivation and other Cannabis Activities in San Luis Obispo County

- Marc opened up the discussion on cannabis cultivation and the proposed permanent countywide ordinance by giving ALAB members an overview of the pertinent issues, most of which have been previously discussed at ALAB meetings over the course of the past year.
- **What is cannabis?** According to the state, it’s an agricultural commodity. But for the purposes of SLO County, cannabis activities are proposed to be listed separately in its own land use category within both Title 22 and Title 23. Hemp will specifically not be included in the “cannabis activities” section, and will become a part of the “crop production and grazing” land use category. All of these designations only pertain to the “commercial cultivation” of cannabis. Now that both medicinal and recreational cannabis is legal there is an exemption for anyone cultivating 6 plants or less for personal use. That cultivation exemption can actually increase up to 30 plants total for registered caregivers. A registered caregiver could cultivate 6 plants for up to 5 specific patients for a total of 30 plants. The registered caregiver will be required to obtain a business license but will not need a commercial cultivation permit through the county.
- **Where can you grow?** As currently proposed by the Planning Commission and going to the Board of Supervisors on October 3rd, the commercial cultivation of cannabis will only be allowed on property zoned Ag, Rural Lands, Residential Rural, and Industrial (indoor only). In addition to the zoning restrictions, cannabis cultivation will NOT be permitted anywhere in the Carrizo Plains Planning Area in the eastern portion of the County, REGARDLESS OF ZONING!
- **How many commercial cultivation permits will be allowed?** Again, this as currently proposed by the Planning Commission, but the sense is that the Board may change this final number significantly. The Planning Commission’s recommendation was to allow for an unlimited number of indoor grows and to cap the number of outdoor cultivation permits to a total of 50.
- An important side note on indoor cultivation is that this would have to be conducted within a permitted greenhouse, not a hoop house. A hoop house is not a permanent structure and does

not require any land use permits if they fall within certain guidelines; hoop houses are considered outdoor growing from a land use planning perspective.

- In addition, all the cultivation permits, whether they were growing indoors or outdoors, would require a discretionary Land Use permit (e.g. Minor Use Permit or Conditional Use Permit) and further restrictions could be put on the grower during that discretionary review process. Once a grower has obtained their local cultivation permit from SLO County, they would then be eligible to apply for a state license.
- **How much will people be allowed to grow?** In the Planning Commission recommendations, this area was essentially left out of the proposed county ordinance since there are already limits that have been established by the state licensing requirements. Unless something changes on this topic in the permanent ordinance, the growers would be limited by State rules on how much they can grow (with current maximum amounts at approximately 0.5 acre) but will not be additionally restricted by the County.
- Jutta Thoerner supported increasing the number of outdoor growing permits allowed in SLO County. She didn't know what the ideal number should be but was thinking that it should probably increase to at least 100.
- Dan Rodrigues had a question on the cannabis definition and if it would include hemp and also if there was an exception for personal use. Marc explained that all California residents of legal age were allowed to grow 6 plants maximum for personal use and that no jurisdiction – local city or county – could ban that but they could restrict the growing of those six plants to indoors if they wished. Marc also mentioned that hemp was specifically not included in the cannabis definition, so hemp cultivation would now be included in the regular “crop production” land use category and none of the cannabis permits would be needed.
- Patricia Wilmore mentioned that there are just so many unanswered questions right now it was difficult to even provide direction or specific comments since so many different parts of the issue are up in the air.
- James Green mentioned the ban on growing in the Carrizo Plains Planning area even on lands that are zoned for agriculture. The Farm Bureau has been contacted by a few cannabis growers on ag lands in that area looking for support to remove that particular ban.
- Claire Wineman discussed that although she recognized that cultivating cannabis had additional issues beyond more traditional crops, she had concerns about the limitations that were being placed on cannabis cultivation, such as requiring setbacks and restricting cultivation to certain zonings, since they could set a precedent for future limitations on growing other crops.
- Don Warden supported the current Planning Commission recommendation of keeping cannabis activities as a separate land use category from “crop production and grazing” to try and avoid exactly those problems mentioned by Claire.

- Lisen Bonnier asked how the cultivation permits were going to be chosen, especially considering that there were likely going to be a lot more people who wanted to grow than the number of permits available. Marc explained that this subject had hardly been discussed at all by the Planning Commission and that it was a topic that the Board was going to have to deal with either in the ordinance itself or in a follow-up meeting where they would set the criteria for selecting the cultivators.
- Jean-Pierre Wolff asked how all of these cannabis cultivations would fit in with the Williamson Act. Both James Green and Marc indicated that it appeared that cannabis cultivation would be considered an allowable use under the Williamson Act but not a qualifying use; they also noted that the County would have to address this issue separately from the cannabis ordinance within their Williamson Act Rules of Procedure.
- Lisen Bonnier expressed concerns about the amount of greenhouse space that could go toward cannabis production and was hopeful that local cannabis cultivation would not supplant vegetable starts and other important nursery stock products. She also felt that the Board should be encouraged to take the time necessary to get this entire issue correct.
- Claire Wineman reiterated her concerns about the potential for these cannabis restrictions to set a precedent that could carry over into other crops, and was especially concerned about the County exercising its land use authority over routine agricultural practices.
- Jean-Pierre mentioned that there was a lot of duplication and unnecessary layering in the proposed ordinance, and there were already robust regulations in place from the Department of Pesticide Regulation and the Water Board that really do not need to be addressed in a county ordinance.
- Mark Pearce mentioned that ALAB should be sure to get its comments on the record sooner rather than later even though it seems unlikely that the Board will come to any final conclusions tomorrow (October 3rd). Mark asked if ALAB should make specific recommendations to the Board.
- Claire requested that Marc serve as the designated spokesperson for ALAB at tomorrow's Board meeting since he will be in attendance anyway. Claire specifically wanted to address the concerns of setting a precedent on restricting local agricultural practices and having application requirements that are duplicative of other state and local requirements.
- Jean-Pierre asked Claire to formulate a formal motion.

MOTION: Wineman Although ALAB has discussed the proposed permanent ordinance in detail, the group does not feel that they have, at this time, the level of supporting data necessary to make specific recommendations on issues such as the number of cultivation permits that should be allowed or how the growers should be selected if demand for cultivation permits exceeds the final allowed numbers.

However, ALAB does have a number of comments and concerns regarding the general provisions of the proposed ordinance.

- ALAB acknowledges the unique nature of cannabis as a crop, especially considering that it is still Federally illegal, and understands that certain restrictions and limitations are necessary due to public health and safety concerns that other crops may not require. However, ALAB did express concerns regarding the precedent of placing restrictions on agricultural production, such as the requirements of setbacks and minimum parcel sizes, and the potential for the county to exercise its land use authority over more routine agricultural practices. With that in mind, ALAB is supportive of the proposal to have **cannabis activities**, including cannabis cultivation, separated in its own land use category apart from **crop production and grazing**.
- ALAB also has concerns of including many requirements in the proposed permanent ordinance related to the cannabis permitting process that appear to be duplicating requirements that are already covered in other State and local regulations. Reviewing those items that are under the purview of other departments, such as water quality and pesticide issues, may be a necessary part of the discretionary permit process but seem duplicative and redundant in the ordinance itself and ALAB questions whether they should be included.
- Lastly, ALAB would like to serve as a resource on this issue for the Board but did struggle to tackle this issue in its entirety simply due to the vast number of different issues that are still in the process of being clarified. If this ordinance does not get resolved on October 3rd, and there's any particular area that the Board would like to direct ALAB to look into in the future, we would be glad to do that.

MOTION 2nd: Rodrigues

Approved: Unanimous by all voting members. No "no" votes or abstentions.

7. 7:30 pm Review/possible action:

Updates & Discussion: Sustainable Groundwater Management Act (SGMA) – updates on recent SGMA related activities in San Luis Obispo County

Dick Tzou, Water Resources Engineer, San Luis Obispo County Public Works Department

- Dick supplied a run down on the latest local SGMA developments.
- Lisen and Don Warden both had questions about the fringe of the San Luis Basin. Dick indicated that area may be moved to a lower priority.
- Dick explained that the County will be meeting with a consultant regarding the fringe areas of the Los Osos Basin with the goal to get certain fringe areas separated from the main basin. There are five different fringe areas, and it looks like at least two will have a documented hydrogeology report in support of getting those moved out of the basin. The studies will need to be wrapped up by the end of this year, and the County is working with DWR to get those studies completed correctly and submitted by the necessary deadline.
- Dick mentioned that the County is working with the City of SLO to form a GSA on the San Luis Basin. An MOA will be brought to the Board of Supervisors in December after the draft study is released in November. In addition, two monitoring wells have been drilled on the two ends of the basin (north and south end).

- By end of year there will be a number of studies coming out on the basins, and boundary modifications will then begin in January. That's when things will get really busy.
- With regard to the Paso Robles GW Basin, Dick mentioned that there have been a number of GSA's already approved by Board.
- Dan Rodrigues followed up on that point and mentioned that the Estrella/El Pomar Water District led by Dana Merrill and other growers is in the process of being established. Ballots were mailed in September and are due back in mid-October. Paperwork has been filed with both LAFCO and the state. There will hopefully be a Board established by December, and then the County Board of Supervisors will have to vote to confirm the GSA – likely sometime in early 2018.

8. 7:45 Future agenda items/meeting dates, adjournment

- Cannabis
- Work force housing (Tom Ikeda)

Next Meeting – November 6, 2017

Meeting Adjourned: 8:08 p.m.

Respectfully submitted by Marc Lea, County Department of Agriculture