

## ALAB MEETING MINUTES

**Monday, December 9, 2019**

**Members and Alternates Present:** Dan Rodrigues, Jean Pierre-Wolff, Krista Burke, George Kendall, Kaylee Ellis, Don Warden, Claire Wineman, Daniel Chavez, Dan Jones, and Sarah Kramer

**Staff Present:** Marty Settevendemie, Marc Lea and Lynda Auchinachie – San Luis Obispo County Department of Agriculture

**Absent Members:** Jutta Thoerner (attempted call-in), Lisen Bonnier, Mark Pearce, Tom Ikeda, Mark Battany, Butch Yamashita, Dick Nock and Craig Pritchard

**Guests Present:** Patricia Wilmore, Brandon Rivers, Susan Huls, Jean Johnson, Kirk Azevedo, Nick Andre, Sean Donahue, Murray Powell and Bob Schiebelhut

**1. Call to Order:** 5:05 pm Chair Wolff

**2. ALAB Members – Organizational Updates and Public Comment**

- Brandon Rivers asked about the status of hemp water duty factor over the Paso Robles Groundwater Basin.

**3. Previous Minutes – September 2019**

**Motion:** Rodrigues Approve September 2019 minutes.

**Motion 2<sup>nd</sup>:** Warden

**Approved:** Unanimous by all voting members.

**4. ALAB Membership Updates – Marc Lea**

- Butch Yamashita is the primary Nursery Representative and Dan Jones is the alternate. Butch's term lasts through April 2020 and he can be reappointed.
- Daniel Chavez, newly appointed District 4 Representative, introduced himself as a second-generation strawberry grower in both San Luis Obispo and Santa Barbara counties.
- ALAB members discussed upcoming election for Chair and Vice Chair positions. Dan Rodrigues indicated his interest as serving as Chair. Mark Pearce, Don Warden, and Tom Ikeda or Claire Wineman will form a subcommittee to identify a potential Vice Chair.
- Claire Wineman, Butch Yamashita, Jutta Thoerner, and Dan Rodrigues terms last through April 2020. Nominations for new terms should occur in March 2020.
- The 2020 ALAB meeting schedule will continue to be the first Monday of every month except September due to the Labor Day holiday. September's ALAB meeting will be held on September 14, 2020. Meetings will be held the Farm Bureau Conference room except for two meetings that will be held at the UC Cooperative Extension Auditorium.

Link to the 2020 ALAB meeting calendar:

<http://www.slocounty.ca.gov/getattachment/fac0f796-c84e-4fd5-b55b-e7f8bd766040/2020-ALAB-Calendar.aspx>

## 5. Updates from Ag Department and County staff – Marc Lea

- Marc Lea indicated that the agricultural worker housing ordinance went to the Planning Commission on November 14, 2020. Minor changes were recommended as well as a rather substantial change that would result in the density requirements for group quarters to be removed. The ordinance will most likely be before the board of supervisors (BOS) in February or March 2020.
- Chair Jean-Pierre Wolff indicated that the Central Coast Regional Water Quality Control Board (CCRWQCB) will be having an update on water quality issues relative to SGMA. Jean-Pierre also announced he had been reappointed as Chair of the Board.
- ALAB members discussed the incompatibilities between cannabis and other crops that require pesticide applications. Cannabis pesticide tolerance levels (set by California instead of the EPA) and testing requirements have resulted in pesticide applicators and/or growers being forced to change or eliminate pesticide application practices due to the potential liability risk associated with cannabis testing above state regulated action levels. Cannabis crops testing positive above action levels must be destroyed. Marc Lea shared that the Agriculture Department is working on a cannabis condition of approval intended to protect existing applicators and growers by having cannabis growers that are applying for a county discretionary permit to release liability for failing action level situations not caused by the gross negligence or willful misconduct of a Released Party. This condition of approval is still in the development stage and has not been implemented yet.

## 6. Presentation and Discussion: Review of ALAB Subcommittee's Actions regarding the Development of a Permanent Ordinance for Industrial Hemp Cultivation in San Luis Obispo County. Marc Lea – San Luis Obispo County Department of Agriculture and Dan Rodrigues - ALAB Hemp Subcommittee Chair

- Marty Settevendemie kicked off discussions summarizing the BOS actions that resulted in the ALAB and public advisory subcommittee which advised planning during the development of the draft hemp ordinance. Marty indicated that ALAB as a whole can form an independent opinion on the proposed draft hemp ordinance.
- Marc Lea provided ALAB members with a summary of the subcommittee's discussions and results. The subcommittee met several times with the bulk of consensus forming during the initial meetings. See link below for a summary:  
[http://www.slocounty.ca.gov/getattachment/ae78394-9d73-45cd-a76d-fde5b7b454af/ALAB-Subcommittee-Results\\_Updated.aspx](http://www.slocounty.ca.gov/getattachment/ae78394-9d73-45cd-a76d-fde5b7b454af/ALAB-Subcommittee-Results_Updated.aspx)
- Dan Rodrigues thanked all the subcommittee members. Dan highlighted the three bullet point items summarized in the handout.
- George Kendall raised concerns about the potential for pesticide incompatibilities similar to cannabis.
- Claire Wineman shared such concerns and questioned whether hemp should have discretionary review just like cannabis.
- Discussions continued relative to setbacks and the difficulty in agreeing to an appropriate distance to mitigate for the potential migration of terpenes, odors, etc.

ALAB members discussed if a letter should be sent to BOS. Members acknowledged the lack of consensus on some issues.

- Dan Rodrigues suggested a letter be sent identifying the three bullet points in the ALAB hemp subcommittee handout, along with the suggestion of developing BMPs similar to Sonoma County, and a sliding scale for setback distances based on the size of the hemp cultivation site.
- Jean-Pierre Wolff shared Lisen Bonnier's email that suggested setback proposal to include more uses such as schools, event centers, retirement homes etc.
- Claire Wineman indicated her organization's position has evolved and because there is the potential for smokable hemp with very low pesticide action levels, they now believe a land use permit similar to cannabis makes more sense.
- Various members of the public indicated that a requirement for a discretionary review land use permit would eliminate the potential for hemp in the county as such a process would be economically unfeasible because hemp does not have the same value as cannabis. Concerns were raised about requiring new regulations for production of a legal crop and subsequent repercussions and the limits placed on hemp research.
- Don Warden indicated the hemp growing next door to him had a strong odor. He indicated the scenic resources of the area had been negatively impacted by the unattractive fencing erected around the hemp fields. His experience has led him to believe there needs to be greater regulations and setbacks established from neighboring crops and uses.
- ALAB members discussed if a letter should be sent to the BOS and if hemp production should be an allowed use or require discretionary review.

**Motion:** Wolff – Send a letter to the Planning Department in response to the Public Review Draft of the industrial hemp permanent ordinance that includes the three bullet point items recommended by the ALAB hemp subcommittee (included below), as well as the consideration of including BMPs similar to Sonoma County's hemp ordinance proposal and establishing a sliding scale for setback distances relative to the acreage of hemp being cultivated. In addition, slightly amending one of the recommendations made by the ALAB hemp subcommittee to include a provision that any permanent ordinance that is enacted be reviewed on *an annual basis* to enable information from scientific studies to inform decision making.

- The subcommittee agreed that the environmental/riparian setback should be struck from the ordinance as redundant to other requirements that growers must meet.
- The subcommittee agreed in principle that the ordinance should be established in a manner that minimizes conflicts with existing agricultural operations and businesses.
- The subcommittee agreed in principle that as new research on the potential impacts of hemp cultivation (and processing) becomes available that the ordinance should be reviewed within the context of this newly available information, and amended as necessary.

**Approved:** 7 - Yes. 2 – No. (Warden, Wineman)

## 7. Future Agenda Items: Hemp ordinance and phase 2 of the ag water offset ordinance

**Next meeting – January 6, 2020**

Meeting Adjourned 7.20 pm

Respectfully submitted by Lynda Auchinachie, San Luis Obispo County Department of  
Agriculture