



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, *DIRECTOR*

May 29, 2020

Kevin Kahn, Coastal Planner
California Coastal Commission
725 Front Street, Ste. 300
Santa Cruz, Calif. 95060

Subject: San Luis Obispo County Amendment No. LCP 1-20: An amendment to the Coastal Zone Land Use Ordinance, Title 23 of the County Code and the Coastal Framework for Planning Table "O" to allow for the cultivation of industrial hemp.

Dear Mr. Kahn:

Attached are the required materials for the County to submit the above amendment to the California Coastal Commission for formal consideration. We ask that the amendment be processed in accordance with Section 13551(b)(2) of Title 14 of the California Code of Regulations – as an amendment that will require County adoption after Commission approval.

Attached are supplements addressing other submittal requirements as prescribed by the Commission's regulations. If you need additional material, or if we have overlooked any component, please contact me at (805) 788-2788 or by email (kmorais@co.slo.ca.us).

Sincerely,

Kip Morais
Planner

Enclosures: Local Coastal Program Amendment for LCP 1-20

ATTACHMENT A

Supplement to LCP #1-20

**LCP AMENDMENT #1-20
COUNTY OF SAN LUIS OBISPO**

CONTENTS

- A Supplement to LCP #1-20
- B Planning Commission Staff Report
- C Planning Commission Minutes
- D Board of Supervisors Packet
- E Board of Supervisors Minutes
- F LCP #1-20 – Adopted Ordinance (Ordinance 3415), Resolution 2020-118, Exhibit A to Resolution
- G Letters and Other Correspondence
- H Public Hearing Notification
- I Environmental Determination
 - (1) Common-Sense Exemption

LCP #1-20: ATTACHMENT A
SUPPLEMENT TO LCP #1-20
COUNTY OF SAN LUIS OBISPO

A. INTRODUCTION

The following is meant to supplement the County's amendment submittal LCP #1-20 and provide the information required by Section 13551-13554 of the Commission's regulations.

B. SUBMITTAL REQUIREMENTS OF SECTION 13551-13552 OF TITLE 14, CALIFORNIA CODE OF REGULATIONS

1. Section 13551 – Local Government Resolution

Attached is the formal resolution of submittal to your Commission. By longstanding Board of Supervisors' policy, the County expects that the amendment will be processed pursuant to Section 13551(b)(2), as an amendment that will require formal local adoption after Coastal Commission approval. This is stated also in our cover letter for this submittal package.

2. Section 13552 – Contents of LCP – Amendment Submittal

a. Summary of measures taken to provide maximum public input on the process:

The County carefully followed Section 13515 and 13552 in the preparation, distribution, and publication of public hearing notices. Attached is our LCP mailing list comprised of media, libraries, federal, state, local agencies, interested persons, and others.

Notice of public hearing appeared in "The New Times," a newspaper of general circulation serving San Luis Obispo County on January 9, 2020. Notice of Planning Commission hearing was mailed to all persons on mailing list on or before January 7, 2020. The Planning Commission held a hearing on January 23, 2020 in the County Government Center, San Luis Obispo, which is accessible to all areas of the Coastal Zone.

Notice of the Board of Supervisors public hearing appeared in "New Times," a newspaper of general circulation serving San Luis Obispo County, on April 30, 2020. The Board of Supervisors public hearing was held on May 5, 2020 in the County Government Center, San Luis Obispo, which is accessible to all areas of the Coastal Zone. On May 5, 2020, the Board of Supervisors adopted the ordinance approving these amendments for submittal to the Coastal

Commission. Staff intends to send a courtesy notice of the Coastal Commission's Hearing regarding the Industrial Hemp Ordinance prior to that hearing date to all parties on the LCP Mailing List which will be published in "The New Times".

b. *Related policies, plans, etc. to the amendment are provided.*

LCP #1-20 is a request to approve amendments to the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp. The requested amendments include: 1) an amendment of Title 23 to Section 23.11.030 – Coastal Zone Land Use Definitions, to add definitions for industrial hemp related activities, 2) amendments to section 23.08.042 adding industrial hemp processing as a type of agricultural processing. Industrial hemp processing would be subject to discretionary permitting similarly to other agricultural processing uses. 3) Amendments to Section 23.08.040 – Agricultural Uses - Specialized to add requirements for location standards for industrial hemp cultivation, nuisance odors, registration requirements, and enforcement. 4) Amendments to Chapter 23:10.150 – Nuisance Abatement to add procedures for industrial hemp related violations and 5) amendments to the Coastal Framework for Planning Table "O" to add industrial hemp cultivation as a subcategory of crop production and grazing and 6) an amendment to Chapter 6, Section D – Land Use Definitions of Coastal Zone Land use Element for Crop Production and Grazing [A5] to prohibit in the field sales of industrial hemp products.

c. *Discussion of relationship to, and effect on, other sections of the LCP.*

The Coastal Framework for Planning includes Goals for Land Use that includes providing areas where agricultural, residential, commercial and industrial uses maybe be developed in harmonious patterns and with all necessities for satisfactory living and working environments. Table O of Coastal Framework for Planning provides for industrial hemp cultivation in the Agricultural, Rural Lands, and Residential Rural land use categories as a special use allowable subject to special standards and/or processing requirements. Industrial Hemp is listed as a subcategory of Crop Production and Grazing in Table O. The Guidelines for Amendments to the Coastal Zone Land Use Ordinance include:

1. *All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:*
 - a. *To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;*

- b. *To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings;*
 - c. *To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.*
2. *Designs for proposed residential uses should include:*
 - a. *Provisions for privacy and usable open space;*
 - b. *Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.*
 - c. *Buildings should take advantage of solar opportunities where feasible.*
 3. *All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.*

The proposed amendments are consistent with the Guidelines for Amendments to the Coastal Zone Land Use Ordinance. The proposed amendments allow cultivation of industrial hemp similar to other types of crop production and grazing, but with added restrictions to be compatible with present and potential adjacent land uses. Industrial hemp processing is treated as a agricultural processing use and is subject to the same permitting requirements as existing ag processing uses.

- a. *The requirements of Section 13552 – common methodology:*

This amendment does not affect the common methodology under which our Local Coastal Program was found consistent and certified by the Coastal Commission, since the amendment is consistent with the policies of Chapter 3 of the Coastal Act.

- b. *CEQA documents:*

This project is exempt from CEQA pursuant to the General Rule Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place limited restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use by-right within the County of San Luis Obispo, and no new uses are proposed.

- c. *An indication of zoning measures:*

The polices and standards of the Land Use Element and Local Coastal Program and other CZLUO standards are unaffected. This amendment is consistent with LCP policies.

4. Summary of Contents

Attached are the minutes from the Board of Supervisors public hearing on this amendment. The minutes include all testimony received and response to the testimony.

B. CHECKLIST OF SUBMITTAL CONTENTS

1. Required Material
 - a. Transmittal letter.
 - b. Supplement to LCP #2-20 – How submittal meets the requirements of California Code of Regulations, Sections 13551-13554. (*Attachment A*)
 - c. Minutes of the Board of Supervisors meeting. (*Attachment E*)
 - d. Board of Supervisors adopted resolution ordinance. (*Attachment F*)
 - e. LCP mailing list, interested parties mailing list, copy of public notices mailed and published. (*Attachment H*)

2. Text Materials
 - a. Planning Commission minutes reflecting their action. (*Attachment C*)
 - b. The Planning Commission Staff Reports. (*Attachment B*)
 - c. Letters received during public hearings. (*Attachment G*)
 - d. Board of Supervisors Staff Report. (*Attachment D*)

ATTACHMENT B

Planning Commission Staff Report



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE January 23, 2020		CONTACT/PHONE Kip Morais (805) 781-5136 kmorais@co.slo.ca.us		APPLICANT County of San Luis Obispo		FILE NO. LRP2019-00008	
SUBJECT Hearing to consider a request by the County of San Luis Obispo for an amendment to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.							
RECOMMENDED ACTION Recommend to the Board of Supervisors approval of Land Use Ordinance, Coastal Zone Land Use Ordinance, and Coastal Framework for Planning Amendment LRP2019-00008 based on the findings listed in Attachment 1.							
ENVIRONMENTAL DETERMINATION This project is exempt from CEQA under the Common Sense Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]							
LAND USE CATEGORY All		COMBINING DESIGNATION Not Applicable		ASSESSOR PARCEL NUMBER Not Applicable		SUPERVISOR DISTRICT(S) All	
PLANNING AREA STANDARDS: Not Applicable							
EXISTING USES: Not Applicable							
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The proposed amendments were referred to: Public Works, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, Community Advisory Groups, Air Pollution Control District, California Coastal Commission, Farm Bureau, neighboring counties, California Coastal Commission, California Department of Fish and Wildlife, US Department of Fish and Wildlife, RWQCB, California Department of Conservation, Agricultural Liaison Advisory Board, interested parties e-mail list.							
TOPOGRAPHY: Not Applicable				VEGETATION: Not Applicable			
PROPOSED SERVICES: Not Applicable				AUTHORIZED FOR PROCESSING DATE: July 16, 2019			
<p align="center">ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</p>							

PROJECT SUMMARY

The Public Hearing Drafts (“PHD Ordinances”) found in Attachment 2 (Redline Version) and Attachment 3 (Clean Version) contain standards for establishing the cultivation and processing of industrial hemp as defined by the PHD Ordinances, regulations for location and operation of that use, and provisions for enforcement activities. Industrial hemp cultivation is regulated through restrictions to land use category, location standards, and parcel size.

DISCUSSION

Background

Industrial hemp as defined by Section 11018.5 of the California Health and Safety Code means a fiber or oilseed crop, or both, that is limited to types of the plant *Cannabis sativa L.* having no more than three-tenths of 1 percent (0.3%) tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom. Section 81000 of the California Food and Agricultural Code states “industrial hemp” has the same meaning as that term is defined in Section 11018.5 of the Health and Safety Code. Title 22 and the San Luis Obispo County Coastal Zone Framework for Planning define industrial hemp consistent with Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Prior to the signing of the 2018 Farm Bill, industrial hemp was listed as a controlled substance under the federal Controlled Substances Act. The 2018 Farm Bill removed industrial hemp from the list of controlled substances and designated it as an agricultural commodity, subject to specific regulations. Federal law allows the cultivation of commercial industrial hemp and the cultivation of industrial hemp for research purposes if it is produced in accordance with an approved state program. Specifically, state law requires that commercial growers of industrial hemp register with the County Agricultural Commissioner prior to cultivation. Registration is conducted on an annual basis. The County cannabis ordinance adopted in November 2017 excluded industrial hemp from the definition of cannabis, and specifically placed industrial hemp cultivation in the “crop production and grazing” land use category.

On May 21, 2019, the Board of Supervisors (“Board”) directed staff to draft the Industrial Hemp Urgency Ordinance to address local concerns regarding industrial hemp cultivation in San Luis Obispo County. The Board adopted the urgency ordinance on June 18, 2019, which applied a temporary moratorium on the cultivation of industrial hemp in San Luis Obispo County. Upon adoption of the urgency ordinance, the Department of Agriculture/Weights and Measures ceased issuance of any new industrial hemp registrations aside from those that were issued prior to the urgency ordinance effective date. Registered growers include 17 commercial growers with a total of 452 acres and 9 entities cultivating industrial hemp for research purposes as of the effective date of the urgency ordinance. Under the urgency ordinance, these research growers were allowed to cultivate industrial hemp through December 31, 2019.

On June 18, 2019, the Board directed staff to prepare a permanent ordinance that would allow industrial hemp cultivation to occur within the County with limitations based on land use category, parcel size, and setback requirements. The Board directed that the permanent ordinance should not establish a discretionary use permit process, but only establish a regulatory framework as to

where hemp cultivation may occur by-right. On July 2, 2019, the Agricultural Liaison Advisory Board (ALAB) submitted a letter to the Board of Supervisors with concerns about the land use regulations imposed on industrial hemp production, emphasizing that hemp should not have land use restrictions different from other legal crops, and expressing concerns about the precedent that this action could set for future regulation of other agricultural commodities. On July 16, 2019, the Board of Supervisors voted to extend the urgency ordinance through June 2020. At that same meeting the Board directed staff to work with ALAB to serve as the advisory group for drafting the permanent hemp ordinance.

Board Direction, ALAB input, and public comment

The proposed ordinance amendments were developed based on research, input from the ALAB subcommittee, and public comment. As stated above, the Board provided direction to the Department of Planning and Building during the urgency ordinance extension hearing as summarized in the table below.

TABLE 2: SUMMARY OF BOARD DIRECTION & PROPOSED ORDINANCE	
Board Direction	Proposed Ordinance based on Board Direction, ALAB subcommittee, and public comment
Ministerial approval process	<ul style="list-style-type: none"> Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review.
Limits to land use categories	<ul style="list-style-type: none"> Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories. Residential Rural outdoor cultivation will be limited to non-flowering transplants only.
Establish Setbacks	<ul style="list-style-type: none"> Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences. Indoor industrial hemp cultivation is limited to fully enclosed buildings or greenhouses and setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership, and require ventilation controls to eliminate nuisance odors.

ALAB Hemp Subcommittee

At the August 5, 2019 ALAB meeting, a subcommittee was formed to work with the Planning and Building Department to draft the permanent hemp ordinance. Members of the original subcommittee consisted of representatives of the hemp industry, wine grape industry, ALAB members, vegetable industry members, and representatives of the Farm Bureau. Other industry members, interested parties, representatives of the Planning and Building Department and the Department of Agriculture/Weights and Measures were also in attendance. Three initial subcommittee meetings were held, and the results of those meetings were presented at the September 9, 2019 ALAB meeting (attached). The subcommittee discussions focused on the Board-directed topics of zoning limitations, setbacks, and minimum parcel size. While the subcommittee did not come to consensus on all issues, they agreed on the following:

ZONING LIMITATIONS:

- Agriculture (AG) and Rural Lands (RL) zoned parcels: Hemp cultivation, both indoor and outdoor, should be allowed on these properties.
- On lands zoned Rural Residential (RR), cultivation of transplants should be allowed. Since transplants will be defined as only non-flowering plants, this cultivation should be allowed both indoors and outdoors. It is recognized that transplant growing will typically be done indoors in greenhouses on RR zoned properties, but they may need to move them outside to harden them off prior to shipping and there is no reason to disallow that ability.
- On lands zoned Rural Residential (RR), Industrial (IND), and Commercial Services (CS), growers would have the option of going through the discretionary use permit process (Minor Use Permit) to grow full flowering plants.

SETBACKS or BUFFERS:

- The subcommittee agreed that any setbacks that may be established should be measured from a specific identified uses and boundaries off-site from the hemp grower's parcel and not from the hemp grower's property line. In other words, there is no need for setbacks from a grower's property line if the hemp cultivation is taking place well away from any potential conflicts.
- The subcommittee agreed that any setbacks or buffers that may be established should be measured from a "sensitive site" or "sensitive receptor". There was not an agreement established on exactly what those sensitive receptors should be. Items discussed included schools and state licensed daycares, residential zoned areas or properties (as opposed to a single residence or a couple of residences located on agricultural zoned lands), existing agricultural crops/commodities, wineries, and winery tasting rooms.

MINIMUM PARCEL SIZES:

- The subcommittee agreed that a minimum parcel size was not required. It was discussed that any setbacks or buffers developed would be geared toward alleviating land use conflict between neighbors, and would be more effective than a minimum parcel size (e.g. if there was a minimum parcel size but no setback/buffer established,

than the grower could still plant in a corner of his property close directly adjacent to other residences or established crops and a required minimum parcel size would be ineffective). In addition, by not allowing full flowering hemp plants on those parcels zoned for residential land uses, that alleviates much of the need to establish minimum parcel sizes.

Some of the recommendations of the subcommittee were incorporated into the Public Review Draft. The limiting of Industrial Hemp Cultivation to Agriculture, Rural lands, and Residential Rural land use categories were incorporated, as were restrictions on cultivation of outdoor transplants in the Residential Rural land use category. Per the subcommittee's recommendation, setbacks were established from the areas of cultivation to specific uses rather than from property lines or public right of ways. Broadening the land use categories where cultivation would be permitted through a discretionary permitting process was not incorporated into the draft, as the Board direction was to establish a non-discretionary process. The public review draft also incorporated minimum parcel sizes per Board direction.

Cultivation Standards

The subcommittee did not reach consensus on what the distance setbacks should be. There is a lack of currently available scientific research on hemp odor or the potential for terpene taint affecting crops such as grapes, making it difficult to determine a logical rationale for a specific setback distance. It is likely that this research will be forthcoming in the near future. The setback distances for outdoor (300 ft) and indoor (100 ft) cultivation are consistent with those in the Cannabis Ordinance, although in the Cannabis ordinance these setbacks are from property lines for outdoor cultivation and from specific offsite uses for indoor cultivation. The proposed setbacks for the Industrial Hemp Ordinance are based on setbacks from specific uses rather than property lines. The 1,000-foot setback from "sensitive receptors" in the Cannabis Ordinance was not incorporated into the Industrial Hemp Ordinance for two reasons. The first is that the term "sensitive receptor" has a specific meaning per the California Health and Safety Code. Sensitive receptor provisions under the California Health and Safety Code don't relate to agricultural odors. The second is that the 1,000-foot setback was taken from Proposition 64 aimed at diversion to minors because of Cannabis's status as a federally illegal schedule 1 drug, which is not the case with hemp. This standard was not based on odor.

The subcommittee and Agricultural Commissioner's Office specified that there is an important difference between flowering (odor-causing) and transplant-only cultivation. This distinction informed Staff's recommendation and was incorporated into the setbacks for the public review draft. However, staff determined that having distinct setbacks for only flowering plants rather than transplants would lead to the inability for code enforcement officers to be able to distinguish between them until after plants had flowered. As such, the proposed ordinance has been revised to include setbacks for transplant as well. Setbacks are measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. Per Board direction, minimum parcel sizes were added consistent with the 10-acre outdoor minimum for Cannabis cultivation allowed in the Agricultural Land Use Category. A smaller parcel size is more appropriate for indoor operations provided nuisance odors do not escape offsite. The following table breaks down the setbacks and minimum parcel size by land use category and cultivation type in the public hearing draft.

Cultivation Type		Minimum Parcel Size	Land Use Category		
			Agriculture	Rural Lands	Residential Rural
Outdoor	Flowering	10 acres	300'	300'	Prohibited
	Transplant	10 acres	300'	300'	300'
Indoor	Flowering	5 acres	100'	100'	100'
	Transplant	5 acres	100'	100'	100'

Industrial Hemp Processing and Manufacturing

Industrial hemp processing is treated as an agricultural processing use. It is limited to drying, curing, trimming, packaging, and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). Industrial hemp processing is limited to land use categories where agricultural processing is allowed, and subject to discretionary review. Manufacturing of finished hemp products, including those products that require cannabinoid extraction and infusion, are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, and hemp textiles would be classified as textile manufacturing etc.

Enforcement

Violations of County Code or state law related to industrial hemp constitutes a public nuisance and is subject to code enforcement procedures. Industrial hemp crops are subject to review and inspection at any time, including crop and/or product testing by the Sheriff's Department, Code Enforcement, and Department of Agriculture/Weights and measures. If an industrial hemp crop were to test positive for THC content greater than that established under Section 81000 of the Food and Agricultural Code, the burden to remediate the situation would be on the applicant. Cannabis Hearing Officer duties and powers are proposed to be amended to include industrial hemp abatement hearings and determination of post-abatement costs and assessments.

Public Review Draft Comments

At the September 9, 2019 ALAB meeting it was recognized that although the Planning and Building Department needed to proceed with drafting the ordinance in order to return to the Board by Spring 2020, the subcommittee would continue with three subsequent monthly meetings to provide input on the drafting of the ordinance. Both the ALAB meetings and the subcommittee meeting were open for members of the public to attend and comment. The public review draft of the ordinance was released for public comment on November 11, 2019.

Revisions were made to the ordinance based on comments to the public review draft. Setbacks from religious facilities and cannabis grows were added to the location standards section. Per comments received from County Counsel, setbacks were required for industrial hemp transplants to avoid situations where Code Enforcement would not be able to distinguish between transplants and flowering cultivation until flowering had occurred, making it difficult to determine if there was a setback violation prior to flowering. The majority of comments advocated for changing the proposed setbacks, with the majority in favor of increased setbacks. Staff recognizes that

variability in temperature, wind, and size of grow can effect the distance at which odors would be detectable. The Planning Commission has the discretion to recommend a greater setback distance based on these comments. Response to public comments have been attached for reference.

GENERAL PLAN CONSIDERATIONS AND CONSISTENCY

The proposed amendment was reviewed for consistency with the General Plan and found to be consistent because they include revisions to protect the public safety, health and welfare by preventing the establishment of nuisances by the cultivation of industrial hemp, and they are consistent with the Land Use Ordinance Amendment guidelines in the General Plan.

Framework for Planning – Inland and Coastal Zone

The purpose of the following principles and goals are to better define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns.

Inland

- Principle 1: Protect agricultural land and resources

Coastal Zone

- Goal 1: Conserve agricultural resources and protect agricultural land

The proposed amendment would support and be consistent with the principles and goals. Industrial Hemp Cultivation is currently prohibited by the urgency ordinance. The proposed amendment would reduce barriers for Industrial Hemp Cultivation and establish cultivation standards for industrial hemp designed to reduce conflict with other uses. In addition, the County has formed and consulted with a technical advisory committee and considered public comments.

Agricultural Element

The intent of the Agricultural Element is to promote and protect the agricultural industry of the County, to provide for a continuing sound and healthy agriculture in the County, and to encourage a productive and profitable agricultural industry.

- AG1: Support County Agricultural Production
- AG4: Encourage Public Education and Participation

In developing the draft ordinance, cultivation standards were developed to allow the cultivation of industrial hemp in areas and in a manner that lessens impacts to other crop types and uses. In addition, the ordinance was designed to allow for a registration process with no discretionary review to ensure processing procedures are rapid and efficient.

CEQA REVIEW

This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty

that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo.

REFERRALS

The proposed amendments were referred to: Public Works, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, Community Advisory Groups, Air Pollution Control District, California Coastal Commission, Farm Bureau, neighboring counties, California Coastal Commission, California Department of Fish and Wildlife, US Department of Fish and Wildlife, RWQCB, California Department of Conservation, Agricultural Liaison Advisory Board, and the interested parties e-mail list. Staff received comment letters from various groups and individuals, which are included in the attached Response to Comments.

SB18

Pursuant to the requirements of Senate Bill 18 (SB 18 – 2004), any County that considers a General Plan Amendment must invite representatives from affected local tribes to participate in meaningful consultation with the local government for the purpose of discussing tribal concerns related to the proposed project. SB 18 consultation was initiated for the proposed amendments in October 2019. No requests for consultation were received.

ATTACHMENTS

The following attachments include all of the required documentation for amendments to the Local Coastal Plan and County Code to establish Industrial Hemp Cultivation. The proposed amendments are in legislative change format. Following the Planning Commission hearing on this item, the applicable draft resolution language will be prepared/ revised for the Board's review.

1. Findings
2. Proposed Ordinances (Redline Version)
3. Proposed Ordinances (Clean Version)
4. Public Comments Summary and Responses
5. Public Comments
6. Notice of Exemption

Staff Report prepared by Kip Morais and reviewed by Brian Pedrotti and Airlin Singewald.

ATTACHMENT C

Planning Commission Minutes

Thursday, January 23, 2020

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jay Brown; Mike Multari; Dawn Ortiz-Legg; and Don Campbell

ABSENT: None

PUBLIC COMMENT PERIOD

- 1. Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.

Jay Brown: opens Public Comment with no one coming forward.

PLANNING STAFF UPDATES

- 2. Briefing on Planning Commission Schedule and Appeals

Xzandrea Fowler, Environmental Coordinator: updates Commissioners on their near term schedule and recent Board of Supervisor actions.

CONSENT AGENDA:

- 3. **GENERAL PLAN CONFORMITY REPORT** - The Planning Director has issued the following General Plan conformity report. This is a notice of a completed conformity report to the Planning Commission as required by Section B, Chapter 7 of Framework for Planning, Part 1 of the county Land Use Element, and is being provided for public information only. No action need be taken by the Planning Commission except to Receive and File the report. The decision to issue a General Plan conformity report is solely at the discretion of the Planning Director, although appeals of the Planning Director's determination may be made in accordance with the provisions of the Land Use Ordinance.

A report on the determination of conformity with the County General Plan for the proposed acquisition of two separate easement agreements on two parcels of 54.6-acres (APN: 076-231-074) and 73.33-acres (APN: 076-231-075) from Cool Properties LLC and Spearman Family Trust, for the purpose of obtaining a trail alignment on a portion of the Ontario Ridge Trail. The two easements will be of varying widths, but not less than 20-feet wide. The parcels are within the Rural Lands land use category and are located at the intersection between Avila Beach Drive and Ontario Road, north of the City of Pismo Beach, within the San Luis Bay Coastal Planning Area.

County File Number: DTM2019-00050
 Supervisorial District: 3
Project Manager: Katie Nall

Assessors Parcel Number: 076-231-074, -075
 Date Accepted: NA
Recommendation: Receive and File

- 4. Determination of conformity with the General Plan for the proposed surplus and sale of County-owned real property (APNs: 021-231-024, 021-231-041, 021-231-017), on the corner of 12th Street and N Street in the community of San Miguel. The parcels are located within the Residential Multi-Family land use category in the Salinas River Sub-Area of the North County Planning Area

County File Number: DTM2019-00051

Assessor Parcel Number: 021-231-024, 021-231-041, 021-231-017
 Supervisorial District: 1 Date Accepted: Not Applicable
 Project Manager: Katie Nall Recommendation: Receive and File

The Commission approves Consent Items 3 and 4.

Motion by: Don Campbell
Second by: Michael Multari

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

HEARINGS: (ADVERTISED FOR 9:00 A.M.)

- 5 A continued hearing from January 9, 2020 to consider a request by Alyson Rodges for Development Plan/Coastal Development Permit (DRC2019-00163) for a commercial dog kennel and training facility. The applicant proposes to convert existing storage structures for this facility. The applicant is also requesting modification of development standards of Specialized Animal Facilities (CZLUO 23.08.052.g.[4].[ii]) to allow access from a privately maintained road. No site disturbance is proposed. The proposed project is within the Industrial land use category and is located at 776 Calle Bendita Road in the village of Callender-Garrett. The site is in the South County (Coastal) Planning Area. Also to be considered is the determination that this project is categorically exempt from environmental review under CEQA.

County File Number: DRC2019-00163
 Supervisorial District: 4
Project Manager: Young Choi

Assessor Parcel Number: 091-351-054
 Date Accepted: October 22, 2019
Recommendation: Continue to Off Calendar

Kate Shea, staff: provides reasoning for a continuance off calendar request.

The Commission continues this item off calendar.

Motion by: Michael Multari
Second by: Dawn Ortiz-Legg

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

6. Hearing to consider a request by **Golden State Water Company (GSWC)** for a Development Plan/Coastal Development Permit to allow for the replacement of an existing 84,000-gallon bolted steel water tank (reservoir) with a new 140,000-gallon welded steel reservoir. The project will disturb the entire 0.33-acre (14,375-square-foot) parcel located within the Residential Suburban land use category. The site is located on the south side of Alamo Drive, approximately 250 feet south of Rodman Drive, within the community of Los Osos, in the Estero planning area. Also to be considered at the hearing will be adoption of the Mitigated Negative Declaration prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on December 19, 2019 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Geology and Soils, Hazards/Hazardous Materials, Noise, and Land Use and are included as conditions of approval.

County File Number: DRC2019-00068

Assessor Parcel Number: 074-021-034

Supervisorial District: 2

Date Accepted: September 16, 2019

Project Manager: Katie Nall

Recommendation: Approval

Katie Nall, Project Manager: presents staff report.

Commissioners: ask questions of staff.

Jay Brown: opens Public Comment with no one coming forward.

Commissioners: deliberate.

The Commission adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and approves Development Plan DRC2019-00068 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

Motion by: Michael Multari

Second by: Dawn Ortiz-Legg

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

- 7 Hearing to consider a request by **420 Strains, Inc.** for a Conditional Use Permit / Coastal Development Permit (DRC2019-00090) to establish 745 square feet of non-volatile cannabis manufacturing, 153 square feet of cannabis distribution, and to establish a 93 square-foot non-storefront dispensary for mobile delivery within a 1,900 square-foot lease space on the first floor of an existing 2,850 square-foot building. Activities would include non-volatile cannabis manufacturing, shipping, receiving, processing, packaging, labeling, and delivery of cannabis products from licensed operators. Per ordinance, the dispensary may operate from 8:00 a.m. until 8:00 p.m. daily. No changes to the building footprint or architecture is proposed and the project will not result in any new site disturbance. The project is located within the Commercial land use category located at 1492 Railroad Street in the community of Oceano. The project is located within the San Luis Bay (Coastal) Planning Area. Also to be considered is the determination that this project is categorically exempt from the environmental review under CEQA.

County File Number: DRC2019-00090
 Supervisorial District: 4
Project Manager: Holly Phipps

Assessor Parcel Number: 061-046-056
 Date Accepted: June 25, 2019
Recommendation: Approval

Holly Phipps, Project Manager: presents staff report.

Commissioners: ask questions of staff.

Jay Brown: opens Public Comment

Ron Lawrence, applicant: addresses questions from the Commissioners and explains proposal aspects.

Commissioners: deliberate.

The Commission approves Conditional Use Permit DRC2019-00090 based on the findings listed in Exhibit A and the conditions listed in Exhibit B. Adopted.

Motion by: Dawn Ortiz-Legg
Second by: Michael Multari

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

- 8. Hearing to consider a request by the **County of San Luis Obispo** for amendments to the General Plan, Land Use Ordinance, Title 22 of the County Code, and the Coastal Zone Land Use ordinance Title 23 of the County Code, to modify combining designations for lands with significant mineral resources and lands adjacent to existing mines and quarries (Mineral Resource Designation Amendments). Also to be considered is the environmental determination that this project is not a project as defined under CEQA and even if it were a project under CEQA, it would be exempt under the Common Sense Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]

County File Number: DRC2017-00017

Project Manager: Jillian Ferguson

Recommendation: Board of Supervisors approval

Jillian Ferguson, Project Manager: presents staff report.

Brian Pedrotti, staff: displays new Item 55 Santa Margarita mining designation language for review.

Commissioners: begin asking questions of staff.

Jay Brown: opens Public Comment.

Charles Kleeman: speaks.

Commissioners: deliberate.

The Commission recommends the Board of Supervisors approve Land Use Ordinance, Coastal Zone Land Use Ordinance, Inland and Coastal Frameworks for Planning, and Conservation and Open Space Element Amendment LRP2013-00017 based on the findings listed in Attachment 1, including the addition of Item 55 to the Mineral Resource Area (MRA) list in Section II.6.2 of the North County Area Plan to read: Item 55. Santa Magarita (MRA). The Santa Magarita MRA combining designation has been classified as containing regionally significant mineral deposits. Any extraction facilities to be located within this MRA should be designed in consideration of the ultimate buildout of that community.

Motion by: Don Campbell

Second by: Dawn Ortiz-Legg

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown		X		
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

- Hearing to consider a request by the **County of San Luis Obispo** for an amendment to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations. Also to be considered is the environmental determination that this project is exempt from CEQA under the Common Sense Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]

County File Number: LRP2019-00008

Project Manager: Kip Morais

Recommendation: Board of Supervisors approval

Kip Morais, Project Manager: presents staff report.

Commissioners: ask questions of staff.

The Commission agrees to hold the meeting past 12:00 PM

Motion by: Don Campbell

Second by: Michael Multari

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

Jay Brown: opens Public Comment.

Frank Brown, Richard Halgren, Ray Poiset, Slater Heil, Rhys Gardiner, Brandon Rivers, John Sordelet, Bill Greenough, Lucas Raines, Sean Donahoe, Sue Sullivan, Robin Baggett, Brent Burchett, Murray Powell, Claire Wineman, Lynda Ziegler, Jena Wilson, Judy Darway, Nick Andre, Crystal Bradshaw, Donna Mehlschau, Collette VanGerwen, George Donati, and Bruce Falkenhagen: speak.

Commissioners: begin deliberations.

Michael Multari: suggests treating Hemp as a non-discretionary crop and provides reasoning.

Commissioners: straw vote on having special areas of the county where Hemp cultivation would be prohibited. Don Campbell is willing to extend the Urgency Ordinance. Michael Multari is inclined to forward staff's recommendation along with areas of concern with Dawn Ortiz-Legg and Jay Brown in agreement.

Michael Multari: would like to convey to the Board of Supervisors that if there may be sub areas of the county exempting hemp cultivation then Hemp cultivation should be subject to a Minor Use Permit application.

Don Campbell: cannot support the recommendation until further research has been conducted on the effect Hemp will be on the Wine industry.

Michael Multari: suggests a straw vote for those in favor of forwarding the recommendation to the Board of Supervisors asking them to consider special areas within the county where Hemp cultivation would be prohibited. Special characteristics of the areas such as topographical conditions, proximity to ocean, prevailing winds, other existing micro climates, sustainability to pesticides, with annual review of potential harm.

Don Campbell: is willing to accept an extension to the Urgency Ordinance due to the research he would like conducted. Cannot straw vote yes or no.

Jay Brown: is inclined to vote with Comm. Multari’s recommendation as well as Comm. Ortiz-Legg.

Dawn Ortiz-Legg: would also like to convey a smaller lot minimum size.

Michael Multari: suggests the Board of Supervisors consider that there may be special sub areas of the county that are particularly sensitive where industrial Hemp is not an appropriate use. Additionally, we should allow reductions in the minimum sizes and setbacks subject to a discretionary approval such as a Minor Use Permit.

Don Campbell: understands the intent, however, feels extending the Urgency Ordinance with the same allowances is preferable to him.

Rob Fitzroy, Assistant Director: suggests an option to continue this hearing to give commissioners time to provide direction to staff and return.

Commissioners: deliberate a continuance and an extension of the Urgency Ordinance.

Brian Stack, County Counsel: explains the limited exemptions adopted for the Urgency Ordinance, in regard to an extension of the Urgency Ordinance.

Commissioners: decide to take an action on the amendments to the ordinance today.

Straw vote on staff’s recommendation with additional comments to the Board of Supervisors. Yes=Michael Multari, Jay Brown, and Dawn Ortiz Legg. No=Don Campbell.

Commissioners: convey the following recommendations for the Board of Supervisors to consider in their deliberations of the ordinance.

1. Special areas of the county where Hemp cultivation would potentially not be allowed returning to the Planning Commission with definitions of these special areas.
2. Allow reductions in the lot size subject to a discretionary permit such as a Minor Use Permit.
3. Discretionary permit in Rural Residential proximity to the Urban Reserve Line (URL), Ministerial Permit or the Ag and Rural Lands land use categories when 1000’ from URL and VRL locations.

The Commission recommends the Board of Supervisors approve Land Use Ordinance, Coastal Zone Land Use Ordinance, and Coastal Framework for Planning Amendment LRP2019-00008 based on the findings listed in Attachment 1, accepts the changes displayed during staff’s presentation, and recommends the Board of Supervisors consider special areas of the County where Hemp cultivation would potentially not be allowed providing direction to staff definition of these special areas; allow reductions in the lot size subject to a discretionary permit such as a Minor Use Permit and require discretionary permits in Rural Residential proximity to the Urban Reserve Line (URL), Ministerial Permit in the Agricultural and Rural Lands land Use Categories when 1000’ from the URL and VRL locations.

Motion by: Michael Multari

Second by: Dawn Ortiz-Legg

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
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Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell		X		

The Commission accepts all testimony and correspondence entered into the record.

Motion by: Michael Multari

Second by: Don Campbell

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

The Commission adjourns to February 27, 2020.

Motion by: Michael Multari

Second by: Don Campbell

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

ADJOURNMENT: 3:14 PM

Respectfully submitted,
 Ramona Hedges, Secretary
 San Luis Obispo County Planning Commission

ATTACHMENT D

Board of Supervisors Packet



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 5/5/2020	(3) CONTACT/PHONE Kip Morais, Planner II / (805) 781-5136	
(4) SUBJECT Hearing to consider adoption of a resolution amending the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp; exempt from CEQA. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: 1. Adopt the resolution to approve the amendments to Title 22 of the County Code, Title 23 of the County Code, Coastal Framework for Planning Table "O", and Title 1 of the County Code for the Industrial Hemp Ordinance (as set forth in Attachments 2, 4, 6, and 8). 2. If adopted, waive the reading of the ordinances.			
(6) FUNDING SOURCE(S) Department of Planning and Building Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 90 min) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? Yes	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date ____05/21/2019, 6/18/2020	
(17) ADMINISTRATIVE OFFICE REVIEW Zachary A. Lute			
(18) SUPERVISOR DISTRICT(S) All Districts			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building / Kip Morais, Planner II

VIA: Trevor Keith, Director

DATE: May 5, 2020

SUBJECT: Hearing to consider adoption of a resolution amending the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp; exempt from CEQA. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Adopt the resolution to approve the amendments to Title 22 of the County Code, Title 23 of the County Code, Coastal Framework for Planning Table "O", and Title 1 of the County Code for the Industrial Hemp Ordinance (as set forth in Attachments 2, 4, 6, and 8).
2. If adopted, waive the reading of the ordinances.

DISCUSSION

Background

Regulatory Framework

Industrial hemp is defined by Section 11018.5 of the California Health and Safety Code as:

A crop that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of one (1) percent tetrahydrocannabinol ("THC") contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.

Section 81000 of the California Food and Agricultural Code states "industrial hemp" has the same meaning as that term as defined in Section 11018.5 of the Health and Safety Code. Title 22 and the San Luis Obispo County Coastal

Zone Framework for Planning define industrial hemp consistent with Section 81000 of the Food and Agricultural Code and Section 11018.5 of the Health and Safety Code, as they may be amended.

Prior to the signing of the 2018 Farm Bill, industrial hemp was listed as a controlled substance under the federal Controlled Substances Act, however, cultivation of industrial hemp for research purposes under an agricultural pilot program or by institutions of higher education was permitted under the 2014 Farm Bill. The 2018 Farm Bill removed industrial hemp from the list of controlled substances and designated it as an agricultural commodity, subject to specific regulations, including the requirement to be conducted pursuant to an approved state or federal program. Until approval of a state or federal program, cultivation of industrial hemp remains limited to the requirements under the 2014 Farm Bill. Effective January 1, 2020, State law requires commercial and research growers of industrial hemp to register with the County Agricultural Commissioner prior to cultivation. Registration is conducted on an annual basis. The San Luis Obispo County Cannabis Ordinance, adopted in November 2017, specifically placed industrial hemp cultivation in the “crop production and grazing” land use category.

In October 2019, Senate Bill 153 was enacted. This bill impacted entities that were cultivating under the “established agricultural research institute” exemption. SB153 narrowed the definition of research institute to institutions of higher education conducting agricultural or academic research, and now requires hemp research growers to submit a full registration application to the Agricultural Commissioner’s Office. Any research related hemp occurring in association with a university would not be under the land use authority of the County, e.g. hemp research at Cal Poly State University. The regulations contained in the proposed public hearing draft ordinances will apply to any commercial industrial hemp operations.

Urgency Ordinance

On May 21, 2019, the Board of Supervisors (“Board”) directed staff to draft the Industrial Hemp Urgency Ordinance (“Urgency Ordinance”) to address local concerns regarding industrial hemp cultivation in San Luis Obispo County. The Board adopted the Urgency Ordinance on June 18, 2019, which applied a temporary moratorium on the cultivation of industrial hemp in San Luis Obispo County. Upon adoption of the Urgency Ordinance, the Department of Agriculture/Weights and Measures ceased issuance of any new industrial hemp registrations aside from those that were issued prior to the Urgency Ordinance effective date. As of the effective date of the Urgency Ordinance, registered growers included 16 commercial growers with a total of 452 acres and 9 entities cultivating industrial hemp for research purposes. Under the Urgency Ordinance, these research growers could cultivate industrial hemp through December 31, 2019. The Urgency Ordinance will expire on June 18, 2020. If the Board does not adopt a permanent hemp ordinance by that expiration date, and does not extend the Urgency Ordinance, hemp cultivation will be allowed in the County subject to land use regulations for Crop Production and Grazing.

On June 18, 2019, the Board directed staff to prepare a permanent ordinance that would allow industrial hemp cultivation to occur within the unincorporated county with limitations based on land use category, parcel size, and setback requirements. The Board directed that the permanent ordinance should not establish a discretionary use permit process but establish a regulatory framework as to where hemp cultivation may occur by-right. On July 2, 2019, the Agricultural Liaison Advisory Board (“ALAB”) submitted a letter to the Board with concerns about the land use regulations imposed on industrial hemp production, emphasizing that hemp should not have land use restrictions different from other legal crops, and expressing concerns about the precedent that this action could set for future regulation of other agricultural commodities. On July 16, 2019, the Board voted to extend the urgency ordinance through June 2020. At that same meeting the Board directed staff to work with ALAB to serve as the advisory group for drafting the permanent hemp ordinance.

At the August 5, 2019 ALAB meeting, a subcommittee was formed to work with the Department of Planning and Building (“Department”) to draft the permanent hemp ordinance. Members of the original subcommittee consisted of representatives of the hemp industry, wine grape industry, ALAB members, vegetable industry members, and representatives of the Farm Bureau. Other industry members, interested members of the public, representatives of the Department and the Department of Agriculture/Weights and Measures were also in attendance. The subcommittee discussions focused on the Board-directed topics of zoning limitations, setbacks, and minimum parcel size. The subcommittee met three times in August 2019 and presented their recommendations and areas of consensus to ALAB.

The subcommittee had consensus on:

- Both indoor and outdoor hemp cultivation should be allowed on Agriculture (“AG”) and Rural Lands (“RL”) zoned parcels.
- Limitations to outdoor cultivation for transplants only in Residential Rural (“RR”) because of their lack of odor before the flowering stage.
- Setbacks should be measured from particular identified off-site uses, rather than from a grower’s property lines.

The subcommittee did not have consensus on:

- What distance setbacks or buffers should be established. Discussions ranged from 50 feet to ½ mile (2,640 feet).
- What the sensitive uses should be. Most of those discussed were included in the Public Hearing Draft as presented at the Planning Commission (“Commission”).

At the September 9th ALAB meeting, it was recommended the hemp subcommittee continue to meet, recognizing that the meetings would continue in parallel to staff developing a Public Review Draft. The subcommittee met three subsequent times from October – December 2019. A summary of both rounds of subcommittee meetings along with ALAB’s letter of recommendation from their December 18th meeting has been attached (Attachment 12).

Proposed Ordinance Summary

The proposed ordinance amendments were developed based on research, input from the ALAB subcommittee, public comment, and Planning Commission recommendations. As stated above, the Board provided direction to the Department of Planning and Building during the urgency ordinance extension hearing as summarized in the table below. Ministerial review based on Planning Commission recommendation is included in the proposed ordinance summary in Table 1 below.

TABLE 1: SUMMARY OF BOARD DIRECTION & PROPOSED ORDINANCE	
Board Direction	Proposed Ordinance based on Board Direction, ALAB subcommittee, public comment, and Planning Commission Recommendation
Ministerial approval process	<ul style="list-style-type: none"> • Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing • Industrial Hemp Cultivation will be allowed by-right insofar as it is not within 1,000 feet of a Urban Reserve Line (“URL”) or Village Reserve Line (“VRL”) and meets other requirements described herein

	<ul style="list-style-type: none"> • Minor Use Permit would be required between 300 and 1,000 feet of URL and VRL for outdoor cultivation • Growers would register with the Ag Commissioner's Office per State requirements
Limits to land use categories	<ul style="list-style-type: none"> • Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories • Residential Rural outdoor cultivation will be limited to non-flowering transplants only
Establish Setbacks	<ul style="list-style-type: none"> • Outdoor industrial hemp cultivation shall not be located within 300 feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family ("RSF"), Residential Multi-Family ("RMF"), Residential Suburban ("RS") land uses categories, Urban Reserve Lines ("URL"), Village Reserve Lines ("VRL"), schools, religious facilities, or existing offsite residences of separate ownership • Indoor industrial hemp cultivation is limited to fully enclosed buildings or greenhouses and setback 100 feet from any existing offsite residence of separate ownership, and require ventilation controls to eliminate nuisance odors
Minimum Parcel Size	<ul style="list-style-type: none"> • 10-acre minimum for outdoor cultivation • 5-acre minimum for indoor cultivation • Ability to allow reduction in minimum parcel sizes with discretionary permitting

Analysis of Planning Commission Recommendations

On January 23, 2020 the Planning Commission met and recommended the Board approve the proposed ordinance changes. The Commission also provided three recommendations for the Board to consider in their deliberations. Planning Commission recommendations #1 and #2 (below) have been incorporated into the revised draft ordinance and attached (Attachments 2-8). Planning Commission Recommendation #3 (below) is discussed below along with two alternate options. The Staff Report for the Planning Commission hearing, which includes more detailed discussions on cultivation standards, processing, manufacturing, and enforcement has also been attached (Attachment 11) for reference.

The following is an analysis of the Planning Commission Recommendations:

Planning Commission Recommendation #1:

The Commission recommended allowing reductions in minimum lot sizes subject to a discretionary permit such as a Minor Use Permit. Previous drafts of the ordinance had established minimum lot sizes based on Board direction, but the point was raised at the hearing that this would be a way to incorporate greater flexibility into the ordinance. Staff is proposing to include the following language in chapter 22.30.244 and chapter 23.08.047 to address the Commission's suggestion (underline and *italicized*):

Outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger. *This limitation may be modified through Minor Use Permit approval.*

Planning Commission Recommendation #2:

The Commission recommended a discretionary permit such as a Minor Use Permit be required for outdoor flowering hemp within 1,000 feet of any Urban Reserve Line (URL) or Village Reserve Line (VRL). The Commission also discussed whether it should be possible to reduce the required 300-foot setback from sensitive uses, but ultimately decided against it. Therefore, if the Board chose to adopt the Planning Commission's recommendation, discretionary permitting would be required between 300-1,000 feet of URLs and VRLs. Farther than 1,000 feet, outdoor flowering hemp could be cultivated by-right (in the identified land use categories except in the Residential Rural Land Use Category), requiring only registration with the Department of Agriculture/Weights and Measures Office per State requirements. Staff incorporated permit requirements in chapter 22.30.244 and 23.08.047 (Attachments 3 – 6) including the following language to address the Commission's suggestion (underline and *italicized*):

Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation within 300-1,000 feet of a URL or VRL.

Planning Commission Recommendation #3:

The Board directed staff to evaluate whether there are special areas of the County where industrial hemp cultivation should be excluded and return to the Planning Commission for review and recommendation to the Board. This topic was a frequent point of discussion in public comment prior to, and at, the Planning Commission hearing. Specifically, members of the public and the wine industry spoke about Edna Valley and the possibility for conflict between industrial hemp cultivation, the residential community, and the existing wine industry. The topic of terpene taint was also discussed. Terpenes are volatile organic compounds that can possess a strong odor and can evaporate from plant oils where they are present and be released into the air. It is important to note that there is a lack of scientific research regarding the effects of hemp terpenes on wine grapes, although that is likely to change in the near future as research is underway. The case was made by some members of the wine industry that the unique geography of the Edna Valley makes the wine industry there especially vulnerable to hemp odors.

The Commission did not provide direction as to which specific characteristics should be considered in defining exclusion areas. Staff recognizes that identifying areas for exclusion based on unique geographic features presents a challenge due to the many micro-climates with unique geography within the county. The Planning Commission also discussed American Viticultural Areas ("AVAs") and whether to not allow hemp within a defined AVA. AVAs are distinguished by specific geographic or climatic features that distinguish them from surrounding regions and affect how grapes are grown. San Luis Obispo County has 5 major AVAs, which include an additional 11 sub-areas within the Paso Robles AVA. Commissioner Multari pointed out that in the case of the Edna Valley AVA, the boundaries cross into the City of San Luis Obispo. The Commission did not suggest that AVAs should be the delineation for exclusion areas. Instead the Commission highlighted the criteria for exclusion areas for discussion by the Board and requested the Board direct staff as to whether exclusion areas should be pursued.

Aside from identifying specific exclusion areas, there is the possibility that some of the concerns identified by public comment and heard at the Planning Commission hearing may be addressed through alternate options as described below for Board consideration.

Planning Commission Recommendation: Require a Minor Use Permit for outdoor industrial hemp cultivation within 300-1,000 feet of a URL or VRL (see Planning Commission Recommendation #2, above). This language is already included in the Public Hearing Draft. Two alternative options are included below.

Option 1: Establish a 1-mile area around URLs and VRLs that would require discretionary permitting. This would expand upon the 300-1,000-foot area recommended by Planning Commission as requiring discretionary permitting for outdoor flowering (non-transplant) hemp. The language could be amended as follows:

Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation within 300 feet - 1,000 feet one mile of a URL or VRL.

Expanding the area around URLs and VRLs would allow for greater discretion in those areas of the county that are more densely populated, while providing for greater flexibility for cultivation than an outright prohibition area. Figure 1 below shows both 1,000-foot and 1-mile discretionary areas from URLs and VRLs. Figure 2 highlights those two discretionary permitting area options shown overlaid with the Edna Valley AVA outline taken from the Alcohol Tobacco Tax and Trade Bureau, while Figure 3 shows the two options overlaid with the Templeton VRL and AVA.

Option 2: Establish an Industrial Hemp Prohibition area for outdoor flowering (non-transplant) industrial hemp cultivation within a certain distance from URLs and VRLs. This option would identify prohibition areas around the county related to population density and the prevalence of sensitive uses. This would be the more restrictive of the two alternative options. This option would be one way of establishing exclusion zones based around proximity to URLs and VRLs within the County.

Figure 1: 1,000-foot and 1-mile setbacks from URLs, VRLs in San Luis Obispo County

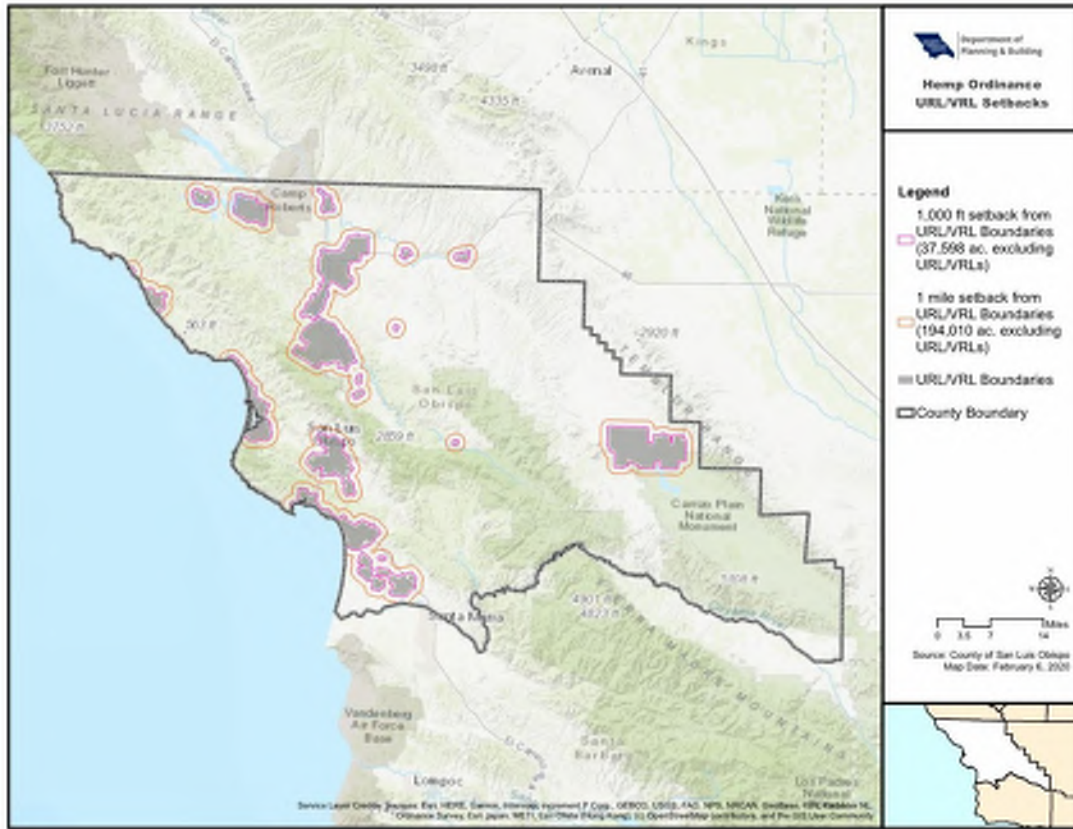


Figure 2: 1,000-foot and 1-mile discretionary area and Edna Valley AVA

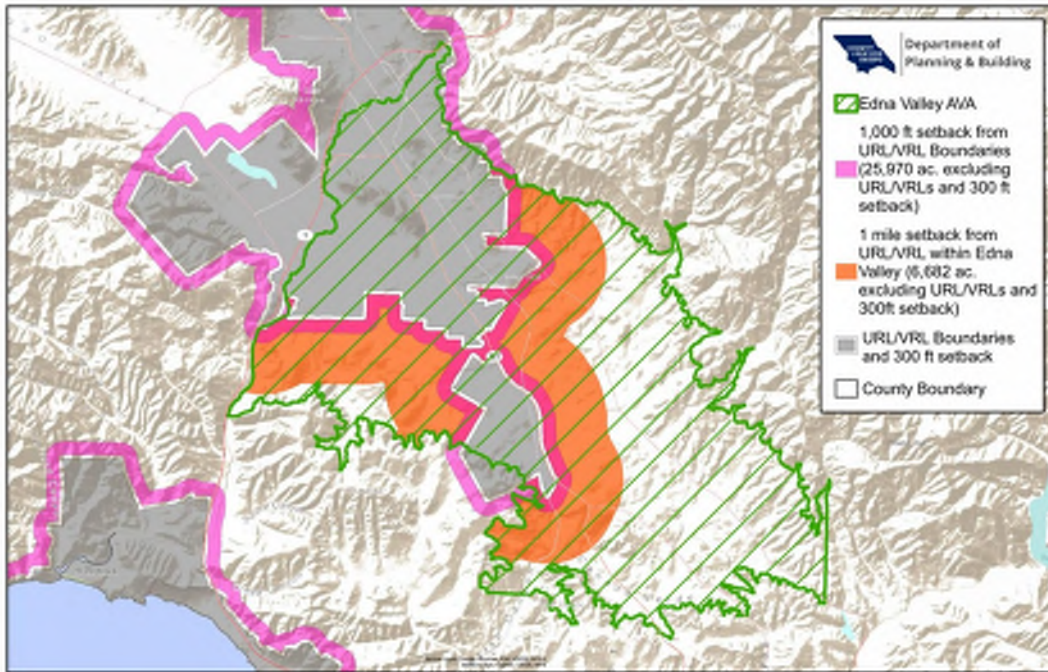
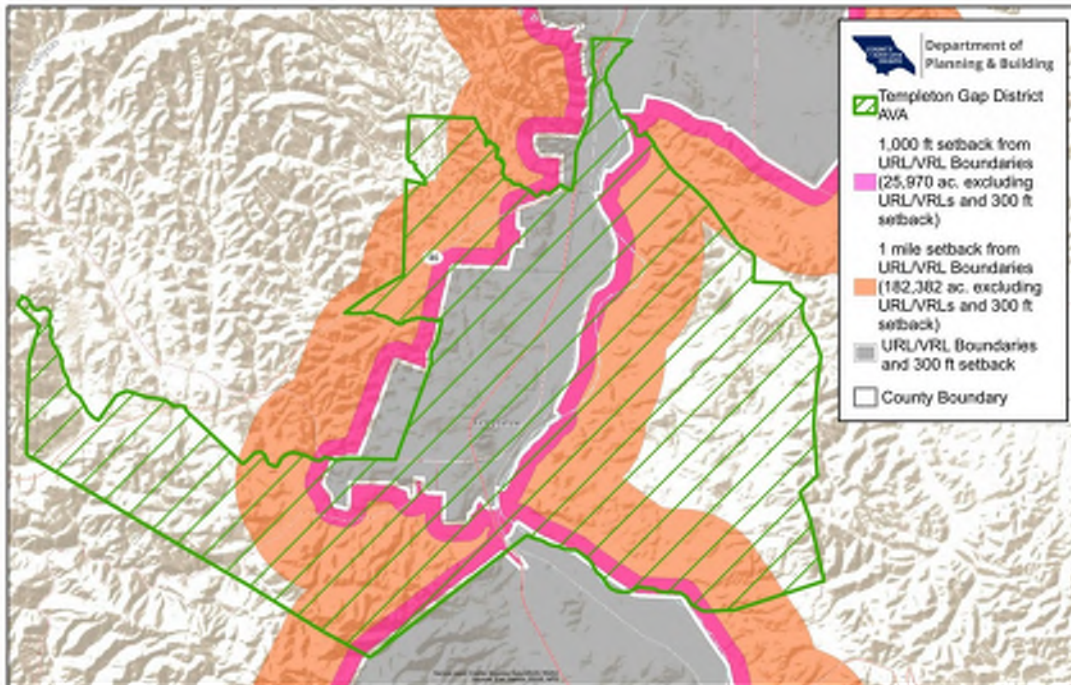


Figure 3: 1,000-foot and 1-mile discretionary area and Templeton VRL and AVA



Environmental Determination

Also, to be considered by your Board is the environmental determination that the project is exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(3), General Rule Exemption. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place limited restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use by-right within the County of San Luis Obispo, and no new uses are proposed. The Environmental Coordinator has determined that it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

Senate Bill No. 18 (SB-18) – Traditional tribal cultural places

Pursuant to the requirements of Senate Bill 18 (SB 18 – 2004), any County that considers a General Plan Amendment must invite representatives from affected local tribes to participate in meaningful consultation with the local government for the purpose of discussing tribal concerns related to the proposed project. SB 18 consultation was initiated for the proposed amendments in October 2019. No requests for consultation were received.

OTHER AGENCY INVOLVEMENT/IMPACT

The Department referred the amendments to all applicable State and local responsible agencies, including the Public Works Department, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Grover Beach, City of Morro Bay, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, All Community Advisory Groups, Air Pollution Control District, California Coastal Commission, Farm Bureau, neighboring counties, California Coastal Commission, California Department of Fish and Wildlife, US Department of Fish and Wildlife, Regional Water Quality Control Board, California Department of Conservation, Agricultural Liaison Advisory Board, and the interested parties e-mail list. Staff received comment letters from various groups and individuals, which are included in the Response to Comments within Attachment 11. The County also participated in workshops with the ALAB Industrial Hemp Subcommittee, which were open to the public and included members of the hemp industry and other agricultural industries. The Planning Commission reviewed and recommended Board adoption of the ordinance amendments with additional recommendations as discussed above. In addition, County Counsel reviewed and approved the resolution and ordinances as to form and legal effect.

BUSINESS IMPACT STATEMENT

Approving this request may result in positive and negative impacts to the Uniquely SLO County Cluster identified in the San Luis Obispo County Clusters of Opportunity Economic Strategy (November 2010). The proposed ordinance amendments will allow for the cultivation of a new crop within the region with restrictions on land use. Allowing the cultivation of Industrial hemp has the potential to benefit farmers in the County who wish to invest in the new hemp market. However, there is the possibility that Industrial hemp cultivation could negatively impact the Uniquely SLO County Cluster, particularly the wine tourism industry, which could potentially be affected by odors caused by Industrial hemp cultivation.

FINANCIAL CONSIDERATIONS

Multiple County departments have been challenged to respond to the legalization of cannabis in California. The Board, the County, and the public have been tasked with developing governance, regulations and oversight to manage how crop cultivation, production, and resell will take place. Because hemp is a cannabis crop not normally associated with THC, the County anticipates similar resources will be required for developing the regulations and providing oversight as cannabis.

Planning and Building has been the primary author of multiple ordinances and revisions for Board adoption for cannabis. Adopted ordinances have included the requirement of land use permits to be processed through the department. Managing the staff and consultants to process these permits through application acceptance and the often-contentious public hearing process continues to require significant department resources. Compliance monitoring and investigation of unpermitted activity has also required significant department resources, which are generally not reimbursed through any cannabis revenues.

Regarding hemp specifically, the Department of Agriculture/Weights and Measures expects to recover the costs to implement the state regulatory program through a contract with the California Department of Food and Agriculture. This is primarily to cover County costs for registering hemp growers and assuring compliance with State law. These contracts rarely recover 100% of the costs, but the General Fund impact is expected to be relatively low. The department also recovers costs through a fee schedule by billing each grower for activities not covered under the contract such as testing hemp crops for THC content. Code enforcement will likely be the largest demand on County resources because the County can expect complaints, as an example, about odor or whether a crop is hemp

or cannabis. It is not possible to predict how much staff time this require until an ordinance has been in place for some period of time.

RESULTS

Approval of the attached resolution would amend Title 22 of the County Code, Title 23 of the County Code, Coastal Framework for Planning Table "O", and Title 1 of the County Code to allow for the regulation and enforcement of the cultivation of Industrial Hemp in the unincorporated areas of the County.

The amendments to Title 22 and Title 1 of the County Code would become effective 30 days after today's date (May 5, 2020).

The Coastal Zone amendments will also require California Coastal Commission approval. The Department will submit the amendments to the California Coastal Commission after final Board action. If the California Coastal Commission approves and certifies the amendments, they will take effect immediately. If the California Coastal Commission approves the amendments with suggested modifications, the Department will return to the Board for consideration and approval of the California Coastal Commission's suggested modifications.

ATTACHMENTS

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Resolution with Exhibit A (LCP Amendment to Coastal Framework)
- Attachment 3 – Amendments to Title 22 (Land Use Ordinance) - Edited
- Attachment 4 – Amendments to Title 22 (Land Use Ordinance) - Clean
- Attachment 5 – Amendments to Title 23 (Coastal Zone Land Use Ordinance) - Edited
- Attachment 6 – Amendments to Title 23 (Coastal Zone Land Use Ordinance) - Clean
- Attachment 7 – Amendments to Title 1 (General Provisions) - Edited
- Attachment 8 – Amendments to Title 1 (General Provisions) - Clean
- Attachment 9 – Hemp PC Letter January 23, 2020
- Attachment 10 – Planning Commission Draft Minutes from January 23, 2020
- Attachment 11 – Staff Report for the January 23, 2020 Planning Commission Meeting
- Attachment 12 – ALAB Letter
- Attachment 13 – Notice of Exemption - Signed



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**Board of Supervisors
May 5, 2020**

Industrial Hemp Ordinance



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Background

- November 2017
 - Cannabis Ordinance classifies hemp as Crop Production and Grazing
- 2018 Farm Bill
 - Removed industrial hemp from federal Controlled Substances Act
 - 17 Commercial Growers Registered
 - 9 Research Growers
- June 2018 Urgency Ordinance
 - Temporary moratorium on new cultivation
- July 2018
 - Board directs staff to develop permanent ordinance
 - Work with Agricultural Liaison Advisory Board (ALAB)



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Background

Agricultural Liaison Advisory Board

ALAB Subcommittee

- ALAB members
 - Local hemp growers
 - Local vineyard and winery representatives
 - Farmers and ranchers
 - Open to public
-
- 6 meetings in 4 months
 - Public Review Draft



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Background

Planning Commission

- January 23, 2020
- Recommended the Board of Supervisors approve the proposed ordinance
- Proposed 3 additional recommendations



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Background

Senate Bill 153

- Took effect January 1, 2020
- Institutions of Higher Education as defined by the Federal Higher Education Act
- State law now requires registration with Ag Commissioner's Office



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SUMMARY OF BOARD DIRECTION & PROPOSED ORDINANCE

Ministerial approval process	<ul style="list-style-type: none"> • Industrial Hemp Cultivation a subcategory of Crop Production and Grazing • Registration with the Ag Commissioner’s Office per State requirements
Limits to land use categories	<ul style="list-style-type: none"> • Industrial Hemp Cultivation limited to the AG, RL, RR • Residential Rural outdoor cultivation limited to non-flowering transplants only
Minimum Parcel Size	<ul style="list-style-type: none"> • 10-acre minimum for outdoor cultivation • 5-acre minimum for indoor cultivation • <i>MUP to allow reduction in minimum parcel sizes (PC Recommendation)</i>



SUMMARY OF BOARD DIRECTION & PROPOSED ORDINANCE (CONTINUED)

Establish Setbacks

Outdoor cultivation

- 300 feet minimum from sensitive uses
- *MUP required between 300 – 1,000 Ft. of URLs and VRLs for flowering (non transplant) hemp (PC Recommendation)*

Indoor cultivation

- 100 feet from offsite residence or other living area of separate ownership
- Ventilation controls to eliminate nuisance odors.



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Location Standards

Outdoor Cultivation

300 feet from:

- Active crop production or cannabis grow of separate ownership
- Tasting rooms
- RSF, RMF, RR land use categories
- URL and VRL
- Schools
- Religious facilities
- Existing offsite residences

Indoor Cultivation

100 feet from:

- Existing offsite residences or living areas under separate ownership
- Require ventilation controls to eliminate nuisance odors



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Cultivation Standards

Cultivation Type		Minimum Parcel Size	Setbacks by Land Use Category		
			Agriculture	Rural Lands	Residential Rural
Outdoor	Flowering	10 acres	300'	300'	Prohibited
	Transplant	10 acres	300'	300'	300'
Indoor	Flowering	5 acres	100'	100'	100'
	Transplant	5 acres	100'	100'	100'



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Planning Commission Recommendation

Planning Commission recommended the Board adopt the proposed amendments with 3 recommendations:

1. Direct staff to look into identifying specific areas for exclusion that may be appropriate and bring that issue back through Planning Commission for review and recommendation to the Board. (Not included in Public Hearing Draft)
2. Allow reductions in lot size subject to a discretionary permit such as a Minor Use Permit. (Included in Public Hearing Draft)
3. Outdoor flowering hemp within 1,000 feet of the URL or VRL would require a discretionary permit such as a Minor Use Permit. Farther than 1,000 feet would be ministerial/by-right. (Included in Public Hearing Draft)



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PC Recommendation #1

1. Direct staff to look into identifying specific areas for exclusion that may be appropriate and bring that issue back through Planning Commission for review and recommendation to the Board.
 - PC did not specify what criteria to use
 - Edna Valley



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Industrial Hemp Exclusion Areas

Option #1: Discretionary permitting from 300-1,000 feet from URLs and VRLs (Planning Commission Recommendation)

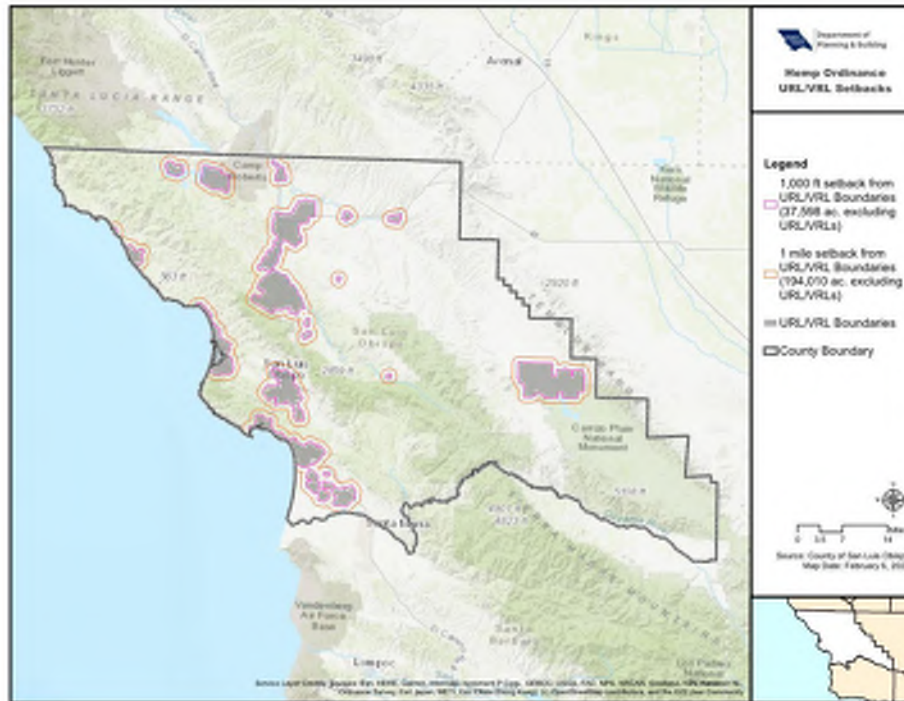
Option #2: Discretionary Permitting from 300 feet to 1 mile from URLs and VRLs

Option #3: Prohibit industrial hemp cultivation within 1 mile of URLs or VRLs



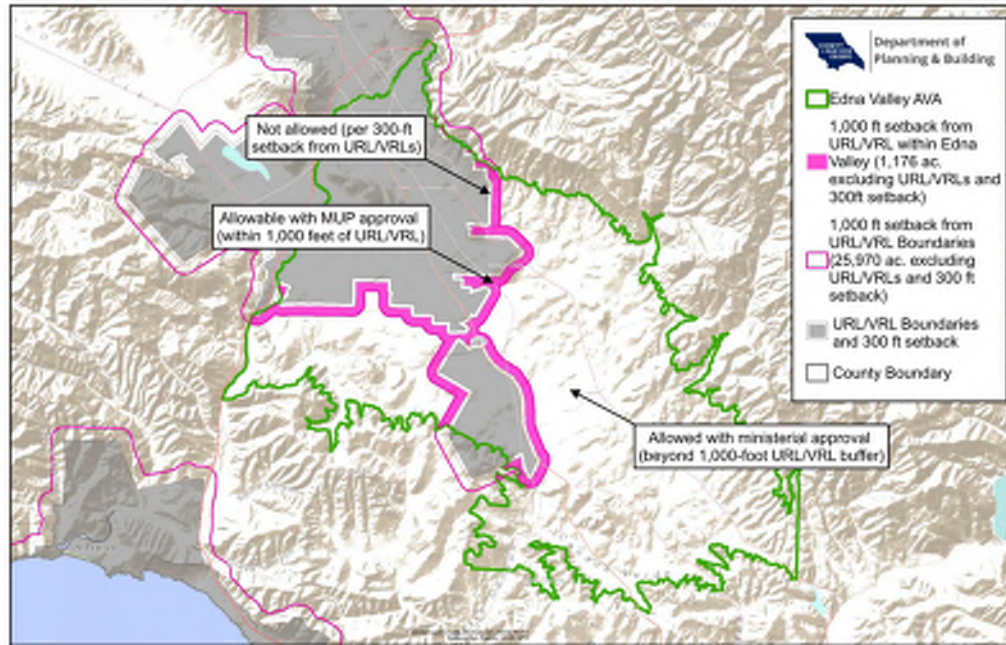
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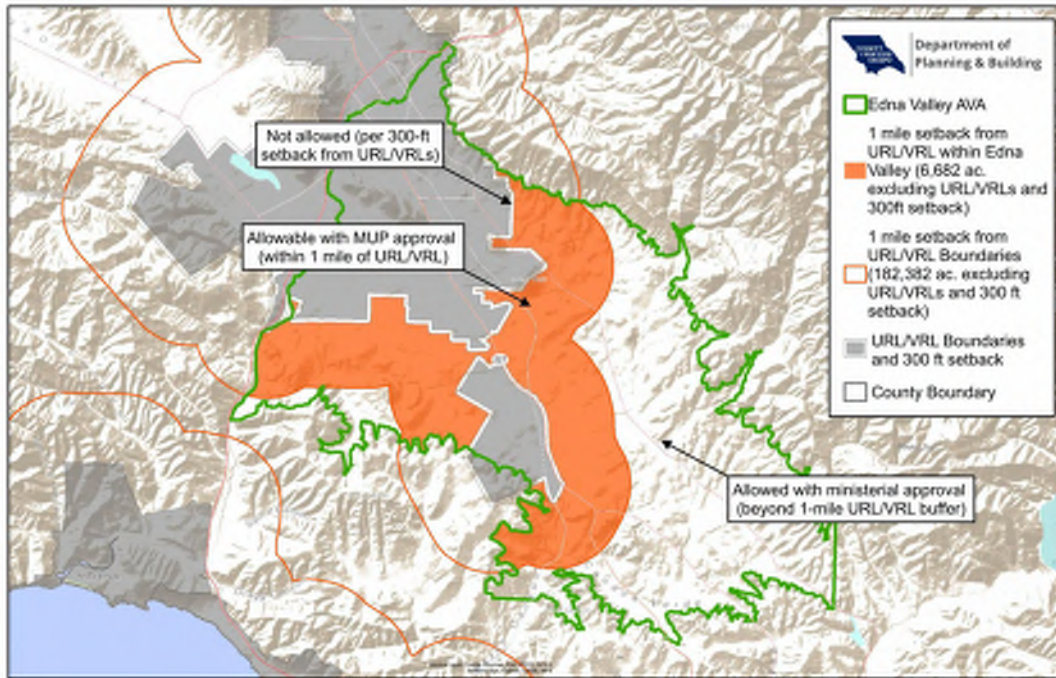
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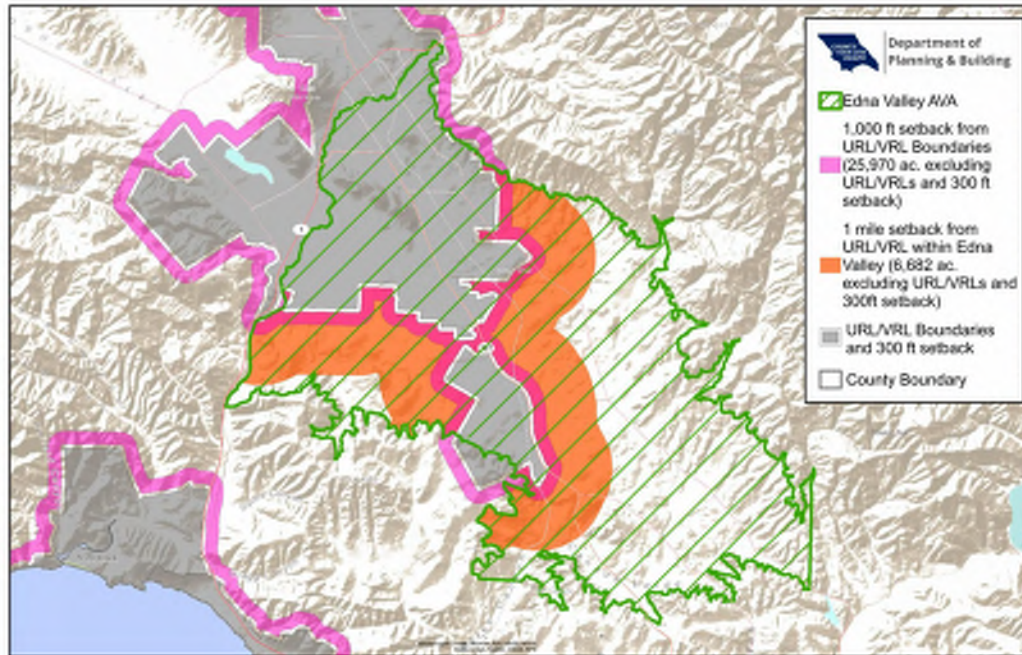
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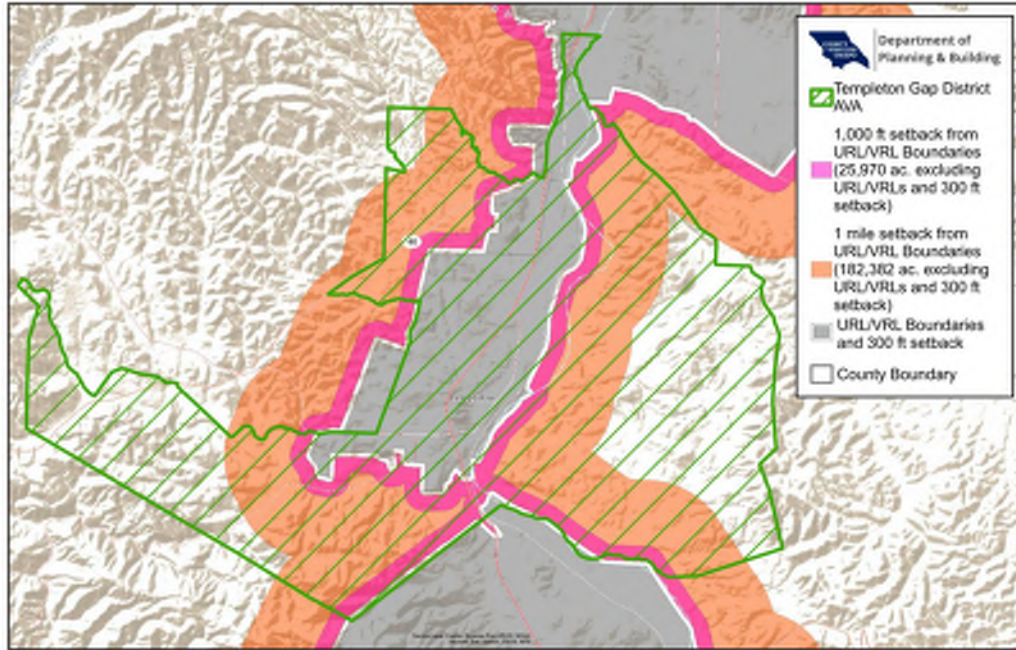
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Recommendation

1. Adopt the resolution to approve the amendments to Title 22 of the County Code, Title 23 of the County Code, Coastal Framework for Planning Table “O”, and Title 1 of the County Code for the Industrial Hemp Ordinance (as set forth in Attachments 2, 4, 6, and 8).
2. If adopted, waive the reading of the ordinances.



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QUESTIONS?



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IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION ADOPTING SPECIFIC AMENDMENTS TO TITLE 22 (LAND USE ORDINANCE), TITLE 23 (COASTAL ZONE LAND USE ORDINANCE), TITLE 1 (GENERAL PROVISIONS) OF THE COUNTY CODE, AND COASTAL FRAMEWORK FOR PLANNING TABLE "O", FOR THE INDUSTRIAL HEMP ORDINANCE

The following resolution is now offered and read:

WHEREAS, pursuant to Article XI, section 7 of the California Constitution, the County of San Luis Obispo may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and,

WHEREAS, the cultivation of industrial hemp without additional land use regulations has the potential to cause land use conflicts unique from other traditional crops because of federal and state regulatory requirements, its genetic similarities to cannabis, the potential for confusion with cannabis, and the potential to be a source of cannabis like odors which has been the subject of significant public testimony and concern, specifically including when nearby residential areas; and,

WHEREAS, the cultivation of industrial hemp without reasonable additional land use regulations could adversely affect the health, safety, and well-being of the County and its residents; and,

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of San Luis Obispo County that amendments be made to existing permanent land use regulations governing industrial hemp; and,

WHEREAS, the enactment of these amendments does not have the potential to cause an increase in industrial hemp or its impacts in the unincorporated area of the County of San Luis

Obispo beyond what would otherwise be allowed under existing permanent land use regulations;
and,

WHEREAS, the intent and purpose of these amendments is to establish reasonable restrictions upon the cultivation and processing of industrial hemp in order to protect the environment, public health, safety, and welfare in San Luis Obispo County; and

WHEREAS, on June 18, 2019, the Board adopted an urgency ordinance placing a temporary moratorium on the cultivation of industrial hemp in San Luis Obispo County and directed staff to prepare a permanent ordinance that would allow industrial hemp cultivation to occur within the County; and,

WHEREAS, on January 23, 2020 the Planning Commission reviewed the proposed amendments to Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance), Title 1 (General Provisions) and the Coastal Framework for Planning and recommended the Board of Supervisors approve the amendments as attached hereto; and,

WHEREAS, the Board of Supervisors has duly considered the proposed amendments to Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance), Title 1 (General Provisions), and the Coastal Framework for Planning and finds that the recommendation of the Planning Commission on January 23, 2020 should be accepted.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE Board of Supervisors of the County of San Luis Obispo, State California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.
3. That the Chairperson of the Board of Supervisors sign Ordinance_____ to adopt and enact the amendments to Title 22 (Land Use Ordinance) of the County Code as attached hereto.
4. That the Chairperson of the Board of Supervisors sign Ordinance_____ to adopt and enact the amendments to Title 23 (Land Use Ordinance) of the County Code as attached hereto.

[This document was certified as part of the Local Coastal Program. Therefore, this amendment needs to be submitted to the California Coastal Commission and will become effective only upon certification by the Coastal Commission.]

5. Amend the Coastal Framework for Planning as such amendments appear on Exhibit A attached hereto. [This document was certified as part of the Local Coastal Program. Therefore, this amendment needs to be submitted to the California Coastal Commission and will become effective only upon certification by the Coastal Commission.]

6. That the Chairperson of the Board of Supervisors sign Ordinance ____ to adopt and enact amendments to Title 1 (General Provisions) of the San Luis Obispo County Code as attached hereto.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: April 23, 2020

EXHIBIT A - STRIKETHROUGH

PROPOSED LCP AMENDMENT TO THE COASTAL FRAMEWORK FOR PLANNING

SECTION 1. Chapter 6 Section C (“Allowable Land Uses in the Coastal Zone and Coastal Table O”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

Agriculture - Prime Soils	Agriculture - Non-Prime Soils	Rural Lands	Recreation	Residential Rural	Residential Suburban	Residential Single-Family	Residential Multi-Family	Office & Professional	Commercial Retail	Commercial Service	Industrial	Public Facilities	Open Space
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A) AGRICULTURE																
Ag Accessory Structures	1	6-39	S-3-P	S-3-P	S-3-P	S-3	S-3	S-3					S-3	S-3	S-3	S-14
Ag Processing	2	6-39	S-3	S-3	S-3		S-3						S-3	A		
Animal Raising & Keeping	3	6-40	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Aquaculture	4	6-40		S-3	S-3		S-3						S-3-P	S-3-P		
Crop Production and Grazing	5	6-44	P	P	P	A	A	S-18	S-18	S-18	S-18	S-18	S-18	A	A	A
<u>Industrial Hemp Cultivation</u>			<u>S-3-P</u>	<u>S-3-P</u>	<u>S-3-P</u>		<u>S-3</u>									
Farm Equipment & Supplies	6	6-45		S-3	S-3		S-3						A	A		
Nursery Specialties – Soil Dependent	7	6-51	S-3-P	S-3-P	S-3		S-3	S-3				S-3	S-3	S-3		
Nursery Specialties – Non-Soil Dependent	8	6-52		S-3	S-3		S-3	S-3				S-3	S-3	S-3		
Specialized Animal Facilities	9	6-58	S-3	S-3-P	S-3	S-3	S-3	S-3	S-3		S-3	S-3	S-3	S-3	S-3	

SECTION 2. Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Crop Production and Grazing [A5]

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, "Animal Raising and Keeping."

EXHIBIT A - CLEAN

PROPOSED LCP AMENDMENT TO THE COASTAL FRAMEWORK FOR PLANNING

SECTION 1. Chapter 6 Section C (“Allowable Land Uses in the Coastal Zone and Coastal Table O”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

Agriculture - Prime Soils	Agriculture - Non-Prime Soils	Rural Lands	Recreation	Residential Rural	Residential Suburban	Residential Single-Family	Residential Multi-Family	Office & Professional	Commercial Retail	Commercial Service	Industrial	Public Facilities	Open Space
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A) AGRICULTURE																
Ag Accessory Structures	1	6-39	S-3-P	S-3-P	S-3-P	S-3	S-3	S-3					S-3	S-3	S-3	S-14
Ag Processing	2	6-39	S-3	S-3	S-3		S-3						S-3	A		
Animal Raising & Keeping	3	6-40	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Aquaculture	4	6-40		S-3	S-3		S-3						S-3-P	S-3-P		
Crop Production and Grazing	5	6-44	P	P	P	A	A	S-18	S-18	S-18	S-18	S-18	S-18	A	A	A
Industrial Hemp Cultivation			S-3-P	S-3-P	S-3-P	S-3										
Farm Equipment & Supplies	6	6-45		S-3	S-3		S-3						A	A		
Nursery Specialties – Soil Dependent	7	6-51	S-3-P	S-3-P	S-3		S-3	S-3				S-3	S-3	S-3		
Nursery Specialties – Non-Soil Dependent	8	6-52		S-3	S-3		S-3	S-3				S-3	S-3	S-3		
Specialized Animal Facilities	9	6-58	S-3	S-3-P	S-3	S-3	S-3	S-3		S-3	S-3	S-3	S-3	S-3		

SECTION 2. Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Crop Production and Grazing [A5]

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, "Animal Raising and Keeping."

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS REGARDING
INDUSTRIAL HEMP ACTIVITIES**

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: Section 22.06.030.C, Table 2-2 – Allowable Land Uses and Permit Requirements, of the San Luis Obispo County Code is amended to read as follows (for the new land use subcategory listed below only, uses not listed are not amended by this section):

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

Land Use (1) (2) (10)	Permit Requirements by L.U.C. (3)						Specific Use Standards
	AG (8)	RL	RR	RS	RSF	RMF	
Agriculture, Resource, and Open Space Uses							
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities (4)	A2	A2	A2	A2 (11)	A2 (11)		22.40
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
<u>Industrial Hemp Cultivation</u>	<u>A2</u>	<u>A2</u>	<u>A2</u>				<u>22.30.244</u>
Energy-generating facilities (9)	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves	A1	A1	A1				

[Type here]

[Type here]

SECTION 2: Section 22.06.040 - Exemptions From Land Use Permit Requirements, is hereby amended to read as follows (for the uses listed in subsection E.2. below only; uses not listed are not amended by this section):

E. Agricultural uses:

2. Crop production and grazing. No land use permit is required for crop production, provided that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244, and where an Agricultural Offset Clearance is required for New or Expanded Irrigated Crop Production that overlies the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as shown in Figure 6-1. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties - Intensive).

SECTION 3: Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases of the San Luis Obispo County Code, is hereby amended to read as follows (for the definitions listed below only; definitions not listed are not amended by this section):

Crop Production and Grazing (land use). Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See also, "Animal Keeping."

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal

propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

SECTION 4: Section 22.30.070 - Agricultural Processing Uses, of the San Luis Obispo County Code is hereby amended to read as follows (for subsections A and D listed below only; sections not listed are not amended by this section):

A. Permit requirements.

1. Minor Use Permit approval is required for agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, ~~and~~ commercial composting, and industrial hemp processing, unless Section 22.08.030 (Project-Based Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.

D. Standards for specific uses

5. Industrial Hemp Processing. For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, hoop houses, or trailers is included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile manufacturing, etc.

a. Location. Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

b. Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

c. Design standards. In the Agriculture and Rural Lands land use categories,

all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

SECTION 5: Section 22.30.244 – Industrial Hemp Cultivation, of the San Luis Obispo County Code is hereby added to read as follows:

22.30.244 - Industrial Hemp Cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only.
2. Outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger. This limitation may be modified through Minor Use Permit approval.
3. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Permit Requirements.

1. No permit required except as provided in Subsection A.2 above or Subsection B.2 below.
2. Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation between 300-1,000 feet of a URL or VRL.
3. Use permit applications for industrial hemp cultivation shall include at a minimum:
 - a. Site plan and description of the area, location, amount and type (indoor, outdoor, for food or fiber or for cannabinoid production) of hemp cultivation being requested;
 - b. Evidence documenting that the site has legal access to a public road;
 - c. Size, height, colors, and design of any proposed signage at the site;
 - d. Odor management plan;
 - e. Proof of ownership or lease agreement with landowner's consent;
 - f. A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;
 - g. Waste management plan; and

- h. Vicinity map showing distance of proposed cultivation to sensitive uses or areas listed in C.I.a.

C. Cultivation Standards

1. **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences of separate ownership.

b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residences of separate ownership.

c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

3. **State Industrial Hemp Registration.** Applicants must satisfy the registration requirements specified in the California Food & Agricultural Code. Applicants must submit those registration materials to the Agricultural Commissioner in accordance with state laws and regulation. The registration materials must be accompanied by all required fees.

D. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weights and Measures.

2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 22.40 and 22.74 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 6: Section 22.74.150 – **Nuisance Abatement of the San Luis Obispo County Code** is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

G. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 22.74.150 are hereby delegated to the Cannabis Hearing Officer, established under Section 22.40.130.C, for all violations of Titles 6, 8, 19 or 22 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 22.74.105 or send a Notice of Nuisance under Section 22.74.150.C, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 22.74.150.D, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 22.40.130.B, and with a notice of violation and/or notice of fine under Sections 1.05.030 and

1.05.050. Notwithstanding Section 22.74.150.E.2.a, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

SECTION 7: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 9: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 10: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 11: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

SECTION 12: Interim/Urgency Ordinance No. 3393, and its extending ordinance, No. 3394, as they apply to the Inland portions of the County, shall be repealed and replaced upon this Ordinance becoming effective.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of _____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: April 24, 2020

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS REGARDING
INDUSTRIAL HEMP ACTIVITIES**

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: Section 22.06.030.C, Table 2-2 – Allowable Land Uses and Permit Requirements, of the San Luis Obispo County Code is amended to read as follows (for the new land use subcategory listed below only, uses not listed are not amended by this section):

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

Land Use (1) (2) (10)	Permit Requirements by L.U.C. (3)						Specific Use Standards
	AG (8)	RL	RR	RS	RSF	RMF	
Agriculture, Resource, and Open Space Uses							
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities (4)	A2	A2	A2	A2 (11)	A2 (11)		22.40
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
Industrial Hemp Cultivation	A2	A2	A2				22.30.244
Energy-generating facilities (9)	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves	A1	A1	A1				

[Type here]

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SECTION 2: Section 22.06.040 - Exemptions From Land Use Permit Requirements, is hereby amended to read as follows (for the uses listed in subsection E.2. below only; uses not listed are not amended by this section):

E. Agricultural uses:

2. Crop production and grazing. No land use permit is required for crop production, provided that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244, and where an Agricultural Offset Clearance is required for New or Expanded Irrigated Crop Production that overlies the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as shown in Figure 6-1. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties - Intensive).

SECTION 3: Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases of the San Luis Obispo County Code, is hereby amended to read as follows (for the definitions listed below only; definitions not listed are not amended by this section):

Crop Production and Grazing (land use). Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under "Cannabis Cultivation". Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See also, "Animal Keeping."

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

SECTION 4: Section 22.30.070 - Agricultural Processing Uses, of the San Luis Obispo County Code is hereby amended to read as follows (for subsections A and D listed below only; sections not listed are not amended by this section):

A. Permit requirements.

1. Minor Use Permit approval is required for agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, commercial composting, and industrial hemp processing, unless Section 22.08.030 (Project-Based Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.

D. Standards for specific uses

5. Industrial Hemp Processing. For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, hoop houses, or trailers is included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile manufacturing, etc.

a. Location. Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

b. Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

- c. Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

SECTION 5: Section 22.30.244 – Industrial Hemp Cultivation, of the San Luis Obispo County Code is hereby added to read as follows:

22.30.244 - Industrial Hemp Cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only.
2. Outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger. This limitation may be modified through Minor Use Permit approval.
3. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Permit Requirements.

1. No permit required except as provided in Subsection A.2 above or Subsection B.2 below.
2. Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation between 300-1,000 feet of a URL or VRL.
3. Use permit applications for industrial hemp cultivation shall include at a minimum:
 - a. Site plan and description of the area, location, amount and type (indoor, outdoor, for food or fiber or for cannabinoid production) of hemp cultivation being requested;
 - b. Evidence documenting that the site has legal access to a public road;
 - c. Size, height, colors, and design of any proposed signage at the site;
 - d. Odor management plan;
 - e. Proof of ownership or lease agreement with landowner's consent;
 - f. A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;

- g. Waste management plan; and
- h. Vicinity map showing distance of proposed cultivation to sensitive uses or areas listed in C.1.a.

C. Cultivation Standards

1. Location Standards. The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences of separate ownership.
- b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residences of separate ownership.
- c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. Nuisance Odors. All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

3. State Industrial Hemp Registration. Applicants must satisfy the registration requirements specified in the California Food & Agricultural Code. Applicants must submit those registration materials to the Agricultural Commissioner in accordance with state laws and regulation. The registration materials must be accompanied by all required fees.

D. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weights and Measures.

2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 22.40 and 22.74 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 6: Section 22.74.150 – **Nuisance Abatement of the San Luis Obispo County Code** is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

G. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 22.74.150 are hereby delegated to the Cannabis Hearing Officer, established under Section 22.40.130.C, for all violations of Titles 6, 8, 19 or 22 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 22.74.105 or send a Notice of Nuisance under Section 22.74.150.C, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 22.74.150.D, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 22.40.130.B, and with a notice of violation and/or notice of fine under Sections 1.05.030 and

1.05.050. Notwithstanding Section 22.74.150.E.2.a, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

SECTION 7: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 9: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 10: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 11: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

SECTION 12: Interim/Urgency Ordinance No. 3393, and its extending ordinance, No. 3394, as they apply to the Inland portions of the County, shall be repealed and replaced upon this Ordinance becoming effective.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of _____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _____

ORDINANCE NO. _____
AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE,
THE COASTAL ZONE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS
REGARDING INDUSTRIAL HEMP ACTIVITIES

SECTION 1: Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

SECTION 2: Section 23.08.042 – Industrial Hemp Processing is hereby added to Title 23 to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.042 - Agricultural Processing

Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

- a. **General permit requirements.** The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.
- b. **Application content.** Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).
- c. **Minimum site area.** No minimum required.
- d. **Standards for specific uses.**

(4) **Industrial Hemp Processing.** For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non- permanent structure). The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, hoop houses, or trailers is included under Crop Production and Grazing and subject to the standards set forth under 23.08.047. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc.

(i) **Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

(ii) Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

(iii) Design standards. In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

SECTION 3: Section 23.08.040 – Agricultural Uses – Specialized (S-3) is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.040 - Agricultural Uses - Specialized (S-3)

Specialized agricultural uses ~~other than crop production~~ which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

- 23.08.041 Agricultural Accessory Structures
- 23.08.042 Agricultural Processing Uses
- 23.08.045 Aquaculture
- 23.08.046 Animal Raising and Keeping
- 23.08.047 Industrial Hemp Cultivation
- 23.08.048 Farm Equipment and Supplies
- 23.08.050 Interim Agricultural Uses (S-18)
- 23.08.052 Specialized Animal Facilities
- 23.08.054 Nursery Specialties
- 23.08.056 Roadside Stands

SECTION 4: Section 23.08.047 – Industrial hemp cultivation is hereby added to Title 23 to read as follows:

23.08.047 - Industrial hemp cultivation

a. Limitation on use.

- (1) Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only.
- (2) Outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger. This limitation may be modified through Minor Use Permit approval.

(3) Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

b. Permit Requirements.

(1) No permit required except as provided in Subsection a.2 above or Subsection b.2 below.

(2) Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation between 300-1,000 feet of a URL or VRL.

(3) Use permit applications for industrial hemp cultivation shall include at a minimum:

- (i) Site plan and description of the area, location, amount and type (indoor, outdoor, for food or fiber or for cannabinoid production) of hemp cultivation being requested;
- (ii) Evidence documenting that the site has legal access to a public road;
- (iii) Size, height, colors, and design of any proposed signage at the site;
- (iv) Odor management plan;
- (v) Proof of ownership or lease agreement with landowner's consent;
- (vi) A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;
- (vii) Waste management plan; and
- (viii) Vicinity map showing distance of proposed cultivation to sensitive uses or areas listed in C.I.a.

c. Cultivation Standards

(1) **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- (i) **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, and existing offsite residences of separate ownership.
- (ii) **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite

residences of separate ownership.

(iii) All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

(2) **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

(3) **State Industrial Hemp Registration.** Applicants must satisfy the registration requirements specified in the California Food & Agricultural Code. Applicants must submit those registration materials to the Agricultural Commissioner in accordance with state laws and regulation. The registration materials must be accompanied by all required fees.

d. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

(1) Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weight and Measures.

(2) Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Section 23.08.420 et seq. and Chapter 23.10 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 5: Chapter 23.10.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

g. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and

powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

SECTION 6: The amendments to the Coastal Framework for Planning adopted by Board of Supervisors Resolution No. _____ are hereby adopted and included as part of this ordinance and Section 23.01.022 of the Coastal Zone Land Use Ordinance as though they were fully set forth herein.

SECTION 7: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation

published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 9: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 10: This ordinance shall become operative immediately only upon certification of the Amendments by the California Coastal Commission, as may be certified with suggested modifications by the Coastal Commission and accepted and agreed to by the Board of Supervisors.

SECTION 11: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 12: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

SECTION 13: Interim/Urgency Ordinance No. 3393, and its extending ordinance, No. 3394, as they apply to the Coastal portions of the County, shall be repealed and replaced upon this Ordinance becoming effective and operative.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of _____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____

Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE,
THE COASTAL ZONE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS
REGARDING INDUSTRIAL HEMP ACTIVITIES**

SECTION 1: Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

SECTION 2: Section 23.08.042 – Industrial Hemp Processing is hereby added to Title 23 to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.042 - Agricultural Processing

Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

- a. General permit requirements.** The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.
- b. Application content.** Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).
- c. Minimum site area.** No minimum required.
- d. Standards for specific uses.**
 - (4) Industrial Hemp Processing.** For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non- permanent structure). The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, hoop houses, or trailers is included under Crop Production and Grazing and subject to the standards set forth under 23.08.047. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc.
 - (i) Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

(ii) **Nuisance Odors.** All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

(iii) **Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

SECTION 3: Section 23.08.040 – Agricultural Uses – Specialized (S-3) is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.040 - Agricultural Uses - Specialized (S-3)

Specialized agricultural uses which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

- 23.08.041 Agricultural Accessory Structures
- 23.08.042 Agricultural Processing Uses
- 23.08.045 Aquaculture
- 23.08.046 Animal Raising and Keeping
- 23.08.047 Industrial Hemp Cultivation
- 23.08.048 Farm Equipment and Supplies
- 23.08.050 Interim Agricultural Uses (S-18)
- 23.08.052 Specialized Animal Facilities
- 23.08.054 Nursery Specialties
- 23.08.056 Roadside Stands

SECTION 4: Section 23.08.047 – Industrial hemp cultivation is hereby added to Title 23 to read as follows:

23.08.047 - Industrial hemp cultivation

a. Limitation on use.

- (1) Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only.
- (2) Outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger. This limitation may be modified through Minor Use Permit approval.

(3) Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

b. Permit Requirements.

(1) No permit required except as provided in Subsection a.2 above or Subsection b.2 below.

(2) Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation between 300-1,000 feet of a URL or VRL.

(3) Use permit applications for industrial hemp cultivation shall include at a minimum:

- (i) Site plan and description of the area, location, amount and type (indoor, outdoor, for food or fiber or for cannabinoid production) of hemp cultivation being requested;
- (ii) Evidence documenting that the site has legal access to a public road;
- (iii) Size, height, colors, and design of any proposed signage at the site;
- (iv) Odor management plan;
- (v) Proof of ownership or lease agreement with landowner's consent;
- (vi) A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;
- (vii) Waste management plan; and
- (viii) Vicinity map showing distance of proposed cultivation to sensitive uses or areas listed in C.1.a.

c. Cultivation Standards

(1) **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- (i) **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, and existing offsite residences of separate ownership.
- (ii) **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residences of separate ownership.

(iii) All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

(2) **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

(3) **State Industrial Hemp Registration.** Applicants must satisfy the registration requirements specified in the California Food & Agricultural Code. Applicants must submit those registration materials to the Agricultural Commissioner in accordance with state laws and regulation. The registration materials must be accompanied by all required fees.

d. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

(1) Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weight and Measures.

(2) Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Section 23.08.420 et seq. and Chapter 23.10 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 5: Chapter 23.10.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

g. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's

discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

SECTION 6: The amendments to the Coastal Framework for Planning adopted by Board of Supervisors Resolution No. _____ are hereby adopted and included as part of this ordinance and Section 23.01.022 of the Coastal Zone Land Use Ordinance as though they were fully set forth herein.

SECTION 7: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 9: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 10: This ordinance shall become operative immediately only upon certification of the Amendments by the California Coastal Commission, as may be certified with suggested modifications by the Coastal Commission and accepted and agreed to by the Board of Supervisors.

SECTION 11: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 12: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

SECTION 13: Interim/Urgency Ordinance No. 3393, and its extending ordinance, No. 3394, as they apply to the Coastal portions of the County, shall be repealed and replaced upon this Ordinance becoming effective and operative.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of ____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: April 23, 2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 1 OF THE SAN LUIS OBISPO COUNTY CODE BY AMENDING SECTION 1.05.080 REGARDING INDUSTRIAL HEMP RELATED VIOLATIONS

SECTION 1. Section 1.05.080 Cannabis Activity Related Violations – of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

1.05.080 – Cannabis Activity and Industrial Hemp Related Violations.

For violations which relate to or arise from a cannabis or industrial hemp activity, as ~~that~~ those terms is are defined in Section 22.80.030, the administrative fines identified in a notice of violation issued under Section 1.05.030 by the code enforcement officer shall become effective immediately upon expiration of the correction period identified in the notice of violation, and no further notice of fine is required under Section 1.05.050 in order for the administrative fines to become effective, and the fines shall continue to accrue daily until the violation has been fully abated and verified by the code enforcement officer. The correction period identified in the notice of violation shall be no less than five (5) calendar days after service of the notice. Pursuant to Government Code sections 53069.4 and 27721, for all violations of County Code which relate to or arise from a cannabis or industrial hemp activity, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned, the code enforcement officer may seek final determination of any administrative fines levied pursuant to this Chapter by the Office of County Cannabis Hearing Officer, established under Section 22.40.130.C, in lieu of any appeal rights under Section 1.05.060. In such event, notice to appear before the Cannabis Hearing Officer at a stated time and place not less than five (5) calendar days after service of the notice should be provided to the responsible persons. The notice of violation and/or notice of fine may be consolidated with a notice(s) of nuisance abatement under Sections 22.40.130.B, 22.74.150, 23.08.432.b and 23.10.150. The ~~hearing~~ Cannabis Hearing Officer shall issue a written decision which affirms, reverses or modifies the administrative fines within two (2) calendar days after the hearing. The decision shall be mailed to, or personally served upon, the responsible persons and the code enforcement officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided, and only subject to judicial review in accordance with the timelines and provisions as set forth in Government Code section 53069.4.

SECTION 2: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 3: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 4: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 5: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 6: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of _____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON

Ex-Officio Clerk of the Board of Supervisors

San Luis Obispo County, State of California

By:

Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED

AS TO FORM AND CODIFICATION:

RITA L. NEAL

County Counsel

By: _____

Deputy County Counsel

Dated: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 1 OF THE SAN LUIS OBISPO COUNTY CODE BY AMENDING SECTION 1.05.080 REGARDING INDUSTRIAL HEMP RELATED VIOLATIONS

SECTION 1. Section 1.05.080 Cannabis Activity Related Violations – of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

1.05.080 – Cannabis Activity and Industrial Hemp Related Violations.

For violations which relate to or arise from a cannabis or industrial hemp activity, as those terms are defined in Section 22.80.030, the administrative fines identified in a notice of violation issued under Section 1.05.030 by the code enforcement officer shall become effective immediately upon expiration of the correction period identified in the notice of violation, and no further notice of fine is required under Section 1.05.050 in order for the administrative fines to become effective, and the fines shall continue to accrue daily until the violation has been fully abated and verified by the code enforcement officer. The correction period identified in the notice of violation shall be no less than five (5) calendar days after service of the notice. Pursuant to Government Code sections 53069.4 and 27721, for all violations of County Code which relate to or arise from a cannabis or industrial hemp activity, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned, the code enforcement officer may seek final determination of any administrative fines levied pursuant to this Chapter by the Office of County Cannabis Hearing Officer, established under Section 22.40.130.C, in lieu of any appeal rights under Section 1.05.060. In such event, notice to appear before the Cannabis Hearing Officer at a stated time and place not less than five (5) calendar days after service of the notice should be provided to the responsible persons. The notice of violation and/or notice of fine may be consolidated with a notice(s) of nuisance abatement under Sections 22.40.130.B, 22.74.150, 23.08.432.b and 23.10.150. The Cannabis Hearing Officer shall issue a written decision which affirms, reverses or modifies the administrative fines within two (2) calendar days after the hearing. The decision shall be mailed to, or personally served upon, the responsible persons and the code enforcement officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided, and only subject to judicial review in accordance with the timelines and provisions as set forth in Government Code section 53069.4.

SECTION 2: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 3: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 4: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 5: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 6: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of _____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: April 23, 2020



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR

TO: BOARD OF SUPERVISORS
FROM: PLANNING COMMISSION SECRETARY
DATE: January 23, 2020
SUBJECT: PLANNING COMMISSION ACTION ON AMENDMENTS TO THE LAND USE ORDINANCE, COASTAL ZONE LAND USE ORDINANCE, COASTAL FRAMEWORK FOR PLANNING AND GENERAL PROVISIONS – INDUSTRIAL HEMP ORDINANCE

The Planning Commission of the County of San Luis Obispo held a public hearing on January 23, 2020 to consider proposed amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Coastal Framework for Planning and Title 1 of the County Code to allow for the cultivation of Industrial Hemp. The Planning Commission, at the conclusion of the public hearing on January 23, 2020, adopted findings for the amendments and recommended them for approval.

The Commission recommends the Board of Supervisors approve Land Use Ordinance, Coastal Zone Land Use Ordinance, and Coastal Framework for Planning Amendment LRP2019-00008 based on the findings listed in Attachment 1, accept the changes displayed during staff's presentation, include a discretionary permit requirement for outdoor flowering hemp located within 1,000 square feet from Urban and Village Reserve Lines and allow reductions in lot size subject to discretionary permit approval, and recommends the Board of Supervisors direct staff to evaluate whether there are special areas of the County where Hemp cultivation should be excluded for future consideration by the Commission for review and recommendation to the Board.

On the motion of Commissioner Michael Multari, seconded by Commissioner Dawn Ortiz-Legg, and on the following roll call vote, to wit:

AYES: Commissioners Jay Brown, Michael Multari, and Dawn Ortiz-Legg
NOES: Commissioner Don Campbell
ABSENT: None

976 Osos Street, Room 300 | San Luis Obispo, CA 93408 | (P) 805-781-5600 | 7-1-1 TTY/TRS Relay
planning@co.slo.ca.us | www.sloplanning.org

Thursday, January 23, 2020

The following *draft* action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jay Brown; Mike Multari; Dawn Ortiz-Legg; TBA; and Don Campbell

ABSENT: None

9. Hearing to consider a request by the County of San Luis Obispo for an amendment to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations. Also to be considered is the environmental determination that this project is exempt from CEQA under the Common Sense Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]

County File Number: LRP2019-00008

Project Manager: Kip Morais

Recommendation: Board of Supervisors approval

Kip Morais, Project Manager: presents staff report.

Commissioners: ask questions of staff.

Jay Brown: opens Public Comment.

Frank Brown, Richard Halgren, Ray Poiset, Slater Heil, Rhys Gardiner, Brandon Rivers, John Sordelet, Bill Greenough, Lucas Raines, Sean Donahoe, Sue Sullivan, Robin Baggett, Brent Burchett, Murray Powell, Claire Wineman, Lynda Ziegler, Jena Wilson, Judy Darway, Nick Andre, Crystal Bradshaw, Donna Mehlschau, Collette VanGerwen, George Donati, Bruce Falkenhagen, and Frank Brown: speak.

Jay Brown: closes Public Comment.

Commissioners: begin deliberations.

Michael Multari: suggests treating Hemp as a non-discretionary crop and provides reasoning.

Commissioners: discuss having special areas of the county where Hemp cultivation would be prohibited. Don Campbell is willing to extend the Urgency Ordinance. Michael Multari is inclined to forward staff's recommendation along with additional comments with Dawn Ortiz-Legg and Jay Brown in agreement.

Michael Multari: would like to convey to the Board of Supervisors that if there may be sub areas of the county exempting hemp cultivation then Hemp cultivation should be subject to a Minor Use Permit application.

Don Campbell: cannot support the recommendation until further research has been conducted on the effect Hemp will be on the Wine industry.

Michael Multari: suggests a straw vote for those in favor of forwarding the recommendation to the Board of Supervisors asking them to evaluate special areas within the county where Hemp cultivation would be prohibited and potentially direct staff to further evaluate these areas.

Dawn Ortiz-Legg suggests annual review of these special areas based on possible new scientific information.

Don Campbell: is willing to accept an extension to the Urgency Ordinance due to the research he would like conducted. Cannot straw vote yes or no.

Jay Brown: is inclined to vote with Comm. Multari's recommendation as well as Comm. Ortiz-Legg.

Dawn Ortiz-Legg: would also like to allow a smaller lot minimum size.

Michael Multari: suggests the Board of Supervisors consider that there may be special sub areas of the county that are particularly sensitive where industrial Hemp is not an appropriate use. Additionally, we should allow reductions in the minimum sizes and setbacks subject to a discretionary approval such as a Minor Use Permit.

Don Campbell: understands the intent, however, feels extending the Urgency Ordinance with the same allowances is preferable to him.

Rob Fitzroy, Assistant Director: suggests an option to continue this hearing to give commissioners time to provide direction to staff and return.

Commissioners: deliberate a continuance and an extension of the Urgency Ordinance.

Brian Stack, Deputy County Counsel: explains the limited exemptions adopted for the Urgency Ordinance, in regard to an extension of the Urgency Ordinance.

Commissioners: decide to take an action on the amendments to the ordinance today.

Straw vote on staff's recommendation with additional comments as identified in nos. 1, 2 and 3 below to the Board of Supervisors. Yes=Michael Multari, Jay Brown, and Dawn Ortiz Legg. No=Don

Campbell. Straw vote on additional comment regarding allowing reduction of setbacks via discretionary permit does not pass. Yes = Michael Multari and Dawn Ortiz Legg. No = Jay Brown and Don Campbell.

Commissioners: convey the following recommendations for the Board of Supervisors to consider in their deliberations of the ordinance.

1. The Board direct staff to look into identifying specific areas for exclusion that may be appropriate and bring that issue back through Planning Commission for review and recommendation to the Board.
2. Allow reductions in lot size subject to a discretionary permit such as a Minor Use Permit.
3. Outdoor flowering hemp within 1,000 feet of the URL or VRL would require a discretionary permit such as a Minor Use Permit. Farther than 1,000 feet would be ministerial/by-right.

Motion by: Michael Multari

Second by: Dawn Ortiz-Legg

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell		X		

The Commission recommends the Board of Supervisors approve Land Use Ordinance, Coastal Zone Land Use Ordinance, and Coastal Framework for Planning Amendment LRP2019-00008 based on the findings listed in Attachment 1, accepts the changes displayed during staff's presentation, recommends the ordinance include a discretionary permit requirement for outdoor flowering hemp located within 1,000 square feet from Urban and Village Reserve Lines and allow reductions in lot size subject to discretionary permit approval, and recommends the Board of Supervisors direct staff to evaluate whether there are special areas of the County where Hemp cultivation should be excluded for future consideration by the Commission for review and recommendation to the Board.



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE January 23, 2020	CONTACT/PHONE Kip Morais (805) 781-5136 kmorais@co.slo.ca.us	APPLICANT County of San Luis Obispo	FILE NO. LRP2019-00008
SUBJECT Hearing to consider a request by the County of San Luis Obispo for an amendment to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.			
RECOMMENDED ACTION Recommend to the Board of Supervisors approval of Land Use Ordinance, Coastal Zone Land Use Ordinance, and Coastal Framework for Planning Amendment LRP2019-00008 based on the findings listed in Attachment 1.			
ENVIRONMENTAL DETERMINATION This project is exempt from CEQA under the Common Sense Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]			
LAND USE CATEGORY All	COMBINING DESIGNATION Not Applicable	ASSESSOR PARCEL NUMBER Not Applicable	SUPERVISOR DISTRICT(S) All
PLANNING AREA STANDARDS: Not Applicable			
EXISTING USES: Not Applicable			
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The proposed amendments were referred to: Public Works, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, Community Advisory Groups, Air Pollution Control District, California Coastal Commission, Farm Bureau, neighboring counties, California Coastal Commission, California Department of Fish and Wildlife, US Department of Fish and Wildlife, RWQCB, California Department of Conservation, Agricultural Liaison Advisory Board, interested parties e-mail list.			
TOPOGRAPHY: Not Applicable		VEGETATION: Not Applicable	
PROPOSED SERVICES: Not Applicable		AUTHORIZED FOR PROCESSING DATE: July 16, 2019	
<p align="center">ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</p>			

PROJECT SUMMARY

The Public Hearing Drafts (“PHD Ordinances”) found in Attachment 2 (Redline Version) and Attachment 3 (Clean Version) contain standards for establishing the cultivation and processing of industrial hemp as defined by the PHD Ordinances, regulations for location and operation of that use, and provisions for enforcement activities. Industrial hemp cultivation is regulated through restrictions to land use category, location standards, and parcel size.

DISCUSSION

Background

Industrial hemp as defined by Section 11018.5 of the California Health and Safety Code means a fiber or oilseed crop, or both, that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent (0.3%) tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom. Section 81000 of the California Food and Agricultural Code states “industrial hemp” has the same meaning as that term is defined in Section 11018.5 of the Health and Safety Code. Title 22 and the San Luis Obispo County Coastal Zone Framework for Planning define industrial hemp consistent with Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Prior to the signing of the 2018 Farm Bill, industrial hemp was listed as a controlled substance under the federal Controlled Substances Act. The 2018 Farm Bill removed industrial hemp from the list of controlled substances and designated it as an agricultural commodity, subject to specific regulations. Federal law allows the cultivation of commercial industrial hemp and the cultivation of industrial hemp for research purposes if it is produced in accordance with an approved state program. Specifically, state law requires that commercial growers of industrial hemp register with the County Agricultural Commissioner prior to cultivation. Registration is conducted on an annual basis. The County cannabis ordinance adopted in November 2017 excluded industrial hemp from the definition of cannabis, and specifically placed industrial hemp cultivation in the “crop production and grazing” land use category.

On May 21, 2019, the Board of Supervisors (“Board”) directed staff to draft the Industrial Hemp Urgency Ordinance to address local concerns regarding industrial hemp cultivation in San Luis Obispo County. The Board adopted the urgency ordinance on June 18, 2019, which applied a temporary moratorium on the cultivation of industrial hemp in San Luis Obispo County. Upon adoption of the urgency ordinance, the Department of Agriculture/Weights and Measures ceased issuance of any new industrial hemp registrations aside from those that were issued prior to the urgency ordinance effective date. Registered growers include 17 commercial growers with a total of 452 acres and 9 entities cultivating industrial hemp for research purposes as of the effective date of the urgency ordinance. Under the urgency ordinance, these research growers were allowed to cultivate industrial hemp through December 31, 2019.

On June 18, 2019, the Board directed staff to prepare a permanent ordinance that would allow industrial hemp cultivation to occur within the County with limitations based on land use category, parcel size, and setback requirements. The Board directed that the permanent ordinance should not establish a discretionary use permit process, but only establish a regulatory framework as to

where hemp cultivation may occur by-right. On July 2, 2019, the Agricultural Liaison Advisory Board (ALAB) submitted a letter to the Board of Supervisors with concerns about the land use regulations imposed on industrial hemp production, emphasizing that hemp should not have land use restrictions different from other legal crops, and expressing concerns about the precedent that this action could set for future regulation of other agricultural commodities. On July 16, 2019, the Board of Supervisors voted to extend the urgency ordinance through June 2020. At that same meeting the Board directed staff to work with ALAB to serve as the advisory group for drafting the permanent hemp ordinance.

Board Direction, ALAB input, and public comment

The proposed ordinance amendments were developed based on research, input from the ALAB subcommittee, and public comment. As stated above, the Board provided direction to the Department of Planning and Building during the urgency ordinance extension hearing as summarized in the table below.

TABLE 2: SUMMARY OF BOARD DIRECTION & PROPOSED ORDINANCE	
Board Direction	Proposed Ordinance based on Board Direction, ALAB subcommittee, and public comment
Ministerial approval process	<ul style="list-style-type: none"> Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review.
Limits to land use categories	<ul style="list-style-type: none"> Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories. Residential Rural outdoor cultivation will be limited to non-flowering transplants only.
Establish Setbacks	<ul style="list-style-type: none"> Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences. Indoor industrial hemp cultivation is limited to fully enclosed buildings or greenhouses and setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership, and require ventilation controls to eliminate nuisance odors.

ALAB Hemp Subcommittee

At the August 5, 2019 ALAB meeting, a subcommittee was formed to work with the Planning and Building Department to draft the permanent hemp ordinance. Members of the original subcommittee consisted of representatives of the hemp industry, wine grape industry, ALAB members, vegetable industry members, and representatives of the Farm Bureau. Other industry members, interested parties, representatives of the Planning and Building Department and the Department of Agriculture/Weights and Measures were also in attendance. Three initial subcommittee meetings were held, and the results of those meetings were presented at the September 9, 2019 ALAB meeting (attached). The subcommittee discussions focused on the Board-directed topics of zoning limitations, setbacks, and minimum parcel size. While the subcommittee did not come to consensus on all issues, they agreed on the following:

ZONING LIMITATIONS:

- Agriculture (AG) and Rural Lands (RL) zoned parcels: Hemp cultivation, both indoor and outdoor, should be allowed on these properties.
- On lands zoned Rural Residential (RR), cultivation of transplants should be allowed. Since transplants will be defined as only non-flowering plants, this cultivation should be allowed both indoors and outdoors. It is recognized that transplant growing will typically be done indoors in greenhouses on RR zoned properties, but they may need to move them outside to harden them off prior to shipping and there is no reason to disallow that ability.
- On lands zoned Rural Residential (RR), Industrial (IND), and Commercial Services (CS), growers would have the option of going through the discretionary use permit process (Minor Use Permit) to grow full flowering plants.

SETBACKS or BUFFERS:

- The subcommittee agreed that any setbacks that may be established should be measured from a specific identified uses and boundaries off-site from the hemp grower's parcel and not from the hemp grower's property line. In other words, there is no need for setbacks from a grower's property line if the hemp cultivation is taking place well away from any potential conflicts.
- The subcommittee agreed that any setbacks or buffers that may be established should be measured from a "sensitive site" or "sensitive receptor". There was not an agreement established on exactly what those sensitive receptors should be. Items discussed included schools and state licensed daycares, residential zoned areas or properties (as opposed to a single residence or a couple of residences located on agricultural zoned lands), existing agricultural crops/commodities, wineries, and winery tasting rooms.

MINIMUM PARCEL SIZES:

- The subcommittee agreed that a minimum parcel size was not required. It was discussed that any setbacks or buffers developed would be geared toward alleviating land use conflict between neighbors, and would be more effective than a minimum parcel size (e.g. if there was a minimum parcel size but no setback/buffer established,

than the grower could still plant in a corner of his property close directly adjacent to other residences or established crops and a required minimum parcel size would be ineffective). In addition, by not allowing full flowering hemp plants on those parcels zoned for residential land uses, that alleviates much of the need to establish minimum parcel sizes.

Some of the recommendations of the subcommittee were incorporated into the Public Review Draft. The limiting of Industrial Hemp Cultivation to Agriculture, Rural lands, and Residential Rural land use categories were incorporated, as were restrictions on cultivation of outdoor transplants in the Residential Rural land use category. Per the subcommittee's recommendation, setbacks were established from the areas of cultivation to specific uses rather than from property lines or public right of ways. Broadening the land use categories where cultivation would be permitted through a discretionary permitting process was not incorporated into the draft, as the Board direction was to establish a non-discretionary process. The public review draft also incorporated minimum parcel sizes per Board direction.

Cultivation Standards

The subcommittee did not reach consensus on what the distance setbacks should be. There is a lack of currently available scientific research on hemp odor or the potential for terpene taint affecting crops such as grapes, making it difficult to determine a logical rationale for a specific setback distance. It is likely that this research will be forthcoming in the near future. The setback distances for outdoor (300 ft) and indoor (100 ft) cultivation are consistent with those in the Cannabis Ordinance, although in the Cannabis ordinance these setbacks are from property lines for outdoor cultivation and from specific offsite uses for indoor cultivation. The proposed setbacks for the Industrial Hemp Ordinance are based on setbacks from specific uses rather than property lines. The 1,000-foot setback from "sensitive receptors" in the Cannabis Ordinance was not incorporated into the Industrial Hemp Ordinance for two reasons. The first is that the term "sensitive receptor" has a specific meaning per the California Health and Safety Code. Sensitive receptor provisions under the California Health and Safety Code don't relate to agricultural odors. The second is that the 1,000-foot setback was taken from Proposition 64 aimed at diversion to minors because of Cannabis's status as a federally illegal schedule 1 drug, which is not the case with hemp. This standard was not based on odor.

The subcommittee and Agricultural Commissioner's Office specified that there is an important difference between flowering (odor-causing) and transplant-only cultivation. This distinction informed Staff's recommendation and was incorporated into the setbacks for the public review draft. However, staff determined that having distinct setbacks for only flowering plants rather than transplants would lead to the inability for code enforcement officers to be able to distinguish between them until after plants had flowered. As such, the proposed ordinance has been revised to include setbacks for transplant as well. Setbacks are measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. Per Board direction, minimum parcel sizes were added consistent with the 10-acre outdoor minimum for Cannabis cultivation allowed in the Agricultural Land Use Category. A smaller parcel size is more appropriate for indoor operations provided nuisance odors do not escape offsite. The following table breaks down the setbacks and minimum parcel size by land use category and cultivation type in the public hearing draft.

Cultivation Type		Minimum Parcel Size	Land Use Category		
			Agriculture	Rural Lands	Residential Rural
Outdoor	Flowering	10 acres	300'	300'	Prohibited
	Transplant	10 acres	300'	300'	300'
Indoor	Flowering	5 acres	100'	100'	100'
	Transplant	5 acres	100'	100'	100'

Industrial Hemp Processing and Manufacturing

Industrial hemp processing is treated as an agricultural processing use. It is limited to drying, curing, trimming, packaging, and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). Industrial hemp processing is limited to land use categories where agricultural processing is allowed, and subject to discretionary review. Manufacturing of finished hemp products, including those products that require cannabinoid extraction and infusion, are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, and hemp textiles would be classified as textile manufacturing etc.

Enforcement

Violations of County Code or state law related to industrial hemp constitutes a public nuisance and is subject to code enforcement procedures. Industrial hemp crops are subject to review and inspection at any time, including crop and/or product testing by the Sheriff's Department, Code Enforcement, and Department of Agriculture/Weights and measures. If an industrial hemp crop were to test positive for THC content greater than that established under Section 81000 of the Food and Agricultural Code, the burden to remediate the situation would be on the applicant. Cannabis Hearing Officer duties and powers are proposed to be amended to include industrial hemp abatement hearings and determination of post-abatement costs and assessments.

Public Review Draft Comments

At the September 9, 2019 ALAB meeting it was recognized that although the Planning and Building Department needed to proceed with drafting the ordinance in order to return to the Board by Spring 2020, the subcommittee would continue with three subsequent monthly meetings to provide input on the drafting of the ordinance. Both the ALAB meetings and the subcommittee meeting were open for members of the public to attend and comment. The public review draft of the ordinance was released for public comment on November 11, 2019.

Revisions were made to the ordinance based on comments to the public review draft. Setbacks from religious facilities and cannabis grows were added to the location standards section. Per comments received from County Counsel, setbacks were required for industrial hemp transplants to avoid situations where Code Enforcement would not be able to distinguish between transplants and flowering cultivation until flowering had occurred, making it difficult to determine if there was a setback violation prior to flowering. The majority of comments advocated for changing the proposed setbacks, with the majority in favor of increased setbacks. Staff recognizes that

variability in temperature, wind, and size of grow can effect the distance at which odors would be detectable. The Planning Commission has the discretion to recommend a greater setback distance based on these comments. Response to public comments have been attached for reference.

GENERAL PLAN CONSIDERATIONS AND CONSISTENCY

The proposed amendment was reviewed for consistency with the General Plan and found to be consistent because they include revisions to protect the public safety, health and welfare by preventing the establishment of nuisances by the cultivation of industrial hemp, and they are consistent with the Land Use Ordinance Amendment guidelines in the General Plan.

Framework for Planning – Inland and Coastal Zone

The purpose of the following principles and goals are to better define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns.

Inland

- Principle 1: Protect agricultural land and resources

Coastal Zone

- Goal 1: Conserve agricultural resources and protect agricultural land

The proposed amendment would support and be consistent with the principles and goals. Industrial Hemp Cultivation is currently prohibited by the urgency ordinance. The proposed amendment would reduce barriers for Industrial Hemp Cultivation and establish cultivation standards for industrial hemp designed to reduce conflict with other uses. In addition, the County has formed and consulted with a technical advisory committee and considered public comments.

Agricultural Element

The intent of the Agricultural Element is to promote and protect the agricultural industry of the County, to provide for a continuing sound and healthy agriculture in the County, and to encourage a productive and profitable agricultural industry.

- AG1: Support County Agricultural Production
- AG4: Encourage Public Education and Participation

In developing the draft ordinance, cultivation standards were developed to allow the cultivation of industrial hemp in areas and in a manner that lessens impacts to other crop types and uses. In addition, the ordinance was designed to allow for a registration process with no discretionary review to ensure processing procedures are rapid and efficient.

CEQA REVIEW

This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty

that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo.

REFERRALS

The proposed amendments were referred to: Public Works, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, Community Advisory Groups, Air Pollution Control District, California Coastal Commission, Farm Bureau, neighboring counties, California Coastal Commission, California Department of Fish and Wildlife, US Department of Fish and Wildlife, RWQCB, California Department of Conservation, Agricultural Liaison Advisory Board, and the interested parties e-mail list. Staff received comment letters from various groups and individuals, which are included in the attached Response to Comments.

SB18

Pursuant to the requirements of Senate Bill 18 (SB 18 – 2004), any County that considers a General Plan Amendment must invite representatives from affected local tribes to participate in meaningful consultation with the local government for the purpose of discussing tribal concerns related to the proposed project. SB 18 consultation was initiated for the proposed amendments in October 2019. No requests for consultation were received.

ATTACHMENTS

The following attachments include all of the required documentation for amendments to the Local Coastal Plan and County Code to establish Industrial Hemp Cultivation. The proposed amendments are in legislative change format. Following the Planning Commission hearing on this item, the applicable draft resolution language will be prepared/ revised for the Board's review.

1. Findings
2. Proposed Ordinances (Redline Version)
3. Proposed Ordinances (Clean Version)
4. Public Comments Summary and Responses
5. Public Comments
6. Notice of Exemption

Staff Report prepared by Kip Morais and reviewed by Brian Pedrotti and Airlin Singewald.

EXHIBIT A- FINDINGS

Environmental Determination

- A. This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo.

Amendment

- B. The proposed amendments are consistent with the Land Use Element and other adopted elements of the County General Plan the proposed amendment would reduce barriers for Industrial Hemp Cultivation and establish cultivation standards for industrial hemp designed to reduce conflict with other uses.
- C. The proposed amendments are consistent with the guidelines for amendments to the Land Use Ordinance because the amendments are minor in nature and are intended to allow the cultivation of a Federally legal crop.
- D. The proposed amendments will protect the public health, safety and welfare of the area residents by placing restrictions on Industrial Hemp Cultivation and processing that are intended to minimize conflict with other crops and land uses.

COUNTY OF SAN LUIS OBISPO

LRP2019-00008

INDUSTRIAL HEMP ORDINANCE

**PROPOSED AMENDMENTS TO
TITLE 22 (LAND USE ORDINANCE)
FRAMEWORK FOR PLANNING COASTAL
TITLE 23 (COASTAL ZONE LAND USE ORDINANCE)**

And

TITLE 1 (ADMINISTRATIVE FINES)

**PLANNING COMMISSION
PUBLIC HEARING DRAFT**

JANUARY 23, 2020

Item #1

Section 22.06.030.C, Table 2-2 – Allowable Land Uses and Permit Requirements, of the San Luis Obispo County Code is amended to read as follows:

Summary: Add "Industrial Hemp Cultivation (land use)" as a subcategory of crop production and grazing.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

Land Use ⁽¹⁾⁽²⁾⁽⁹⁾	Permit Requirements by L.U.C. ⁽³⁾						Specific Use Standards
	AG ⁽⁸⁾	RL	RR	RS	RSF	RMF	
Agriculture, Resource, and Open Space Uses							
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities (4)	A2	A2	A2	A2 (11)	A2 (11)		22.40
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
<u>Industrial Hemp Cultivation</u>	<u>A2</u>	<u>A2</u>	<u>A2</u>				<u>22.30.244</u>
Energy-generating facilities (9)	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves	A1	A1	A1				

Item #2

Section 22.06.040 - Exemptions From Land Use Permit Requirements, is hereby amended to read as follows (for the uses listed below only; uses not listed are not amended by this section):

Summary: Update land use regulations relating to exemptions from land use permit requirements noting that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

E. Agricultural uses:

2. Crop production and grazing. No land use permit is required for crop production, provided that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244, and where an Agricultural Offset Clearance is required for New or Expanded Irrigated Crop Production that overlies the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as shown in Figure 6-1. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties - Intensive).

Item #3

Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases of the San Luis Obispo County Code, is hereby amended to read as follows (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update land use regulations relating to definitions of land use to include Industrial Hemp Cultivation and other terms associated with the ordinance.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Crop Production and Grazing (land use). Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under "Cannabis Cultivation". Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See also, "Animal Keeping."

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and

preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of "Industrial Hemp Transplant".

Item #4

Chapter 22.30 – Standards for Specific Land Uses, of the San Luis Obispo County Code is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update standards for specific land uses to include Industrial Hemp Processing as a type of Agricultural Processing use, and adding a new Section, 22.30.244, to include standards for Industrial Hemp Cultivation.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

22.30.070 - Agricultural Processing Uses

Agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, commercial composting and olive oil production without the use of solvents, are allowable subject to the following standards.

A. Permit requirements.

1. Minor Use Permit approval is required for agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, ~~and~~ commercial composting, and industrial hemp processing, unless Section 22.08.030 (Project-Based Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.

D. Standards for specific uses

5. Industrial Hemp Processing. For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile manufacturing etc.

- a. **Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.
- b. **Nuisance Odors.** All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected

offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

- c. Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

22.30.244 - Industrial hemp cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only;
2. Outdoor Industrial hemp cultivation is limited to sites of ten (10) acres or larger.
3. Indoor Industrial hemp cultivation is limited to sites of five (5) acres or larger
4. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Cultivation Standards

1. **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
 - a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences.
 - b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership.
 - c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

C. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. **Inspection**

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weights and Measures.

2. **Violations**

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 22.40 and 22.74 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

Item #5

Chapter 22.74.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update standards for Cannabis Activity and Industrial Hemp Related Violations to delegate powers to the Cannabis Hearing Officer including the ability to conduct abatement hearings and determination of post-abatement costs and assessments.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

G. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (j) and 27721, the duties and powers of the Board of Supervisors under Section 22.74.150 are hereby delegated to the Cannabis Hearing Officer, established under Section 22.40.130.C, for all violations of Titles 6, 8, 19 or 22 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 22.74.105 or send a Notice of Nuisance under Section 22.74.150.C, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 22.74.150.D, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 22.40.130.B, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 22.74.150.E.2.a, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

Item #6

Chapter 6 Section C (“Coastal Table O – Allowable Land Uses”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

Summary: Add “Industrial Hemp Cultivation (land use)” as a subcategory of crop production and grazing.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

ALLOWABLE USES		PAGE NUMBER OF USE	
Open Space			S-14
Public Facilities			S-3
Industrial			S-3
Commercial Service			S-3
Commercial Retail			S-3
Office & Professional			S-3
Residential Multi-Family			S-3
Residential Single-Family			S-3
Residential Suburban			S-3
Residential Rural			S-3
Recreation			S-3
Rural Lands			S-3
Agriculture - Non-Prime Soils			S-3
Agriculture - Prime Soils			S-3

USE GROUP	PAGE NUMBER OF USE
A) AGRICULTURE	
1 Ag Accessory Structures	6-39
2 Ag Processing	6-39
3 Animal Raising & Keeping	6-40
4 Aquaculture	6-40
5 Crop Production and Grazing	6-44
Industrial Hemp Cultivation	
6 Farm Equipment & Supplies	6-45
7 Nursery Specialties – Soil Dependent	6-51
8 Nursery Specialties – Non-Soil Dependent	6-52
9 Specialized Animal Facilities	6-58

Item #7

Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update land use definitions of Framework for Planning to update the definition of Crop Production and Grazing.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Crop Production and Grazing [A5]

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under “Animal Facilities.” The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, “Animal Raising and Keeping.”

Item #8

Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update Coastal Zone Land Use Ordinance Definitions to include Industrial Hemp Cultivation and other terms associated with the ordinance.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

Item #9

Chapter 23.08 – Special (S) Uses is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update Agricultural Processing standards for specific uses to include standards for Industrial Hemp Processing as a type of Agricultural Processing use, and add a new Section, 22.08.047, to include Industrial Hemp Cultivation as a type of Agricultural Use – Specialized (S-3).

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

a. General permit requirements. The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.

Application content. Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).

Minimum site area. No minimum required.

Standards for specific uses.

(1) Industrial Hemp Processing. For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc.

(i) Location. Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

(ii) **Nuisance Odors.** All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

(iii) **Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

23.08.040 - Agricultural Uses - Specialized (S-3)

Specialized agricultural uses **other than crop production** which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

23.08.041	Agricultural Accessory Structures
23.08.042	Agricultural Processing Uses
23.08.045	Aquaculture
23.08.046	Animal Raising and Keeping
<u>23.08.047</u>	<u>Industrial Hemp Cultivation</u>
23.08.048	Farm Equipment and Supplies
23.08.050	Interim Agricultural Uses (S-18)
23.08.052	Specialized Animal Facilities
23.08.054	Nursery Specialties
23.08.056	Roadside Stands

23.08.047 - Industrial hemp cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only.
2. Outdoor Industrial hemp cultivation is limited to sites of ten (10) acres or larger.
3. Indoor Industrial hemp cultivation is limited to sites of five (5) acres or larger.

4. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Cultivation Standards

1. Location Standards. The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. These standards do not apply to Industrial Hemp Transplants as defined in Section 22.80.030. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- a. Outdoor Industrial Hemp. Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, and existing offsite residences.
- b. Indoor Industrial Hemp. Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership.
- c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. Nuisance Odors. All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

C. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. **Inspection**

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection, including crop and/or product testing

by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weight and Measures.

2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 23.08.420 and Chapter 10 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

Item #10

Chapter 23.10.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Summary: Update standards for Cannabis Activity and Industrial Hemp Related Violations to delegate powers to the Cannabis Hearing Officer including the ability to conduct abatement hearings and determination of post-abatement costs and assessments.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

- g. Cannabis Activity and Industrial Hemp Related Violations.** Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why

stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

Item #11

Chapter 1.05 – Administrative Fines of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Summary: Update Administrative Fines of the San Luis Obispo County Code to include industrial hemp activity and the process for the application of administrative fines related to industrial hemp activity.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

1.05.080 – Cannabis Activity and Industrial Hemp Related Violations.

For violations which relate to or arise from a cannabis or industrial hemp activity, as ~~that~~ those terms is are defined in Section 22.80.030, the administrative fines identified in a notice of violation issued under Section 1.05.030 by the code enforcement officer shall become effective immediately upon expiration of the correction period identified in the notice of violation, and no further notice of fine is required under Section 1.05.050 in order for the administrative fines to become effective, and the fines shall continue to accrue daily until the violation has been fully abated and verified by the code enforcement officer. The correction period identified in the notice of violation shall be no less than five (5) calendar days after service of the notice. Pursuant to Government Code sections 53069.4 and 27721, for all violations of County Code which relate to or arise from a cannabis or industrial hemp activity, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned, the code enforcement officer may seek final determination of any administrative fines levied pursuant to this Chapter by the Office of County Cannabis Hearing Officer, established under

Section 22.40.130.C, in lieu of any appeal rights under Section 1.05.060. In such event, notice to appear before the Cannabis Hearing Officer at a stated time and place not less than five (5) calendar days after service of the notice should be provided to the responsible persons. The notice of violation and/or notice of fine may be consolidated with a notice(s) of nuisance abatement under Sections 22.40.130.B, 22.74.150, 23.08.432.b and 23.10.150. The hearing Cannabis Hearing Officer shall issue a written decision which affirms, reverses or modifies the administrative fines within two (2) calendar days after the hearing. The decision shall be mailed to, or personally served upon, the responsible persons and the code enforcement officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided, and only subject to judicial review in accordance with the timelines and provisions as set forth in Government Code section 53069.4.

COUNTY OF SAN LUIS OBISPO

LRP2019-00008

INDUSTRIAL HEMP ORDINANCE

**PROPOSED AMENDMENTS TO
TITLE 22 (LAND USE ORDINANCE)
FRAMEWORK FOR PLANNING COASTAL
TITLE 23 (COASTAL ZONE LAND USE ORDINANCE)**

And

TITLE 1 (ADMINISTRATIVE FINES)

**PLANNING COMMISSION
PUBLIC HEARING DRAFT**

JANUARY 23, 2020

Item #1

Section 22.06.030.C, Table 2-2 – Allowable Land Uses and Permit Requirements, of the San Luis Obispo County Code is amended to read as follows:

Summary: Add “Industrial Hemp Cultivation (land use)” as a subcategory of crop production and grazing.

Land Use ⁽¹⁾⁽²⁾⁽⁶⁾	Permit Requirements by L.U.C. ⁽⁹⁾						Specific Use Standards
	AG ⁽⁸⁾	RL	RR	RS	RSF	RMF	
Agriculture, Resource, and Open Space Uses							
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities ⁽⁴⁾	A2	A2	A2	A2 ⁽¹¹⁾	A2 ⁽¹¹⁾		22.40
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
Industrial Hemp Cultivation	A2	A2	A2				22.30.244
Energy-generating facilities ⁽⁹⁾	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves	A1	A1	A1				

Item #2

Section 22.06.040 - Exemptions From Land Use Permit Requirements, is hereby amended to read as follows (for the uses listed below only; uses not listed are not amended by this section):

Summary: Update land use regulations relating to exemptions from land use permit requirements noting that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244.

E. Agricultural uses:

2. Crop production and grazing. No land use permit is required for crop production, provided that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244, and where an Agricultural Offset Clearance is required for New or Expanded Irrigated Crop Production that overlies the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as shown in Figure 6-1. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties - Intensive).

Item #3

Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases of the San Luis Obispo County Code, is hereby amended to read as follows (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update land use regulations relating to definitions of land use to include Industrial Hemp Cultivation and other terms associated with the ordinance.

Crop Production and Grazing (land use). Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under "Cannabis Cultivation". Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See also, "Animal Keeping."

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar

non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of "Industrial Hemp Transplant".

Item #4

Chapter 22.30 – Standards for Specific Land Uses, of the San Luis Obispo County Code is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update standards for specific land uses to include Industrial Hemp Processing as a type of Agricultural Processing use, and adding a new Section, 22.30.244, to include standards for Industrial Hemp Cultivation.

22.30.070 - Agricultural Processing Uses

Agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, commercial composting and olive oil production without the use of solvents, are allowable subject to the following standards.

A. Permit requirements.

1. Minor Use Permit approval is required for agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, commercial composting, and industrial hemp processing, unless Section 22.08.030 (Project-Based Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.

D. Standards for specific uses

5. Industrial Hemp Processing. For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile manufacturing etc.

a. Location. Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

b. Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit

application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

- c. **Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

22.30.244 - Industrial hemp cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only;
2. Outdoor Industrial hemp cultivation is limited to sites of ten (10) acres or larger.
3. Indoor Industrial hemp cultivation is limited to sites of five (5) acres or larger
4. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Cultivation Standards

1. **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
 - a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences.
 - b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership.
 - c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. Nuisance Odors. All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

C. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weights and Measures.

2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 22.40 and 22.74 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

Item #5

Chapter 22.74.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update standards for Cannabis Activity and Industrial Hemp Related Violations to delegate powers to the Cannabis Hearing Officer including the ability to conduct abatement hearings and determination of post-abatement costs and assessments.

G. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (j) and 27721, the duties and powers of the Board of Supervisors under Section 22.74.150 are hereby delegated to the Cannabis Hearing Officer, established under Section 22.40.130.C, for all violations of Titles 6, 8, 19 or 22 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 22.74.105 or send a Notice of Nuisance under Section 22.74.150.C, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 22.74.150.D, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 22.40.130.B, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 22.74.150.E.2.a, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

Item #6

Chapter 6 Section C (“Coastal Table O – Allowable Land Uses”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

Summary: Add “Industrial Hemp Cultivation (land use)” as a subcategory of crop production and grazing.

ALLOWABLE USES

LOCAL COASTAL PLAN
COASTAL TABLE 'O'

Open Space
Public Facilities
Industrial
Commercial Service
Commercial Retail
Office & Professional
Residential Multi-Family
Residential Single-Family
Residential Suburban
Residential Rural
Recreation
Rural Lands
Agriculture - Non-Prime Soils
Agriculture - Prime Soils

PAGE NUMBER OF USE

USE GROUP

USE GROUP	6-39	6-39	6-40	6-40	6-44	6-44	6-45	6-51	6-52	6-58
A) AGRICULTURE										
1 Ag Accessory Structures	S-3-P	S-3-P	S-3	S-3	S-3	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P
2 Ag Processing	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
3 Animal Raising & Keeping	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
4 Aquaculture	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
5 Crop Production and Grazing	P	P	P	P	P	P	P	P	P	P
6 Industrial Hemp Cultivation	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P
7 Farm Equipment & Supplies	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
8 Nursery Specialties - Soil Dependent	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P
9 Nursery Specialties - Non-Soil Dependent	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Specialized Animal Facilities	S-3	S-3-P	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3

Item #7

Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update land use definitions of Framework for Planning to update the definition of Crop Production and Grazing.

Crop Production and Grazing [A5]

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under “Animal Facilities.” The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, “Animal Raising and Keeping.”

Item #8

Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update Coastal Zone Land Use Ordinance Definitions to include Industrial Hemp Cultivation and other terms associated with the ordinance.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

Item #9

Chapter 23.08 – Special (S) Uses is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update Agricultural Processing standards for specific uses to include standards for Industrial Hemp Processing as a type of Agricultural Processing use, and add a new Section, 22.08.047, to include Industrial Hemp Cultivation as a type of Agricultural Use – Specialized (S-3).

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

a. General permit requirements. The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.

Application content. Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).

Minimum site area. No minimum required.

Standards for specific uses.

(1) Industrial Hemp Processing. For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc.

(i) **Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

(ii) **Nuisance Odors.** All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

(iii) **Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

23.08.040 - Agricultural Uses - Specialized (S-3)

Specialized agricultural uses which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

23.08.041	Agricultural Accessory Structures
23.08.042	Agricultural Processing Uses
23.08.045	Aquaculture
23.08.046	Animal Raising and Keeping
23.08.047	Industrial Hemp Cultivation
23.08.048	Farm Equipment and Supplies
23.08.050	Interim Agricultural Uses (S-18)
23.08.052	Specialized Animal Facilities
23.08.054	Nursery Specialties
23.08.056	Roadside Stands

23.08.047 - Industrial hemp cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only;
2. Outdoor Industrial hemp cultivation is limited to sites of ten (10) acres or larger.
3. Indoor Industrial hemp cultivation is limited to sites of five (5) acres or larger

4. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Cultivation Standards

1. **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. These standards do not apply to Industrial Hemp Transplants as defined in Section 22.80.030. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, and existing offsite residences.
- b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership.
- c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

C. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. **Inspection**

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection, including crop and/or product testing

by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weight and Measures.

2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 23.08.420 and Chapter 10 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

Item #10

Chapter 23.10.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Summary: Update standards for Cannabis Activity and Industrial Hemp Related Violations to delegate powers to the Cannabis Hearing Officer including the ability to conduct abatement hearings and determination of post-abatement costs and assessments.

- g. Cannabis Activity and Industrial Hemp Related Violations.** Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why

stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

Item #11

Chapter 1.05 – Administrative Fines of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Summary: Update Administrative Fines of the San Luis Obispo County Code to include industrial hemp activity and the process for the application of administrative fines related to industrial hemp activity.

1.05.080 – Cannabis Activity and Industrial Hemp Related Violations.

For violations which relate to or arise from a cannabis or industrial hemp activity, as those terms are defined in Section 22.80.030, the administrative fines identified in a notice of violation issued under Section 1.05.030 by the code enforcement officer shall become effective immediately upon expiration of the correction period identified in the notice of violation, and no further notice of fine is required under Section 1.05.050 in order for the administrative fines to become effective, and the fines shall continue to accrue daily until the violation has been fully abated and verified by the code enforcement officer. The correction period identified in the notice of violation shall be no less than five (5) calendar days after service of the notice. Pursuant to Government Code sections 53069.4 and 27721, for all violations of County Code which relate to or arise from a cannabis or industrial hemp activity, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned, the code enforcement officer may seek final determination of any administrative fines levied pursuant to this Chapter by the Office of County Cannabis Hearing Officer, established under

Section 22.40.130.C, in lieu of any appeal rights under Section 1.05.060. In such event, notice to appear before the Cannabis Hearing Officer at a stated time and place not less than five (5) calendar days after service of the notice should be provided to the responsible persons. The notice of violation and/or notice of fine may be consolidated with a notice(s) of nuisance abatement under Sections 22.40.130.B, 22.74.150, 23.08.432.b and 23.10.150. The Cannabis Hearing Officer shall issue a written decision which affirms, reverses or modifies the administrative fines within two (2) calendar days after the hearing. The decision shall be mailed to, or personally served upon, the responsible persons and the code enforcement officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided, and only subject to judicial review in accordance with the timelines and provisions as set forth in Government Code section 53069.4.

Industrial Hemp Ordinance - Response to Comments

Organization / Public Comment	Comment Notes	Staff Response
ALAB	Minimize ag and business conflicts, sliding scale for setbacks, remove riparian/wetland setbacks, BMPs, annual review	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance. The Commission may look at a sliding scale for setbacks. • Wetland/riparian setback provided to protect sensitive areas.
Agricultural Commissioner	Define tasting room, sliding scale for setbacks, odor enforcement issues	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance. The Commission may look at a sliding scale for setbacks. • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Violations related to industrial hemp subject to code enforcement – see staff report section on "Enforcement".
Air Pollution Control District	Manufacturing will be subject to agency review, noted other APCD permitting requirements	<ul style="list-style-type: none"> • Noted
Creston Advisory Body	Eliminate any type of industrial manufacturing on Ag Zoned land, establish new industrial hemp ag zoning ordinance, locate in hemp industrial park, include residences as sensitive receptors, no exemptions, cultivation limited to indoors	<ul style="list-style-type: none"> • Proposed ordinance allows agricultural processing consistent with other agricultural products • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance. • Proposed use is considered crop production, therefore impacts are generally similar.
Grower-Shipper Association	Hemp not compatible with other agriculture	<ul style="list-style-type: none"> • Proposed use is considered crop production, therefore impacts are generally similar. • Current lack of scientific research on terpene taint risk to vineyards.

Industrial Hemp Ordinance - Response to Comments

Department of Fish and Wildlife	Concerns with impacts to plants and wildlife	<ul style="list-style-type: none"> Hemp cultivation similar to other crop production. Hemp processing subject to similar processing requirements and CEQA.
San Luis Obispo County Farm Bureau	Concerns with odors, contamination of wine grapes, and legal liability from pesticides	<ul style="list-style-type: none"> Current lack of scientific research on terpene taint. Setbacks proposed for sensitive receptors as identified in ordinance. Proposed use is considered crop production, therefore liability issues are similar.
Barbara Baggett	Concern with odors and setbacks	<ul style="list-style-type: none"> Proposed ordinance includes ventilation controls for odors associated with indoor grows. Current lack of scientific research on terpene taint. Setbacks proposed for sensitive receptors as identified in ordinance.
Molly Bohlman	Exclude Edna Valley from allowing hemp due to risk to vineyards	<ul style="list-style-type: none"> Current lack of scientific research on terpene taint risk to vineyards.
Martin and Helen Bretting	Exclude Edna Valley from allowing hemp due to risk to vineyards	<ul style="list-style-type: none"> Current lack of scientific research on terpene taint risk to vineyards.
Michael Cameron	Concerned about setback requirements and ability to grow hemp	<ul style="list-style-type: none"> Current lack of scientific research on terpene taint. Setbacks proposed for sensitive receptors as identified in ordinance.
Howard and Vicki Carroll	Concerns with inadequate setbacks, minimum parcel size, terpenes	<ul style="list-style-type: none"> Current lack of scientific research on terpene taint. Setbacks proposed for sensitive receptors as identified in ordinance.

Industrial Hemp Ordinance - Response to Comments

		<ul style="list-style-type: none"> • Minimum parcel size of 10 acres for outdoor grows consistent with outdoor minimum for cannabis. 5 acre minimum for indoor proposed for indoor grows.
George Donati	Concerns with inadequate setbacks, odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.
Paula Dooley	Concerns with terpene drift, protection of vineyards	<ul style="list-style-type: none"> • Current lack of scientific research on terpene taint.
Roger Eberhardt	Request ban on industrial hemp	<ul style="list-style-type: none"> • Board has directed staff to provide an ordinance regulating industrial hemp.
Bruce Falkenhagen	Concerns with odors, enforcement	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Violations related to industrial hemp subject to code enforcement – see staff report section on “Enforcement”.
Donald Flinn	Concerns with allergies, odors,	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk.
Gerry Judge	Concerns with setbacks, odors, noise	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.
John Goodrich and Janice Odell	Concerns with odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows.
Nancy Greenough	Concerns with inadequate setbacks, odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.

Industrial Hemp Ordinance - Response to Comments

Jean Johnson	Supports setbacks. Concerns with requirements for odor control and minimum site area. Supports in-field sales.	<ul style="list-style-type: none"> • Ventilation controls for odors associated with indoor grows included as appropriate based on public comment. • In-field sales not allowed due to impacts of retail component.
Marjan Kelsey	Concerns with inadequate setbacks, odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.
Larry Knorr	Concerns with odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows.
Marsha Lee	All agricultural crops should be included in odor mitigation, increase setbacks	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • No setbacks are currently proposed for other crops.
Gail Lightfoot	Consider benefits of hemp to local farmers and resident workers	<ul style="list-style-type: none"> • Noted
Andy and Laurie Mangano	Concern with odors, compatibility with vineyards, especially in Edna Valley	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk.
June McIvor (Tolosa)	Concerns with terpenes, odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk.
Jeanette Meek	Oppose growing of hemp or cannabis in Edna Valley	<ul style="list-style-type: none"> • Noted
Andy Niner	Edna Valley should be excluded, concerns with setbacks	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance.

Industrial Hemp Ordinance - Response to Comments

Peter Orradre	Concerns with odors, inadequate setbacks	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.
Brad Parkinson	Oppose cannabis and hemp in Edna Valley, setbacks inadequate, economic risk (includes slides)	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.
Richard and Sharon Pescatore	Concern with hemp grows in areas not heavily populated or with significant vulnerable crops such as wine grapes, concern with odors in Edna Valley, discretionary process	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk.
Robert Reid	Concern with odors, health concerns, enforcement, quality of life in Edna Valley, inadequate setbacks.	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk. • Setbacks proposed for sensitive receptors as identified in ordinance. • Violations related to industrial hemp subject to code enforcement – see staff report section on “Enforcement”.
Tim and Sue Rueda	Concerns with economic impact in Edna Valley	See previous responses on impacts of hemp cultivation.
Bob Schiebelhut	Concerns with odors, terpenes, setbacks, enforcement, particularly in Edna Valley	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk. • Setbacks proposed for sensitive receptors as identified in ordinance. • Violations related to industrial hemp subject to code enforcement – see staff report section on “Enforcement”.

Industrial Hemp Ordinance - Response to Comments

Darren Shetler	Clarification on "in-field sales", definitions, concern with prohibition on indoor cultivation in CS and IND, excessive setbacks	<ul style="list-style-type: none"> • In-field sales includes on-site sales transactions. • No definition of outdoor processing because it is not allowed. • Discretionary process provided for CS and IND.
John Sordelet	Hemp is less odorous than cannabis. Concern with not allowing drying of crop in hoop house, requirement of setback from wetland/riparian	<ul style="list-style-type: none"> • Drying of crop in hoop houses considered outdoor processing, which is not allowed. • Wetland/riparian setback provided to protect sensitive areas.
Megan Souza	Concerns with overregulation of hemp. No setbacks should be required.	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance.
William H. Swanson	Concerns with enforceability, inadequate setbacks	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance. • Violations related to industrial hemp subject to code enforcement – see staff report section on "Enforcement".
Julie Tacker	Water offsets should apply, setbacks to watercourses, dust and erosion control concerns, visual concerns, odors, greenhouse gas emissions	<ul style="list-style-type: none"> • Water offsets will apply where appropriate to hemp cultivation • Proposed use is considered crop production, therefore dust and erosion control, visual concerns, impacts from plastics are similar.
Claiborne W. Thompson	Concerns with hemp in Edna Valley. Odors, terpene taint.	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk.
Drew Tillman	Concerns with inadequate setbacks	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance.
Agzone Services	Concerns with pollen, inadequate setbacks	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance.

Industrial Hemp Ordinance - Response to Comments

Lynda Ziegler	Concerns with odors, inadequate setbacks, residential sensitive receptors, particularly in Edna Valley	<ul style="list-style-type: none">• Setbacks proposed for sensitive receptors as identified in ordinance.• Proposed ordinance includes ventilation controls for odors associated with indoor grows.• Current lack of scientific research on terpene taint risk.
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County of San Luis Obispo Agricultural Liaison Advisory Board

2156 Sierra Way, Suite A
San Luis Obispo, CA 93401



**Agricultural Liaison
Advisory Board (ALAB)**

Positions/Members/Terms
CHAIR: Jean-Pierre Wolff
VICE CHAIR: Dan Rodrigues

District One: Peschong Appt.
Craig Pritchard (1/21)
District Two: Gibson Appt.
Lisen Bonnier (1/23)
District Three: Hill Appt.
Tom Ikeda (1/21)
District Four: Compton Appt.
Daniel Chavez (1/23)
District Five: Arnold Appt.
vacant (1/21)
Ag. Finance Rep.
Mark Pearce (8/22)
Cattlemen Rep.
Dick Nock
Coastal San Luis RCD Rep.
Jean-Pierre Wolff (8/22)
Direct Marketing/Organic Rep.
Jutta Thoerner (4/20)
Environmental Rep.
Krista Burke (1/23)
Farm Bureau Rep.
R. Don Warden
Nursery Rep.
Butch Yamashita (4/20)
Upper Salinas-Las Tablas RCD Rep.
George Kendall (4/23)
Vegetable Rep.
Claire Wineman (4/20)
Wine Grape Rep.
Dan Rodrigues (4/20)
Strawberry Rep.
vacant
County Agricultural Commissioner
Marty Settevendemie
Ex-Officio
U.C. Coop. Extension, Farm Advisor
Mark Battany

DATE: December 18, 2019

TO: Kip Morais, Project Manager, and Brian Pedrotti, Senior Planner,
San Luis Obispo County Department of Planning and Building,

SUBJECT: ALAB comments and recommendations on the Public Review Draft of the
Industrial Hemp Ordinance

At the December 9, 2019 Agricultural Liaison Advisory Board (ALAB) meeting, ALAB members discussed the potential adoption of a permanent ordinance regulating the cultivation and processing of industrial hemp within the unincorporated portions of San Luis Obispo County. ALAB members affirmed their support for the growth and success for all agricultural commodities and the majority agreed upon a number of recommendations described below.

ALAB reviewed the information provided by the ALAB hemp subcommittee, a group established by ALAB to specifically address the potential for a local hemp ordinance and assist in providing information to be used for that ordinance development. The hemp subcommittee, a group which included ALAB members, local hemp growers, and local vineyard and winery representatives, met six times in the past four months. Meetings were open to the public and many hemp growers and concerned citizens alike attended and provided comments and input. The ALAB subcommittee provided the full ALAB membership with a few specific recommendations and a number of general areas of consensus that the full ALAB board took under advisement.

After reviewing the input from the ALAB hemp subcommittee and considerable additional discussion amongst members, **ALAB members approved a motion to provide the following five recommendations to County Planning in response to the Public Review Draft of the Industrial Hemp Ordinance:**

- ALAB recommends that County Planning strive to develop this ordinance, and its associated requirements and restrictions, in a manner that minimizes conflicts with existing agricultural operations and businesses.
- ALAB recommends that County Planning consider the implementation of a

sliding scale for setback requirements based upon the number of industrial hemp acres being cultivated. Although ALAB could not come to consensus on exactly what those setback distances should be, it was agreed that it is logical to require smaller setback distances from smaller sized growing sites, relative to the acreage of the hemp growing site.

- **In Section 22.30.244 (B).1.c:** ALAB recommends that riparian and wetland setbacks be struck from the ordinance due to this requirement being duplicative of existing requirements from other agencies that growers must already meet.
- ALAB recommends that direction is given to the Agricultural Commissioner's Office to develop a set of recommended and/or required Best Management Practices (BMP's) for the cultivation of industrial hemp locally. Once these BMP's are developed, ALAB recommends that consideration is given toward incorporating those BMP's into the industrial hemp registration process conducted by the Agricultural Commissioner's Office.
- ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.

Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JP Wolff', written over a horizontal line.

Jean-Pierre Wolff, Ph.D.
ALAB Chair



TO: San Luis Obispo County Planning & Building Department
 FROM: San Luis Obispo County Department of Agriculture
 DATE: December 19, 2019
 SUBJECT: Comments and recommendations on the Public Review Draft of the Industrial Hemp Ordinance

Thank you for the opportunity to comment. The Department of Agriculture appreciates your efforts in putting together this Public Review Draft of the Industrial Hemp Ordinance. We appreciate the straightforward approach and easily understandable ordinance that has been drafted; however, we do have four topics that we would like to comment on and bring to your attention.

- **Section 22.30.244 (B) 1. A – Outdoor Industrial Hemp: “Tasting rooms” definition**
 “Tasting rooms” is not defined within this ordinance. We could not find anywhere else in local land use code that the term was defined. If “tasting rooms” is not defined in the hemp ordinance, or in another section of local land use ordinance, we recommend that “tasting rooms” be defined for the sake of clarity.
- **Section 22.30.244 (B) 1. A – Outdoor Industrial Hemp: Setback established from other crop production**
 With the passage of the 2018 Federal Farm Bill, industrial hemp was classified as an agricultural commodity and removed from the Controlled Substances Act list. Although we recognize that industrial hemp is a unique crop, placing setback requirements from other types of crop production on a legal crop would be an unprecedented step. We submit that setbacks could be modified, by waiver, to address unique, crop-to-crop situations, as current agricultural practices in our area indicate that neighboring growers of different crops can coexist with much smaller distances separating their crops than the 300-foot distance that is currently proposed.

This 300-foot setback requirement from other crop production could result in an unnecessary prohibition on cultivating a legal crop *even in instances where the adjacent existing grower does not believe there is a need for a setback*. For instance, we are aware of several examples of registered industrial hemp growers who cultivated legally within San Luis Obispo County in 2019, who would be impacted by this requirement due to nearby crop production on an adjacent parcel. In at least one of those instances, the neighboring grower has no concern with the industrial hemp cultivation. We suggest exploring a mechanism where the adjacent grower could provide a waiver that would remove this setback requirement for the industrial hemp grower if the adjacent grower did not have any concerns or did not see any need for a 300-foot separation.

- **Section 22.30.244 (B) 1. A – Outdoor Industrial Hemp: Potential for a sliding scale on setback requirements**

Similar to the recommendation made by the Agricultural Liaison Advisory Board (ALAB) in their letter from December 18, 2019, our department also sees the logic and value in having any setbacks that are established utilize a sliding scale based upon the number of industrial hemp acres being cultivated (e.g. if it is decided that setbacks are necessary, those setback distances could be established on a sliding scale for cultivation sites under 1 acre, less than 10 acres, and greater than 10 acres with smaller setback distances established for the smaller acreage categories). Not only does it make logical sense to have smaller setback requirements for smaller cultivation sites, that concept also aligns with the goals set out in AGP4 of the County's *Agriculture Element – Agricultural Use of Small Parcels*, which encourages agricultural uses on small agriculturally zoned parcels as appropriate and allowable.

It is important to recognize that many of the growers interested in cultivating industrial hemp in San Luis Obispo County may be smaller growers. As evidence to this point, 10 of the 16 commercial hemp growers that were registered in 2019 prior to the passage of the temporary moratorium grew 5 acres or less; 7 of those 10 growers cultivated only 2 acres or less. With the potential value of CBD hemp, these smaller cultivation sites may provide a tremendous economic opportunity for local growers that may not have many other options for viable agricultural production at their growing locations.

- **Section 22.30.244 (B) 2 – Nuisance Odors: Potential Enforcement**

The Department of Agriculture is responsible for the enforcement of industrial hemp laws as established in the California Food & Agricultural Code, as well as associated industrial hemp regulations within the California Code of Regulations. However, our Department does *not* typically have any authority over local land use ordinance statutes.

We are seeking clarification on who would enforce this section, specifically in regard to the statement "All structures shall be equipped.....to eliminate nuisance odor emissions from being detected offsite." Growers who fail to eliminate these nuisance odors could be in full compliance with state Food & Agricultural Code requirements, so is this strictly a County Code Enforcement responsibility?

County of San Luis Obispo Department of Agriculture / Weights & Measures

2156 Sierra Way, Suite A | San Luis Obispo, CA 93401 | (P) 805-781-5910 | (F) 805-781-1035
<http://www.slocounty.ca.gov/AgComm> | AgCommSLO@co.slo.ca.us



Via Email

December 19, 2019

Kip Morais
San Luis Obispo County Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
kmorais@co.slo.ca.us

SUBJECT: APCD Comments Regarding the SLO County Industrial Hemp Ordinance Draft

Dear Mr. Morais:

Thank you giving the San Luis Obispo County Air Pollution Control District (APCD) an opportunity to comment on the San Luis Obispo County Industrial Hemp Ordinance Draft (Draft). The Draft defined cultivation, processing and manufacturing as follows:

Industrial Hemp Cultivation

- Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review (pg. 2).
- The definition of Industrial Hemp Cultivation is defined on page 13 and states any activity involving the planting, growing, harvesting, or field drying of industrial hemp.
- Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories (pg. 2).
- Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure, only within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting (pg.13).

Industrial Hemp Processing

- Industrial Hemp Processing will be treated as an Agricultural Processing use and will require discretionary review (pg. 2).
- Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use (pg.13).

Industrial Hemp Manufacturing

- Manufacturing of hemp products will be classified under existing manufacturing uses according to end-product and scale of operations and subject to permitting requirements accordingly (pg.13).
- Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end-product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc. (pg. 14).

The following APCD comments are pertinent to the Draft Ordinance.

The industrial hemp manufacturing requirements described in Paragraph D. 5. Industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - [Air Pollution Control District \(APCD\) Review](#), it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:

Permit - Agricultural Burning

Since Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing, burning of Industrial Hemp waste will require an APCD Agricultural Burn Permit and burning of waste is only allowed on Permissive Burn Days. All agricultural burning is subject to [APCD Rule 502](#). Verification of THC content may be required upon application. For more information on agricultural burning, visit the following APCD webpage: slocleanair.org/rules-regulations/agriculture/burning.

Permit - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the [APCD's Nuisance Rule 402](#) and may result in enforcement action:

- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

JNM/jjh

cc: Brian Pedrotti, Long Range Planning Team
Sarah Wade, APCD

Creston Advisory Body

Chairperson: Sheila Lyons, 805-239-0917, P.O. Box 174 Creston CA 93432, salyons1951@gmail.com
Hemp Committee Chairperson: Steve Almond 713-409-8920 steve.almond52@gmail.com

October 17, 2019

San Luis Obispo County Supervisors
Debbie Arnold – darnold@co.slo.ca.us
John Peschong – jpeschong@co.slo.ca.us
Bruce Gibson – bjibson@co.slo.ca.us
Adam Hill – adhill@co.slo.ca.us
Lynn Compton – lcompton@co.slo.ca.us
San Luis Obispo County Government Center
San Luis Obispo, California 93408

Dear Supevisors:

Please find the following input from the Creston Advisory Body (CAB) with regards to the hemp ordinance that is currently being drafted by San Luis Obispo County.

HEMP DISCUSSION AND PROPOSAL FROM CRESTON ADVISORY BOARD

THE PROBLEM(S)

Applications for permits to build facilities to grow and process hemp are increasing at an alarming rate throughout SLO County and the State. The Applicants are typically non-resident owners interested in our land and water for the sole purpose of profit and no consideration for our communities. There is no interest in protecting the quality of life we experience here in the Central Coast.

Recently, at a Creston Advisory Board (CAB) meeting Supervisor Debbie Arnold informed us the Board of Supervisors had declared a temporary moratorium on the cultivation of industrial hemp within the unincorporated areas of San Luis Obispo county while the County staff determines the impact of such unregulated cultivation and develops reasonable regulations to mitigate such impacts. This was good news to those in attendance but it was clear this was the beginning of another push by hemp growers getting underway. Everyone in attendance expressed concerns that this was very similar to the cannabis problem except hemp does not require approval to grow, making planting easier than for cannabis. The real problem is hemp is a strain of cannabis and contains both THC and CBD the two main active ingredients in cannabis yet hemp growth is non-regulated. Supervisor Arnold also stated that a specific lab must do the testing to determine whether a plant was cannabis or hemp. Only the lower THC concentration seen in hemp distinguishes it from cannabis (i.e., less than 0.3 % THC based on dry weight). In fact, hemp has been raised for years for making rope, etc. without isolating the active ingredients. However, now a new generation of hemp growers are growing hemp to extract and utilize the active ingredient CBD illegally. In short, hemp is cannabis with a lower THC level and should be treated as such. Additionally recent news articles have reported that grows have been found that are labelled as hemp, are actually marijuana grows attempting to forego the licensing process.

There was **no one** in the sizeable crowd at the CAB meeting who was in favor of allowing hemp nor has the CAB received any community support expressing support to be grown in Creston or the Creston community.

The same response was seen during cannabis application reviews. First and foremost, the Creston landowners, residents and neighbors made it quite clear that hemp growth and processing operations are ***not compatible with the community and are not wanted. They know that such operations present a clear and present danger*** to the people who live here and to our country lifestyle, not to mention our investments in our land, our homes and our families. Here are some specifics which would apply equally to where you live.

1. **Safety** - Creston's residents are concerned, first and foremost, for the safety of their families and the sanctity of their homes. As anyone can grow hemp, as the law reads currently, it could be grown anywhere in our community and surrounding area. The residents' safety and that of their children would potentially be under threats to health, crime and otherwise by a single hemp farm or multiple hemp farms. Again, recent news reports of an attempted robbery of a Templeton "hemp" grow due to the burglars believing it was actually marijuana, is a real example of our concern.

Potential mitigation:

At a minimum, residential dwelling units should be included in the county ordinance "sensitive receptor" definition with at least a 1,000 foot setback. The county ordinance for **pig farm/cattle feed lot has 1,000 foot residential dwelling setback and 1 mile setback from residential areas**. Rural residential homes should have the same protection from hemp, and cannabis.

2. **Environmental Impact** - These operations most certainly increase the risks not only to the quiet lifestyle we enjoy but also to our immediate **environment**. It was acknowledged that several dangerous **volatile chemicals and explosively flammable gases** would be used as part of hemp extraction or processing. We were informed that such hazardous materials are **not** allowed for an operation this close to town, homes and schools because of the potential risks of injuries or deaths.

These chemicals may present other risks as well, in the event of spills or mishandling, of **contamination of nearby soils, the surface and underground drinking water supplies across the Paso Robles Groundwater Basin, including the nearby Huero Huero River along with other creeks and streams whose course runs on or adjacent to a growth site**. All residences in the Creston community are on wells and are therefore highly susceptible if contamination should occur.

Potential mitigation –

Keep the cultivation of cannabis/hemp indoors, and limited to sealed greenhouses that do not vent to the atmosphere.

This will limit the impact of air pollution/skunk odor but not completely - do not allow for chemical sprays that cover the plant odors. Outdoor grows can not mitigate the resulting air pollution/skunk odors. Put outdoor grows at least 1 mile away from residential neighborhoods just like the pig farm setback ordinance. **Do not allow what is essentially industrial manufacturing/processing on lands zoned as agricultural or near rural residences.**

Require compliance with the California Environmental Quality Act (CEQA).

End the undue exemptions given to cannabis projects. Hemp as an "agriculture product" must undergo CEQA review, studies and reports for a given project location - so should cannabis since it is the same

plant.

Eliminate all types of potential pollution

It was acknowledged that these operations can result in **night-time light pollution, increased truck and other vehicular traffic, increased noise levels, escaping chemicals, hemp plant and production odors.**

3. **Crime**

Hemp growers have historically argued that they are “just another ag. operation”, similar to growing olives, alfalfa or grapes and should be viewed and treated the same way. But that patently is not true. These hemp operations are definitely not just “ag.” operations. The **risk of a significant increase in crime** in and around Creston would be a legitimate concern. This risk has been acknowledged by the County.

Potential mitigation –

Requirements that hemp growth and operations must undergo thorough criminal background checks and operations must have 24 hr. camera surveillance and a security person. The concern about increased crime is real, particularly since law enforcement response times are necessarily longer in rural areas like Creston. The now negligible crime rates in Creston area seem almost certain to skyrocket, if hemp growth is approved.

4. **Economic Damages**

A rural residential area like Creston embedded with and surrounded by hemp growth and operations would result in lower property values and other economic damage to the families who live and work here. For most citizens their investments in their homes will be the largest investments of their lives and these investments would most certainly be damaged. At least one property in Creston went on the market the moment there was an application submitted to the County and discussion of a “grow” on the property next door. The interest by potential buyers has been less than enthusiastic once the potential “grow” was disclosed.

A further, very real, concern for Creston citizen owners of homes and traditional ag. properties, beyond the previously mentioned inherent reduction of our properties' re-sale values if they were to be situated near a cannabis/hemp grow or processing operations, would now include the high risks of court and attorneys' fees and costs of pursuing or defending related (and already threatened) property rights litigations. The Creston community is united in simply wanting to keep they homes and lifestyles they have invested in. None should have to be exposed to threats by the cannabis/hemp industry of, or actually suffer, the financial risks and stress of having to protect ourselves from corporate aggressions and profit motive manipulations. No one purchased their property accepting of the idea that there might be a hemp, or cannabis, operation next door. In no rational sense would these operations be compatible with our community.

In addition, it has been shown there are issues with cannabis/hemp endangering our wine crops which are key economic contributors to our area. This has been proven in a number of areas with references given below. In fact, Napa supervisors prepare to ban cultivation, manufacturing, and sale of commercial cannabis in unincorporated Napa County, recently.

The question of water usage is always of concern as our community sits over the Paso Robles Groundwater Basin. It is our understanding that hemp requires more water per acre than grapes and although we've been told that any hemp grower would have to obtain agricultural offsets, both the agriculturists in our area and the local residents have concerns. At this point in time, it is our understanding that offsets can be obtained from anywhere over the basin, however if hemp is grown in our community it is clear that the pumping will be occurring in our immediate area of the basin thereby impacting the many relatively shallow rural residential wells we have in our community and jeopardizing the family welfare of our residents.

5. Gray area

The majority of hemp being grown now is for the extraction of CBD oil, to be used both for recreational and therapeutic purposes (medicinal in nature), however it was delisted as a Class I, scheduled controlled substance" by the FDA in the 2018 Farm Bill, meaning a prescription by a doctor is no longer required. (i.e., proof of legitimate existing market sources for CBD). It is therefore not a "traditional" type of agricultural crop. Hemp is currently operating in a gray area of the law since it is not categorized as being used as a drug.

Since the CBD oil from hemp is used as a medicine, hemp profits need to be taxed by the county as is cannabis to remove incentives to sell "bad" hemp crops (i.e., having more THC than allowed). There also needs to be penalties paid to the county for "bad" hemp crops since technically they need to be destroyed.

A POSSIBLE WAY FORWARD

Since the county currently has a moratorium on the cultivation of industrial hemp operations within the unincorporated areas of SLO county, we have time to establish and set up proper regulations which protects the public safety health and welfare of Creston and the surrounding community. The sensible, proper and most economic decision for the County on these hemp growth operations should be to simply establish these new hemp regulations before hemp growth takes off. It has been shown the county has moved too fast in allowing cannabis growth to establish itself. So, for hemp growth/ operations let's take our time, put together appropriate regulations by a group made up of both county employees, hemp growers AND county citizens to regulate hemp growth.

One possible idea would be to establish a new "**industrial hemp ag**" zoning ordinance. It would require that these "hemp growth/factory ag." operation be located away from residential, residential ag. and pure ag areas. In fact, the same should be done with cannabis growth.

The truth is, these operations ARE factories and should be zoned accordingly. Their "grows" should be indoors and the processing is done indoors. So, one could arguably say that these operations should be kept away from our towns, our schools, our families and prevented from imposing any health or safety risks upon us. They should be co-located in a specially zoned "hemp industrial park", which would result in **benefits to the taxpayers**. In short, put manufacturing where it belongs in Industrial or Commercial Zoned land.

1. Certainly, it would make the County's application reviews, permit issuance and periodic inspections easier more efficient and less costly, with the sites localized in one place. Fewer personnel would be required, less travel time from property to property and fewer hours needed for inspections or follow ups. And, finally, no further concerns as to whether the zoning for a new operation is correct, no more strings of hearings and debates and waste of County administrative time and money.

2. Law enforcement oversight and/or patrol for criminal activities would be easier, less costly and more efficient with all of the legal operations in one factory-ag zone. Law enforcement response times would be reduced, the burden on law enforcement agencies for monitoring hemp/cannabis related criminal activities reduced and the number of officers and costs needed to patrol would be reduced dramatically.

A win for the County administrative staff and budgets, law enforcement's personnel and budgets and, most importantly, the tax-payers and the safety of their families, their health and their homes.

SUMMARY

It is not surprising that communities like ours find it difficult to not lump cannabis and hemp together regardless of their legal classifications. They are essentially the same plant and thus need to be handled similarly in an agriculturally dominate, family oriented community like Creston. Adopting the following would go a long way towards minimizing the conflicts between rural residents and cannabis/hemp projects being proposed across the county and in our community specifically:

- ☒ **Establish a new "industrial hemp ag" zoning ordinance.**
- ☒ **Eliminate any type of industrial manufacturing on Agricultural Zoned land.**
- ☒ **Include residential dwelling units in the "sensitive receptor" definition and site restrictions.**
- ☒ **Keep the cultivation of cannabis/hemp indoors and limited to sealed facilities and greenhouses that do not vent to the atmosphere.**
- ☒ **Require compliance with the California Environmental Quality Act - do not give exemptions to cannabis projects.**

Cannabis/hemp projects are NOT traditional agriculture for SLO County - these are nuisance crops. Cannabis is incompatible with traditional agriculture due to the risks of pesticide and non-pesticide grows - the proximity of cannabis/hemp to traditional agriculture is not compatible.

Cannabis/hemp projects are not compatible with our town of Creston and local residential agriculture quality of life. Do not force the Santa Barbara County cannabis/hemp un-restricted grows on to San Luis Obispo County residential agriculture neighborhoods, homes and families.

Respectfully submitted:

Sheila Lyons, CAB Chairperson

Steve Almond, CAB Hemp Committee Chairperson

References:

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<https://calcoastnews.com/2019/09/winners-of-grover-beach-pot-shops-quickly-sold-permits/>

August 9, 2019: Cal Coast News. "Proposed Buellton pot grows pit a vintner against weed farms"
<https://calcoastnews.com/2019/08/proposed-buellton-pot-grows-pit-a-vintner-against-weed-farms/>

July 9, 2019: KSBY. "Santa Barbara County supervisors consider cannabis cultivation restrictions." <https://ksby.com/news/local-news/2019/07/09/santa-barbara-county-supervisors-consider-cannabis-cultivation-restrictions>

June 21, 2019: Time Magazine. "The Environmental Downside of Cannabis Cultivation"
<https://time.com/tag/cannabis/>

June 18, 2019: Santa Barbara Independent. "Santa Barbara County in an Uproar Over Cannabis Odors" From Carpinteria to Santa Ynez Valley Lawsuits, Public Hearings and Civil Protests Complain About Smells Emitting from Green Houses and Fields. <https://www.independent.com/2019/06/05/santa-barbara-county-in-an-uproar-over-cannabis-odors>

June 15, 2019: LA Times. "The World's Largest Pot Farms, and How Santa Barbara Opened the Door"
<https://www.latimes.com/local/california/la-me-santa-barbara-pot-grows-20190612-htlstory.html>

Hog Ranch Ordinance 22.30.100 - Animal Facilities - Specialized "E. Hog ranches. The raising or keeping of more than three sows, a boar and their un-weaned litter is subject to the same standards that are required of beef and dairy feedlots by Subsection C. A hog ranch shall be located no closer than one mile from any residential category; and no closer than 1000 feet from any school, or dwelling other than those on the site."

October 12, 2019: "Cannabis farmers argue their crop is compatible with other crops, despite winemakers' concerns"
<http://www.santamariasun.com/cover/18927/cannabis-farmers-argue-their-crop-is-compatible-with-other-crops--despite-winemakers-concerns/>

August 14, 2019: "California's Largest Legal Weed Farms Face Conflict In Wine Country"
<https://www.npr.org/2019/08/14/747441997/californias-largest-legal-weed-farms-face-conflict-in-wine-country>

September 18, 2019: Wine Business Daily News "Napa supervisors prepare to ban cultivation, manufacturing, and sale of commercial cannabis in unincorporated Napa County" <https://www.winebusiness.com/news/?go=getArticle&dataId=219744>



December 19, 2019

Brian Pedrotti and Kip Morais
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Planning and Building Department:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of a permanent ordinance regarding industrial hemp cultivation. Our Board of Directors voted unanimously to submit this comment letter.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES
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Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing food crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President



December 18, 2019

Kip Morais
County of San Luis Obispo Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408

**Subject: County of San Luis Obispo Industrial Hemp Ordinance Public Review
Draft (Ordinance)**

Dear Mr. Morais:

The California Department of Fish and Wildlife (Department) has received a copy of the draft County of San Luis Obispo Industrial Hemp Ordinance. The draft Ordinance addresses cultivation, processing, manufacturing, and in the field sales of hemp in the unincorporated San Luis Obispo County (County) jurisdiction.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Ordinance that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Ordinance the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code (FGC).

As defined in the Ordinance, Section 4, Section 22.30.070, industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories. As defined in the Ordinance, Section 4, Section 22.30.244, industrial hemp cultivation (indoor and outdoor) may be allowed in the AG, RL, and RR land use categories only; outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger; indoor industrial hemp cultivation is limited to sites of five (5) acres or larger; outdoor industrial hemp cultivation in the RR land use category is limited to production of industrial hemp transplants only.

THE DEPARTMENT ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802).

Conserving California's Wildlife Since 1870

COMMENTS AND RECOMMENDATIONS

The Ordinance applies to all of San Luis Obispo (SLO) County which has been identified to contain thousands of acres of protected conservation lands, core population areas for multiple State and federally listed species and supports rare natural communities. The County includes the only known habitat for many special status species and important geographic and topographic habitat areas that have been identified as critical to meet the recovery goals for many State and federally listed species.

The Department is concerned the Ordinance, as drafted, could result in impacts to both unlisted and special status species known to occur in the County, including but not limited to, the special status species listed in the Table 1 and 2. The Department's recommendations are included below to minimize impacts to fish and wildlife resources and their habitat.

Common Name	Scientific Name	State Status	Federal Status
Invertebrates			
Kern primrose sphinx moth	<i>Euproserpinus euterpe</i>		threatened
longhorn fairy shrimp	<i>Branchinecta longiantenna</i>		endangered
Morro shoulderband snail	<i>Helminthoglypta walkeriana</i>		endangered
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>		endangered
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>		threatened
Fish			
arroyo chub	<i>Gila orcuttii</i>	SSC	
Steelhead	<i>Oncorhynchus mykiss</i>		threatened
tidewater goby	<i>Eucyclogobius newberryi</i>	SSC	endangered
Amphibians			
California red-legged frog	<i>Rana draytonii</i>	SSC	threatened
California tiger salamander	<i>Ambystoma californiense</i>	threatened	threatened
Coast Range newt	<i>Taricha torosa</i>	SSC	
foothill yellow-legged frog	<i>Rana boylei</i>	candidate threatened	

Table 1 Special Status Species Known to Occur in San Luis Obispo County			
Common Name	Scientific Name	State Status	Federal Status
lesser slender salamander	<i>Batrachoseps minor</i>	SSC	
western spadefoot	<i>Spea hammondi</i>	SSC	
Reptiles			
blunt-nosed leopard lizard	<i>Gambelia siva</i>	fully protected, endangered	endangered
California glossy snake	<i>Arizona elegans occidentalis</i>	SSC	
California legless lizard	<i>Anniella pulchra</i>	SSC	
coast horned lizard	<i>Phrynosoma blainvillii</i>	SSC	
San Joaquin coachwhip	<i>Masticophis flagellum ruddocki</i>	SSC	
two-striped garter snake	<i>Thamnophis hammondi</i>	SSC	
western pond turtle	<i>Emys marmorata</i>	SSC	
Birds			
bald eagle	<i>Haliaeetus leucocephalus</i>	fully protected, endangered	
burrowing owl	<i>Athene cunicularia</i>	SSC	
California black rail	<i>Laterallus jamaicensis coturniculus</i>	fully protected, threatened	
California condor	<i>Gymnogyps californianus</i>	fully protected, endangered	endangered
California least tern	<i>Sternula antillarum browni</i>	fully protected, endangered	endangered
golden eagle	<i>Aquila chrysaetos</i>	fully protected	
grasshopper sparrow	<i>Ammodramus savannarum</i>	SSC	
least Bell's vireo	<i>Vireo bellii pusillus</i>	endangered	endangered
loggerhead shrike	<i>Lanius ludovicianus</i>	SSC	
long-eared owl	<i>Asio otus</i>	SSC	
mountain plover	<i>Charadrius montanus</i>	SSC	
northern harrier	<i>Circus cyaneus</i>	SSC	
purple martin	<i>Progne subis</i>	SSC	
Swainson's hawk	<i>Buteo swainsoni</i>	threatened	
tricolored blackbird	<i>Agelaius tricolor</i>	candidate endangered	

Table 1 Special Status Species Known to Occur in San Luis Obispo County			
Common Name	Scientific Name	State Status	Federal Status
western snowy plover	<i>Charadrius alexandrinus nivosus</i>		threatened
white-tailed kite	<i>Elanus leucurus</i>	fully protected	
Mammals			
American badger	<i>Taxidea taxus</i>	SSC	
giant kangaroo rat	<i>Dipodomys ingens</i>	endangered	endangered
Monterey dusky-footed woodrat	<i>Neotoma macrotis luciana</i>	SSC	
Morro Bay kangaroo rat	<i>Dipodomys heermanni morroensis</i>	fully protected, endangered	endangered
pallid bat	<i>Antrozous pallidus</i>	SSC	
Salinas pocket mouse	<i>Perognathus inornatus psammophilus</i>	SSC	
San Joaquin antelope squirrel	<i>Ammospermophilus nelsoni</i>	threatened	
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	threatened	endangered
short-nosed kangaroo rat	<i>Dipodomys nitratoides brevinasus</i>	SSC	
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC	
Tulare grasshopper mouse	<i>Onychomys torridus tularensis</i>	SSC	
western mastiff bat	<i>Eumops perotis californicus</i>	SSC	
western red bat	<i>Lasiurus blossevillii</i>	SSC	
Status Definitions State: SSC – Species of Special Concern			

Table 2 Special Status Plant Species Known to Occur in San Luis Obispo County				
Common Name	Scientific Name	CNPS Status	State Status	Federal Status
Abbott's bush-mallow	<i>Malacothamnus abbotti</i>	1B.1		
adobe sanicle	<i>Sanicula maritima</i>	1B.1	rare	
Arroyo de la Cruz	<i>Arctostaphylos</i>	1B.2		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
manzanita	<i>crzensis</i>			
Arroyo de la Cruz mariposa-lily	<i>Calochortus clavatus</i> var. <i>recurvifolius</i>	1B.2		
beach spectaclepod	<i>Dithyrea maritima</i>	1B.1	threatened	
Betty's dudleya	<i>Dudleya abramsii</i> ssp. <i>bettinae</i>	1B.2		
black-flowered figwort	<i>Scrophularia atrata</i>	1B.2		
Blochman's dudleya	<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>	1B.1		
Blochman's leafy daisy	<i>Erigeron blochmaniae</i>	1B.2		
Brewer's spineflower	<i>Chorizanthe breweri</i>	1B.3		
bristlecone fir	<i>Abies bracteata</i>	1B.3		
California jewel-flower	<i>Caulanthus californicus</i>		endangered	endangered
California seablite	<i>Suaeda californica</i>	1B.1		endangered
Camatta Canyon amole	<i>Chlorogalum purpureum</i> var. <i>reductum</i>	1B.1	rare	threatened
Cambria morning-glory	<i>Calystegia subacaulis</i> ssp. <i>episcopalis</i>	4.2		
caper-fruited tropidocarpum	<i>Tropidocarpum capparideum</i>	1B.1		
Carmel Valley malacothrix	<i>Malacothrix saxatilis</i> var. <i>arachnoidea</i>	1B.2		
chaparral ragwort	<i>Senecio aphanactis</i>	2B.2		
Coast woolly-heads	<i>Nemacaulis denudata</i> var. <i>denudata</i>	1B.2		
coastal goosefoot	<i>Chenopodium littoreum</i>	1B.2		
coastal marsh milk-vetch	<i>Astragalus pycnostachyus</i> var.	1B.2		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
	<i>pycnostachyus</i>			
compact cobwebby thistle	<i>Cirsium occidentale</i> var. <i>compactum</i>	1B.2		
Congdon's tarplant	<i>Centromadia parryi</i> ssp. <i>congdonii</i>	1B.1		
Cook's triteleia	<i>Triteleia ixiooides</i> ssp. <i>cookii</i>	1B.3		
Coulter's goldfields	<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	1B.1		
crisp monardella	<i>Monardella undulata</i> ssp. <i>crispa</i>	1B.2		
Cuesta Pass checkerbloom	<i>Sidalcea hickmanii</i> ssp. <i>anomala</i>	1B.2	rare	
Cuesta Ridge thistle	<i>Cirsium occidentale</i> var. <i>lucianum</i>	1B.2		
Davidson's bush-mallow	<i>Malacothamnus davidsonii</i>	1B.2		
Diablo Canyon blue grass	<i>Poa diabolii</i>	1B.2		
diamond-petaled California poppy	<i>Eschscholzia rhombipetala</i>	1B.1		
Dudley's lousewort	<i>Pedicularis dudleyi</i>	1B.2	rare	
dune larkspur	<i>Delphinium parryi</i> ssp. <i>blochmaniae</i>	1B.2		
dwarf calycadenia	<i>Calycadenia villosa</i>	1B.1		
dwarf goldenstar	<i>Bloomeria humilis</i>	1B.2	rare	
dwarf soaproot	<i>Chlorogalum pomeridianum</i> var. <i>minus</i>	1B.2		
Eastwood's larkspur	<i>Delphinium parryi</i> ssp. <i>eastwoodiae</i>	1B.2		
Gambel's water cress	<i>Nasturtium gambelii</i>	1B.1	threatened	endangered
Hall's tarplant	<i>Deinandra halliana</i>	1B.2		
Hardham's bedstraw	<i>Galium hardhamiae</i>	1B.3		
Hardham's evening-primrose	<i>Camissoniopsis hardhamiae</i>	1B.2		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
Hearsts' ceanothus	<i>Ceanothus hearstiorum</i>	1B.2	rare	
Hearsts' manzanita	<i>Arctostaphylos hookeri</i> ssp. <i>hearstiorum</i>	1B.2	endangered	
Hickman's onion	<i>Allium hickmanii</i>	1B.2		
hooked popcornflower	<i>Plagiobothrys uncinatus</i>	1B.2		
Hoover's bent grass	<i>Agrostis hooveri</i>	1B.2		
Hoover's button-celery	<i>Eryngium aristulatum</i> var. <i>hooveri</i>	1B.1		
Hoover's eriastrum	<i>Eriastrum hooveri</i>	4.2		
Indian Knob mountainbalm	<i>Eriodictyon altissimum</i>	1B.1	endangered	endangered
Indian Valley spineflower	<i>Aristocapsa insignis</i>	1B.2		
Jared's pepper-grass	<i>Lepidium jaredii</i> ssp. <i>jaredii</i>	1B.2		
Jones' layia	<i>Layia jonesii</i>	1B.2		
Kellogg's horkelia	<i>Horkelia cuneata</i> var. <i>sericea</i>	1B.1		
Kern mallow	<i>Eremalche kernensis</i>	1B.2		endangered
Koch's cord moss	<i>Entosthodon kochii</i>	1B.3		
La Graciosa thistle	<i>Cirsium scariosum</i> var. <i>loncholepis</i>	1B.1	threatened	endangered
La Panza mariposa-lily	<i>Calochortus simulans</i>	1B.3		
late-flowered mariposa-lily	<i>Calochortus fimbriatus</i>	1B.3		
Lemmon's jewelflower	<i>Caulanthus lemmonii</i>	1B.2		
Lost Hills crownscale	<i>Atriplex coronata</i> var. <i>vallicola</i>	1B.2		
maritime ceanothus	<i>Ceanothus maritimus</i>	1B.2	rare	
marsh sandwort	<i>Arenaria paludicola</i>	1B.1	endangered	endangered
Mason's neststraw	<i>Stylocline masonii</i>	1B.1		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
Mesa horkelia	<i>Horkelia cuneata</i> var. <i>puberula</i>	1B.1		
Mile's milk-vetch	<i>Astragalus didymocarpus</i> var. <i>milesianus</i>	1B.2		
Monterey pine	<i>Pinus radiata</i>	1B.1		
Morro manzanita	<i>Arctostaphylos morroensis</i>	1B.1	threatened	
most beautiful jewelflower	<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	1B.2		
mouse-gray dudleya	<i>Dudleya abramsii</i> ssp. <i>murina</i>	1B.3		
Munz's tidy-tips	<i>Layia munzii</i>	1B.2		
Nipomo Mesa lupine	<i>Lupinus nipomensis</i>	1B.1	endangered	endangered
Ojai fritillary	<i>Fritillaria ojaiensis</i>	1B.2		
Oso manzanita	<i>Arctostaphylos osoensis</i>	1B.2		
oval-leaved snapdragon	<i>Antirrhinum ovatum</i>	4.2		
pale-yellow layia	<i>Layia heterotricha</i>	1B.1		
Palmer's mariposa-lily	<i>Calochortus palmeri</i> var. <i>palmeri</i>	1B.2		
Palmer's monardella	<i>Monardella palmeri</i>	1B.2		
Pecho manzanita	<i>Arctostaphylos pechoensis</i>	1B.2		
perennial goldfields	<i>Lasthenia californica</i> ssp. <i>macrantha</i>	1B.2		
pink Johnny-nip	<i>Castilleja ambigua</i> var. <i>insalutata</i>	1B.1		
Pismo clarkia	<i>Clarkia speciosa</i> ssp. <i>immaculata</i>	1B.1	rare	endangered
popcorn lichen	<i>Cladonia firma</i>	2B.1		
Prostrate vernal pool navarretia	<i>Navarretia prostrata</i>	1B.1		
recurved larkspur	<i>Delphinium recurvatum</i>	1B.2		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
Robbins' nemacladus	<i>Nemacladus secundiflorus</i> var. <i>robbinsii</i>	1B.2		
salt marsh bird's-beak	<i>Chloropyron maritimum</i> ssp. <i>maritimum</i>	1B.2	endangered	endangered
San Benito fritillary	<i>Fritillaria viridea</i>	1B.2		
San Joaquin woollythreads	<i>Monolopia congdonii</i>	1B.2		endangered
San Luis mariposa-lily	<i>Calochortus obispoensis</i>	1B.2		
San Luis Obispo County lupine	<i>Lupinus ludovicianus</i>	1B.2		
San Luis Obispo fountain thistle	<i>Cirsium fontinale</i> var. <i>obispoense</i>	1B.2	endangered	endangered
San Luis Obispo monardella	<i>Monardella undulata</i> ssp. <i>undulata</i>	1B.2		
San Luis Obispo owl's-clover	<i>Castilleja densiflora</i> var. <i>obispoensis</i>	1B.2		
San Luis Obispo sedge	<i>Carex obispoensis</i>	1B.2		
San Simeon baccharis	<i>Baccharis plummerae</i> ssp. <i>glabrata</i>	1B.2		
san mesa manzanita	<i>Arctostaphylos rudis</i>	1B.2		
Santa Lucia bush-mallow	<i>Malacothamnus palmeri</i> var. <i>palmeri</i>	1B.2		
Santa Lucia dwarf rush	<i>Juncus luciensis</i>	1B.2		
Santa Lucia manzanita	<i>Arctostaphylos luciana</i>	1B.2		
Santa Lucia purple amole	<i>Chlorogalum purpureum</i> var. <i>purpureum</i>	1B.1		threatened
Santa Margarita manzanita	<i>Arctostaphylos pilosula</i>	1B.2		
shining navaretia	<i>Navaretia</i>	1B.2		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
	<i>nigelliformis</i> ssp. <i>radians</i>			
showy golden madia	<i>Madia radiata</i>	1B.1		
slender bush-mallow	<i>Malacothamnus gracilis</i>	1B.1		
southern curly-leaved monardella	<i>Monardella sinuata</i> ssp. <i>sinuata</i>	1B.2		
spiny-sepaled button-celery	<i>Eryngium spinosepalum</i>	1B.2		
splitting yarn lichen	<i>Sulcaria isidiifera</i>	1B.1		
stinkbells	<i>Fritillaria agrestis</i>	4.2		
straight-awned spireflower	<i>Chorizanthe rectispina</i>	1B.3		
surf thistle	<i>Cirsium rhotophilum</i>	1B.2	threatened	
Tejon poppy	<i>Eschscholzia lemmonii</i> ssp. <i>kernensis</i>	1B.1		
Tembler buckwheat	<i>Eriogonum temblorense</i>	1B.2		
twisted short hair lichen	<i>Bryoria spiralifera</i>	1B.1		
umbrella larkspur	<i>Delphinium umbraclorum</i>	1B.3		
woodland woollythreads	<i>Monolopia gracilens</i>	1B.2		
yellow-flowered eriastrum	<i>Eriastrum luteum</i>	1B.2		
Status Definitions California Native Plant Society (CNPS): 1A: Plants presumed extirpated in California and either rare or extinct elsewhere 1B: Plants rare, threatened, or endangered in California and elsewhere 2A: Plants presumed extirpated in California but common elsewhere 2B: Plants rare, threatened, or endangered in California but more common elsewhere 3: Review List: Plants about which more information is needed 4: Watch List: Plants of limited distribution				

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to FGC section 2081. If a project could result in take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue a State Incidental Take Permit (ITP) for the Project.

The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in § 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (§§ 21001(c), 21083, Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with FGC section 2080 and would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency chooses not to mitigate impacts to CESA-listed species to less than significant levels, then the Department would become CEQA Lead Agency for ITP issuance, which would result in delays and additional costs to applicants. If there is no CEQA document and the project proponent seeks acquisition of an ITP, pursuant to FGC section 2081(b), the Department would become CEQA Lead Agency for ITP issuance. Furthermore, the issuance of an Exemption or Negative Declaration would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency proceeds with an Exemption or Negative Declaration, then the Department would become CEQA Lead Agency for ITP issuance.

Land Conversion: Not all parcels zoned Agriculture, Commercial Service, Residential Rural and Industrial have been developed. Many parcels meeting the land use categories for hemp cultivation or processing are undeveloped and potentially contain suitable habitat and special status species, specifically in the Carrizo Plain. Land conversion may result in habitat loss for special status species, migration/movement corridor limitations, or fragmentation of sensitive habitat. Loss of habitat to development and agriculture are contributing factors to the decline of many special status species and game species.

To further ensure that important fish and wildlife resources are not lost due to hemp cultivation, the Department recommends limiting hemp cultivation and processing to a "Previously Disturbed Area", following is a potential definition. The Department would like to discuss with County staff whether this definition would accomplish our common goals of avoiding new habitat conversions and significant impacts to wildlife due to hemp cultivation and processing: "An area which legally underwent clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation as of August 23, 2016. The extent and intensity of the disturbance must be such that County-approved biologists can readily verify that no rare, threatened, or endangered species occupy the site and that hemp cultivation would not cause impacts to rare, threatened, or endangered species." Some cases may require a qualified biologist to visit the site to make such a determination.

Many areas that have been previously farmed, graded, filled, or otherwise disturbed in the County support fish and wildlife resources, including special status species. For example, most of the Carrizo Plain was cultivated in the past but has been recolonized by multiple special status species. Even recently and currently cultivated lands there support special status species. Coastal prairies in the North Coast Plan Area and other grasslands throughout the County have also mostly been tilled or farmed in the past, yet they support special status plants and animals. Areas on the Nipomo Mesa and elsewhere in the South County that have been "previously disturbed" support Pismo clarkia, which is a State rare and federal endangered species.

Carrizo Planning Area: Carrizo Plain is unique within the County. Located in southeast SLO County, Carrizo Plain is bounded by the Temblor Range to the east, Caliente Range to the west, and contains the Carrizo National Monument. Carrizo Plain is home to multiple special status species, including the fully protected blunt-nosed leopard lizard, San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel and tricolored blackbird, and important game species such as pronghorn (*Antilocapra americana*) and tule elk (*Cervus elaphus*).

Hemp cultivation is incompatible with the fish and wildlife resources that occur in the Carrizo Planning Area. The Carrizo Planning Area harbors the highest concentration of special status species in California, contains designated Critical Habitat, and provides core habitat essential to the recovery of species listed under both the Federal and California Endangered Species Acts. The Department has observed directly that cannabis cultivation has disturbed and displaced habitat for these species in the Carrizo Planning Area, exposed listed species to poisoning, and likely resulted in unlawful take of listed species. These observations were documented in letters to the County dated September 8 and October 31, 2016 and March 6, 2017. It is reasonable to conclude allowing hemp cultivation and processing in the Carrizo Planning Area would have similar effects on the Critical Habitat and special status species in the area. The

Department recommends the County prohibit hemp cultivation and processing in the Carrizo Planning Area.

Riparian Habitat, Wetlands, and Watercourses: The Department concurs with the County's hemp cultivation setbacks of at least 50 feet from the upland extent of riparian vegetation of any watercourse and 100 feet from any wetland. Riparian habitat, wetlands, and watercourses are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat, wetlands, and watercourses are known to exist within the County, including historic seeping from the earth lined canals, shallow first encountered groundwater, and along natural and human made watercourses. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, the Department recommends that impacts to wetlands be compensated with the creation of new habitat, preferably on-site, at a minimum of an acre-for-acre basis. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. In addition, the Department recommends a delineation be conducted for proposed Projects to assess riparian, wetland, and watercourse impacts to guide project proponents in establishing appropriate no-disturbance buffers.

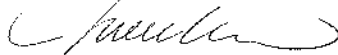
Enforcement: The California Department of Food and Agriculture (CDFA) is the licensing authority for the State for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the State's resources from the adverse impacts of cannabis cultivation (Fish & G. Code, § 12029). Like cannabis cultivation, hemp cultivation has the potential to affect fish, wildlife, plants, and their habitats. Cannabis inspections have led to violations for water diversions and storage, grading, chemical use, wildlife threats, timber conversion, and public safety. The Department's Law Enforcement Division (LED) is a critical component of enforcement. The Department's LED works with cannabis cultivators to bring their facilities into compliance, aids in remediating criminal environmental violations, coordinates with other agencies to remove illegal grows, growers, illegal water impoundments, and extremely toxic chemicals frequently associated with illegal grows, and protects California's unique and diverse natural resources.

The Department recommends amending the inspections section to read as follows: "All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, **without notice**, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, **The California Department of Fish and Wildlife, California Peace Officers** and Department of Agriculture/Weights and Measures."

Kip Morals
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 14

The Department appreciates the opportunity to work with County staff and comment on the Ordinance. Questions or further coordination regarding this letter should be directed to Kelley Aubushon, Senior Environmental Scientist (Specialist), at (559) 243-8153 or kelley.aubushon@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

ec: Lieutenant Tyson Quintal
Ryan Mathis
Sarah Paulson
James Rosauer
California Department of Fish and Wildlife



SAN LUIS OBISPO COUNTY FARM BUREAU
4875 MORABITO PLACE, SAN LUIS OBISPO, CA 93401

December 19, 2019

San Luis Obispo County
Department of Planning and Building
Attn: Kip Morais
976 Osos Street Room 200
San Luis Obispo, CA 93408

Submitted by email to pl_LongRangeShared@co.slo.ca.us

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

San Luis Obispo County Farm Bureau represents all of the farmers, ranchers and agribusinesses that make up our \$2.5 billion-dollar county agricultural economy. Like all policy issues, our positions on industrial hemp must reflect our members' diverse perspectives. Our 800 members include hemp and cannabis growers, retailers, rural residents opposed to all cannabis, wine grape growers, and farmers raising other commodities. Since the Urgency Ordinance was passed on June 18, 2019, Farm Bureau has tried to find common ground between stakeholders on this difficult issue both within our membership and through the Agricultural Liaison Advisory Board. Our comments here are to help guide County staff, Planning Commissioners and Supervisors to fairly understand industrial hemp issues and to make this ordinance workable for San Luis Obispo County.

Our principal objective is to preserve our freedom to farm, not to farm any one particular crop. We must prioritize protecting our largest commodity (wine grapes), while being mindful of how any protections enacted today could jeopardize all farmers down the road. We also have a responsibility to attract new people to agriculture and afford smaller farms an opportunity to make a living off of a small amount of land. Industrial hemp has this potential, but sadly, the County's enactment of a temporary moratorium during the 2019 growing season, coupled with the rapidly evolving nature of this new U.S. hemp market, means a potentially lucrative new ag commodity will likely pass San Luis Obispo by. Nonetheless, we are committed to finding a path forward for hemp in SLO County.

Our members have identified three primary issues of concern with industrial hemp, including:

- Odors from hemp cultivation being a nuisance to neighboring residences or businesses;
- Possible contamination of wine grapes by compounds present in the odor emitted by hemp and cannabis (compounds known as terpenes); and
- Legal liability from contaminating hemp and cannabis with pesticides used in neighboring crop fields for non-hemp or cannabis crops.

Issue 1: Odor

First, any setback on a federally legal agricultural crop is a dangerous precedent for all of agriculture. If odors from ag crops are categorized as a nuisance, several longtime staples of our county's crop portfolio (broccoli, leafy greens, etc.) are at risk of being restricted or pushed out. Furthermore, some

1

routine crop inputs like fertilizers or pesticides also can have an odor. This county has to-date differentiated crop-associated odors that may only be present during certain times of year from livestock odors that may be present year-round. This ordinance deviates from this precedent, and unfortunately puts a path forward for residents unhappy with crop farming odors to seek local land use restrictions on farmers. Odors are inherent in the production of most row crops to some degree or another. Clearly in the background of this hemp conversation, the County is also contending with vocal complaints about odors from cannabis operations; but, where will we draw the line for the rest of agriculture? Farm Bureau opposes banning a federally legal agricultural commodity based on odor, and we believe this ordinance takes our County down an anti-business and anti-agriculture path of overregulation. At what point will we realize the inevitable consequences of the not-in-my-backyard mentality that increasingly drives local policy decisions? We caution our County leaders to not allow current objections to hemp and cannabis odors to open the door for restricting other crops that have an odor some residents find unpleasant or a nuisance.

Issue 2: Possible Contamination of Wine Grapes

Allowing any one crop to negatively impact another crop is also problematic. Frankly, if our policy position has to reflect a choice between protecting an existing crop benefitting a majority of our members and welcoming a new crop, Farm Bureau will have to advocate for preserving our existing leading commodity. But longtime local farmers and residents will recall a time when wine grapes pushed out grain and hay production that was once fundamental to San Luis Obispo County agriculture. Many farmers undoubtedly faced hardship as a result of this change, but arguably wine grapes' proliferation was a net positive for our local economy. If hemp lives up to the hype, do we want to close the door on an opportunity for the next generation of farmers to succeed? Judging by the success of wine grapes today, we should thank our predecessors for having an open mind and regulatory restraint by welcoming a new crop opportunity without a near-sighted determination to protect existing crops.

If cannabis or hemp does cause actual contamination of wine grapes from terpenes, this ordinance will need to be revisited after scientific evidence can guide an appropriate buffer or setback requirement. Concern about hemp and cannabis taint onto wine grapes in SLO County to date has been limited to the Edna Valley region. Hemp has been grown for the past two years immediately adjacent to wine grapes in at least two locations in SLO County (Paso Robles and in southern SLO County near Santa Maria) with no reported issues of terpene contamination. Science in the future may confirm concerns about hemp and cannabis' negative effect on wine grapes, but no such evidence exists today. As a federally legal agricultural crop, hemp should be innocent until proven guilty.

Issue 3: Pesticide Drift Liability

To complicate the issue further, some local farmers have faced legal threats from cannabis or hemp neighbors regarding pesticide drift contamination. Some of the potential drift concern has not come from actual spray migrating to adjoining farms where cannabis or hemp is grown, but from pesticides they believe may be contained in the dust stirred up during routine field work like plowing. Other farmers have been unable to get aerial spraying services performed because the pesticide applicator is afraid of being sued by cannabis or hemp farmers. It is important to note, hemp does not receive the same stringent pesticide residue testing on every lot like cannabis, but pesticide residue tolerance levels for hemp are still being developed by the U.S. Environmental Protection Agency. That is, conventional farmers' pesticide drift concerns are understandably elevated for cannabis, and to a lesser but still

significant extent, hemp. The inability to get spraying services performed could be devastating for farmers, especially crops like avocados or grapes where the crop cannot be easily relocated.

For perspective though, the County does not attempt to shield any crops, be it conventionally or organically grown fruits or vegetables, cannabis, hemp or other crops, from pesticide drift through the Land Use Ordinance; pesticide drift cases are handled by the County Agricultural Commissioner or directly by affected parties through litigation. We understand the frustration felt by non-hemp farmers who are being threatened with lawsuits for pesticide drift. We understand the rationale for dealing with a real and present problem today of avoiding these lawsuits by supporting a large setback requirement for hemp. But we caution those farmers and our County leaders that these setback requirements to mitigate odor and pesticide drift issues could come back later on to these same farms in the future. It is already against the law for any farmer to drift pesticides on to a neighboring farm, but low or non-existing pesticide residue tolerance levels for cannabis or hemp has changed the discussion about how pesticides impact neighbors. If we enact restrictions to prevent cannabis or hemp growers from being contaminated by conventional agriculture's pesticide drift, surely schools, hospitals, residences and about everyone else in our community will want the same pesticide drift protection. Will we now make all farmers using pesticides be two miles from a residence or school? These farmers advocating for hemp to be regulated like cannabis or to subject hemp to large setbacks are our valued Farm Bureau members, but we caution them and our County leaders this may be "cutting off our nose to spite our face."

Specific recommendations:

1. We oppose banning a federally legal agricultural crop based on odor.
2. We oppose a conditional use permit requirement for a federally legal agricultural commodity. Hemp should not be regulated like cannabis.
3. We support the ordinance's proposed standard for indoor cultivation being no detectable odor off site. As minimizing off-site odors is the objective, the ordinance does not need to include specific odor control system components or equipment.
4. We believe language in Section 22.30.244 (B).1.c of the ordinance regarding riparian and wetland setbacks should be removed. These requirements seem unnecessary.
5. We believe the list of locations from which a setback is required may need to be broadened to include event spaces like wedding venues, in addition to protection singled out for tasting rooms.
6. We do not support the minimum site acreage requirement for indoor and outdoor hemp production. Avoiding neighbor-to-neighbor conflicts can be better achieved through some sort of buffer or setback system. For example, a farmer could locate a hemp crop at the edge of a 10-acre site in close proximity to neighbors. A 10-acre minimum also discourages beginning farmers and smaller operations from growing hemp. Placing a minimum acreage requirement may be an expedient political solution to get hemp out of areas where neighbor complaints typically come from, but it disproportionately affects small and beginning growers who cannot afford larger size farms.
7. Recognizing some complaints specific to cannabis cultivation in Residential Rural areas, we support the ordinance's allowance for non-flowering hemp production in the Residential Rural land use category instead of a complete prohibition. To completely disallow hemp in Residential Rural areas would be especially problematic for our local greenhouse industry. While opinions about odors from cannabis and hemp vary, immature hemp transplants should be recognized as less odorous as they do not yet possess female flowers where odors largely originate.

8. We support the ordinance's allowance for temporary structures (hoop houses) to be used for hemp cultivation and for temporary drying or crop storage.
9. Our membership has diverse opinions on what an appropriate setback distance should be, ranging from hemp growers wanting no setback, to other farmers wanting a setback of several thousand feet. As has been borne out by months of stakeholder discussions through the Agricultural Liaison Advisory Board, we do not currently have sufficient science to develop a setback to address all potential concerns. In the absence of this important information, the best option may be to develop a sliding scale based on hemp acreage as was recommended by ALAB. If more science becomes available in coming years regarding cannabis or hemp terpene contamination of grapes, the ordinance setback should be revised. The 300 feet setback as proposed in the ordinance is not ideal, but it is a better compromise than the 1000 feet or two-mile setback being proposed by other stakeholders based on the limited information we have today.

In closing, we want to thank all of our Farm Bureau members, local community groups, and the volunteer members of the Agricultural Liaison Advisory Board for providing input on this challenging issue. We also want to thank Assistant Agricultural Commissioner/Sealer Marc Lea for staffing the Hemp Subcommittee, and Planning and Building Planner Kip Morais for working expeditiously to craft an ordinance in the face of contentious debate and little agreement from stakeholders.

Sincerely,



Brent Burchett
Executive Director
San Luis Obispo County Farm Bureau

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[EXT]Hemp Ordinance

 oo7barb@aol.com     ...

Thu 12/19/2019 9:24 AM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold ✕

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.




I am a resident of the Edna Valley and have lived SLO for 40 years . I have interests in vineyards and a winery as well.

Hemp and Cannabis are not compatible with other long term crops that have existed here in the Valley for years. Hemp and Cannabis have a horrible smell when they bloom that make many people sick. The smell of the bloom can last many days and drift for miles. I realize other crops can smell. So do dairy cows. This is different. You can have no idea what I am talking about unless you experience yourself.

The staff needs to come out to a hemp grow when it is blooming before making any proposal on how Hemp should be regulated.

The 300' setback proposed by staff is the same as no set back at all.

Barbara Baggett
4750 Moretti Canyon Road
SLO

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[EXT]Industrial Hemp Ordinance

MB

Molly Bohlman <mbohlman@ninerwine.com>

Thu 12/19/2019 2:41 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; Andy

    ...

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear SLO County Board of Supervisors,

I am writing to express my concern over the proposed Industrial Hemp Ordinance. As a professional winemaker in SLO County for the past 14 years and a resident of SLO County for over 20 years, I am wary of allowing industrial hemp cultivation in close proximity to commercial vineyard land.

It is not proven whether there is a neutral or negative impact on wine grapes from the growing and/or processing of hemp nearby, and I feel there should be further research done prior to allowing hemp farms in the Edna Valley wine region.

I suggest that the Edna Valley be an exclusionary area for hemp cultivation permits.

Please consider this suggestion when evaluating the hemp ordinance. Thank you for your attention to this issue.

Respectfully,

Molly Bohlman
Winemaker

Niner Wine Estates
805.226.4860 – office
805.226.4861 – fax
www.ninerwine.com

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[EXT]Hemp Ordinance

HB [Helen Bretting <hebretting@gmail.com>](mailto:hebretting@gmail.com) Wed 1/1/2020 10:05 AM

PL_LongRangeShared; thegpsbrad@gmail.com; George Donati <George@pacificcoastfarming.com> :

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Director Trevor Keith,

As residents of the Edna Valley, we are writing to you to strongly request you permanently ban Marijuana and Hemp growing from the fragile Edna Valley.

We believe there is a risk to our valley for vineyards, for our wonderful ambiance and property values.

Thank you and Happy New Year!
Martin and Helen Bretting
[6076 Pebble Beach Way](#)
[San Luis Obispo, CA 93401](#)

Brian Pedrotti

From: michael cameron <froggielands@yahoo.com>
Sent: Thursday, November 21, 2019 8:31 AM
To: PL_LongRangeShared
Subject: [EXT]Industrial Hemp Ordinance - Website

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello my name is Mike I am a small farmer and Atascadero my father and I have 20 acre parcel and we were a licensed hemp cultivator this year. I am concerned with the offsets our property is 400 feet wide and if we have to do a 300 foot offset that will put us out of business so I really really hope you guys will consider making offsets to a existing farm 100 feet offset this would allow us to continue the farm. We had fish and game look at our lot this year and Slo County's officials were out here we had no issues everything went smoothly our neighbor to the south farms squash and he has no problems at all with us farming and continuing on with our hemp business so please take into consideration the small farmer and allow us to continue on please hundred foot 150 foot maximum for offsets thank you so much

Sent from my iPhone

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[EXT]Draft Hemp Ordinance

HC

Howard Carroll <howardcarroll@icloud.com>

Tue 12/17/2019 4:56 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold ✕



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

To: San Luis Obispo Planning Department

From: Howard & Vicki Carroll

Address: [2175 Biddle Ranch Road](#)
[San Luis Obispo, CA 9401](#)

We are writing to express our concerns on the draft "Hemp Ordinance" which is presently being reviewed by the Planning Department.

We live in the Edna Valley and have a wine grape vineyard surrounding our home. Our family has farmed here since 1874 and we are accustomed to agricultural operations and support our farming community, but hemp is a nuisance and impacts both our home and health. We live over 3,000 feet up wind from the nearest planting and during the early morning time when hemp is flowering our home is filled with "skunk" smell and causes allergy conditions that require antihistamine too correct. The proposed ordinance suggests establishing 300 foot setback - this is totally inadequate! The impacts in residential neighborhoods and locations where people gather, depending on wind and distance from hemp must be intolerable.

The minimum parcel size of 10 acres will only create more conflicts in residential areas. This crop belongs on large rural lands where it will not impact their neighbors.

In addition, the terpenes which the hemp plant produces has an unknown impact, at this time, on the wine grapes that we have been cultivating for 29 years. If we determine a negative impact caused by the terpenes from the hemp crop, it will impact our ability to sell wine grapes.

We have sent emails and called, but there does not appear to be way to protect our home.

The only way is to create a strong ordinance with significant set backs from residential, commercial and other operations. The present draft ordinance is inadequate!

Thank you for your consideration.

Howard & Vicki Carroll

[2175 Biddle Ranch Road](#)
[San Luis Obispo, CA 93406](#)

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[EXT]Draft Industrial Hemp Ordinance

GD George Donati <george@pacificcoastfarming.com> m>

Thu 1/2/2020 8:31 AM PL_LongRangeShared; Adam Hill; John Peschong; Bruce Gibson; Lynn Compton; Debbie Arnold; George

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Kip Morais , Brian Pedrotti and all Planning Commissioners,

I have reviewed the Draft Industrial Hemp Ordinance and I am writing to let you know how inadequate this report is. It was written by the County Staff, and does not at all reflect the views of the Ag Liaison Advisory Board, nor the Committee formed by the ALAB Board, which was formed to make suggested recommendations to the SLO County Board of Supervisors on this new crop.

I am a native of SLO County and I own and operate a Farm Management Company. I employ over 50 full time employees, and up to 100 seasonal workers to operate over 1700 acres of various permanent crops in the Edna Valley and SLO County.

In June of 2019, The Board of Supervisors asked the ALAB board to make recommendations to the Board of Supervisors so that all sides (Existing Agriculture, Residents, existing businesses, the Public, and new Hemp Growers) would be satisfied with the BOS decisions and rules that would be voted upon at the upcoming meeting in the spring of 2020.

The Draft Ordinance suggests a 300' setback for Hemp Growers. This 300' number is totally inadequate, and is not at all what the ALAB board suggested. Staff used this number because this is the Marijuana crop setback. My workers, as well as myself, have experienced the skunky odors that are very prevalent in the early morning air from the flowering Hemp crop. Most of the complaints that we hear from our workers are within 1 mile of the Hemp fields in the Edna Valley. However we have experienced allergic reactions up to 2 miles away from the Hemp fields. With this experience, I know that the staff recommended setback of 300' is going to create many problems with residents, tasting rooms, event centers, schools, churches, existing Ag crops, and with our tourism industry. These allergic reactions are a real health hazard, and need to be studied before any Hemp is allowed to grow.

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[EXT]San Luis Obispo Hemp Ordinance

PD

[Paula Dooley <paula@stephenrosswine.com>](mailto:paula@stephenrosswine.com)

Thu 1/2/2020 12:41 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

SLO County Board of Supervisors and Planners:

I am writing to oppose the County of San Luis Obispo Hemp Ordinance as drafted. My husband, Stephen Ross Dooley and I, and many others have invested our lives in the wine industry of the Edna Valley AVA and surrounding area. We have a vineyard of our own in the Edna Valley AVA, and also buy grapes from other vineyards in the area on which we have based our winery, Stephen Ross. We celebrated our 25th vintage this year.

Our concern is that decades-long investment in the \$100 million range in the wine industry, farming, production and tourism sectors, will undeniably be undermined and greatly devalued if hemp is permitted within the AVA or in close proximity to wine grape vineyards. Terpene drift is proven. Smoke taint is proven. Malodorous conditions are proven. (Reference attached letter from UC Davis Enology and Viticulture professor Oberholster.) Why would you undermine your own county by permitting conditions that will wreak havoc on the existing farming, production and tourism that supports the local economy?

Neither the setbacks nor the site specification in the Hemp ordinance are based on science, or any specific conditions within our valley. They seem to mimic the cannabis ordinance, but cannabis relies on the discretionary permit process as a check and balance. This is not the case in the proposed Hemp ordinance. This makes zero sense.

Please. Protect your ag community, your local wine economy, and your constituents. Prohibit hemp farming in the Edna Valley.

Paula

Paula Dooley
Stephen Ross Wine Cellars
Flying Cloud Wines
Jackhammer Wines
805.594.1318

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[EXT]Hemp growing/production in SLO country






RE [Roger Eberhardt <reberhardt99@gmail.com>](mailto:reberhardt99@gmail.com) ...
Tue 12/31/2019 8:41 PM
PL_LongRangeShared; thegpsbrad@gmail.com ✓

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.






I request and endorse the immediate banning of hemp growing in SLO County until growing/production can be studied and appropriate regulations can be developed and adopted. There appears to be significant detriments related to hemp growing to allow unregulated growing.
At minimum, establish a temporary growing bane now.

Roger and Kathleen Eberhardt
4955 Caballeros Avenue
SLO

Sent from my iPhone

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[EXT]Draft Hemp Ordinance

BF [Bruce F <brucefal100@gmail.com>](mailto:brucefal100@gmail.com)






Thu 1/2/2020 12:56 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; George

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Mr. Moras and Mr. Pedrotti:

In the near future, you will be asking the Planning Commission to amend it's ordinances as they pertain to the growing of hemp in San Luis Obispo County. I have issues with what has been presented, primarily with what has happened recently and how your proposed ordinance changes would address and resolve the issues.

We are residents of the County for 38 years. For the past 20 years we have owned a parcel on the southern border of the Edna Valley next to the Cold Canyon Landfill, and lived on it for 15 years as residents.

After being out of the area for a few weeks this last September, we returned the first of October. On October 2nd, my wife smelled hemp/cannabis odors for about 1 hour that were coming from the primary grower in the middle of the Edna Valley. We are 5,800 feet from the hemp/cannabis grow site and 6,300 feet from the hemp growing site. For purposes of this letter, I will use the 5,800 foot distance as the distance to the odor site. I sent a complaint to the County, the Board of Supervisors, the individual Board members, the APCD, the AG Commissioner's office, and the Planning Department.

The only response was from the APCD, who said that since the CA Department of Food and Agriculture has identified cannabis (which includes hemp) as an agricultural product, that have no jurisdiction as agricultural crops are specifically exempted from APCD regulation dealing with nuisance odors.

There was no response from the AG Commissioner's office.

On October 4th, I smelled the hemp/cannabis again, this time for an extended period of about 4 hours. It was smelled by four other people. It was at a higher elevation than the first complaint. I did not report it, because the first nuisance complaint was pending for a County response. That response was never received.

I cite this experience, because it should cause the staff and the decision makers to pause and ask the question, "How does the proposed ordinance address this type of complaint? Would it have been dealt with and resolved?"

Contrary to the comment by one Board member questioning the possibility that these odors could travel over a mile, the odors did travel over a mile. In the case of the first complaint, 5,800 feet. This was at the floor of the Valley, which is about 40 feet above the elevation of the hemp grow site. For the second complaint, it was smelled at an elevation of 420', 120' above the elevation of the grow sites.

1. Enforcement. Clearly, right now there is no enforcement. Unless something changes, the status quo will remain. No enforcement. Parts of new enforcement issues are just now being developed at the State and Federal levels, dealing with testing protocols, time of

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[EXT]Draft Industrial Hemp Ordinance

DF

Donald Flinn <don.flinn@fslo2.com>

Wed 12/18/2019 10:52 AM

PL_LongRangeShared; Adam Hill; John Peschong; Bruce Gibson; Lynn Compton; Debbie Arnold ✕



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Kip Morais, Project Manager
Brian Pedrotti, Senior Planner

I am writing regarding the draft Industrial Hemp Ordinance. My wife, father and I live at 6525 Mira Cielo in Edna Valley and have been unwilling participants in ongoing experiment on the effects of cannabis and industrial hemp in the area. We had no previous exposure to hemp prior to cultivation approximately 2500 feet up the East Corral de Piedra Creek.

I have allergies which have drastically reduced my sense of smell but my wife, like our neighbors, reports the smell makes spending time outside very unpleasant. My 93 year old father, like me, suffers from allergies. At his age, side effects make allergy medications inadvisable. I fly as a commercial pilot and subject to FAA restrictions. FAA regulations make the more effective antihistamines unusable without a period of 2.5 to 5 days after the last dose. There have been periods when I would be unable to fly due to the allergic reactions or barred from flying due to having to take proscribed antihistamines. I consulted with my allergist about adding hemp to the antigen shots I take and was told that due to Federal research restrictions there was no test available for hemp allergy and therefore no antigen available. My father's and my increased allergic reactions correlated with my wife's reports of hemp odor.

You don't explain your methodology for determining setbacks which could prevent movement of hemp pollen and odor. The Association of Official Seed Certifying Agencies recommends up to three miles to avoid hemp cross pollination. We notice the effects of hemp in the air at our house when the air becomes still beginning in the evening, and continuing until the wind begins in the morning. The still air allows the pollen/terpenes to concentrate in the air. As the air cools after sunset it descends, further concentrating the pollen and odoriferous terpenes. The cooler, denser air then flows down slope. In our case it follows the same path as water down the East Corral de Piedra Creek. A 300 foot setback is a nice, definable number, but has no relationship to the movement of pollen and terpenes and their effects on residents.

The draft ordinance obviously takes hemp odor seriously since it requires that odor not escape from an indoor grow. How is the odor from an outdoor grow any less of an issue?

The draft ordinance is clearly inadequate. The Air Force taught me to never complain about a problem without proposing a solution. Proper prediction of the flow of air containing pollen and terpenes requires expensive and time consuming measurement and modeling. It appears the only reliable way to ensure the effects of hemp cultivation do not make existing residences subject to the problems we now face. If that is not cost effective for growers, the three mile

Reply all Delete Junk Block ...

[EXT]Hemp ordinance

Flag for follow up. Start by 12/17/2019. Due by 12/17/2019.

Gerry <judgegerryb@yahoo.com>
Mon 12/16/2019 8:32 PM
PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Sent from my iPad

On Dec 15, 2019, at 6:57 PM, Gerry <judgegerryb@yahoo.com> wrote:

I have reviewed the proposed ordinance and find it woefully inadequate. I live close to a burgeoning hemp/cannabis project and raise wine grapes. While there are many inadequacies, I will keep it short.

As I understand it, a residence located in an Ag zone will have no setbacks. This constitutes a travesty for a variety of reasons: 1) Noise- hemp seems to require containers with dehumidifiers (or a cooler installed inside containers). These facilities run 24/7 and are especially disconcerting during night hours, interrupting sleep.

2) Odors- several crops per year result in an almost non-stop and unpleasant environment.

As a result of both legislation and voter actions hemp/cannabis operations are new operations and should carry the burden of proof to qualify for legal operation vs. requiring an established residence school or health care facility to complain about odors, noise, and other inconveniences caused by a proposed ordinance, that is without much in the way of guiding principals.

Please go back to the drawing board. Thank you for your efforts.

Sent from my iPad

Sent from my iPad

TO: Jay Brown, Don Campbell, Jim Harrison, Dawn Ortiz-Legg and Michael Multari, commissioners.

Dear Commissioners.

I am writing to you to cite our experiences with an issue which I understand is under your consideration. The issue is the growing of "Industrial Hemp." I do not have any knowledge of the actual value of that crop, nor its relationship to marijuana, and do not comment on those things here.

However, I do live in the Los Osos area and I and my wife and friends regularly bicycle and otherwise travel through our county for both business and recreation. We have watched with curiosity the industrial hemp operations along Los Osos Valley Road, from its initial planting until its harvest.

It is difficult to fault an agricultural crop. They are usually benign, somewhat scenic, and offer evidence of human productivity; all good things.

However, for some reason, industrial hemp production carries with it one very objectionable characteristic. It smells terrible. We, and our neighbors who have discussed the issue with us, agree that the raising of industrial hemp severely interferes with our enjoyment of our environment. Visitors have commented that they strongly dislike the smell of these operations.

In most broadly populated rural areas, cattle feeding and swine production are prohibited; not because of an effort to stop human productivity, but because the resulting smells are inconsistent with livable neighborhoods. There are, of course, hundreds of industrial activities which are similarly restricted by towns because they make neighborhoods unlivable.

I am uncomfortable with excessive regulations, but this particular agricultural production is so offensive to the surrounding community that it seems we should restrict its operation to those areas far from residential environments.

Thank you for considering our concerns.

I would be happy to appear in the event of a public discussion of this issue.

Sincerely,

John B. Goodrich and Janice Odell

3515 Turri Road

San Luis Obispo, CA

December 19, 2019

Nancy Greenough
3180 Biddle Ranch Road
San Luis Obispo, CA 93401

RE: Concerns on Hemp and Cannabis Cultivation in in Edna Valley

As a resident and wine industry business owner, I am very concerned over the current draft recommendations being submitted to the Board. This is a very controversial and far reaching issue on the effects of hemp and cannabis growing for our wine grape growing, winemaking, and tourist destination community and residents.

As this product has been illegal for so long, there is no research, no funding, and no published papers for laws and regulations to be based on. The language of this ordinance should in my mind be restrictive in light of the lack of knowledge and in light of the many concerns brought before the Board of Supervisors. As more knowledge, facts, and effects are known, make changes accordingly based on the experience of our county and others.

The 300' setback is inadequate and has no basis for being determined as an appropriate distance.

Our tasting room on Biddle Ranch Road is **3000'** from the grow site near Price Canyon and Highway 227. On many occasions this year, we have had complaints from customers who find the odor objectionable and from employees who are sickened by the odor during the course of the business days.

The odor is a very real, objectionable disturbance to people's daily lives for multiple days and months of the year.

We have lived in Edna Valley for 34 years and have experienced harvest seasons for many types of agricultural products. None, not Brussel sprouts, not broccoli, not peppers, could ever impact our sensory preceptors as hemp does. A field of turned over vegetables mentioned above during the fall may be unpleasant for a few days a year and is quite localized, typically when you drive by. Hemp odors on the other hand can be throughout the year and travel thousands of feet and have real adverse effects on people. We do not know the health risks associated with these odors as well.

The long term, permanent effects of this ordinance have the strong possibility to change our valley, business and all of SLO County resident's quality of life for decades to come. This ordinance should be very tight until more is known about its effect on nearby children, adults, and seniors and on our local wine industry. The Board must have funding, measurable specifications, and staff in place to monitor grows before the moratorium is lifted. It should not be the other way around. If the county does not have the funds to properly monitor, test, and enforce the ordinance, then we cannot proceed expanding and loosening regulations and permits. Thank you for your attention to this matter.

Respectfully,

Nancy Greenough
805 543-2111
nancy@sauceliticanyon.com

Reply all Delete Junk Block ...

[EXT]Comments on Proposed SLO Hemp Ordinance

J jean@votehemp.com
Thu 12/19/2019 4:51 PM
PL_LongRangeShared

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Kip and Brian,


Thanks for your good work on the proposed SLO County hemp ordinance. Below find my comments.

- the 300' setbacks proposed are a good balance between the needs of hemp industry stakeholders and concerned neighbors. As you know, existing CA county ordinances in Merced, Sonoma and San Joaquin propose 100'/200' setbacks. Moreover, there are 18 CA counties – including the state's largest hemp producers – that have no setback or land use restrictions on hemp cultivation. The establishment of onerous setbacks in SLO county would have the ultimate impact of preventing development of the hemp industry, thereby eliminating a lucrative source of employment and taxes.
- I recommend that there be the possibility of waiving the required minimum setback between neighbors if this is done with written consent. This is allowed both in Sonoma and Monterey county ordinances.
- there is no CA county ordinance that requires the use of odor control equipment for hemp greenhouse operations. I would recommend that this requirement be removed from the SLO county ordinance.
- Also, the requirement of a 5-acre minimum site for indoor operations is an onerous requirement for a local grower in a region with high land costs. There is also no such requirement found anywhere else in the state.
- I recommend that in-field sales of industrial hemp be allowed. U-pick sales of hemp have been an effective distribution mechanism for farmers in other states. This will be particularly important as hemp cbd profit margins continue to drop.






Thank you for your work on this.

Regards,

Jean Johnson
California Outreach Director



206-853-4353

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[EXT]Outdoor Industrial Hemp Draft Ordinance

MJ

M J <mj@ggslo.com>

Tue 12/17/2019 7:10 PM

Board of Supervisors; PL_LongRangeShared







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Dear Board of Supervisors, Kip Morais and Brian Pedrotti,

I am writing you today with regard to the San Luis Obispo County's proposed Industrial Hemp Ordinance drafted by county staff members for your consideration. I would like to specifically address my concerns as a business professional running a business in Edna Valley and the negative impacts we've experience from a hemp growing operation that exists less than a mile down the road from our business, located at 300 Green Gate Road in San Luis Obispo.

I have been directly involved with the restoration and development of Greengate Ranch & Vineyard, located in Edna Valley from when it was first acquired by it's new ownership in 2012. Since that time, we worked tirelessly to restore the property and we are now running a very successful Events & Wedding Venue, home rental business and we farm a 90+ acre vineyard. Currently, we host 20- 25 weddings a year with an average guest list of approximately 200 ppl in attendance and during our off season, we have 4 rental homes all of which have few vacancies. Our business operations bring approximately 4-5,000 travelers a year from all over the country and Edna Valley is now nationally recognized as a top location for destination weddings . We currently employ 6 full-time employees and by many standards are considered a small employer to our county's workforce. That said, each year we refer business to over a 50+ various local vendors from the events and wedding industry. These vendors include: Event planners, photographers, caterers, beverage service providers, wineries, florists, lighting/draperies installers, furnishings, linens & service wear rental companies, musicians and DJs. In addition to our vendor referrals, those attending guests also require accommodations, dining experiences and enjoy the very best of SLO County's wine country. I share these business statistics not to boast of our successes, but rather to impress on you how impactful our business is not only to our local business community, but also in boosting tourism and creating lasting impressions with thousands of people every year.

For those reasons, I urge you once again to consider our concerns with the Industrial Hemp Ordinance as drafted and specifically with regard to the cultivation set-backs. The proposed draft does not recognize or sufficiently address potential health concerns and/or safety of any resident, proximity to schools, impacts on businesses, their employees or the air quality due to cultivation and harvesting of Hemp. Our business co-exists on a shared road with a neighboring hemp grower and the simple facts prove a 300 ft set-back does not provide adequate distance to diffuse the smell as we are less than a mile distance away. On several occasions the odor has been so strong it permeates throughout our property & into the homes and our guests have left with a negative experience. This coupled with the potential of multiple grow cycles to push yields, gives us little reprieve from the odors that linger far beyond the initial harvest. Therefore, it is our conclusion that running a business within close proximity to hemp production is harmful to our business, our benefactors, i.e., the vendors we work with as well as the local businesses outside our referral group.

In closing, given the on-going revisions occurring at the State and Federal level, it may prove wise to observe the progression as the regulations evolve and allow time for further research on all the impacts of the Industrial Hemp production. In the meantime, should you move forward with some version of the ordinance, we respectfully ask that you reconsider the proposed set-backs requirements and increase distance far beyond a mere 300 ft. from any

https://outlook.office365.com/mail/PL_LongRangeShared@co.slo.ca.us/deeplink?version=2019120803.15&popupv2=1

1/1

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[EXT]Public Draft of Hemp Ordinance dated November 19, 2019

Flag for follow up. Start by 12/17/2019. Due by 12/17/2019.

LK Larry Knorr <larryknorr@hotmail.com> Tue 12/17/2019 2:53 PM PL_LongRangeShared

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

From: Larry Knorr <larryknorr@hotmail.com>
Date: December 17, 2019 at 1:46:40 PM PST
To: "pl_longangeshared@co.slo.ca.us" <pl_longangeshared@co.slo.ca.us>
Cc: "jpeshong@co.slo.ca.us" <jpeshong@co.slo.ca.us>, "bgibson@co.slo.ca.us" <bgibson@co.slo.ca.us>, "darnold@co.slo.ca.us" <darnold@co.slo.ca.us>, "lcompton@co.slo.ca.us" <lcompton@co.slo.ca.us>, "ahill@co.slo.ca.us" <ahill@co.slo.ca.us>
Subject: Public Draft of Hemp Ordinance dated November 19, 2019

To: SLO County Staff and Board of Supervisors

From: Larry Knorr
496 Twin Creeks Way
San Luis Obispo, CA 93401

I have lived in Edna Valley since 1989. Although this area is zoned for agriculture, my property is part of a cluster of about 30 homes that were approved by the County for residential development some 30 years ago. Our home is located about 1000 feet from a nearby commercial hemp and cannabis growing operation, and we've experienced a number of undesirable affects from this operation that we don't experience from the numerous other agricultural crops grown in the area. One significant issue is the offensive odors which can be overpowering, depending on the direction of the wind. We have one family member, and a few guests, whose respiratory allergies force them to remain inside the house during these conditions.

I feel strongly that the County should limit hemp and cannabis growing operations to agricultural areas that are not populated with so much County-approved residential development as is the case here in Edna Valley.

Larry Knorr

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[EXT]Draft Hemp Ordinance comments

ML

[m lee <marshaleemjl@gmail.com>](mailto:marshaleemjl@gmail.com)

Wed 12/18/2019 11:36 AM

PL_LongRange@co.slo.ca.us; kmorales@co.slo.ca.us; Brian Pedrotti



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Mr. Morales and Mr. Pedrotti,

The following are comments on the Draft Hemp Ordinance:

1. The ordinance should include ALL THE AGRICULTURAL CROPS IN THE LAND USES CATEGORIES FOR THE COASTAL AND INLAND (not just Hemp) since there are NUISANCE ODORS associated with farming practices in ALL crop production.
2. The Setbacks from RSF, RMF, RS,URL, schools (and add Hospitals/Medical facilities), wetlands, riparian vegetation, (and add Watercourses), should be increased to 1000'.
3. Adding all agriculture crops to this ordinance because of NUISANCE ODORS would provide adjacent residential, schools, and medical uses the healthy quiet enjoyment of living that they are entitled to. Also, it would help to maintain and restore our waterways, wetlands, riparian areas to a healthier condition.

Thank you for your attention to this important matter for the County of San Luis Obispo residents.

Sincerely,
Marsha Lee
resident and concerned citizen

Reply all Delete Junk Block ...

[EXT]Industrial Hemp Ordinance - Website

GL [gail lightfoot <sosvotelp@aol.com>](mailto:gail.lightfoot@sosvotelp@aol.com) Thu 12/19/2019 7:39 AM
PL_LongRangeShared

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Onerous requirements for cannabis and hemp farmers is playing into the hands of big business and corporations who will destroy the lives of countless individual farm workers and owners as the small individual and family operated farms are closed.

Please consider the benefits of small business as opposed to big corporate farmers to the overall economy of San Luis Obispo County.

Also consider the benefits of local owners and current resident workers as opposed to absentee operators of farms in San Luis Obispo County.

Thank you,

Gail K Lightfoot

849 Mesa Dr

Arroyo Grande, CA 93420

gailkfft@aol.com

805-48-3434

TO: SLO County Board of Supervisors

FROM: Andy & Laurie Mangano, 5665 Edna Ranch Circle, SLO 93401

RE: Proposed Hemp Ordinance

Typically, you will not find me opposing county projects/business opportunities, as I'm usually the recipient of opposition regarding my project proposals. In this instance however I need to register my opposition to the county proposed hemp ordinance. We oppose for several reasons: One is a concern of compatibility with existing crops, inadequate setbacks, potential spray drift liability issues for existing crops, etc. The existing crop rotation along with permanent vineyards provide a homogeneous atmosphere for the residents in Edna Valley. Second the odor emitting from the hemp is very noticeable and pungent which will have a negative effect on residents and wine tasting venues. While there are numerous other issues with the hemp ordinance, our opposition deserves your support. There are many other areas within the county that could support hemp cultivation, Edna Valley is not one of them. We are requesting your support to prohibit the cultivation of hemp in the Edna Valley.

Andy & Laurie Mangano

pl_longrangeshared@co.slo.ca.us

jpeschong@co.slo.ca.us

bgibson@co.slo.ca.us

ahill@co.slo.ca.us

lcompton@co.slo.ca.us

darnold@co.slo.ca.us

George@pacificcoastfarming.com

 Reply all  Delete  Junk  Block ...

[EXT]Proposed Industrial Hemp Ordinance

JM

[June McIvor <JMclvor@tolosawinery.com>](mailto:JMclvor@tolosawinery.com)

Tue 12/17/2019 5:22 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; Board



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors and Planning Department:

I am writing to express my concern about the proposed hemp ordinance. The wine industry is a critical economic driver in our county, and it is incredible to me that the County is willing to take actions to jeopardize it. Hemp grows present real and significant threats to both vineyards and tasting rooms through the potential taint to grapes from hemp terpenes and noxious odors and health concerns to workers and visitors. The ordinance in its current form does not do enough to address these issues. I would urge you to take much more time to study these important issues and craft an ordinance that protects both the wine we sell throughout the state, country, and globe and the experience that wine tourists to our county currently enjoy.

Respectfully,

June McIvor
General Manager

TOLOSA

T 805.782.0300 ext. 117

M 805.748.6039

www.tolosawinery.com

[4910 Edna Rd., San Luis Obispo, CA 93401](mailto:JMclvor@tolosawinery.com)

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[EXT]Industrial Hemp Ordinance - Website

Flag for follow up. Start by 12/17/2019. Due by 12/17/2019.

JM JEANETTE MEEK <landjmeeek@sbcglobal.net> [Like](#) [Reply](#) [Reply all](#) [Forward](#) ...
Mon 12/16/2019 8:32 PM
PL_LongRangeShared

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Gentlemen: I live in Edna Valley and I what you to Know that I am opposed to the growing of hemp and or cannabais in Edna Valley Larry Meek
Sent from [Mail](#) for Windows 10

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[EXT]Hemp Ordinance Comment

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AN **Andy Niner <aniner@ninerwine.com>** [Share](#) [Reply](#) [Reply all](#) [Forward](#) ...
Thu 12/19/2019 4:45 PM
PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold ✕

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Dear SLO County Board of Supervisors,

I'm writing in regard to the proposed Industrial Hemp Ordinance as Niner Wine Estates owns 110 acres off Buckley Road in the Edna Valley AVA, of which 77 acres are planted with wine grapes.

We are in support of establishing an exclusionary area in the new ordinance for the Edna Valley AVA. In short, some of the climactic conditions that result in the area being a wonderful place to grow grapes also contribute to us having a greater concern on the exact set-back distance that would allow both hemp and wine grapes to be farmed without harming each other. We feel there is more research that should be done before a proper set-back distance can be identified and that it is prudent to do so in order to avoid damage to businesses and the costly litigation that has plagued other areas of California.

Thank you for considering our point of view as you develop the ordinance.

Andy Niner
President
www.ninerwine.com
Office | 805.226.4878

Peter M. Orradre

768 Twin Creeks Way, San Luis Obispo, CA 93401
805-441-8944 • porradre@sbloglobal.net

December 16, 2019

To: Kip Morris, Project Manager and Brian Pedrotti, Senior Planner

From: Peter Orradre

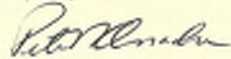
RE: Draft Hemp Ordinance

I am writing to express my concerns with the draft Hemp Ordinance. I live in the Edna Valley and have experienced the first hemp grow by Darren Shetler in the Valley this past summer and fall. It was and continues to be a bad experience. The worst is the ongoing smell of the crop. It has lasted longer than 2 months and still smells. Another part of the Shetler grow is the fact that he is not a kind farmer. I have firsthand knowledge of him threatening neighbor farmers with lawsuits for potential drift issues. This would cause great harm to their livelihood.

The Ordinance is quite weak in being able to address many issues. The setbacks, being one of them, are not enough to keep the smell away from the many residences, public wine tasting venues, schools and event centers. The schools are almost always the first consideration for long distance setbacks. The Valley has become economically viable with beautiful properties that pay significant property taxes, wineries that attract thousands of visitors, and event centers that allow many great memories of weddings and parties. All of these are healthy revenue generators for the county. The presence of hemp near these properties greatly reduces their values and contributions to the county.

The hemp crop does not fit the agricultural landscape of Edna Valley. The crop comes with so many unknowns and should not be allowed to be grown in Edna Valley. I urge you and the rest of the staff to provide a "carve out" of Edna Valley for hemp grows in the ordinance. Thank you for your attention to this most serious matter.

Sincerely,



Peter Orradre
768 Twin Creeks Way
San Luis Obispo, CA. 93401

Eat Beef • Drink Wine • Enjoy Cheese

Reply all Delete Junk Block ...

[EXT]Hemp Ordinance

BP

Brad Parkinson <bradp@stanford.edu>

Tue 12/31/2019 12:22 PM

PL_LongRangeShared; George Donati <George@pacificcoastfarming.com>; Bill Swanson <bill@whscl



Edna Valley and Hemp .pptx
42 KB

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Director Trevor Keith,

I am writing to you to strongly request that you permanently ban Marijuana and Hemp growing from the productive, yet fragile Edna Valley.

I understand why some economic pressure may be against this.

However, I strongly believe any significant risk to our valley for Grape Production, for delightful venues and for property values must be avoided.

I am hoping you will do the right thing.

Specifically:

1. **Planting of Hemp and Marijuana in the fragile and unique Edna Valley should be permanently banned**
2. **A 400-foot setback is clearly inadequate - based on Oregon experience at 1600 feet, it should be at least 1 mile. The foggy, calm evenings in the EV, during growing season, will accumulate and magnify deleterious effects.**
3. **All planting of Hemp in the County should be banned until impacts have been studied and understood; leading to county Ordances regulating such plantings**
4. This will require at least 6 months of studies and assessments of the experiences and techniques in other states and quantifying economic risk to SLO county
5. Failure to completely understand this situation **will place substantial economic risk** on wine, wine-tasting, event hosting and

Ordinances regarding Hemp in
SLO County and, particularly
Edna Valley (EV)

Insuring new crops do not harm
existing businesses, property
values or our county's ambience

Dr. Bradford Parkinson,
Edna Valley Resident

Background - An example

- Edna Valley (EV) - a Unique Blend
 - Many thousands of acres of high-value grapes and other crops
 - Growers have generally and voluntarily avoided incompatible crops such as garlic and onions
 - At least 13 wine tasting rooms - most partially outside and amid the vineyards
 - Over several hundred houses, carefully comingled with Ag land - many hi-value
 - At least 5 Event Centers - rapidly growing "tourist" revenue business partially outdoors

Hemp

- Not readily distinguishable from Marijuana
- Source of CBD oil
 - Rapidly growing demand for therapeutic properties
 - Crop oil value over \$100,000 an acre
 - As many as three crops a year in our area
- At least two California counties, Shasta and San Joaquin, have banned industrial hemp production. And California hemp law does not allow hemp flower production, eliminating the plant's most valuable use - CBD production (???)
- Most valuable versions give off a pungent smell
- Apparently - a current 70 acre planting in EV
- Have used "Research" to avoid restrictions

An Experience in Oak Grove, Oregon

- For several weeks, a neighbor's skunky smell filled the air, and students at Oak Grove Elementary complained that their heads hurt and they felt nauseated.
- Staff, too, were not pleased. They said the odor followed them to their vehicles and homes.
- From September through October, people at Oak Grove said, they were constantly aware that their neighbors were hemp farms ready for harvest.
- "Many staff, students and families have significant concerns about noxious odor during the harvest season and its impact on the health of the students and the staff," said Michelle Cummings, Medford School District chief academic officer.
- Hemp plants, cousins to marijuana, often release strong smells as their flavor-producing terpenes reach maturity. The scent of even a few rows of plants can travel far, and Oak Grove is within a quarter-mile of at least two industrial hemp grows.

What would be the impact on Tasting Rooms and Weddings?

Potential Extrapolation of Oak Grove to EV

- Wedding or Group Wine Tasting
 - Possible Facebook Post: “don’t go here - the skunk odor is pervasive and ruins the venue”
- All who peruse the web find this and it is reinforced by others
- Only a few instances will poison the well
- Based on Oak Grove, it is a very probable outcome for nearby Hemp plantings

Hemp Precedents and Experience

- Banned in two CA counties
- Monterey County regulates it like Cannabis
- Oak Grove OR experience is pertinent

Issues/Concerns

- What reasonable constraints should be placed on Hemp growing in SLO county?
 - Odor + evolution of volatiles with new varieties
 - Reputation of our tasting rooms - In harms way?
 - Weddings with a skunky smell?
 - Over spraying and our “Organic Farms”
 - Processing of growth products

Recommendations –

There is substantial evidence of problems that could severely impact our existing Ag, wine and entertainment industries

1. **Planting of Hemp and Marijuana in the fragile and unique Edna Valley should be permanently banned**
2. **A 400-foot setback is clearly inadequate – based on Oregon experience at 1600 feet, it should be at least 1 mile.**
3. **All planting of Hemp in the County should be banned until impacts have been studied and understood; leading to county Ordnances regulating such plantings**
4. **This will require at least 6 months of studies and assessments of the experiences and techniques in other states and quantifying economic risk to SLO county**
5. **Failure to completely understand this situation will place substantial economic risk on wine, wine-tasting, event hosting and property values in any area that must coexist with Hemp planting.**

Brian Pedrotti

From: slopecatore@yahoo.com
Sent: Wednesday, December 11, 2019 2:31 PM
To: PL_LongRangeShared
Cc: John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; Rich Pescatore; sharon_pescatore@yahoo.com
Subject: [EXT]Proposed Industrial Hemp Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

December 11, 2019

To:
Kip Morais, Project Manager
Brian Pedrotti, Senior Planner
Department of Planning and Building

From:
Richard and Sharon Pescatore
6970 Vina Loma
San Luis Obispo, CA 93401

CC:
SLO County Board of Supervisors: Arnold, Compton, Gibson, Hill, and Peschong

Reference: Proposed Industrial Hemp Ordinance for SLO County

We are writing to voice our opposition to the proposed countywide industrial hemp ordinance.

As SLO natives, we care deeply about the quality of life and economic viability of the community. For the record, we are not opposed to appropriate farming and sales of Hemp and CBD oil. In fact, we are both users of CBD oil.

Our concern lies with the seemingly lower standards allowed in the proposed hemp ordinance vs. those required by the current marijuana ordinance, thereby providing a lower level of protection for residential and business neighbors. We further feel that hemp grows should be located in areas that are not heavily populated or contain significant vulnerable crops such as wine grapes.

The marijuana ordinance affords some protection for the general public by requiring a minimum 300-foot setback for both indoor and outdoor grows. We believe this seemingly arbitrary distance is inadequate in populated areas. However, the ordinance requires a discretionary permit subject to a

hearing where impacted residents and businesses can at least voice their concerns with the aim of increasing the set back and limiting the potential off-site odors.

The proposed hemp ordinance lacks these protections as it only requires a maximum 300-foot setback for indoor grows located outside of Ag Zones. No setback is required for grows within Ag Zones. Furthermore, the proposed hemp ordinance seems to only require a ministerial permit which does not provide for a public hearing in which impacted residents and businesses can present their issues and concerns.

Highly populated areas such as Edna Valley are not appropriate for cultivation of hemp which may adversely affect the community by the release of terpenes and odors associated with hemp grows. There is an abundance of lightly populated locations in the county where hemp can be grown without impacting nearby residents or existing businesses.

The current proposal contains too many flaws and deficiencies. We urge you to further evaluate the matter, with due consideration to existing residential and crop lands (especially grapes which seem to be vulnerable to the terpenes from hemp) and, at the very least, provide for the same levels of protection of residential and commercial neighbors as those afforded in the marijuana ordinance.

We respectfully request your consideration to rewrite the proposed ordinance to afford reasonable protections for existing residential and commercial interests.

Brian Pedrotti

From: rmreid2@comcast.net
Sent: Tuesday, December 10, 2019 3:01 PM
To: Board of Supervisors; PL_LongRangeShared
Subject: [EXT]Comments on Proposed Industrial Hemp Ordinance draft

Follow Up Flag: Follow up
Flag Status: Completed

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors, Kip Morais and Brian Pedrotti,

I'm writing to express my concerns with the proposed Industrial Hemp Ordinance draft. After directly experiencing the negative effects of the nearby hemp production over the last 16 months, the proposed draft does not adequately address nuisance odors, health concerns and or enforcement. As drafted, the ordinance will significantly impact the quality of living, the tourism and events industry, wine industry and property values within Edna Valley.

In particular, the proposed ordinance needs significantly greater set-backs from residences (including those zoned rural residential), schools and parks, adjacent crops, tasting rooms and event centers, businesses with onsite customers, and to protect those with sensitive receptors, health issues and allergies. I live approximately 2000 feet away from the field where hemp is grown, and the odor is very strong and requires us to close windows and stay indoors when present. By the way, the belief that the odor is only around a few weeks during harvest is a farce. The odor is prevalent weeks before harvest, and weeks after harvest as the harvest dries and plant remnants remain onsite. Furthermore, as growers will naturally push to harvest multiple crops per year, the amount of time the odors will be a nuisance will dramatically increase in the future.

Additionally, the proposed draft does not address any enforcement of hemp regulations nor complaint resolution. There needs to be clear effective enforcement and complaint resolution processes by the appropriately authorized, and fully funded, local agency. As we've experienced already here in Edna Valley, the lack of enforcement will promote unscrupulous growers to ignore regulations and avoid rectifying complaints leading to further discontent between growers and the community.


Lastly, with the State of California and Federal government currently updating their Industrial Hemp regulations, it seems prudent to wait until the revised regulations are published before approving local ordinance. This would allow for proper consideration of any relevant new regs, and better alignment with the State and Fed regs.

Respectfully

Robert Reid
Twin Creeks Way, SLO

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[EXT]Edna Valley marijuana and hemp crops

SR [Susan rueda <suerueda1@gmail.com>](mailto:suerueda1@gmail.com) ...
Wed 1/1/2020 10:26 AM
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>
> Dear Director Trevor Keith,
>
> It has been brought to our attention that there is a possibility that marijuana and hemp will be allowed as crops in the Edna Valley, where we live. We feel strongly that these crops should be banned here. Although possibly profitable as crops, we believe the detriment to this beautiful area would be great. In addition, the already thriving grape production, event venues, real estate market, tourist destinations, and pleasant living environment would most certainly be adversely impacted. These local effects would carry over to the entire county. Any positives of these crops are outweighed by the negatives.
>
> Please realize this beautiful valley we call home is a precious and fragile area and that if marijuana and hemp are allowed to be grown here the entire area will be changed for the worse, as has been seen in other areas.
>
> Please do what you can to prevent marijuana and hemp from coming in to the Edna Valley and surrounding area. The supposed economical gains do not balance the tremendous loss to environment, current businesses, and lifestyle.
>
> Thank you,
> Tim and Sue Rueda
> Edna Ranch
>

These comments are further to my comments to the BOS on June 17, 2019 (3:40 pm). As I indicated therein, I have lived at 6235 Orcutt Rd (corner of Biddle and Orcutt) for over 34 years. I co-founded Tolosa Winery (35 full time employees and up to 85 during harvest) and planted and own with the Baggetts over 700 acres of grapes here in the Edna Valley (providing full time employment to 20 workers and up to 100 during harvest). In my June letter, I expressed certain concerns, principally the noxious odors emitted from hemp, the migration of hemp terpenes onto my grapes, causing "skunk" taint on the grapes, and the decrease in value of my property. What I did not anticipate were the adverse health effects I experienced in the fall when a hemp grow was flowering. This grow—2,000 feet away—caused severe watering of my eyes and uncontrollable sneezing when the wind was blowing my way. My neighbors had similarly complained and frankly, I was skeptical. No longer. This problem will be exacerbated when hemp operations reach full scale with 3-4 harvests per year—and a flowering season of 1-2 months with each grow.

I see real inconsistencies in policies between the Cannabis Ordinance (marijuana) and the draft Hemp Ordinance, probably attributable to the staff having to move way too fast, in the face of so many unknowns. For example:

in the Cannabis Ordinance, the County recognized the deleterious effects of offsite odors for both indoor and outdoor grows. Accordingly, it prohibited ANY offsite odors and required all applicants to submit an odor management plan to show how the operation would prevent offsite odors. While the draft Hemp Ordinance prohibits offsite odors from indoor hemp grows, it does not do so for outdoor grows. This makes no sense because marijuana grows are limited to 3 acres, while hemp grows are unlimited in size. The larger the grow, the more intense the odor problem. For consistency, the hemp ordinance should also prohibit offsite odors. The draft hemp ordinance also fails to require a "statement of neighborhood compatibility" together with a plan to address potential compatibility issues. There are 3 verifiable concerns from hemp terpenes:

1. noxious odors;
2. adverse health effects;
3. the real threat of "skunk" taint> (See my letter of behalf of the Edna Valley Growers MWC dated December 19, 2019, enclosing Prof Oberholster's opinion concerning the risks of terpene drift onto grapes).

In contrast, the draft Hemp Ordinance places no burden on the hemp grower to demonstrate a plan to address the incompatibilities of bringing in a new crop to the Edna Valley. Instead, it assumes the burden should be on existing vineyard owners, tasting room owners and event center owners to provide scientific evidence to support their concerns. Who should have the burden of proof here? After the vineyard industry (and related event centers) has invested well over \$100M, should not the hemp growers have the burden to prove hemp will not harm the existing ag owners? We know that even the perception of "skunk" taint has resulted in vineyard owners losing sales contracts. Moreover, the Cannabis Ordinance squarely places the burden on the cannabis grower—so should the Hemp Ordinance.

The Cannabis industry has been banned for 7 decades. Hemp growing just in the last few years became legal as a federal matter, and several states have legalized marijuana. So, there is a real scarcity of studies dealing with the compatibility of cannabis on existing crops, businesses and residences, as well as health effects on cannabis workers in the field and ag field workers nearby.

Neither the setbacks specified in the Hemp Ordinance—300 feet or some other number—nor the specification of site size is based on science or experience. 10 acres seems to be just an arbitrary number and could just as well be 100. Additionally, the 300 foot setback for the Hemp Ordinance was simply adopted from the Cannabis ordinance. But the 300 feet in the Cannabis ordinance is the minimum setback because the process involves a discretionary permit—so the neighbors can argue for a greater setback, whereas the 300 foot setback in the Hemp Ordinance is the maximum—the process is a ministerial over the counter exercise. No discretion to lengthen the setback. This is another discrepancy between the two ordinances.

Also, the Cannabis Ordinance measures the setback from the grower's property line. The Hemp draft measures from the edge of the grow to the edge of the residence. Another discrepancy.

Another shortcoming of the Hemp Ordinance: lack of meaningful enforcement. The elephant in the room is the lack of resources to enforce. Violators to date have been running circles around county enforcement efforts and will continue to do so. Lip service to enforcement is not sufficient. Much larger staff and resources for testing equipment are required for an honest commitment to enforcement. Enforcement will in any event be difficult. For example, the Hemp draft provides that outdoor cultivation "will be limited to non-flowering transplants only". Try and enforce that one.

Bottom line: No other crop grown in the Edna Valley can be grown into an illegal product except hemp. Given all of the above, I respectfully urge that hemp should be prohibited from the Edna Valley.

Facts re: the Edna Valley Appellation and Hemp

1. There are 3 federally approved appellations in the County: Paso Robles (660,000 acres), Arroyo Grande (39,646 acres) and Edna Valley (18,970 acres excluding the City of SLO)
2. The County land mass is 2,111,360 acres. The Edna Valley is a small valley—it represents just 0.008 of the total acreage in the County. It has a high concentration of vineyards, wineries, tasting rooms, and event centers. Also, Los Ranchos School and several dense neighborhoods and ranchettes throughout the Valley.
3. The Edna Valley is unique in California: (a) it is the coldest appellation in California; (b) it is the only appellation with 2 transverse valleys open to the ocean (Morro Bay-Los Osos and Pismo Beach) and (c) it has the longest grape growing season in California with bud break in Feb and harvest to Nov.
4. Because the Edna Valley is truly a valley, generally surrounded by hills, its climatic characteristics are uniform throughout the Valley. This differs from the "open" Paso Robles and Arroyo Grande appellations where the western and eastern portions have dramatically different temperatures, fog and wind. For example, Growing Degree Days ("GDD") for Paso Robles west and east range from 3117 to 3342 (F). For Edna Valley, the GDD is relatively constant 2371 (F). (Note: The GDD numbers were provided by UC Ag Extension, based on 24-hour monitoring. With only one monitoring station in the Arroyo Grande appellation, no GDD range could be provided).
5. With marine air from 2 sources, the Edna Valley experiences relatively high amounts of fog and wind from March to November, as compared to the Paso Robles and Arroyo Grande appellations. Wind records show windy conditions 2/3's of the time—average 7-8 MPH—and 20-30 MPH peak all year. Also, the winds predominately come from 2 directions, thereby creating a mix of wind influence, which is a recipe for broad distribution of hemp terpenes over large distances. Recent flowering from a hemp grow in the Valley was detected over 1 mile in several directions from the grow. The foggy conditions in the Edna Valley—near stagnant air mass—also promote migration of hemp terpenes once the winds kick in later in the day.
6. Health effects: this flowering from a hemp grow this fall in the Edna Valley caused respiratory problems and insomnia for many residents up to 1 mile from the grow. Many complaints were lodged with the County. Odors from cauliflower and broccoli don't have these adverse effects on neighbors.
7. "Smoke" taint from wildfires unfortunately is a reality. The "smoke" taint from wildfires in No Calif has caused immense monetary losses to the wine industry, due to cancellation of contracts and rejection of grape after the wildfires.
8. The predominant terpene in Cannabis (whether marijuana or hemp) is myrcene which emits the strongly noxious "skunk" taint. At the July hearing on the hemp moratorium, we expressed serious concern over the threat of terpene drift on to vineyards resulting in unmerchantable grapes. We were told by the industry they were engaging in "fear mongering". But it turns out the fear of "skunk" taint is well founded. Please see the attached Oct 28, 2019 opinion letter from Prof. Oberholtzer, U.C. Davis, in which she describes that the deleterious effect of smoke volatiles and eucalyptus terpenes have had on grapes and the resulting end product—wine. She strongly suggests the cannabis

- terpenes may have the same adverse effect on grapes, and wine. With the foggy conditions and near continual winds in our "true" valley, the risk of terpene drift is higher than any other location in this County.
9. Prof. Oberholseter stresses the need for research before risking the viability of the vineyard industry. But even without definitive research, the fear of "skunk" taint is taking its toll. In Oregon, grape contracts have been cancelled for fear of "skunk" taint from a marijuana grow on adjacent property. Why would a grape buyer risk "skunk" taint, especially when the defect in the wine may appear much later? Oregon legalized before Calif and forecasts the future for us.
 10. Cannabis growers in Santa Barbara County have threatened and sued over spray drift—cannabis is very sensitive to pesticides, insecticides and fungicides. In fact, this issue of spray drift is even greater in the Edna Valley due to its foggy and windy conditions. The best conditions for spraying are in the morning before the wind picks up. But on foggy mornings the sprays can be suspended in the fog and then distributed when the wind picks up. We can learn from the experience in Santa Barbara. There avocado and citrus growers have been forced to curtail or reduce spraying due to claims/threats from the cannabis growers. These threats have already stopped companies from aerial spraying. And growers have now eliminated spraying near any cannabis grow, just letting some of their crops fail for fear of a lawsuit. In one case, a vineyard owner in Santa Barbara was sued for fungicide drift—she then went organic and lost her crop to mildew.
 11. Vineyards and orchards face existential threats from insects such as the Asian citrus psyllid, the glassy winged sharpshooter etc. To save these permanent crops, we need to use insecticides, and in the case of citrus, need to use "air blasters" to cover the trees. Introducing hemp into the Edna Valley would obviously inhibit these "lifesaving" measures.
 12. The Edna Valley is extremely susceptible to Powdery Mildew. Combined with a very long growing season, the amount of spraying to prevent Powdery Mildew is more than triple the number of sprays a vineyard in the North County receives. This means the Edna Valley grape growers will face far greater risk of spray drift than other growers in the County.
 13. In the Edna Valley, approximately \$140,000,000 has been invested in wine grapes—a permanent crop—together with associated wineries, tasting rooms and event center—supporting a large ag tourism industry. Why risk this long-term investment for a seasonal crop, before definitive research is completed?
 14. 25 counties prohibit hemp. Napa is banning both hemp and marijuana. Monterey severely restricts hemp in a pilot program. Some counties and states severely restrict hemp due to concerns of cross-pollination—cannot be grown within 5 miles of marijuana (Washington state) and 4 miles in Yolo County.

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October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effect that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards.

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or odor abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kennison et al., 2009; Krstic et al., 2015) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Caponé et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashy-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 10% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or Eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, fresh/minty/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (materials other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/L. Herve et al., (2003) reported a recognition threshold of 3.2 µg/L in red wine. In respective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 15.5 µg/L). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kennison et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Capone also found that *Eucalyptus* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with no MOG included, including no *Eucalyptus* leaves and/or bark, produced wines with above aroma threshold levels of 1,8-cineole if made from winegrapes grown within the first 50 meters from *Eucalyptus* trees, including grape stems and some grape leaves as will be normal during most fermentations, will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Aizpurua-Olaizola et al., 2016). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The chemotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Aizpurua-Olaizola et al., 2016). This is a 10⁶ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 8.7 µgC g⁻¹ hr⁻¹ depending on the strain of *Cannabis spp.* (Wang et al., 2019). Additionally, β-myrcene, eucalyptol and d-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, linalool, α-terpineol, β-caryophyllene, humulene, α-humulene and more. New terpenes are continually being identified in cannabis plants.

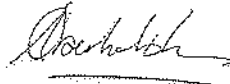
Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Cartau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, absorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616



Via Email Only to:
pl_LongRangeShared@co.slo.ca.us

December 19, 2019

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Mr. Pedrotti,

Hemp Agricultural & Environmental Research Organization, LLC (HempAERO) is an established agricultural research institution duly formed and registered pursuant to California Food and Agriculture Code Sections 81000, *et seq.* HempAERO currently grows industrial hemp on AG-zoned farmland in San Luis Obispo County as a part of its research into agricultural best practices. HempAERO's goal is to provide California with the blueprint for a sustainable and beneficial industrial hemp agriculture model. Although HempAERO does not currently engage in indoor processing, our model may evolve to do so in the future.

With that context in mind, we hope that Planning Staff will consider the following comments and thoughts on the County's Industrial Hemp Ordinance Public Review Draft:

Section 22.80.030: It would be helpful if the ordinance could provide a definition of "in the field sales," since these are prohibited. Does it mean that the hemp may not be sold until it is harvested and removed from the field? Or does it mean that sales transactions may not take place on the same site where industrial hemp is being grown? It would be helpful to have this ambiguity clarified in the ordinance itself. As to the rationale, we presume that the reason for prohibiting "in the field" sales for industrial hemp but not other types of agricultural crops is due to the testing protocols required for hemp. If that is the case, perhaps that could be addressed in more detail in the Staff Report at the public hearings, so that it does not seem like an arbitrary or discriminatory prohibition.

Definitions: Consider adding a definition for "Outdoor Industrial Hemp Processing" in this list and then cross-referencing to the description of those activities in Section 22.30.070.D.5. Providing a definition for indoor processing but not the contrary may cause confusion for those applicants looking for guidance who only intend to process outdoors and in hoop houses, before they ever get to Section 22.30.070.D.5. It is also confusing because the ordinance goes on to make multiple references to "Industrial Hemp

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Processing,” but there is no definition for that term, only a definition for “Indoor Industrial Hemp Processing.” If an “Outdoor Industrial Hemp Processing” definition is inserted, thereafter, the ordinance should refrain from using the term “industrial hemp processing” without prefacing it with the words “indoor” or “outdoor.”

As an alternative, however, the County could simply remove the word “indoor” from the “Indoor Industrial Hemp Processing” definition, and clarify in that definition that “the drying, curing, trimming, packaging, and preparing for further processing of industrial hemp grown onsite that is performed with mobile equipment and involving non-permanent structures is included under Crop Production and Grazing and is subject to the standards set forth under 22.30.244.” Thereafter in the ordinance, it would be clear that all references to “Industrial Hemp Processing” mean processing that takes place in permanent structures.

Section 22.30.070.A.1: Again, as written, the reference here to “industrial hemp processing” requires some distinction between “indoor” and “outdoor.” Without this clarification, this section may create confusion about whether a minor use permit is required for an outdoor hemp operation that involved processing before the reader ever gets to the clarifications in subsection D.5.

Section 22.30.070.D.5: Again, under the current definitions, title of this subsection should be prefaced with “indoor,” as should all references to “industrial hemp processing” in subparts a-e, below.

Regardless of how the County cleans up the definitions, the words “in the field” in this subsection could be problematic. Although the intent can be reasonably presumed, as a literal and practical matter, the drying, curing, trimming, packaging, and preparation of hemp for further processing does not take place in the same “field” where the hemp is grown. If the words “in the field” are stricken, it will still be clear that all such activities must take place on the same site where the hemp is grown and involve only mobile equipment and non-permanent structures in order to be considered part of crop production and not trigger a minor use permit.

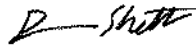
Section 22.30.244.A.1, 3: The prohibition of indoor cultivation on CS and IND lands is perplexing, given that the entire operation will be occurring indoors, and given that industrial hemp processing is allowed on such parcels. Similarly, the requirement that indoor cultivation take place on parcels of at least 5 acres in size seems nonsensical. If the operation is indoors, odors are controlled, and the parcel is appropriately zoned, the size of the parcel is irrelevant. We bring these cognitive dissonances to the County’s attention only because, as the science behind hemp cultivation evolves in the future, the County may find it preferable to approve indoor grows in CS or IND areas where they can make use of large, otherwise vacant buildings and be combined with an indoor processing operation.

Section 22.30.244.B.1.A: The required setback of 300 feet from other crop cultivation seems excessive, given that state law has expressly approved industrial hemp as an agricultural commodity, only requires a minimum parcel size of 1/10th of an acre for seed breeders. (Cal. Food & Ag. Code § 81006(a).) We look forward to some scientific justification of this unusually large setback in the Staff Report.

Chapter 22.74.150.G: Given the express statement in Section 22.30.244.C.2 that producing a crop that tests over the allowable limits for THC shall **not** constitute a violation of the County Code so long as the remedial actions required by State law are

being followed, it is inconsistent and unjustified to require that all industrial hemp activity violations be handled by the Cannabis Hearing Officer. To the contrary, the Cannabis Hearing Officer should be charged with handling *only* those violations that involve a crop with an unlawful THC content and a grower who is not following the remedial actions required by state law. All other violations should be handled in the same manner as any other agricultural product or processing activity.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Shetler".

Darren Shetler
Manager

To the members of the Board of Supervisors, Planning Commission, and Building and Planning Department, as well as Whom it May Concern;

My name is John Sordelet. I live and operate business in Supervisor Compton's District, who is familiar with me and my site from public meetings last year. I write today to be helpful in this matter. This Hemp Ordinance, if necessary, needs to have the input of the few, registered, local hemp farmers. My experience is limited but true & tested.

Early summer of 2019, I was granted a cultivation permit for Industrial Hemp here in SLO. I was told that the crop was going to look and smell just the same as cannabis. This is only partially true; the plant in its vegetative state, if touched, smells exactly the same. However, during the flowering stage, cannabis becomes very fragrant as THC levels rise. On the other hand, hemp is missing the concentrated THC ingredient (chemical) that produces the pungent, familiar cannabis smell. The flowers of Hemp do not smell just like cannabis, they are much less odoriferous. The whole smell issue is not the same as cannabis. This info is based on the five different Hemp cultivators I registered and trialed this year.

Now that I have had a successful year 2019 and have committed full time to my hemp farm, any changes to my existing site could be detrimental to my family owned and operated business. There is no reason for that to happen. I have two concerns in the draft I must address:

First, the draft states that hoop-structures would not be allowed for drying the crop. This is totally uncalled for. This crop, grown for CBD, can and should be grown like a cut-flower for maximum quality control and medical value. This means it needs to be harvested differently than other field crops. Hoop structures are designed and used for climate control and storage. They are cost effective, easy on the eyes, and multifunctional. There is no sound reasoning to not allow an agricultural structure for agricultural use with this one crop. The hoop structure is one of many non-permanent, engineered structures used for agricultural purposes, to alleviate the costs farmers face producing various commodities. The cut-flower industry in the USA has been almost lost to South America due to the many costs of production. Let's make sure that our San Luis Obispo cut flower experts have a new outlet for their skills, unlimited by unnecessary restrictions.

Secondly, I see a set-back recommendation for wetlands and riparian areas. For 18 years now I have been expanding my very small farm as all farmers that can, do. I have had the opportunity to see the County, State, and USDA management of the riparian area where I have lived these years. I also have had the NRCS and Fish & wildlife out on-site several times and been advised. I have farmed the same fields where my hemp crop was grown for many years. Activities Fish & Wildlife consider to have 'environmental impact' and 'heavy equipment' use in the riparian areas have a 25 foot set-back. This is the Standard I and other farmers, contractors, excavators have been held to. I am aware of a 100 ft setback for septic leach fields, not crops. Look as you drive through the beautiful Central Coast vineyards and farms; there is a 25 foot setback standard to drive and work between crops and the riparian creeks and water flows everywhere crops are grown. There is no reason for this crop and its farms to have any discriminatory standards differing from that of other existing crops and farms.

Thank you for the opportunity to share my experiences and thoughts.

Sincerely,

John Sordelet
Green Thumb Services

Reply all Delete Junk Block ...

[EXT]Industrial Hemp Ordinance

MS

Megan Souza <megan.is.souza@gmail.com>

Wed 12/18/2019 7:51 PM

PL_LongRangeShared



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

To Whom It May Concern:

I'm a 31-year SLO County resident, a 5th generation farmer/rancher, a local business owner, and Cal Poly alum. I believe hemp should be treated like every other row crop. The proposed setbacks are onerous and they'll significantly hinder farmers' ability to grow hemp in SLO County.

An appropriate setback from wine tasting facilities is 0". Hemp farming is agriculture and ag zoned land should be used for farming. Wine tasting room facilities can be located anywhere—why protect their interests over the interests of farmers who want to grow food, fiber, and medicine on ag zoned land? Is it because 'Big Wine' has undue influence on County policymaking?

An appropriate setback from active crops of other ownership is 0". Bad actors who regularly practice over-spraying pesticides and contaminate their neighbors' land and crops ought to be enforced upon. It's preposterous to protect the interests of these irresponsible farmers over the interests of farmers who want to grow hemp to fill the consumer demand for organic hemp seed oil and organic CBD medicine.

Hemp is a boon for small family farmers. A few acres of CBD-rich hemp can provide a living—what other crop can be grown profitably on a small scale? Struggling farmers like me want to grow hemp, please don't take away our opportunity to participate in this new industry by imposing unreasonable regulations on local hemp farmers.

Hemp is quickly becoming an important tool for carbon mitigation in our struggle against global climate disaster. Cement accounts for 8% of total global carbon emissions yet hempcrete (hemp-based concrete) is carbon negative! One SLO County contractor is currently in the process of establishing a hemp manufacturing facility in Santa Margarita to process whole hemp plant into hempcrete lego blocks for fire-safe, earthquake-safe, carbon-negative building. Several more exciting projects just like this are evolving right now right here in SLO County and it would be tragic to crush these entrepreneurs' opportunity to bring environmentally sustainable economic development to our County.

Thank you for your consideration,

Megan Souza

Brian Pedrotti

From: bill@whscks.com
Sent: Friday, December 6, 2019 2:50 PM
To: PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold
Subject: [EXT]Country of San Luis Obispo Industrial Hemp Ordinance as drafted
Follow Up Flag: Follow up
Flag Status: Flagged

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

The Board of Supervisors is to be thanked for the current moratorium on approving new plantings of hemp in San Luis Obispo County. As I stated in my first note to the Board this summer there isn't a lot of scientific study on this crop as there is for produce, fruit, or grapes so we really don't know the short and long-term effects.

Having grown up in the area and a business owner in San Luis Obispo Country since 2008 with employees in the Edna Valley where we farm our vineyards, have winery operations, along with tasting rooms and event areas we are concerned with the proposed Country of San Luis Obispo Industrial Hemp Ordinance as drafted. This response is being sent to you and the planning staff to make sure all parties know our concerns with the draft as asked.

Currently conversation in our area is about what is happening in other areas around the state as they granted approval without drafting the proper regulations for insuring the Health and Environmental Concerns, Noise Pollution, Air Quality Degradation and side effects on sustainable Farming. More and more individuals are getting concerned as the effects are being understood. The Board of Supervisors thoughtfully has asked for this to be addressed by the planning staff.

Having read the draft legislation what is needed for the ordinance to be effective, it must be enforceable along with the responsible organization or organizations having the proper equipment, funding and authority to hold violators accountable in a timely manner. This was not addressed adequately in the planned ordinance. It is no secret that the valley has those that don't follow the rules and frustration exists with the lack of enforceability and compliance. In essence it encourages some to operate out side the rules.

Which ties to the concern of sustainable farming. Established crops in the valley spray for things we all understand like mildew for example. It's a given that we experience this condition in the Edna Valley. Given our transverse valley with various wind patterns the set back is inadequate for those of us that have been doing business in the area. A set back of 300 feet is inadequate it's only a football field away. I have been looking for the scientific proof why this is the right distance. Which is back to my initial point it doesn't exist. So why would you not make this a larger setback number or restrict plantings until you have facts and data. The county puts its self at risk and others at risk with lax standards and litigation as the only answer.

Finally, direction was provided to the staff to address the following issues which the draft ordinance does not properly address which are the health issues, event centers, churches, schools, and residences that are in AG zoned properties.

Again, thank you for your attention to this issue and willingness to listen to the citizens of San Luis Obispo County. You make it possible to voice our concerns.

Respectfully,

William H Swanson

Proprietor Center of Effort

Edna Valley

From the Desk of Julie Tacker

December 18, 2019

San Luis Obispo County Planning and Building
Attn: Kip Morais, Brian Pedrotti
Submitted by e-mail pl.LongRangeShared@co.slo.ca.us

RE: COUNTY OF SAN LUIS OBISPO INDUSTRIAL HEMP ORDINANCE PUBLIC REVIEW
DRAFT

Dear Sirs,

Thank you for this opportunity to make comment on the Industrial Hemp Ordinance Public Review Draft.

On a general note, whatever form the ordinance ultimately takes, it should be harmonized with the Cannabis Ordinance given virtually all of the impacts are identical.

My comments here are inspired by the recent hemp grows in the Los Osos Valley and the deleterious impacts they presented in the valley over these past six (6) months.

1. Water – all hemp farms, inland or coastal, should be required to offset their water use. Hemp grows in adjudicated basins (i.e. Los Osos, etc.) and in impaired basins (i.e. San Luis Obispo Basin, etc.) should be required to offset their use on a 2:1 ratio to actually help improve the management of the basins. These offsets should be accomplished through exchanges with other agricultural activity.
2. Watercourse – setbacks from watercourses should be no less than 100 feet. The operations associated with cultivation trigger soil disturbance that runs off into these waterways. Drainage plans including best management practices and mitigations should be put in place as part of the conditions of approval for each project.
3. Watershed – Hemp farm equipment and vehicles tracked out soil and mud during the entire operation, especially when the rains began. This track out gets carried down the road by passing traffic only to end up as dust in the air and/or silt in the watershed.
4. Visual – acres of plastic on the ground, hoop houses, security screening and windscreens obstruct the views from the passersby. Screening should be natural (trees/shrubs) and grow structures (hoop houses or green houses) should be agrarian in architectural style.

P.O. Box 6070 Los Osos, CA 93412

805.235-8262

1

From the Desk of Julie Tacker

5. Odors – no offsite odors should be detected, as with the Cannabis Ordinance.
6. Greenhouse Gas (AB 32) – “Plasticulture” or ag plastics include soil fumigation film, irrigation drip tape/tubing, nursery pots and silage bags, this term is most often used to describe all kinds of plastic plant/soil coverings. The appearance is the various plastic materials are being used one time. These plastics are prevalent in the operation of hemp and cannabis; including on the ground, hoop houses, drip irrigation, potted seedlings, windscreens and more. Tons of plastic exposed to the elements break down in the sun and wind where its particles enter the air and watercourses. These tons of plastic are not recycled and are hauled and dumped at the local landfill. These impacts should be calculated and offset with mitigations in connection with Green House Gases and the respective carbon foot print.

Again, thank you for the opportunity to comment.

Please feel free to contact me with any questions you may have.

Sincerely,



Julie Tacker

 Reply all  Delete  Junk  Block ...

[EXT]Cannabis in the Edna Valley

CT

Clay Thompson <clay@claibornechurchill.com>

Wed 12/18/2019 3:34 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold ✕

    ...

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

I am writing to express my grave concern about the prospect of cannabis/hemp growing in the Edna Valley. My wife and I have lived and worked in the Edna Valley since our arrival in California in 1981. We specifically chose the Edna Valley because of its pristine reputation as one of the precious few sites of fine wine growing in California, or in the world for that matter. Under our family label "Claiborne & Churchill" we have been making wine from Edna Valley grapes since 1983, and we have built our winemaking reputation on the unique quality of the grapes grown here. We built our pioneering Straw Bale winery and planted our Estate Riesling Vineyard here, adjacent to our home, in the heart of the Edna Valley.

While I have no moral or entrepreneurial objections to cannabis or hemp growing, I am worried that it poses a threat to our livelihood. Like others, I have noticed the skunk odors wafting in from neighboring crops, off-putting enough to singlehandedly send our robust wine tourism (reputation and income!) into a tailspin. The prospect of terpene taint from nearby cannabis/hemp crops would signal the demise of my and my neighbors' businesses altogether. I respectfully urge you to tackle this threat before it gets out of hand.

Claiborne W. Thompson

Owner





Claiborne & Churchill Winery & Vineyard

[2649 Carpenter Canyon Road](#)

[San Luis Obispo, CA 93401](#)

[Reply all](#) [Delete](#) [Junk](#) [Block](#) ...

[EXT]Hemp Ordinance Comment

DT [Drew Tillman <dngtillman@msn.com>](mailto:dngtillman@msn.com)     ...

Wed 12/18/2019 6:58 PM
PL_LongRangeShared

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.






The 300 foot setback from residences will be inadequate. We have experienced health and quality of life impacts in neighborhoods in Ventura County that are 600 feet from growing fields. The County Supervisors are struggling to find the correct setback distance required. We currently have a moratorium on any cultivation within 1/2 mile from any existing residential community. If you enact the 300 foot setback, you will be addressing this item again in the future. I have much more information on this subject and I will be advocating for fair and safe farming practices in Ventura County. I hope this helps you.

Drew Tillman

Sent from [Outlook](#)

Reply all Delete Junk Block ...

[EXT]Industrial Hemp Ordinance - Min. 10 mile Set Backs Needed

AS [Agzone Services <agzoneservices2019@gmail.com>](mailto:agzoneservices2019@gmail.com)     

Thu 12/19/2019 12:14 PM
PL_LongRangeShared

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear San Luis Obispo County Honorable Board of Supervisors,

The pollen created from hemp cultivation threatens the value and enormous tax revenue that will be generated from the 141 cannabis cultivation sites that will in due time be approved and established in San Luis Obispo County. A conservative estimate of the 4% tax revenue for County coffers is \$35,532,000 based on a very low \$300 per pound for dried cannabis biomass. Add to this all the other economic benefits from 141 successful, legal, cannabis operations and a 10 mile minimum is an easy decision.





Because of this, I am writing to urge you to establish a minimum of a 10 mile set back for hemp cultivation from any permitted cannabis cultivation operation.

In Colorado, hemp cultivation in areas as far as 30 miles away have been causing massive damage and devaluation to high value, tax generating cannabis operations. see the following -
<https://www.leafly.com/news/industry/legal-hemp-pollen-drift>

According to [Anndrea Hermann](#), an international hemp expert, the minimum safe distance is 10 miles. see the following -
<https://www.thecannabist.co/2015/06/18/safe-distance-hemp-marijuana-pollination/33130/>

Additionally, because thousands of acres of hemp are growing and being planted in lower cost states, the value of CBD Hemp has already dropped to under \$30,000 per acre which isn't much more than that of snap peas. Any upside for hemp cultivation in our county will be short lived at best.

Please consider these factors when you establish your set back minimums for hemp.

 Reply all  Delete  Junk  Block ...

[EXT]Industrial Hemp Ordinance

 Flag for follow up. Start by 12/16/2019. Due by 12/16/2019.

LZ Lynda Ziegler <zieglell@gmail.com>

Sun 12/15/2019 9:34 AM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; Georg



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Lynda Ziegler
6348 Mira Cielo
San Luis Obispo

949-616-6546
zieglell@gmail.com

Lived here 7 years and have 2 acres of grapes, indirectly employing 10+ workers

Comments on Ordinance:

Before addressing the specifics of the ordinance a comment on my experience. I have sent notes to the supervisors before regarding the smell from the hemp. Many times when I go outdoors I have an overpowering smell that makes my eyes water.

Generally the ordinance does not address the concerns of the citizens, particularly of Edna Valley.

Nuisance Odors: this term is not defined leaving each situation up to interpretation from different parties. In addition it appears it is only addressed for indoor growth and processing, what about the nuisance odor from outdoor growth. In addition odors are present even when the crop is not in bloom.

Setback: A setback of 300 feet is meaningless. I am not sure how far the hemp is from my property at this point but I clearly have a nuisance odor. I would think that a mile setback would possibly mitigate the odor but am not an expert on scent traveling in the air, however 300 feet clearly does not mitigate the impact.

Residences in ag zones: It is not acceptable to have no setback for residences in agriculture zoned areas. While hemp may currently be categorized as an agriculture crop it is quite different from what is currently grown in the Edna Valley. It clearly has nuisance odor and no one is yet sure of its potential impact on other crops. A significant setback is needed for residences.

Thank you for the opportunity to comment. I would be happy to provide any further comment

https://outlook.office365.com/mail/PL_LongRangeShared@co.slo.ca.us/deeplink?version=2019120803.15&popupv2=1

1/1



Project Title and No.: Agricultural Worker Housing Ordinance Update / LRP2017-00002 / ED19-318

Project Location (Specific address [use APN or description when no situs available]): Countywide	Project Applicant/Phone No./Email: County of San Luis Obispo/805-781-5600/PL_LongRangeShared <hr/> Applicant Address (Street, City, State, Zip): 976 Osos Street, San Luis Obispo, CA 93408
--	--

Name of Public Agency Approving Project: County of San Luis Obispo

Description of Nature, Purpose and Beneficiaries of Project:

Hearing to consider a request by the County of San Luis Obispo to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, the Coastal Framework for Planning Table "O" (LRP2019-00008), and Title 1 Administrative Fines, to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.

Exempt Status/Findings: This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), Common Sense Exemption]

Reasons why project is exempt:

This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the

cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo.

Additional Information: Additional information pertaining to this notice of exemption may be obtained by reviewing the second page of this document and by contacting the Environmental Coordinator, 976 Osos St., Rm 200, San Luis Obispo, CA 93408 (805) 781-5600.

Notice of General Rule Exemption

Project Title and No.: Industrial Hemp Ordinance LRP2019-0008

Pursuant to section 15061 of the State California Environmental Quality Act (CEQA) Guidelines, the preliminary review of a project includes a determination as to whether a project is exempt from CEQA. This checklist represents a summary of this project's review for exemption.

	YES	NO
1. Does this project fall within any exempt class as listed in sections 15301 through 15329 of the State CEQA Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is there a reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the project inconsistent with any Federal, State, or local law or administrative requirement relating to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will the project involve substantial public controversy regarding environmental issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Does the project have the potential to achieve short-term environmental goals to the disadvantage of achieving long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Does the project have adverse impacts which are individually insignificant, but cumulatively significant? Cumulatively significant means that the incremental effects of an individual project are substantially adverse when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

On the basis of this initial evaluation, I find that the proposed project does not have the potential to cause a significant effect on the environment, and is therefore exempt from CEQA.

for Xzandrea, Environmental Planning Manager

Date



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land – Helping to Build Great Communities

Date: January 13, 2020
To: PLANNING COMMISSIONER
From: KIP MORAIS, Project Manager
Subject: Industrial Hemp Ordinance (LRP2019-00008) – Attachment 5 Correction

Based on public comments received, staff has included several revisions to Attachment 5 – Public Comments to include some missing pages and clarify the correct authors of some correspondence. The corrected public comment letters have been attached here in their entirety.

Attachments:

- 1 – January 2, 2020 Falkenhagen
- 2 – December 31, 2019 Parkinson
- 3 – December 19, 2019 Schiebelhut
- 4 – December 18, 2019 Flinn
- 5 – December 17, 2019 Kelsey
- 6 – December 15, 2019 Ziegler

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

planning@co.slo.ca.us • FAX: (805) 781-1242 • sloplanning.org

Kip J. Morais

From: Bruce F <brucefal100@gmail.com>
Sent: Thursday, January 02, 2020 12:55 PM
To: PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; George Donati; Ramona Hedges; Marty Settevendemie; Marc Lea; Trevor Keith
Subject: [EXT]Draft Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Mr. Moras and Mr. Pedrotti:

In the near future, you will be asking the Planning Commission to amend it's ordinances as they pertain to the growing of hemp in San Luis Obispo County. I have issues with what has been presented, primarily with what has happened recently and how your proposed ordinance changes would address and resolve the issues.

We are residents of the County for 38 years. For the past 20 years we have owned a parcel on the southern border of the Edna Valley next to the Cold Canyon Landfill, and lived on it for 15 years as residents.

After being out of the area for a few weeks this last September, we returned the first of October. On October 2nd, my wife smelled hemp/cannabis odors for about 1 hour that were coming from the primary grower in the middle of the Edna Valley. We are 5,800 feet from the hemp/cannabis grow site and 6,300 feet from the hemp growing site. For purposes of this letter, I will use the 5,800 foot distance as the distance to the odor site. I sent a complaint to the County, the Board of Supervisors, the individual Board members, the APCD, the AG Commissioner's office, and the Planning Department.

The only response was from the APCD, who said that since the CA Department of Food and Agriculture has identified cannabis (which includes hemp) as an agricultural product, that have no jurisdiction as agricultural crops are specifically exempted from APCD regulation dealing with nuisance odors.

There was no response from the AG Commissioner's office.

On October 4th, I smelled the hemp/cannabis again, this time for an extended period of about 4 hours. It was smelled by four other people. It was at a higher elevation than the first complaint. I did not report it, because the first nuisance complaint was pending for a County response. That response was never received.

I cite this experience, because it should cause the staff and the decision makers to pause and ask the question, "How does the proposed ordinance address this type of complaint? Would it have been dealt with and resolved?"

Contrary to the comment by one Board member questioning the possibility that these odors could travel over a mile, the odors did travel over a mile. In the case of the first complaint, 5,800 feet. This was at the floor of the Valley, which is about 40 feet above the elevation of the hemp grow site. For the second complaint, it was smelled at an elevation of 420', 120' above the elevation of the grow sites.

1. Enforcement. Clearly, right now there is no enforcement. Unless something changes, the status quo will remain. No enforcement. Parts of new enforcement issues are just now being developed at the State and Federal levels, dealing with testing protocols, time of testing, etc. Counties are rethinking their Ordinances. Initial rushes to adopt have been shown to be fraught with errors, as evidenced by Buellton, Carpinteria, and the rest of Santa Barbara County's issues, Oregon school issues, Monterey County's almost complete banning of the products except in remote areas, Napa Valley issues, even former Lieutenant Governor' Maldonado's SLO testing protocol issues to name a few.

2. Nuisance Odors- Processing. Section 22.30.070.D.5.b states:

"Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite."

Since I have detected nuisance odors, reported them, and I am 5,800 feet away, that means no industrial hemp processing facilities can be sited where they are today. It had to be hemp, because if it were cannabis, under 22.74.150.G, the AG Department would be going through the Nuisance Abatement Hearings. I have heard nothing on this potential action.

If the grower was doing processing, what have they (the Ag Department) done to the growing site's Odor Management Plan to make odors undetectable at my home (as it's the offsite location)? If nothing, the Ordinance needs some tweaking.

3. Nuisance Odors- Cultivation- Outdoors. Section 22/30.244.B.2 (Hemp Cultivation) states an odor control requirement for indoor growing, but is mute on outdoor growing. You now have a complaint from 1-1/4 miles away on an outdoor grow, so what will the control requirement be for outdoor grows? The setback of 300 feet clearly will not work for control, as it has been "busted".

With this omission, the County staff is condemning every citizen and business living, operating or being within 5,800 feet of a hemp site of having to put up with these odors. That is a very big radius, and the smell is not pleasant.

Proponents of growing cannabis and/or hemp try to point out that odoriferous vegetables like broccoli, are allowed to grow under Right to Farm Ordinances. However, those other products have been grown for decades here, most likely longer than the County Planning Ordinances even existed. Hemp is a new product.

The AG Ordinance that protects older crops states:

Section 5.16.031. Pre-existing Agricultural Processing Uses Not a Nuisance

(2) If an agricultural processing activity, operation, facility, or appurtenances thereof **substantially increased its activities or operations after January 1, 1993, then a public or private nuisance action may be brought with respect to those increases in activities or operations that have a significant effect on the environment.** For increases in activities or operations that have been in effect more than three years, there is a rebuttable presumption affecting the burden of producing evidence that the increase was not substantial

Hemp does not meet this standard. It is not pre-existing. A public or private nuisance action may be brought.

If broccoli were introduced today, it most likely would not be approved, or as Monterey County did with hemp, approved but isolated to an unpopulated area.

I believe the best way to deal with this issue would be to increase the setback to a greater distance, reflective of the complaints received to date across the State. The 300 foot distance is not based on science, statistics, or real world data. If I am wrong, please provide the hard backup data showing 300' is a statistically significant answer. I would like to offer setting the setback to 2,640 feet (1/2 mile), as I believe the County would eliminate in one fell swoop maybe 70% of the potential complaints.

Then in five years, revisit the ordinance to see what complaints were received, and statistically set the setback distance to protect a certain percentage of the population based on distance. Maybe use the figure that would eliminate 80% of the individual locations complaining of odors.

4. Facilities included in Setback Limits (22.30.244.B.1.a). Permitted Event Centers should be added as an operation to be avoided. "Permitted" because those operations have gone through County review and should be protected.

5. Setbacks for Indoor Hemp Cultivation (22.30.244.B.1.b). 100 feet for a setback is not enough. All the "indoor" part does (the roof and walls) is concentrate and intensify the odors so that when they are released, they are concentrated more than an open outdoor grow that just continually emits the same amount but over a longer time. I suggest that a distance that is 50% of the outdoor setback be used.

I hope that you take these comments under consideration. Thank you very much.

Bruce Falkenhagen

Kip J. Morais

From: Brad Parkinson <bradp@stanford.edu>
Sent: Tuesday, December 31, 2019 12:21 PM
To: PL_LongRangeShared
Cc: George Donati; Bill Swanson; Bob Schiebelhut; Bruce F
Subject: [EXT]Hemp Ordinance
Attachments: Edna Valley and Hemp .pptx

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Director Trevor Keith,

I am writing to you to strongly request that you permanently ban Marijuana and Hemp growing from the productive, yet fragile Edna Valley.

I understand why some economic pressure may be against this.

However, I strongly believe any significant risk to our valley for Grape Production, for delightful venues and for property values must be avoided.

I am hoping you will do the right thing.

Specifically:

1. **Planting of Hemp and Marijuana in the fragile and unique Edna Valley should be permanently banned**
2. **A 400-foot setback is clearly inadequate - based on Oregon experience at 1600 feet, it should be at least 1 mile. The foggy, calm evenings in the EV, during growing season, will accumulate and magnify deleterious effects.**
3. **All planting of Hemp in the County should be banned until impacts have been studied and understood; leading to county Ordnances regulating such plantings**
4. This will require at least 6 months of studies and assessments of the experiences and techniques in other states and quantifying economic risk to SLO county
5. Failure to completely understand this situation **will place substantial economic risk** on wine, wine-tasting, event hosting and property values in **any area** that must coexist with Hemp planting.

In addition, I am attaching a summary presentation that addresses this issue.

I hope you and your planners do not allow substantial risks to the economic health and wonderful ambiance of our beautiful County.

Happy New Year,

Bradford W. Parkinson
Edna Valley Resident

Edward Wells Professor, Emeritus, Aeronautics and Astronautics (Recalled)
Co-Director Stanford Center for Position, Navigation and Time
Stanford University,
thegpsbrad@gmail.com
C: 650 245 9690, O/H 805 594 1529

Ordinances regarding Hemp in SLO County and, particularly Edna Valley (EV)

Insuring new crops do not harm
existing businesses, property
values or our county's ambience

Dr. Bradford Parkinson,
Edna Valley Resident

Background - An example

- Edna Valley (EV) - a Unique Blend
 - Many thousands of acres of high-value grapes and other crops
 - Growers have generally and voluntarily avoided incompatible crops such as garlic and onions
 - At least 13 wine tasting rooms - most partially outside and amid the vineyards
 - Over several hundred houses, carefully comingled with Ag land - many hi-value
 - At least 5 Event Centers - rapidly growing “tourist” revenue business partially outdoors

Hemp

- Not readily distinguishable from Marijuana
- Source of CBD oil
 - Rapidly growing demand for therapeutic properties
 - Crop oil value over \$100,000 an acre
 - As many as three crops a year in our area
- At least two California counties, Shasta and San Joaquin, have banned industrial hemp production. And California hemp law does not allow hemp flower production, eliminating the plant's most valuable use - CBD production (???)
- Most valuable versions give off a pungent smell
- Apparently - a current 70 acre planting in EV
- Have used "Research" to avoid restrictions

An Experience in Oak Grove, Oregon

- For several weeks, a neighbor's skunky smell filled the air, and students at Oak Grove Elementary complained that their heads hurt and they felt nauseated.
- Staff, too, were not pleased. They said the odor followed them to their vehicles and homes.
- From September through October, people at Oak Grove said, they were constantly aware that their neighbors were hemp farms ready for harvest.
- "Many staff, students and families have significant concerns about noxious odor during the harvest season and its impact on the health of the students and the staff," said Michelle Cummings, Medford School District chief academic officer.
- Hemp plants, cousins to marijuana, often release strong smells as their flavor-producing terpenes reach maturity. The scent of even a few rows of plants can travel far, and Oak Grove is within a quarter-mile of at least two industrial hemp grows.

What would be the impact on Tasting Rooms and Weddings?

Potential Extrapolation of Oak Grove to EV

- Wedding or Group Wine Tasting
 - Possible Facebook Post: “don’t go here - the skunk odor is pervasive and ruins the venue”
- All who peruse the web find this and it is reinforced by others
- Only a few instances will poison the well
- Based on Oak Grove, it is a very probable outcome for nearby Hemp plantings

Hemp Precedents and Experience

- Banned in two CA counties
- Monterey County regulates it like Cannabis
- Oak Grove OR experience is pertinent

Issues/Concerns

- What reasonable constraints should be placed on Hemp growing in SLO county?
 - Odor + evolution of volatiles with new varieties
 - Reputation of our tasting rooms - In harms way?
 - Weddings with a skunky smell?
 - Over spraying and our "Organic Farms"
 - Processing of growth products

Recommendations

- There is substantial evidence of problems that could severely impact our existing Ag, wine and entertainment industries

1. Planting of Hemp and Marijuana in the fragile and unique Edna Valley should be permanently banned
2. A 400-foot setback is clearly inadequate - based on Oregon experience at 1600 feet, it should be at least 1 mile.
3. All planting of Hemp in the County should be banned until impacts have been studied and understood; leading to county Ordances regulating such plantings
4. This will require at least 6 months of studies and assessments of the experiences and techniques in other states and quantifying economic risk to SLO county
5. Failure to completely understand this situation will place substantial economic risk on wine, wine-tasting, event hosting and property values in any area that must coexist with Hemp planting.

Kip J. Morais

From: Bob Schiebelhut <bob@tolosawinery.com>
Sent: Thursday, December 19, 2019 11:17 AM
To: PL_LongRangeShared
Cc: John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; Bob Schiebelhut
Subject: [EXT]Proposed Hemp Ordinance
Attachments: 2475_001.pdf

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Kip Morais, Project Manager

Brian Pedrotti, Senior Planner

Dept of Planning and Building

CC: SLO County Board of Supervisors.

Please find enclosed my comments concerning the referenced matter. Thank you for your consideration.

Bob Schiebelhut
6235 Orcutt Rd
San Luis Obispo, CA 93401

These comments are further to my comments to the BOS on June 17, 2019 (3:40 pm). As I indicated therein, I have lived at 6235 Orcutt Rd (corner of Biddle and Orcutt) for over 34 years. I co-founded Tolosa Winery (35 full time employees and up to 85 during harvest) and planted and own with the Baggetts over 700 acres of grapes here in the Edna Valley (providing full time employment to 20 workers and up to 100 during harvest). In my June letter, I expressed certain concerns, principally the noxious odors emitted from hemp, the migration of hemp terpenes onto my grapes, causing "skunk" taint on the grapes, and the decrease in value of my property. What I did not anticipate were the adverse health effects I experienced in the fall when a hemp grow was flowering. This grow—2,000 feet away--caused severe watering of my eyes and uncontrollable sneezing when the wind was blowing my way. My neighbors had similarly complained and frankly, I was skeptical. No longer. This problem will be exacerbated when hemp operations reach full scale with 3-4 harvests per year—and a flowering season of 1-2 months with each grow.

I see real inconsistencies in policies between the Cannabis Ordinance (marijuana) and the draft Hemp Ordinance, probably attributable to the staff having to move way too fast, in the face of so many unknowns. For example:

in the Cannabis Ordinance, the County recognized the deleterious effects of offsite odors for both indoor and outdoor grows. Accordingly, it prohibited ANY offsite odors and required all applicants to submit an odor management plan to show how the operation would prevent offsite odors. While the draft Hemp Ordinance prohibits offsite odors from indoor hemp grows, it does not do so for outdoor grows. This makes no sense because marijuana grows are limited to 3 acres, while hemp grows are unlimited in size. The larger the grow, the more intense the odor problem. For consistency, the hemp ordinance should also prohibit offsite odors. The draft hemp ordinance also fails to require a "statement of neighborhood compatibility" together with a plan to address potential compatibility issues. There are 3 verifiable concerns from hemp terpenes:

1. noxious odors;
2. adverse health effects;
3. the real threat of "skunk" taint> (See my letter of behalf of the Edna Valley Growers MWC dated December 19, 2019, enclosing Prof Oberholster's opinion concerning the risks of terpene drift onto grapes).

In contrast, the draft Hemp Ordinance places no burden on the hemp grower to demonstrate a plan to address the incompatibilities of bringing in a new crop to the Edna Valley. Instead, it assumes the burden should be on existing vineyard owners, tasting room owners and event center owners to provide scientific evidence to support their concerns. Who should have the burden of proof here? After the vineyard industry (and related event centers) has invested well over \$100M, should not the hemp growers have the burden to prove hemp will not harm the existing ag owners? We know that even the perception of "skunk" taint has resulted in vineyard owners losing sales contracts. Moreover, the Cannabis Ordinance squarely places the burden on the cannabis grower—so should the Hemp Ordinance.

The Cannabis industry has been banned for 7 decades. Hemp growing just in the last few years became legal as a federal matter; and several states have legalized marijuana. So, there is a real scarcity of studies dealing with the compatibility of cannabis on existing crops, businesses and residences, as well as health effects on cannabis workers in the field and ag field workers nearby.

Neither the setbacks specified in the Hemp Ordinance—300 feet or some other number – nor the specification of site size is based on science or experience. 10 acres seems to be just an arbitrary number and could just as well be 100. Additionally, the 300 foot setback for the Hemp Ordinance was simply adopted from the Cannabis ordinance. But the 300 feet in the Cannabis ordinance is the minimum setback because the process involves a discretionary permit—so the neighbors can argue for a greater setback, whereas the 300 foot setback in the Hemp Ordinance is the maximum—the process is a ministerial over the counter exercise. No discretion to lengthen the setback. This is another discrepancy between the two ordinances.

Also, the Cannabis Ordinance measures the setback from the grower's property line. The Hemp draft measures from the edge of the grow to the edge of the residence. Another discrepancy.

Another shortcoming of the Hemp Ordinance: lack of meaningful enforcement. The elephant in the room is the lack of resources to enforce. Violators to date have been running circles around county enforcement efforts and will continue to do so. Lip service to enforcement is not sufficient. Much larger staff and resources for testing equipment are required for an honest commitment to enforcement. Enforcement will in any event be difficult. For example, the Hemp draft provides that outdoor cultivation "will be limited to non-flowering transplants only". Try and enforce that one.

Bottom line: No other crop grown in the Edna Valley can be grown into an illegal product except hemp. Given all of the above, I respectfully urge that hemp should be prohibited from the Edna Valley.

Facts re: the Edna Valley Appellation and Hemp

1. There are 3 federally approved appellations in the County: Paso Robles (660,000 acres); Arroyo Grande (39,646 acres) and Edna Valley (18,970 acres excluding the City of SLO)
2. The County land mass is 2,111,360 acres. The Edna Valley is a small valley--it represents just 0.008 of the total acreage in the County. It has a high concentration of vineyards, wineries, tasting rooms, and event centers. Also, Los Ranchos School and several dense neighborhoods and ranchettes throughout the Valley.
3. The Edna Valley is unique in California: (a) it is the coldest appellation in California; (b) it is the only appellation with 2 transverse valleys open to the ocean (Morro Bay-Los Osos and Pismo Beach) and (c) it has the longest grape growing season in California with bud break in Feb and harvest to Nov.
4. Because the Edna Valley is truly a valley, generally surrounded by hills, its climatic characteristics are uniform throughout the Valley. This differs from the "open" Paso Robles and Arroyo Grande appellations where the western and eastern portions have dramatically different temperatures, fog and wind. For example, Growing Degree Days ("GDD") for Paso Robles west and east range from 3117 to 3342 (F). For Edna Valley, the GDD is relatively constant 2371 (F). (Note: The GDD numbers were provided by UC Ag Extension, based on 24-hour monitoring. With only one monitoring station in the Arroyo Grande appellation, no GDD range could be provided).
5. With marine air from 2 sources, the Edna Valley experiences relatively high amounts of fog and wind from March to November, as compared to the Paso Robles and Arroyo Grande appellations. Wind records show windy conditions 2/3's of the time--average 7-8 MPH--and 20-30 MPH peak all year. Also, the winds predominately come from 2 directions, thereby creating a mix of wind influence, which is a recipe for broad distribution of hemp terpenes over large distances. Recent flowering from a hemp grow in the Valley was detected over 1 mile in several directions from the grow. The foggy conditions in the Edna Valley--near stagnant air mass-- also promote migration of hemp terpenes once the winds kick in later in the day.
6. Health effects: this flowering from a hemp grow this fall in the Edna Valley caused respiratory problems and insomnia for many residents up to 1 mile from the grow. Many complaints were lodged with the County. Odors from cauliflower and broccoli don't have these adverse effects on neighbors.
7. "Smoke" taint from wildfires unfortunately is a reality. The "smoke" taint from wildfires in No Calif has caused immense monetary losses to the wine industry, due to cancellation of contracts and rejection of grape after the wildfires.
8. The predominant terpene in Cannabis (whether marijuana or hemp) is myrcene which emits the strongly noxious "skunk" taint. At the July hearing on the hemp moratorium, we expressed serious concern over the threat of terpene drift on to vineyards resulting in unmerchantable grapes. We were told by the industry they were engaging in "fear mongering". But it turns out the fear of "skunk" taint is well founded. Please see the attached Oct 28, 2019 opinion letter from Prof. Oberholtzer, U.C.Davis, in which she describes that the deleterious effect of smoke volatiles and eucalyptus terpenes have had on grapes and the resulting end product--wine. She strongly suggests the cannabis

terpenes may have the same adverse effect on grapes, and wine. With the foggy conditions and near continual winds in our "true" valley, the risk of terpene drift is higher than any other location in this County,

9. Prof. Oberholseter stresses the need for research before risking the viability of the vineyard industry. But even without definitive research, the fear of "skunk" taint is taking its toll. In Oregon, grape contracts have been cancelled for fear of "skunk" taint from a marijuana grow on adjacent property. Why would a grape buyer risk "skunk" taint, especially when the defect in the wine may appear much later? Oregon legalized before Calif and forecasts the future for us.
10. Cannabis growers in Santa Barbara County have threatened and sued over spray drift—cannabis is very sensitive to pesticides, insecticides and fungicides. In fact, this issue of spray drift is even greater in the Edna Valley due to its foggy and windy conditions. The best conditions for spraying are in the morning before the wind picks up. But on foggy mornings the sprays can be suspended in the fog and then distributed when the wind picks up. We can learn from the experience in Santa Barbara. There avocado and citrus growers have been forced to curtail or reduce spraying due to claims/threats from the cannabis growers. These threats have already stopped companies from aerial spraying. And growers have now eliminated spraying near any cannabis grow, just letting some of their crops fail for fear of a lawsuit. In one case, a vineyard owner in Santa Barbara was sued for fungicide drift—she then went organic and lost her crop to mildew.
11. Vineyards and orchards face existential threats from insects such as the Asian citrus psyllid, the glassy winged sharpshooter etc. To save these permanent crops, we need to use insecticides, and in the case of citrus, need to use "air blasters" to cover the trees. Introducing hemp into the Edna Valley would obviously inhibit these "lifesaving" measures.
12. The Edna Valley is extremely susceptible to Powdery Mildew. Combined with a very long growing season, the amount of spraying to prevent Powdery Mildew is more than triple the number of sprays a vineyard in the North County receives. This means the Edna Valley grape growers will face far greater risk of spray drift than other growers in the County.
13. In the Edna Valley, approximately \$140,000,000 has been invested in wine grapes—a permanent crop—together with associated wineries, tasting rooms and event center—supporting a large ag tourism industry. Why risk this long-term investment for a seasonal crop, before definitive research is completed?
14. 25 counties prohibit hemp. Napa is banning both hemp and marijuana. Monterey severely restricts hemp in a pilot program. Some counties and states severely restrict hemp due to concerns of cross-pollination—cannot be grown within 5 miles of marijuana (Washington state) and 4 miles in Yolo County.

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COOPERATIVE EXTENSION
DEPARTMENT OF VITICULTURE AND ENOLOGY
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HEARING SUPPORT

October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effect that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards.

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor-neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or odor abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kennison et al., 2009; Krstic et al., 2015) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Capone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtray-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 10% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or Eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, fresh/minty/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (materials other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/L. Herve et al., (2003) reported a recognition threshold of 3.2 µg/L in red wine. Irrespective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 15.5 µg/L). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kennison et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Capone also found that *Eucalyptus* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with no MOG included, including no *Eucalyptus* leaves and/or bark, produced wines with above aroma threshold levels of 1,8-cineole if made from winegrapes grown within the first 50 meters from *Eucalyptus* trees. Including grape stems and some grape leaves as will be normal during most fermentations, will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Aizpurua-Olaizola et al., 2016). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The chemotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Aizpurua-Olaizola et al., 2016). This is a 10⁶ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 8.7 µgC g⁻¹ hr⁻¹ depending on the strain of *Cannabis spp* (Wang et al., 2019). Additionally, β-myrcene, eucalyptol and d-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, linalool, α-terpineol, β-caryophyllene, hashishene, α-humulene and more. New terpenes are continually being identified in cannabis plants.

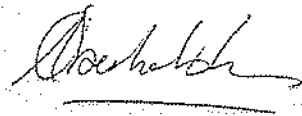
Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Carrau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, absorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616

Kip J. Morais

From: Donald Flinn <don.flinn@fslo2.com>
Sent: Wednesday, December 18, 2019 10:52 AM
To: PL_LongRangeShared
Cc: Adam Hill; John Peschong; Bruce Gibson; Lynn Compton; Debbie Arnold
Subject: [EXT]Draft Industrial Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Kip Morais, Project Manager
Brian Pedrotti, Senior Planner

I am writing regarding the draft Industrial Hemp Ordinance. My wife, father and I live at 6525 Mira Cielo in Edna Valley and have been unwilling participants in ongoing experiment on the effects of cannabis and industrial hemp in the area. We had no previous exposure to hemp prior to cultivation approximately 2500 feet up the East Corral de Piedra Creek.

I have allergies which have drastically reduced my sense of smell but my wife, like our neighbors, reports the smell makes spending time outside very unpleasant. My 93 year old father, like me, suffers from allergies. At his age, side effects make allergy medications inadvisable. I fly as a commercial pilot and subject to FAA restrictions. FAA regulations make the more effective antihistamines unusable without a period of 2.5 to 5 days after the last dose. There have been periods when I would be unable to fly due to the allergic reactions or barred from flying due to having to take proscribed antihistamines. I consulted with my allergist about adding hemp to the antigen shots I take and was told that due to Federal research restrictions there was no test available for hemp allergy and therefore no antigen available. My father's and my increased allergic reactions correlated with my wife's reports of hemp odor.

You don't explain your methodology for determining setbacks which could prevent movement of hemp pollen and odor. The Association of Official Seed Certifying Agencies recommends up to three miles to avoid hemp cross pollination. We notice the effects of hemp in the air at our house when the air becomes still beginning in the evening, and continuing until the wind begins in the morning. The still air allows the pollen/terpenes to concentrate in the air. As the air cools after sunset it descends, further concentrating the pollen and odoriferous terpenes. The cooler, denser air then flows down slope. In our case it follows the same path as water down the East Corral de Piedra Creek. A 300 foot setback is a nice, definable number, but has no relationship to the movement of pollen and terpenes and their effects on residents.

The draft ordinance obviously takes hemp odor seriously since it requires that odor not escape from an indoor grow. How is the odor from an outdoor grow any less of an issue?

The draft ordinance is clearly inadequate. The Air Force taught me to never complain about a problem without proposing a solution. Proper prediction of the flow of air containing pollen and terpenes requires expensive and time consuming measurement and modeling. It appears the only reliable way to ensure the effects of hemp cultivation do not make existing residences subject to the problems we now face. If that is not cost effective for growers, the three mile cross pollination distance measured by the Association of Official Seed Certifying Agencies should apply.

Kip J. Morais

From: M J <mj@ggslo.com>
Sent: Tuesday, December 17, 2019 7:10 PM
To: Board of Supervisors; PL_LongRangeShared
Subject: [EXT]Outdoor Industrial Hemp Draft Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors, Kip Morais and Brian Pedrotti,

I am writing you today with regard to the San Luis Obispo County's proposed Industrial Hemp Ordinance drafted by county staff members for your consideration. I would like to specifically address my concerns as a business professional running a business in Edna Valley and the negative impacts we've experience from a hemp growing operation that exists less than a mile down the road from our business, located at 300 Green Gate Road in San Luis Obispo.

I have been directly involved with the restoration and development of Greengate Ranch & Vineyard, located in Edna Valley from when it was first acquired by it's new ownership in 2012. Since that time, we worked tirelessly to restore the property and we are now running a very successful Events & Wedding Venue, home rental business and we farm a 90+ acre vineyard. Currently, we host 20- 25 weddings a year with an average guest list of approximately 200 ppl in attendance and during our off season, we have 4 rental homes all of which have few vacancies. Our business operations bring approximately 4-5,000 travelers a year from all over the country and Edna Valley is now nationally recognized as a top location for destination weddings . We currently employ 6 full-time employees and by many standards are considered a small employer to our county's workforce. That said, each year we refer business to over a 50+ various local vendors from the events and wedding industry. These vendors include: Event planners, photographers, caterers, beverage service providers, wineries, florists, lighting/draperies installers, furnishings, linens & service wear rental companies, musicians and DJs. In addition to our vendor referrals, those attending guests also require accommodations, dining experiences and enjoy the very best of SLO County's wine country. I share these business statistics not to boast of our successes, but rather to impress on you how impactful our business is not only to our local business community, but also in boosting tourism and creating lasting impressions with thousands of people every year.

For those reasons, I urge you once again to consider our concerns with the Industrial Hemp Ordinance as drafted and specifically with regard to the cultivation set-backs. The proposed draft does not recognize or sufficiently address potential health concerns and/or safety of any resident, proximity to schools, impacts on businesses, their employees or the air quality due to cultivation and harvesting of Hemp. Our business co-exists on a shared road with a neighboring hemp grower and the simple facts prove a 300 ft set-back does not provide adequate distance to diffuse the smell as we are less than a mile distance away. On several occasions the odor has been so strong it

permeates throughout our property & into the homes and our guests have left with a negative experience. This coupled with the potential of multiple grow cycles to push yields, gives us little reprieve from the odors that linger far beyond the initial harvest. Therefore, it is our conclusion that running a business within close proximity to hemp production is harmful to our business, our benefactors, i.e., the vendors we work with as well as the local businesses outside our referral group.

In closing, given the on-going revisions occurring at the State and Federal level, it may prove wise to observe the progression as the regulations evolve and allow time for further research on all the impacts of the Industrial Hemp production. In the meantime, should you move forward with some version of the ordinance, we respectfully ask that you reconsider the proposed set-backs requirements and increase distance far beyond a mere 300 ft. from any business, residences (to include those zone rural residential), schools/parks and any business bringing consumers to the area.

Thank you very much for your thoughtful consideration and I would like to express our sincere appreciation to the Board of Supervisors, county staff and all those working hard to ensure the safety and well being of our community and our local businesses.

Most sincerely,

MARJAN KELSEY

[Greengate Ranch & Vineyard](#)

300 Green Gate Rd | SLO, CA | 93401

e | mj@ggslo.com

c | 805.441-0255

Check us out | [Martha Weddings](#) | [Green Wedding Shoes](#) | [100 Layer Cake](#) | [The Knot](#) | [Style Me Pretty](#)

Kip J. Morais

From: Lynda Ziegler <zieglell@gmail.com>
Sent: Sunday, December 15, 2019 9:35 AM
To: PL_LongRangeShared
Cc: John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; George Donati
Subject: [EXT]Industrial Hemp Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Lynda Ziegler
6348 Mira Cielo
San Luis Obispo

949-616-6546
zieglell@gmail.com

Lived here 7 years and have 2 acres of grapes, indirectly employing 10+ workers

Comments on Ordinance:

Before addressing the specifics of the ordinance a comment on my experience. I have sent notes to the supervisors before regarding the smell from the hemp. Many times when I go outdoors I have an overpowering smell that makes my eyes water.

Generally the ordinance does not address the concerns of the citizens, particularly of Edna Valley.

Nuisance Odors: this term is not defined leaving each situation up to interpretation from different parties. In addition it appears it is only addressed for indoor growth and processing, what about the nuisance odor from outdoor growth. In addition odors are present even when the crop is not in bloom.

Setback: A setback of 300 feet is meaningless. I am not sure how far the hemp is from my property at this point but I clearly have a nuisance odor. I would think that a mile setback would possibly mitigate the odor but am not an expert on scent traveling in the air, however 300 feet clearly does not mitigate the impact.

Residences in ag zones: It is not acceptable to have no setback for residences in agriculture zoned areas. While hemp may currently be categorized as an agriculture crop is it quite different from what is currently grown in the Edna Valley. It clearly has nuisance odor and no one is yet sure of its potential impact on other crops. A significant setback is needed for residences.

Thank you for the opportunity to comment. I would be happy to provide any further comment or participate in discussion.

Sincerely,

Lynda Ziegler
Chair of the Board of Directors



MEMO

DATE: January 21, 2020

TO: Planning Commission

FROM: Kip Morais, Project Manager

SUBJECT: Industrial Hemp Ordinance (LRP2019-00008) – Industrial Hemp Processing

Staff would like to highlight the proposed Industrial Hemp Processing Standards for discussion. The Public Hearing Draft (PHD) ordinance currently defines industrial hemp processing as the following:

5. Industrial Hemp Processing. For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile manufacturing etc.



The drying, curing, trimming, packaging and preparing for further processing within a permanent building is considered an Agricultural Processing use. However, the PHD ordinance makes a distinction for processing industrial hemp grown onsite performed in the field with mobile equipment not involving permanent buildings. The ordinance classifies these activities as crop production and grazing.

This distinction was made in the PHD in an effort to be consistent with the Definition for Ag Processing found in the definition sections of Title 22 (Land Use Ordinance) and the Coastal Zone Framework for Planning that specifically states that processing performed in the field with mobile equipment not involving permanent buildings is included under crop production and grazing, as follows:

Ag Processing (land use). Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; precooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries, production of olive oil without the use of solvents, alcohol fuel production; and receiving and processing of green material, other than that produced on-site (commercial composting). Green material is any wastes which are derived from plant material, including but not limited to, leaves, grass clippings, weeds, tree trimmings or shrubbery cuttings. ***Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings (with the exception of the receiving and processing of green material other than that produced on-site) are included under "Crop Production and Grazing."(emphasis added)*** Olive oil produced with the use of solvents is included under "Food and Beverage Products". (SIC: 0723, 0724) [Amended 1995, Ord. 2740; 2012, Ord. 3235]

Furthermore, the definition for crop production includes #9: Field Processing:

Field Processing. Mechanical processing of crops in the field at harvest, when such activities do not involve a permanent structure. Such activities include but are not limited to hay baling and field-crushing of grapes



Two issues were raised that may warrant further clarification in the PDH Industrial Hemp section as written. In discussions with the County Counsel and the Building Division it became apparent that any processing (including drying and curing) performed in a hoop house would create a change of occupancy per Title 19 and would therefore not be allowed in such a non-permitted structure. The second issue that merits discussion is the process of field drying. This practice does have the potential to produce odors and would lengthen the amount of time odors are present on-site possibly by several weeks. To address these two items, one possible revision would be as follows:

Industrial Hemp Processing. For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). ~~The drying, curing, trimming, packaging and preparing for further processing of~~ The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, ~~hoop houses, or trailers are is~~ included under Crop Production and Grazing and subject to the standards set forth under 22.30.244.

This possible revision language would eliminate field drying and curing of industrial hemp and clarify up front that the use of hoop houses and trailers is not appropriate for industrial hemp processing either as an Agricultural Processing Use nor under Crop Production and Grazing. Staff is requesting that the Planning Commission discuss the issue and provide feedback to staff.

Item 9

DATE: January 3, 2020
RE: Comments for Draft Hemp Ordinance
TO: Kip Morais, Project Manager
Brian Pedrotti, Senior Planner
FROM: Susan Huls, Nipomo Resident

The Hemp Ordinance is an opportunity to “get it right” after the debacle of the cannabis ordinance. Compatible land use needs to be the driving premise in the development of the ordinance in order to protect the \$2.54 billion traditional agriculture industry in San Luis Obispo county.

After attending the ALAB hemp sub-committee meetings and conducting research on the cultivation of hemp, I offer the following comments and assertions for consideration for inclusion in the final hemp ordinance:

- The similarities of cannabis and hemp, they are basically the same plant, and the issues associated with both - odor, appearance, water usage, potential for cross pollination with the increase/reduction of THC content, requires careful consideration for the successful cultivation, compatibility with traditional agriculture and surrounding residents.
- The hemp ordinance must protect a thriving and valuable wine industry especially with the shift in tourism from the Sonoma/Napa to SLO (Paso, Edna Valley, etc.) due to the wildfires. Nat Geo.com, Los Angeles Times Oct. 27, 2019, Fortune Nov. 6, 2019
- There is not enough data on the effect of cannabis/hemp terpenes on wine grapes as the research is in progress with several years before the results are known. (See letter from UC Davis) Therefore setbacks need to be most restrictive until research data proves otherwise.
- The pesticide drift issue is threatening traditional ag with lawsuits by the hemp/cannabis for liability, pesticide contractors refusal to apply required pesticides, has become a major concern of the Santa Barbara/SLO County Shippers and Growers Association.
- Sensitive receptors: MUST include single/multi family residences as well as locations including wineries, event venues, concert venues, etc.
- No-grow zones of a 3 mile radius to address the cross pollination issue such as implemented in Monterey County.
- Must include restrictions/mitigations for 24 lighting of indoor cultivations such as those established in the cannabis ordinance for consistency.
- Must include restrictions for noise resulting from fans used with indoor cultivations such as those established the cannabis ordinance for consistency. Minimum decibel levels as well time of day/night restrictions of operation.
- Signage: (from the San Joaquin Co. ordinance) (Hopefully to prevent theft and vandalism from those mistaking hemp for cannabis)
 - i. Be of size so that the wording on the sign is clearly visible and readable to a person with normal vision from a distance of twenty-five (25) feet; and

- ii. Use letters and symbols that are of a color that sharply contrasts with their Immediate background; and
- iii. Be posted at the corners of the parcel and at all usual points of entry to the parcel, including each road, footpath, walkway, or aisle that enters the cultivation area.
When a parcel is adjacent to a public right-of-way, such as a road, trail, path, signs
Shall be posted at intervals not exceeding 600 feet along the parcel's border with the right-of-way.
- Odor mitigation must be consistent with cannabis ordinance for indoor/greenhouse cultivation. Odor mitigation methods used must address the odor before it leaves the greenhouse. No nuisance odors are to be detected outside the building.
- Minimum parcel size (acres): Outdoor cultivations - 30 acres
Indoor cultivation - 20 acres
- Zoning: No hemp cultivation in rural residential zones
Outdoor cultivation in general agricultural zones only
Manufacturing and process in commercial/industrial zones only
- All setbacks must be from the property line for consistency with the hemp and cannabis ordinance.

Hemp maybe classified as an agricultural crop, BUT the reality is it possesses unique characteristics that differentiates it from a traditional ag crop. Therefore hemp requires a thoughtful, fact based ordinance to ensure compatibility with current land use and the valuable, existing agricultural industry in the county.

Respectfully,
Susan Huls

cc: Planning Commission

DATE: January 3, 2020

TO: Kip Morais, Project Manager
Brian Pedrotti, Senior Planner

FROM: Stephanie Shakofsky, District 1 Resident

RE: Comments on the County Draft Hemp Ordinance

On Tuesday, June 18, 2019, the San Luis Obispo County Board of Supervisors passed an Urgency Ordinance placing a temporary moratorium on the cultivation of industrial hemp. On July 16, 2019, the Board extended that urgency ordinance through June 2020. At that same meeting, the Board directed the County Planning Department, with input and assistance from the Agricultural Liaison Advisory Board (ALAB) hemp industry representatives, and concerned citizens, to develop a permanent ordinance governing hemp cultivation.

On December 18, 2019, ALAB sent a letter to the County making five recommendations, which were generally supportive of hemp cultivation, but clearly lacking in any definitive policy recommendations. The strongest recommendation made by ALAB states:

“ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.”

This comment clearly reflects the concerns expressed by ALAB members, and “concerned citizens” who attended the policy meetings, that there simply is not enough reliable or scientific information to assess the environmental and human health impacts of hemp cultivation.

The San Luis Obispo County Farm Bureau in their comment letter to the County, dated December 19, 2019, regarding the hemp ordinance states:

- “Our members have identified three primary issues of concern with industrial hemp, including:
- Odors from hemp cultivation being a nuisance to neighboring residences or businesses;
 - Possible contamination of wine grapes by compounds present in the odor emitted by hemp and cannabis (compounds known as terpenes); and
 - Legal liability from contaminating hemp and cannabis with pesticides used in neighboring crop fields for non-hemp or cannabis crops.”

The issues raised by ALAB and the Farm Bureau reflect the agricultural and farming community’s concerns about the environmental impacts caused by the cultivation of hemp.

Further, the County’s Urgency Ordinance #3393, which declared a moratorium on hemp cultivation, the County states in Sec 2 (N):

“As cannabis cultivation permits have been processed, the County has received substantial amounts of public testimony regarding the potential harmful effects of cultivating cannabis,

specifically, odor nuisance and public safety concerns. Individuals opposing either existing or proposed cannabis cultivations, cite foul “skunk-like” smells emanating from the operation, the need to close windows, people unable to go outside due to the noxious skunklike odor, and people experiencing irritated eyes because of the odor. Cannabis cultivation projects are therefore individually reviewed to look at setbacks and locations of sensitive receptors in order to minimize odor nuisance. Individuals also cite similar odor complaints regarding certain odor “masking” systems which are often used in the growing of cannabis identifying an “overwhelming Febreze like smell” which is similarly annoying and causing eye irritation. At this point, it is unclear if industrial hemp has similar odors thus implicating these same potential impacts and further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed.

It is not clear that the County has conducted the appropriate studies to determine the potential risks to the environment and human health raised by ALAB, the Farm Bureau, and your own Ordinance (#3393, Sec 2(N)). I trust that the County will conduct an appropriate environmental review of this draft ordinance prior to any administrative vote.

Thank you for the consideration.

January 1, 2020

To: San Luis Obispo County Supervisors:

John Peschong
Bruce Gibson
Adam Hill
Lynn Compton
Debbie Arnold

From: Judy Darway

Business owner (C & J Darway, Inc.), landowner, farmer, and resident in Edna Valley
758 Twin Creeks Way
San Luis Obispo, CA 93401
(805) 459-6175

Supervisors:

This letter is in response to your Hemp Ordinance dated November 19, 2019:

Your mission statement published on your website states that your goal is the “implementation of policies and provision of services that will enhance the economic, environmental, and social quality of life in San Luis Obispo County.” Sadly, your hemp ordinance does not meet any of those goals.

1. The biggest problem with your ordinance is that there is no provision for an enforcement division and there are no specific consequences to enforce. A “cannabis hearing officer” is mentioned, but there is no such office currently active, funded, or defined. If this job falls under the jurisdiction of a board or office already established, how is it funded and provided for? Do we have equipment to test crops? Do we have exact consequences for crops that do not meet testing levels? Basically—who goes out into the field to find violations and has the power and resources to correct them? What exactly are the violations? An active, working enforcement division must be in place before permits are granted and growers can operate. Growers cannot stay within a standard that is not clearly stated with consequences established for violation. Until the infrastructure is established and an enforcement body implemented, hemp/cannabis growers have nothing to be accountable for.
2. What constitutes a “nuisance?” Is there a measure of terpene levels in the air or distance of travel through the air that can be measured? Residents of Edna Valley have learned that the molecular structure of cannabis terpenes causes them to “sink” in the atmosphere and our unique environmental structure allows the odor and allergens, to travel air streams to the lowest place. Simply put, you could be right next to a hemp field, but slightly elevated and not smell it at all, but depending on wind currents, you

could be over a mile away and with a shift in current be blinded by sneezing, watery eyes, and breathing difficulty. How are your set-backs determined? Distance is meaningless in the Edna Valley's unusual environment. Odor is a part of agriculture, but intense allergens is not.

3. Due to its unique weather and environmental conditions, one solution might be to "carve out" the Edna Valley as a cannabis free area until conflicts with established crops can be identified. If the conflicts with established crop can be managed, then that needs to be set in place. If conflicts remain detrimental to existing operations, then locations of hemp/cannabis operations will need to be restricted. The reason that the Edna Valley has been established as a perfect place for certain varieties of grapes, citrus, and vegetable crops is its unique characteristics. Cannabis is known to interfere with some of these established crops and some of the methods of farming, materials used in growing, and timing for applications of amendments to established crops and cannabis crops are in currently conflict.
4. The state of California CFDA new rules now include the addition of the word "all" in their regulations regarding cannabis and hemp. The latest state documents say "all hemp cultivation", "all cannabis operations" instead of leaving cannabis and hemp operations with multiple and confusing designations that lead to unregulated operations. Anyone or any group, organization, or institution who cultivates, grows, or transplants hemp/cannabis is included in regulations. We have had a serious problem with unregulated spraying, threats to established farmers, drift to bordering crops, lack of protection to farm workers, use of unidentified amendments, and claims of organic crops that do not meet organic requirements in the Edna Valley. There are some issues that come up because hemp/cannabis cultivation is new to our county. Just because something has been overlooked in regulations, it should not become an "unregulated" use or entity that is outside regulation. Use of the word "all" and addressing known current types of licenses and permits would help alleviate the "Wild West" conditions we met with this year.

If all hemp and cannabis operations meet the same requirements as other farmed crops for testing, spraying, contamination of neighboring properties, creek setbacks, CA Water Board reporting and testing, run-off regulations, the enforcement of standards would be much simpler. If these are truly agricultural crops, they should be required to meet all farming regulations regardless if they grow for industrial, medical, research, or personal use.

5. Why are rural residential structure not included in setbacks and protections? Just because someone farms vegetables and has a home on their farm does not mean they do not need protection and consideration. If something is dangerous for school children,

wine tasters, and wedding guests—it is dangerous to residents who are there every day. Please include Rural Residential structures in your document.

In conclusion, these are only a few of the many problems with the currently proposed Hemp Ordinance. When the State declared hemp and cannabis to be legally grown in California, it gave counties the responsibility to regulate the crops. That was a huge responsibility for counties and has resulted in terrific problems where a structure is not in place. San Luis Obispo County needs specific rules and protections for both the hemp/cannabis growers and the established business/residents/farmers that are already here. Without rules, consequences, and enforcement no one is protected. This document has nothing but a vague outline. It does not address the concerns and complaints that have arisen this last year as we tried to move forward without structure. Law enforcement cannot enforce rules that do not exist. Loopholes allow farmers to operate in unsafe manners. It is not the job of the Board to be everyone's friend, it is the job of the Board to create and implement policies that are best for the whole county. Please create a document that has specific rules and consequences for the cannabis/hemp growers so that we can all work together like we did when the new wine, citrus, and avocado growers came into our area and when we moved from cattle barons to include hay, vegetables, and growing crops. Please be sure that there is a funded, active, established agency that has the power and staffing to deal with issues that arise. Please include all growers in your documents.

There should be a way to have hemp/cannabis as part of our San Luis Obispo agricultural plan. Whether it means carving out sensitive areas, increasing setbacks, or something else, we cannot go on with the reckless abandon that has occurred in 2018 and 2019. Most hemp/cannabis growers want to fit into the community without being a nuisance. Most established farmers are open to bringing in new crops to enhance and strengthen our agricultural community. We can't work together if we do not know what we are and are not allowed to do and what things we may need to adjust to make it all happen.

Thank you for your diligence in making this document an enforceable, effective plan for our county.

Judy Darway
Concerned resident, property owner, farmer of Edna Valley

Kip J. Morais

From: Slater Heil <slater.heil@bloomsie.farm>
Sent: Saturday, January 04, 2020 10:32 AM
To: PL_LongRangeShared
Subject: [EXT]Industrial Hemp Permanent Ordinance Comments

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello,

I was one of the applicants that was rejected in SLO county when the ordinance last year. Since then, we have moved our business elsewhere where we are cultivating indoors

If SLO opens back up, we would certainly like to move our business back here. However, 5 acres of indoor cultivation is too large of a permit requirement.

Why?

Because indoor growers do not grow large scale hemp biomass. It would not make any sense, given how much more expensive it is to grow indoors. It only makes sense to grow indoors when you are trying to grow high quality hemp flowers, which require controlled conditions.

And to have a company selling flower products, you just don't need very much acreage.

My company sells tens of thousands of 1 gram units wholesale monthly, and we only require .25 acres of grow operation to supply that business.

Plus, you will almost never be able to smell indoor grows, or see them. Unless they are massive.

I'd invite you down to my current grow operation in Santa Maria if you would like to get a feel for the smell and see what .25 acres of indoor looks like.

To summarize: even a strong and relatively large indoor grow company will rarely ever use 5+ acres of indoor grow space, due to costs and the product you tend to develop indoors. We should remove the size limit or decrease it significantly to accommodate these companies.

--

Slater Heil

Founder and CEO | Bloomsie Inc.

www.bloomsie.farm

(805) 458-6860

Ramona Hedges

From: Hannah Miller
Sent: Thursday, January 09, 2020 5:41 PM
To: Ramona Hedges
Subject: FW: [EXT]Re: Draft Hemp Ordinance

FYI

From: Bruce F <brucefal100@gmail.com>
Sent: Thursday, January 9, 2020 4:58 PM
To: PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; George Donati <George@pacificcoastfarming.com>; Ramona Hedges <rhedges@co.slo.ca.us>; Marty Settevendemie <msettevendemie@co.slo.ca.us>; Marc Lea <mlea@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>
Subject: [EXT]Re: Draft Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Mr. Pedrotti and Mr. Moras:

I have reviewed your agenda package for the hemp hearing on January 23, 2020. In the Public Comments Section, you cut my letter to one page, leaving out 2 or 3 additional pages. It is Page #42. You also cut off the author of Page 48 (from mj@ggslo.com) and Page 57 (from Dr. Brad Parkinson). Then you have some floating pages, #70, #71, #72, and #73 that are not connected to any letter.

I ask that you please correct the attachment to include ALL pages of the comment letters you received, and please notify all of the Commissioners of your error. Not including some of the Public Comment could be inferred as bias, and should cause the Commissioners to pause and do some soul searching as to the question if they are getting all the story.

As this letter is being received before the 5:00 deadline for issuing the agenda, I see no reason not to act, and act fast.

Bruce Falkenhagen
(805) 541-1895

On Thu, Jan 2, 2020 at 12:55 PM Bruce F <brucefal100@gmail.com> wrote:

Mr. Moras and Mr. Pedrotti:

In the near future, you will be asking the Planning Commission to amend it's ordinances as they pertain to the growing of hemp in San Luis Obispo County. I have issues with what has been presented, primarily with what has happened recently and how your proposed ordinance changes would address and resolve the issues.

We are residents of the County for 38 years. For the past 20 years we have owned a parcel on the southern border of the Edna Valley next to the Cold Canyon Landfill, and lived on it for 15 years as residents.

After being out of the area for a few weeks this last September, we returned the first of October. On October 2nd, my wife smelled hemp/cannabis odors for about 1 hour that were coming from the primary grower in the middle of the Edna Valley. We are 5,800 feet from the hemp/cannabis grow site and 6,300 feet from the

hemp growing site. For purposes of this letter, I will use the 5,800 foot distance as the distance to the odor site. I sent a complaint to the County, the Board of Supervisors, the individual Board members, the APCD, the AG Commissioner's office, and the Planning Department.

The only response was from the APCD, who said that since the CA Department of Food and Agriculture has identified cannabis (which includes hemp) as an agricultural product, that have no jurisdiction as agricultural crops are specifically exempted from APCD regulation dealing with nuisance odors.

There was no response from the AG Commissioner's office.

On October 4th, I smelled the hemp/cannabis again, this time for an extended period of about 4 hours. It was smelled by four other people. It was at a higher elevation than the first complaint. I did not report it, because the first nuisance complaint was pending for a County response. That response was never received.

I cite this experience, because it should cause the staff and the decision makers to pause and ask the question, "How does the proposed ordinance address this type of complaint? Would it have been dealt with and resolved?"

Contrary to the comment by one Board member questioning the possibility that these odors could travel over a mile, the odors did travel over a mile. In the case of the first complaint, 5,800 feet. This was at the floor of the Valley, which is about 40 feet above the elevation of the hemp grow site. For the second complaint, it was smelled at an elevation of 420', 120' above the elevation of the grow sites.

1. Enforcement. Clearly, right now there is no enforcement. Unless something changes, the status quo will remain. No enforcement. Parts of new enforcement issues are just now being developed at the State and Federal levels, dealing with testing protocols, time of testing, etc. Counties are rethinking their Ordinances. Initial rushes to adopt have been shown to be fraught with errors, as evidenced by Buellton, Carpinteria, and the rest of Santa Barbara County's issues, Oregon school issues, Monterey County's almost complete banning of the products except in remote areas, Napa Valley issues, even former Lieutenant Governor' Maldonado's SLO testing protocol issues to name a few.

2. Nuisance Odors- Processing. Section 22.30.070.D.5.b states:

"Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite."

Since I have detected nuisance odors, reported them, and I am 5,800 feet away, that means no industrial hemp processing facilities can be sited where they are today. It had to be hemp, because if it were cannabis, under 22.74.150.G, the AG Department would be going through the Nuisance Abatement Hearings. I have heard nothing on this potential action.

If the grower was doing processing, what have they (the Ag Department) done to the growing site's Odor Management Plan to make odors undetectable at my home (as it's the offsite location)? If nothing, the Ordinance needs some tweaking.

3. Nuisance Odors- Cultivation- Outdoors. Section 22/30.244.B.2 (Hemp Cultivation) states an odor control requirement for indoor growing, but is mute on outdoor growing. You now have a complaint from 1-1/4 miles away on an outdoor grow, so what will the control requirement be for outdoor grows? The setback of 300 feet clearly will not work for control, as it has been "busted".

With this omission, the County staff is condemning every citizen and business living, operating or being within 5,800 feet of a hemp site of having to put up with these odors. That is a very big radius, and the smell is not pleasant.

Proponents of growing cannabis and/or hemp try to point out that odoriferous vegetables like broccoli, are allowed to grow under Right to Farm Ordinances. However, those other products have been grown for decades here, most likely longer than the County Planning Ordinances even existed. Hemp is a new product.

The AG Ordinance that protects older crops states:

Section 5.16.031. Pre-existing Agricultural Processing Uses Not a Nuisance

(2) If an agricultural processing activity, operation, facility, or appurtenances thereof **substantially increased its activities or operations after January 1, 1993, then a public or private nuisance action may be brought with respect to those increases in activities or operations that have a significant effect on the environment.** For increases in activities or operations that have been in effect more than three years, there is a rebuttable presumption affecting the burden of producing evidence that the increase was not substantial

Hemp does not meet this standard. It is not pre-existing. A public or private nuisance action may be brought.

If broccoli were introduced today, it most likely would not be approved, or as Monterey County did with hemp, approved but isolated to an unpopulated area.

I believe the best way to deal with this issue would be to increase the setback to a greater distance, reflective of the complaints received to date across the State. The 300 foot distance is not based on science, statistics, or real world data. If I am wrong, please provide the hard backup data showing 300' is a statistically significant answer. I would like to offer setting the setback to 2,640 feet (1/2 mile), as I believe the County would eliminate in one fell swoop maybe 70% of the potential complaints.

Then in five years, revisit the ordinance to see what complaints were received, and statistically set the setback distance to protect a certain percentage of the population based on distance. Maybe use the figure that would eliminate 80% of the individual locations complaining of odors.

4. Facilities included in Setback Limits (22.30.244.B.1.a). Permitted Event Centers should be added as an operation to be avoided. "Permitted" because those operations have gone through County review and should be protected.

5. Setbacks for Indoor Hemp Cultivation (22.30.244.B.1.b). 100 feet for a setback is not enough. All the "indoor" part does (the roof and walls) is concentrate and intensify the odors so that when they are released, they are concentrated more than an open outdoor grow that just continually emits the same amount but over a longer time. I suggest that a distance that is 50% of the outdoor setback be used.

I hope that you take these comments under consideration. Thank you very much.

Bruce Falkenhagen

From: mcberry@aol.com <mcberry@aol.com>

Sent: Wednesday, January 22, 2020 1:03 PM

To: Brian Pedrotti <bpedrotti@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Hemp Grow at 1091 Viva Way Nipomo

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Brian how have you been ? I just received an e-mail about the Hemp meeting tomorrow and hopefully it's not too late to register my comments. After ten years of dealing with Plant Source /Viva Farms at this location my neighbors and I have now spent the last ten months putting up with this extremely annoying operation . There are still four non permitted buildings at this location that are part of a demolition permit issued in 2016. The new owners are not only continuing to use them but have installed lights and fifteen huge very loud fans that come on automatically 24 hours a day. The hemp odor generated at this location can be smelled by neighbors as far away as the old Clearwater Nursery on Mesa Road, you can imagine how strong it is at my house just 90 to 100 feet away! I don't know how much time you spent on Granny-Tiny home ordinances but at a SCAC meeting you stated motor homes and travel trailers were not allowed as living quarters but when the employee that is living on the property was presented to Danny DelRio at Code Enforcement he said it was irrelevant. Hopefully my and the other neighbors concerns will be considered and this Hemp Grow can be required to relocate. Thanks Mike Berry

PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME: _____

AGENDA ITEM: _____

ISSUE: _____

SIGNATURE: _____

DATE: _____



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NAME:

RICHARD HALGREN

AGENDA ITEM:

HEMP

ISSUE:

HEMP PLANTING

SIGNATURE:

Richard Halgren

DATE:

1-23-20



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NAME:

Ray Poiset

AGENDA ITEM:

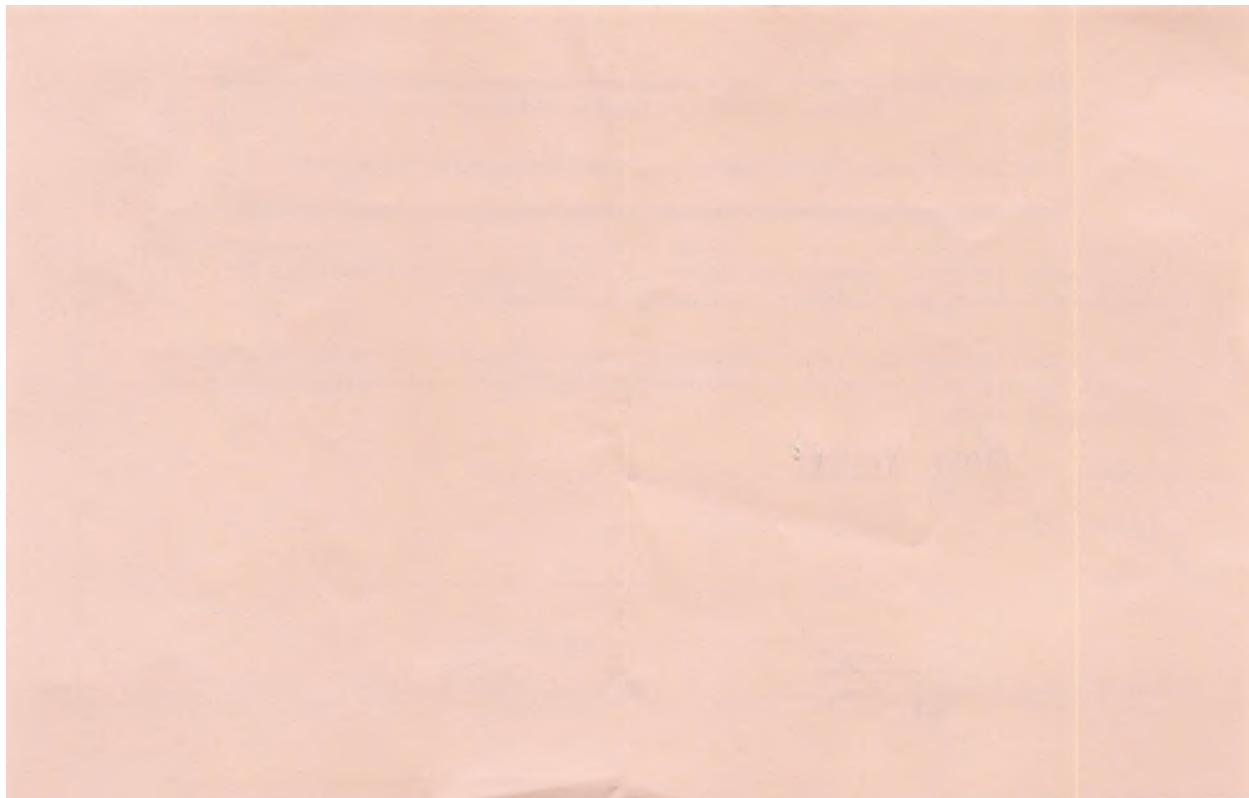
ISSUE:

SIGNATURE:



DATE:

1-23-20



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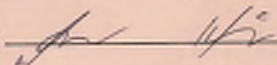
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NAME: Slater Heil

AGENDA ITEM: Hemp Ordinance

ISSUE: Indoor grow requirements

SIGNATURE:  1/20 DATE: 1/23/20



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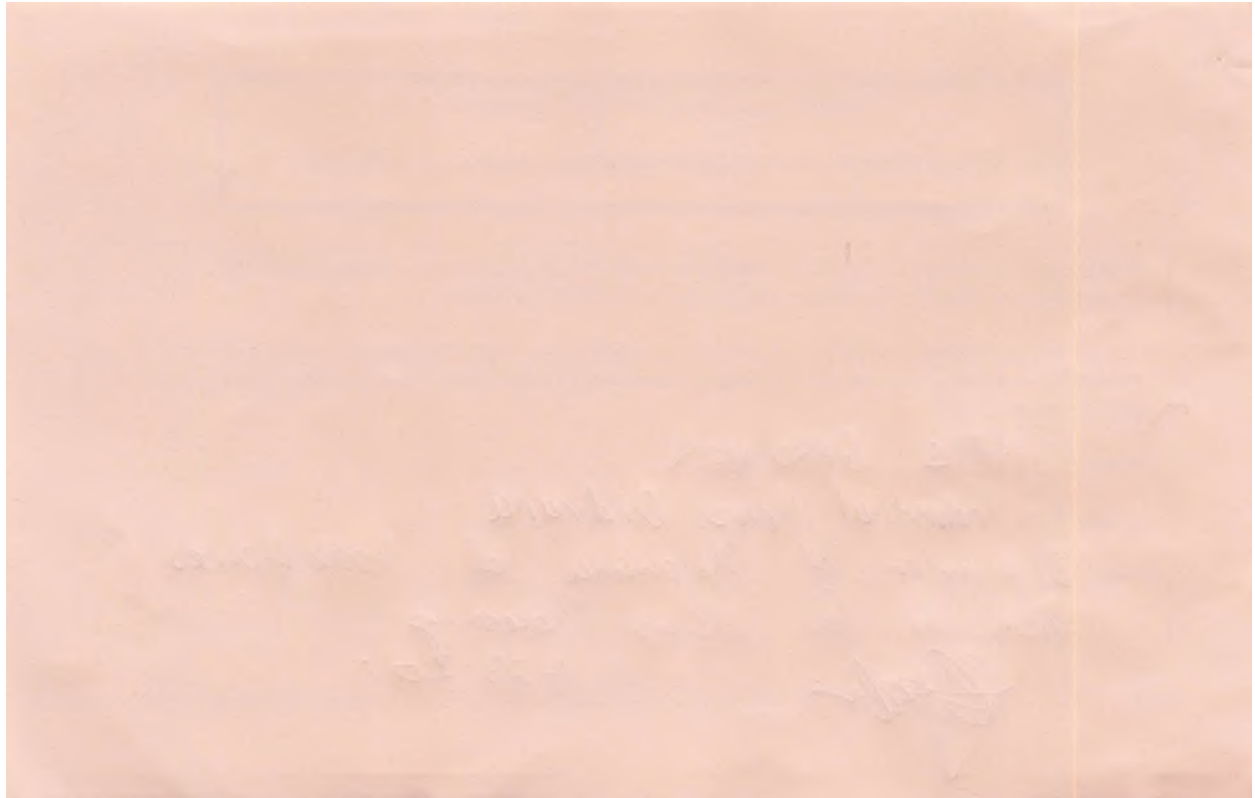
Public Comment remarks should be directed to the Chairman and the Commission as a whole and not to any individual thereof. No person will be permitted to make slanderous, profane or personal remarks against any individual.

NAME: RHYS GARDINER

AGENDA ITEM: Industrial Hemp Ordinance

ISSUE: Elimination of Allowance of Hoop Houses
from as for Hemp Processing

SIGNATURE:  DATE: 1-23-20



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NAME: Brandon Rivers

AGENDA ITEM: INDUSTRIAL HEMP

ISSUE: ordinance Draft

SIGNATURE: Brandon Rivers DATE: 1/27/20



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NAME: John Sordelet

AGENDA ITEM: Hemp

ISSUE: _____

SIGNATURE: John Sordelet DATE: _____



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NAME: *Bill Greenough*

AGENDA ITEM: *8*

ISSUE:

SIGNATURE: _____

DATE: *1/23/20*

Bill Bryson

PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME: Lucas Baines

AGENDA ITEM: DRC 2017-00017

ISSUE: Hemp Ordinance

SIGNATURE:  DATE: 4/23/2020



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NAME:

Sean Ponahoe

AGENDA ITEM:

9 hemp

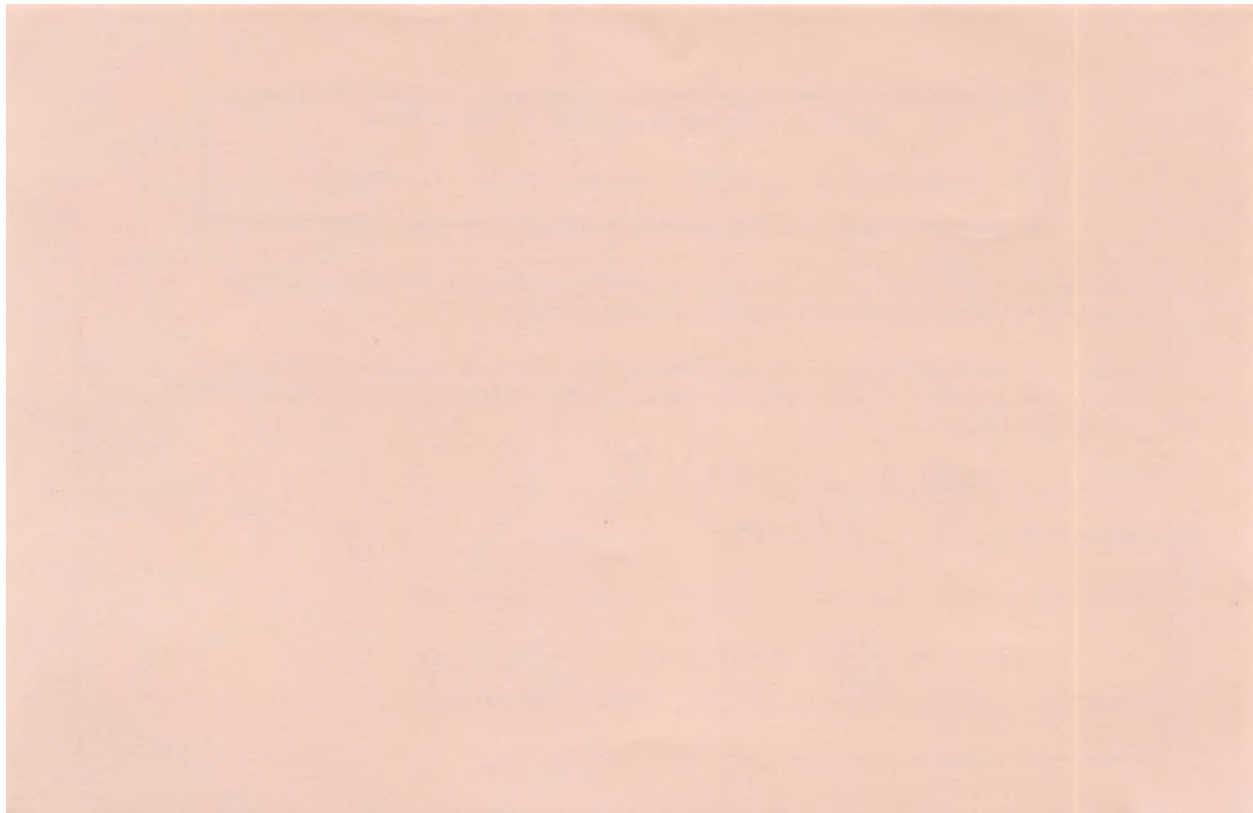
ISSUE:

SIGNATURE:

Sean Ponahoe

DATE:

1/23/20



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NAME: Sue Sullivan

AGENDA ITEM: # 9

ISSUE: Hemp ordinance

SIGNATURE: [Signature] DATE: 1/23/20



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NAME:

ROBIN BAGGETT

AGENDA ITEM:

9

ISSUE:

INDUSTRIAL HEMP ORDINANCE

SIGNATURE:

R. Baggett

DATE:

1/23/2020



PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME: Brent Burdett, SLO County Farm Bureau

AGENDA ITEM: Hemp Ordinance

ISSUE: _____

SIGNATURE:  DATE: 1/23/2020

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NAME:

Sean Donahoe

AGENDA ITEM:

9

ISSUE:

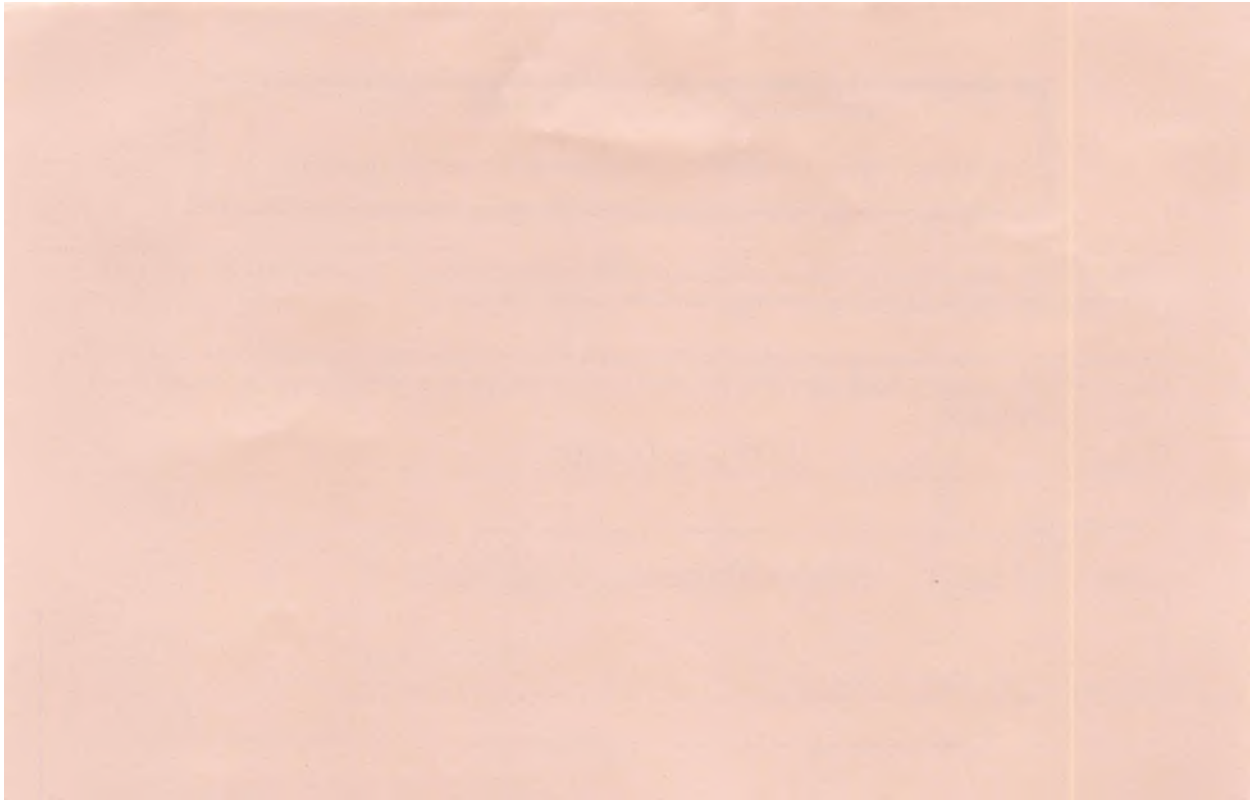
Hemp regulations ordinance

SIGNATURE:

Sean Donahoe

DATE:

11/23/20



PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME: MURRAY POWELL

AGENDA ITEM: #9 - COUNTY HAZARD ORDINANCE DRAFT

ISSUE: VARIOUS PROPOSED PROVISIONS

SIGNATURE: [Signature] DATE: 1/27/2020



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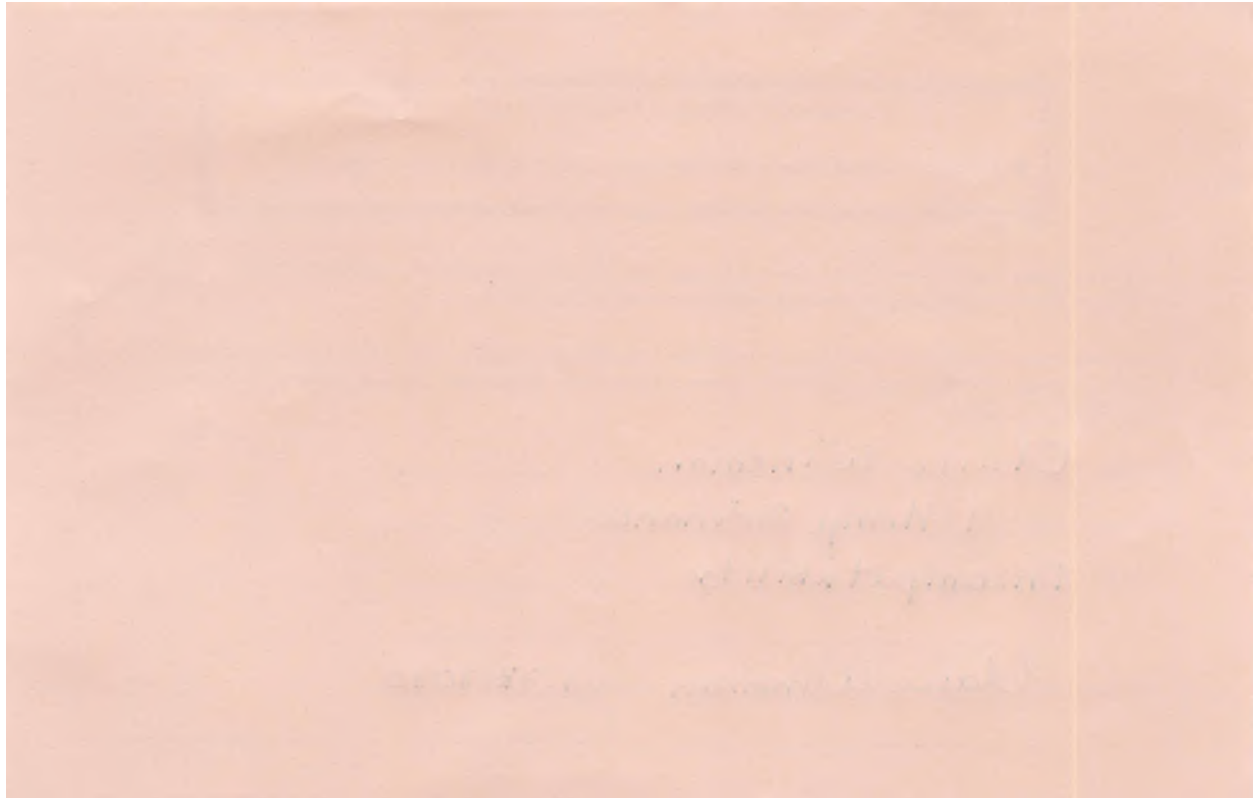
Public Comment remarks should be directed to the Chairman and the Commission as a whole and not to any individual thereof. No person will be permitted to make slanderous, profane or personal remarks against any individual.

NAME: Claire Wineman

AGENDA ITEM: 9- Hemp Ordinance

ISSUE: Incompatibility

SIGNATURE: Claire Wineman DATE: 1.23.2020



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NAME:

Lynda Ziegler

AGENDA ITEM:

Hemp Ordinance

ISSUE:

setback - nuisance orders

SIGNATURE

Lynda Ziegler

DATE:

11/23/20



PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME: Lena Wilson

AGENDA ITEM: 9

ISSUE: Hemp grower setback not
sufficient

SIGNATURE: [Signature] DATE: 1/23/2020



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NAME: Judy Darway

AGENDA ITEM: # 9

ISSUE: # ordinance is incomplete

SIGNATURE: Judy Darway DATE: 1-23-2020



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NAME: Nick Andre

AGENDA ITEM: 9

ISSUE: Hemp

SIGNATURE:  DATE: 1/23/20



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NAME: Crystal Bradshaw

AGENDA ITEM: 9

ISSUE: Hemp Ordinance

SIGNATURE: Crystal Bradshaw DATE: 1/23/20



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NAME: Donna Mehlschau

AGENDA ITEM: 9

ISSUE: LRP2019-0000B

SIGNATURE: Donna Mehlschau DATE: _____



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NAME: Collette Van Gerwen

AGENDA ITEM: #9 Industrial Hemp Planning Commission Hearing

ISSUE: Interference of Hemp growth with gurst experience
of wine tasting and evaluation in the Edna Valley

SIGNATURE: Collette Van Gerwen DATE: 1/23/2020



PLANNING COMMISSION APPEARANCE REQUEST FORM

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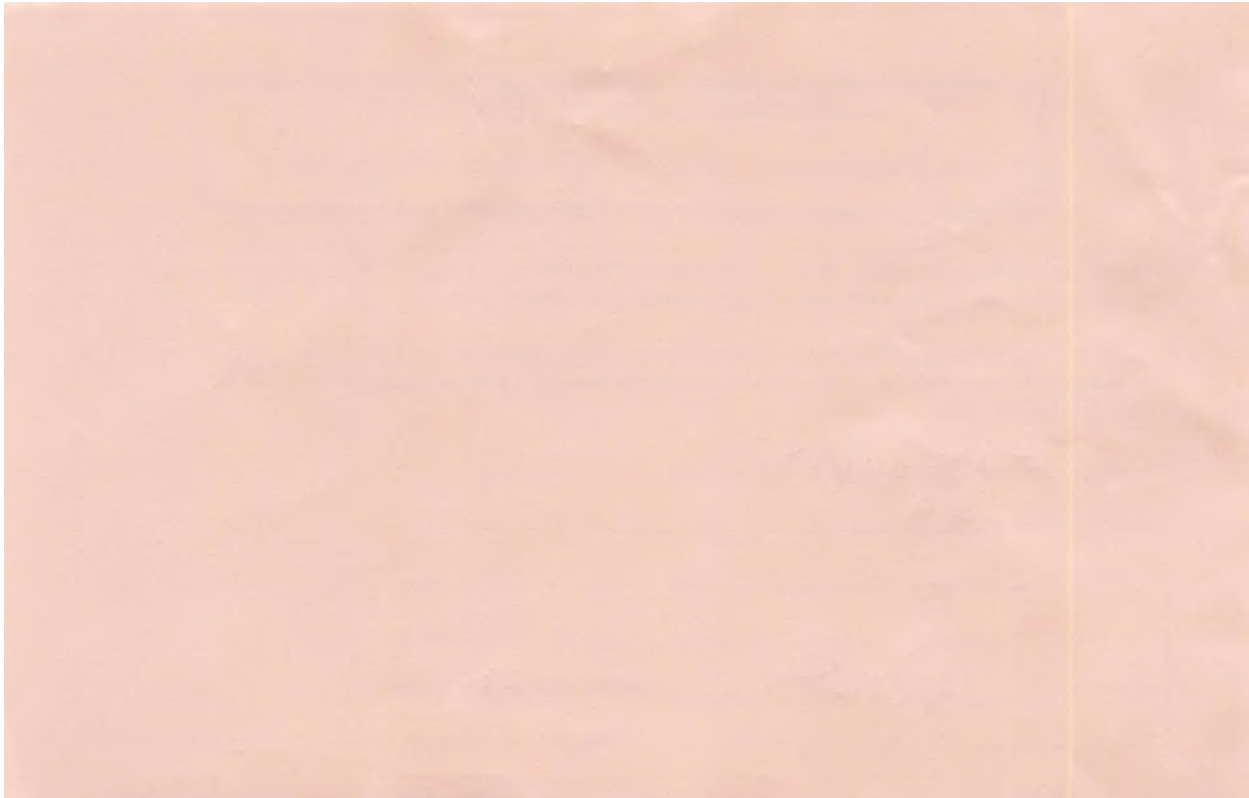
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NAME: George Dantoli

AGENDA ITEM: # 9

ISSUE: Hemp

SIGNATURE:  DATE: 1-23-2020



PLANNING COMMISSION APPEARANCE REQUEST FORM

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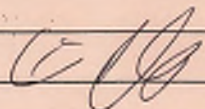
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NAME: Bruce Falkenberg

AGENDA ITEM: Hemp- #9?

ISSUE: _____

SIGNATURE:  DATE: 1/23/20



1-23-2020

My name is Donna Mehlschau and I have lived in Nipomo since 1959.

Our valley area supports various Agricultural crops. Avocado, citrus, wine grapes, row crops, and nurseries are some of the commodities. All ag crops are governed by the California Department of Food and Agriculture and monitored for various reasons. None of the existing crops however has 24 pages devoted to regulations as does the HEMP.

HEMP is NOT JUST ANOTHER AG CROP.

If you approve Hemp as an AG crop then you must evaluate the compatability with existing crops. Is Hemp and Cannabis going to be able to exist side by side????



Donna Mehlschau
101 Mehlschau Rd
Nipomo, CA 93444
805-714-0011



PLANNING COMMISSION

AGENDA ITEM: 9
DATE: 1/23/20

DO NOT REMOVE FROM FILE

CALIFORNIA INDUSTRIAL HEMP LAW AND REGULATIONS

**EXTRACTS FROM THE
CALIFORNIA FOOD AND AGRICULTURAL CODE**
Division 24, Sections 81000-81015

CALIFORNIA CODE OF REGULATIONS
Title 3, Division 4, Chapter 8
Article 1. Registration of Industrial Hemp Growers
Article 2. Regulations for Industrial Hemp Cultivation
Article 3. Abatement and Enforcement

Rev. 01/01/20

TABLE OF CONTENTS

**California Food and Agricultural Code
Division 24. Industrial Hemp**

81000. 1
 81001. 3
 81002. 4
 81003. 5
 81004. 6
 81004.5. 7
 81005. 8
 81006. 9
 81007. 10
 81008. 11
 81009. 11
 81010. 11
 81011. 11
 81012. 12
 81013. 12
 81014. 12
 81015. 13

California Code of Regulations

Article 1. Registration of Industrial Hemp Growers

4900. Registration Fees 14

Article 2. Regulations for Industrial Hemp Cultivation

4920. List of Approved Seed Cultivars 15
 4921. Methodology and Procedure to Update the List of Approved Seed Cultivars 16
 4940. Sampling Timeframe and Pre-Harvest Notification for Industrial Hemp 17
 4941. Sampling Procedures for Testing Industrial Hemp for THC Content 18
 4942. Approved Testing Method for Testing Industrial Hemp for THC Content 19
 4943. Approved Laboratory for Testing Industrial Hemp for Testing Industrial Hemp
for THC Content 20
 4944. Notification of Laboratory Test Report 20
 4945. Approved Testing Method for Retesting of Industrial Hemp for THC Content 22
 4946. Final Disposition for Registered Industrial Hemp Crops 22

Article 3. Abatement and Enforcement

4950. Destruction of Non-Compliant Industrial Hemp Crops 23
 4950.1. Voluntary Destruction of Industrial Hemp Crops 23



California Industrial Hemp Law

The following sections are extracts from Division 24 the California Food and Agricultural Code. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Food and Agricultural Code published by the California State Legislature.

81000. Definitions.

(a) For purposes of this division, the following terms have the following meanings:

- (1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.
- (2) "Board" means the Industrial Hemp Advisory Board.
- (3) "Cultivar" means a variety of industrial hemp.
- (4) "Established agricultural research institution" means an institution that is either of the following:
 - (A) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers.
 - (B) An institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.
- (5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.
- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.
- (9) "THC" means delta-9 tetrahydrocannabinol.
- (10) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.

(b) This section shall remain operative only until the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), and as of January 1 of the following year is repealed.

(Amended by Stats. 2019, Ch. 838, Sec. 2. (SB 153) Effective January 1, 2020. Repealed on the date prescribed by its own provisions. See later operative version added by Sec. 3 of Stats. 2019, Ch. 838.)

81000. Definitions.

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- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.
- (9) "Research plan" means a strategy devised by an established agricultural research institution, or applicant established agricultural research institution, detailing its planned approach to growing or cultivating hemp for academic or agricultural research.
- (10) "THC" means delta-9 tetrahydrocannabinol.
- (11) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.

(b) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

(Repealed (in Sec. 2) and added by Stats. 2019, Ch. 838, Sec. 3. (SB 153) Effective January 1, 2020. Operative on the date prescribed by its own provisions.)

81001. (a) There is in the department an Industrial Hemp Advisory Board. The board shall consist of 13 members, appointed by the secretary as follows:

- (1) Five of the board members shall be growers of industrial hemp that are registered pursuant to the provisions of this division.
- (2) Two of the board members shall be members of an established agricultural research institution.
- (3) One member of the board shall be a representative as provided by the California State Sheriffs' Association and approved by the secretary.
- (4) One member of the board shall be a county agricultural commissioner.
- (5) One member of the board shall be a representative of the Hemp Industries Association or its successor industry association.
- (6) Two members of the board shall be representatives of businesses that sell industrial hemp products.
- (7) One member of the board shall be a member of the public.

(b) It is hereby declared, as a matter of legislative determination, that growers and representatives of industrial hemp product manufacturers and businesses appointed to the board pursuant to this division are intended to represent and further the interest of a particular agricultural industry, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that persons who are appointed to the board shall be subject to the conflict-of-interest provisions described in Sections 87100 and 87103 of the Government Code.

(c) The term of office for a member of the board is three years. If a vacancy exists, the secretary shall, consistent with the membership requirements described in subdivision (a), appoint a replacement member to the board for the duration of the term.

(d) A member of the board shall not receive a salary but may be reimbursed by the department for attendance at meetings and other board activities authorized by the board and approved by the secretary.

(e) The board shall advise the secretary and may make recommendations on all matters pertaining to this division, including, but not limited to, industrial hemp seed law and regulations, enforcement, annual budgets required to accomplish the purposes of this division, and the setting of an appropriate assessment rate necessary for the administration of this division.

(f) The board shall annually elect a chair from its membership and, from time to time, other officers as it deems necessary.

(g) The board shall meet at the call of its chair or the secretary, or at the request of any four members of the board. The board shall meet at least once a year to review budget proposals and fiscal matters related to the proposals.

(Amended by Stats. 2019, Ch. 838, Sec. 4. (SB 153) Effective January 1, 2020.)

81002. (a) Except when grown by a registered established agricultural research institution or by a registered hemp breeder developing a new cultivar, industrial hemp shall be grown only if it is on the list of approved cultivars, or produced by clonal propagation of industrial hemp that is on the list of approved cultivars and therefore genetically identical to, and capable of exhibiting the same range of characteristics as, the parent cultivar.

(b) The list of approved cultivars shall include all of the following:

- (1) Industrial hemp cultivars that have been certified by member organizations of the Association of Official Seed Certifying Agencies, including, but not limited to, the Canadian Seed Growers' Association.
- (2) Industrial hemp cultivars that have been certified by the Organization of Economic Cooperation and Development.
- (3) California varieties of industrial hemp cultivars that have been certified by a seed-certifying agency pursuant to Article 6.5 (commencing with Section 52401) of Chapter 2 of Division 18.

(c) (1) Upon recommendation by the board or the department, the secretary may update the list of approved cultivars by adding, amending, or removing cultivars.

(2) The adoption, amendment, or repeal of the list of approved cultivars, and the adoption of a methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars, pursuant to this section shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(3) The department, in consultation with the board, shall hold at least one public hearing with public comment to determine the methodology and procedure by which a cultivar is added, amended, or removed from the list of approved cultivars.

(4) The department shall finalize the methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars and send the methodology and procedure to the Office of Administrative Law. The Office of Administrative Law shall file the methodology and procedure promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The methodology and procedure shall do all of the following:

(A) Indicate that the methodology and procedure are adopted pursuant to this division.

(B) State that the methodology and procedure are being transmitted for filing.

(C) Request that the Office of Administrative Law publish a notice of the filing of the methodology and procedure and print an appropriate reference in Title 3 of the California Code of Regulations.

(d) The department, in consultation with the board, may determine the manner in which the public is given notice of the list of approved cultivars, and any addition, amendment, or removal from that list.

(Amended by Stats. 2019, Ch. 838, Sec. 5. (SB 153) Effective January 1, 2020.)

81003. (a) (1) Except for an established agricultural research institution subject to Section 81004.5 or a hemp breeder subject to Section 81004, and before cultivation, a grower of industrial hemp shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) The approved cultivar to be grown, including the state or county of origin.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew the registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each grower of industrial hemp.

(B) A legal description of the land on which the grower engages in industrial hemp cultivation.

(C) Registration status of the grower of industrial hemp.

(f) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(Amended by Stats. 2019, Ch. 838, Sec. 6. (SB 153) Effective January 1, 2020.)

81004. (a) (1) Except when grown by an established agricultural research institution subject to Section 81004.5, and before cultivation, a hemp breeder shall register with the commissioner of the county in which the hemp breeder intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) A variety development plan, which shall include all of the following:

(i) If a new cultivar is to be certified by a seed-certifying agency, the name of the seed-certifying agency that will be conducting the certification.

(ii) The industrial hemp varieties that will be used and, if applicable, how those varieties will be used in the development of a new cultivar.

(iii) A plan for testing all of the plants grown.

(iv) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(v) The measures that will be taken to prevent the unlawful use of industrial hemp under this division.

(vi) A procedure for the maintenance of records documenting the development of the new cultivar.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a hemp breeder registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) A registrant developing a new cultivar who wishes to change any provision of the variety development plan shall submit to the commissioner the revised variety development plan. Once the commissioner has

received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that the registrant may cultivate under the revised variety development plan.

(f) All records pertaining to the variety development plan shall be kept and maintained by the hemp breeder and be available upon request by the commissioner, a law enforcement agency, or a seed certifying agency.

(g) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each hemp breeder.

(B) A legal description of the land on which the hemp breeder engages in industrial hemp cultivation.

(C) Registration status of the hemp breeder.

(h) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(Amended by Stats. 2019, Ch. 838, Sec. 7. (SB 153) Effective January 1, 2020.)

81004.5. (a) (1) Before cultivating hemp for agricultural or academic research, an established agricultural research institution shall register with the commissioner of the county in which it intends to cultivate.

(2) The registration application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the geographic area where the applicant plans to engage in hemp cultivation or storage, or both.

(C) A research plan that shall include all of the following:

(i) The hemp varieties that will be used and, if applicable, how those varieties will be used for purposes of agricultural or academic research.

(ii) A plan for testing all of the plants cultivated.

(iii) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(iv) The measures that will be taken to prevent the unlawful use of hemp under this division.

(v) A procedure for the maintenance of records documenting the agricultural or academic research.

(3) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration if it will continue cultivating hemp beyond that term.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue an established agricultural research institution registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate hemp on the changed or altered land area.

(d) A registrant conducting agricultural or academic research who wishes to change any provision of the research plan shall submit to the commissioner a revised research plan. Once the commissioner has received the revised research plan, and the commissioner determines that the requirements of this division are met, the commissioner shall notify the registrant that it may cultivate under the revised research plan.

(e) All records pertaining to the research plan shall be kept and maintained by the established agricultural research institution and be available upon request by the commissioner or a law enforcement agency.

(f) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each registered established agricultural research institution.

(B) A legal description of the land on which the established agricultural research institution engages in hemp cultivation.

(C) Registration status of the established agricultural research institution.

(g) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(h) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

(Added by Stats. 2019, Ch. 838, Sec. 8. (SB 153) Effective January 1, 2020. Operative on the date prescribed by its own provisions.)

81005. (a) The department shall establish a registration fee and appropriate renewal fee to be paid by growers of industrial hemp and hemp breeders, not including an established agricultural research institution, to cover the actual costs of implementing, administering, and enforcing the provisions of this division.

(b) Fees established pursuant to subdivision (a) that are collected by the commissioners upon registration or renewal pursuant to Section 81003 or 81004, except for amounts retained pursuant to this subdivision, shall be forwarded, according to procedures set by the department, to the department for deposit into the Department of Food and Agriculture Fund to be used for the administration and enforcement of this division. A commissioner or the county, as appropriate, may retain the amount of a fee necessary to reimburse direct costs incurred by the commissioner in the collection of the fee.

(c) The board of supervisors of a county may establish a reasonable fee, in an amount necessary to cover the actual costs of the commissioner and the county of implementing, administering, and enforcing the provisions of this division, except for costs that are otherwise reimbursed pursuant to subdivision (b), to be charged and collected by the commissioner upon registrations or renewals required pursuant to Section 81003 or 81004 and retained by the commissioner or the county, as appropriate.

(Amended by Stats. 2019, Ch. 838, Sec. 9. (SB 153) Effective January 1, 2020.)

81006. Industrial Hemp Growth Limitations; Prohibitions; Imports; Laboratory Testing.

(a) Except when grown by a registered established agricultural research institution or a registered hemp breeder, industrial hemp shall be grown in acreages of not less than one-tenth of an acre at the same time.

(b) Clandestine cultivation of industrial hemp is prohibited. All plots shall have adequate signage indicating they are industrial hemp.

(c) Industrial hemp shall not be cultivated on a premises licensed by the department to cultivate or process cannabis. Industrial hemp, regardless of its THC content, that is cultivated on a premises licensed by the department for cannabis cultivation shall be considered cannabis as defined in subdivision (f) of Section 26001 of the Business and Professions Code and subject to licensing and regulatory requirements for cannabis pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code.

(d) Industrial hemp shall include products imported under the Harmonized Tariff Schedule of the United States (2013) of the United States International Trade Commission, including, but not limited to, hemp seed, per subheading 1207.99.03, hemp oil, per subheading 1515.90.80, oilcake, per subheading 2306.90.01, true hemp, per heading 5302, true hemp yarn, per subheading 5308.20.00, and woven fabrics of true hemp fibers, per subheading 5311.00.40.

(e) (1) Except when industrial hemp is grown by a registered established agricultural research institution and tested in accordance with an approved research plan or by a registered hemp breeder and tested in accordance with an approved variety development plan, a registrant that grows industrial hemp under this section shall, before the harvest of each crop and as provided below, obtain a laboratory test report indicating the THC levels of a random sampling of the dried flowering tops of the industrial hemp grown.

(2) Sampling shall occur no more than 30 days before harvest.

(3) The sample collected for THC testing shall be taken with the grower or hemp breeder present. The department shall establish, by regulation, the sampling procedures, including all of the following:

(A) The number of plants to be sampled per field, and any composting of samples.

(B) The portions of the plant to be sampled.

(C) The plant parts to be included in a sample.

(D) Additional procedures as necessary to ensure accuracy and the sanitation of samples and fields.

(4) The sample collected for THC testing shall be accompanied by the registrant's proof of registration.

(5) The laboratory test report shall be issued by a laboratory approved by the department, using a department-approved testing method. The testing method shall use postdecarboxylation or similarly reliable methods for determining THC concentration levels. The laboratory test report shall

indicate the percentage concentration of THC on a dry-weight basis, indicate the date and location of samples taken, and state the Global Positioning System coordinates and total acreage of the crop. If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report. If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report.

- (6) If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the laboratory shall provide the person who requested the testing not less than 10 original copies signed by an employee authorized by the laboratory and shall retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.
- (7) If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent and does not exceed 1 percent, the registrant that grows industrial hemp shall submit additional samples for testing of the industrial hemp grown.
- (8) A registrant that grows industrial hemp shall destroy the industrial hemp grown upon receipt of a first laboratory test report indicating a percentage concentration of THC that exceeds 1 percent or a second laboratory test report pursuant to paragraph (7) indicating a percentage concentration of THC that exceeds 0.3 percent but is less than 1 percent. If the percentage concentration of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after receipt of the laboratory test report. If the percentage concentration of THC in the second laboratory test report exceeds 0.3 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after receipt of the second test report.
- (9) A registrant that intends to grow industrial hemp and who complies with this section shall not be prosecuted for the cultivation or possession of marijuana as a result of a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent but does not exceed 1 percent.
- (10) A registered established agricultural research institution or a registered hemp breeder shall obtain laboratory results in accordance with its approved research plan or variety development plan. The secretary may authorize a registered established agricultural research institution or hemp breeder to cultivate or possess industrial hemp with a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent in accordance with its approved research plan or variety development plan if that cultivation or possession contributes to the development of types of industrial hemp that will comply with the 0.3 percent THC limit established in this division.
- (11) A registrant that grows industrial hemp shall retain an original signed copy of the laboratory test report for two years from its date of sampling, make an original signed copy of the laboratory test report available to the department, the commissioner, or law enforcement officials or their designees upon request, and shall provide an original copy of the laboratory test report to each person purchasing, transporting, or otherwise obtaining from the registrant that grows industrial hemp the fiber, oil, cake, or seed, or any component of the seed, of the plant.

(Amended by Stats. 2019, Ch. 838, Sec. 10. (SB 153) Effective January 1, 2020. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64.)

81007. As part of the registration program established pursuant to this division, the department may establish and carry out, by regulation, an agricultural pilot program pursuant to Section 7606 of the federal Agricultural Act of 2014 (7 U.S.C. Sec. 5940) in accordance with the purposes of that section.

(Added by Stats. 2018, Ch. 986, Sec. 6. (SB 1409) Effective January 1, 2019.)

81008. Attorney General Reports; Requirements.

(a) Not later than January 1, 2019, the Attorney General shall report to the Assembly and Senate Committees on Agriculture and the Assembly and Senate Committees on Public Safety the reported incidents, if any, of the following:

(1) A field of industrial hemp being used to disguise marijuana cultivation.

(2) Claims in a court hearing by persons other than those exempted in subdivision (f) of Section 81006 that marijuana is industrial hemp.

(b) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(c) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2023, or four years after the date that the report is due, whichever is later.

(Amended November 8, 2016, by initiative Proposition 64, Sec. 9.5. Section operative January 1, 2017, pursuant to Section 81010. Repealed on January 1, 2023, or later as prescribed by its own provisions.)

81009. Not later than January 1, 2019, or five years after the provisions of this division are authorized under federal law, whichever is later, the board, in consultation with the Hemp Industries Association, or its successor industry association, shall report the following to the Assembly and Senate Committees on Agriculture and the Assembly and Senate Committees on Public Safety:

(a) The economic impacts of industrial hemp cultivation, processing, and product manufacturing in California.

(b) The economic impacts of industrial hemp cultivation, processing, and product manufacturing in other states that may have permitted industrial hemp cultivation.

(Added by Stats. 2013, Ch. 398, Sec. 4. (SB 566) Effective January 1, 2014. Section operative January 1, 2017, pursuant to Section 81010.)

81010. This division, and Section 221 shall become operative on January 1, 2017.

(Amended by Stats. 2017, Ch. 27, Sec. 112. (SB 94) Effective June 27, 2017. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64, making Division 24 (commencing with Section 81000) operative on January 1, 2017.)

81011. Before cultivating industrial hemp, an established agricultural research institution shall provide the Global Positioning System coordinates of the planned cultivation site to the commissioner of the county in which the site is located.

(Added by Stats. 2018, Ch. 986, Sec. 7. (SB 1409) Effective January 1, 2019.)

81012. (a) Enforcement of the approved state plan shall comply with subdivision (e) of Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

(b) A grower of industrial hemp, established agricultural research institution, or hemp breeder that the secretary determines has violated a provision of this division listed in the approved state plan or an additional requirement listed pursuant to subdivision (b) of Section 81015, including, but not limited to, by failing to provide a legal description of the land on which industrial hemp is grown, failing to register as required, or exceeding the 0.3 percent THC limit established in this division, shall be subject to the following consequences:

(1) For a negligent violation, as determined by the secretary, the consequences under state laws for a violation of this division shall be as follows:

(A) If the violation is not a repeat violation subject to subparagraph (B), the grower of industrial hemp, established agricultural research institution, or hemp breeder shall comply with a corrective action plan, to be established by the secretary, that includes both of the following:

(i) A reasonable date by which the grower of industrial hemp, established agricultural research institution, or hemp breeder shall correct the negligent violation.

(ii) A requirement that the grower of industrial hemp, established agricultural research institution, or hemp breeder shall periodically report to the secretary, for a period of at least the next two calendar years, on its compliance with this division or the approved state plan.

(B) A grower of industrial hemp, established agricultural research institution, or hemp breeder that commits a negligent violation three times in a five-year period shall be ineligible to participate in the industrial hemp program for a period of five years beginning on the date of the finding of the third violation.

(2) For a violation committed intentionally, or with recklessness or gross negligence, the secretary shall immediately report the grower of industrial hemp, established agricultural research institution, or hemp breeder to the Attorney General of the United States and the Attorney General of this state, as applicable.

(c) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

(Added by Stats. 2019, Ch. 838, Sec. 11. (SB 153) Effective January 1, 2020. Operative on the date prescribed by its own provisions.)

81013. Any person convicted of a felony relating to a controlled substance under state or federal law before, on, or after January 1, 2020, shall be ineligible, during the 10-year period following the date of the conviction, to participate in the industrial hemp program.

(Added by Stats. 2019, Ch. 838, Sec. 12. (SB 153) Effective January 1, 2020.)

81014. A person that materially falsifies any information contained in an application or registration under Section 81003 or 81004, or other application to participate in the industrial hemp program, shall be ineligible to participate in the industrial hemp program.

(Added by Stats. 2019, Ch. 838, Sec. 13. (SB 153) Effective January 1, 2020.)

81015. (a) On or before May 1, 2020, the secretary, in consultation with the Governor and the Attorney General, shall develop and submit to the United States Secretary of Agriculture a state plan, consistent with this division, pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), including a certification that the state has the resources and personnel to carry out the practices and procedures described in clauses (i) to (iv), inclusive, of subparagraph (A) of paragraph (2) of subsection (a) of that section.

(b) In an annex to the state plan, the secretary shall list the provisions of this division that are included in the state plan, and any additional requirements in the state plan, that shall be subject to enforcement pursuant to Section 81012.

(Added by Stats. 2019, Ch. 838, Sec. 14. (SB 153) Effective January 1, 2020.)

Registration Fees

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

California Code of Regulations
Title 3. Food and Agriculture
Division 4. Plant Industry
Chapter 8. Industrial Hemp Cultivation
Article 1. Registration of Industrial Hemp Growers

4900. Registration Fees

- (a) The Secretary establishes the following fees for registration of growers of industrial hemp for commercial purposes and seed breeders to be submitted along with the registration application as authorized in sections 81003 and 81004 of the Food and Agricultural Code:
 - (1) Prior to cultivation, a fee of nine-hundred dollars (\$900) per applicant shall be submitted with the application to the commissioner.
 - (2) A separate registration is required for each county in which the applicant intends to grow industrial hemp.
 - (3) This registration is valid for one year from date of issuance by the commissioner.
- (b) The Secretary establishes the following fees for registration renewal of growers of industrial hemp for commercial purposes and seed breeders:
 - (1) Upon expiration of registration, a fee of nine-hundred dollars (\$900) per registrant shall be due to the commissioner in each county in which the applicant intends to continue to grow industrial hemp.
 - (2) Renewed registration is valid for one year from date of issuance of renewal by the commissioner.

Note: Authority cited: Sections 407, 483, and 81005, Food and Agricultural Code.
Reference: Sections 81003, 81004, and 81005, Food and Agricultural Code.

Regulations for Industrial Hemp Cultivation

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

California Code of Regulations
Title 3. Food and Agriculture
Division 4. Plant Industry
Chapter 8. Industrial Hemp Cultivation
Article 2. Regulations for Industrial Hemp Cultivation

4920. List of Approved Seed Cultivars

- (a) The Secretary, as provided in Section 81002 of the Food and Agricultural Code, adopts the following list of approved seed cultivars.
 - (1) Industrial hemp seed or propagative materials certified as breeder, foundation, registered, or certified seed or stock by one of the following agencies:
 - (A) Member organizations of the Association of Official Seed Certifying Agencies,
 - (B) Organization of Economic Cooperation and Development, or
 - (C) An officially approved and recognized seed-certifying agency listed in Title 3, California Code of Regulations, Section 3875, as provided in Section 52401 of the Food and Agricultural Code.
 - (2) Industrial hemp seed or propagative materials produced in a quality assurance program approved by one of the following agencies:
 - (A) Member organizations of the Association of Official Seed Certifying Agencies,
 - (B) Organization of Economic Cooperation and Development, or
 - (C) An officially approved and recognized seed-certifying agency listed in Title 3, California Code of Regulations, Section 3875, as provided in Section 52401 of the Food and Agricultural Code.
 - (3) Industrial hemp seed or propagative materials produced by an authorized participant in a state industrial hemp agricultural pilot program, pursuant to Section 7606 of the federal Agricultural Act of 2014 (7 U.S.C. Sec. 5940).
 - (A) The crop from which the seed or propagative materials were harvested from shall have been tested in accordance with a testing method approved by the regulatory authority in the state of origin and found to have no more than three-tenths of one percent tetrahydrocannabinol (THC) on a dry weight basis.
 - (B) The commissioner shall be notified of the importation of all propagative materials into the county. The shipment is subject to inspection by the commissioner and shall not be used for cultivation until released by the commissioner (California Food and Agricultural Code Division 4, Part 2, Chapter 2 § 6401 and § 6501).

- (4) Industrial hemp seeds or tissue culture plants imported from outside the United States that meets federal importation requirements.
 - (A) The crop from which the seeds or tissue culture plants were harvested from shall have been tested in accordance with a testing method approved by the department of agriculture in the country of origin and found to have no more than three-tenths of one percent THC on a dry weight basis.
 - (B) The commissioner shall be notified of the importation of all propagative materials into the county. The shipment is subject to inspection by the commissioner and shall not be used for cultivation until released by the commissioner (California Food and Agricultural Code Division 4, Part 2, Chapter 2 § 6401 and § 6501).
 - (C) For the purposes of this section, the term "tissue culture" means in vitro material introduced into culture from nodal cuttings at a particular time and from a single plant and grown in aseptic conditions to be used as a source of propagative material.
- (5) Industrial hemp seed or propagative materials produced in California in accordance with the provisions of Division 24 of the Food and Agricultural Code and this chapter.
 - (A) The crop from which the seed or propagative materials were harvested from shall have been tested by a department-approved laboratory and found to have no more than three-tenths of one percent THC on a dry weight basis.

Note: Authority cited: Sections 407 and 81002, Food and Agricultural Code. Reference: Sections 81001 and 81002, Food and Agricultural Code

4921. Methodology and Procedure to Update the List of Approved Seed Cultivars

- (a) The Secretary adopts the following methodology and procedure to add, amend or remove a seed cultivar from the list of approved seed cultivars.
 - (1) Upon request from the chair of the Board, or of any four members of the Board, the Department shall schedule a public hearing to consider a proposal to update the list of approved seed cultivars by adding, amending, or removing seed cultivars. A notice and text of the proposal shall be made available to the public no less than 30 days prior to the hearing.
 - (2) The public hearing to consider a proposal to update the list of approved seed cultivars shall be part of a regularly scheduled meeting of the Industrial Hemp Advisory board.
 - (3) The public hearing shall include:
 - (A) Presentation of the proposal to update the list of approved seed cultivars;
 - (B) Presentation of the purpose for the update; and
 - (C) Opportunity for public comment, pursuant to Section 11125.7 of the Government Code.
 - (4) After receiving comments from the public, the Board shall vote to accept, amend and accept, or deny a proposal for recommendation to the Secretary.
 - (5) Upon recommendation by the Board to adopt a proposal and approval by the Secretary, the Department shall amend the list of approved seed cultivars and shall submit the amended list to the Office of Administrative Law to be filed promptly with the Secretary of State. Pursuant

to Section 81002 of the Food and Agricultural Code, the proposal shall not be subject to further review.

- (6) The Department shall post the list of approved seed cultivars to its website and shall provide electronic and/or mail notification of amendments to list of approved seed cultivars to parties that have requested notification. An interested party may go to the Department's website and elect to receive automatic notifications of any changes to the list of approved seed cultivars via an electronic mail listserv.
- (b) The Secretary adopts the following methodology and procedure to add, amend or remove a seed cultivar from the list of approved seed cultivars.
 - (1) By motion, the Board may recommend amending the methodology and procedure in subsection (a). In consultation with the chair of the Board, the Department shall schedule a public hearing to consider the recommendation, and a notice and text of the proposed amendment shall be made available to the public no less than 30 days prior to the hearing.
 - (2) The public hearing to consider a proposal to amend the methodology and procedure shall be part of a regularly scheduled meeting of the Industrial Hemp Advisory Board.
 - (3) The public hearing shall include:
 - (A) Presentation of the proposal to amend the methodology and procedure;
 - (B) Presentation of the purpose for the amendment; and
 - (C) Opportunity for public comment, pursuant to Section 11125.7 of the Government Code.
 - (4) After receiving comments from the public, the Board shall vote to accept, amend and accept, or deny the proposal for recommendation to the Secretary.
 - (5) Upon recommendation by the Board to adopt the amendment and approval by the Secretary, the Department shall amend the methodology and procedure, and shall submit the amended methodology and procedure to the Office of Administrative Law to be filed promptly with the Secretary of State. Pursuant to Section 81002 of the Food and Agricultural Code, the proposal shall not be subject to further review.
 - (6) The Department shall provide electronic and/or mail notification of the amendment to the methodology and procedure to parties that have requested notification. An interested party may go to the Department's website and elect to receive automatic notifications of any changes to the methodology and procedure via an electronic mail listserv.

Note: Authority cited: Sections 407 and 81002, Food and Agricultural Code.
Reference: Sections 81001 and 81002, Food and Agricultural Code.

4940. Sampling Timeframe and Pre-Harvest Notification for Industrial Hemp

- (c) Sampling Timeframe.
 - (7) Sampling shall occur no more than 30 days before harvest.
 - (8) Any changes to the harvest date may require additional testing for THC content prior to harvest.
- (d) Sampling Request and Pre-Harvest Report.

- (1) In order to request sampling, registrants shall submit a pre-harvest report to the commissioner at least 30 days before harvest to initiate the sampling process. The pre-harvest report shall include the:
 - (A) registrant's registration number,
 - (B) name and contact information of the registrant,
 - (C) anticipated harvest date,
 - (D) name of the seed cultivar(s),
 - (E) physical address, Global Positioning System coordinates, general description of the location, and acreage of the crop,
 - (F) Name and contact information of the laboratory to conduct the testing for THC content.
- (2) The commissioner, or a third-party sampler designated by the commissioner, shall schedule a sampling date within 30 days of the anticipated harvest date.
- (3) Registrants shall notify the commissioner of any changes to the above information no less than 5 calendar days prior to the scheduled sampling date.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4941. Sampling Procedures for Testing Industrial Hemp for THC Content

- (a) Collection of Samples.
 - (1) Samples for THC testing shall be collected by the commissioner, or a third-party sampler designated by the commissioner.
 - (2) The commissioner, or designated sampler, shall verify that the sample collection site corresponds to the registered location using GPS coordinates prior to the collection of the samples.
 - (3) The registrant must be present to observe the collection of samples and allow the commissioner, or designated sampler, access to all industrial hemp plants within the registered land area and all areas and facilities used for cultivation.
- (b) Sample Volume and Composition.
 - (1) Each primary sample shall include all parts of the plant, including stems, stalks, flowers, leaves, seeds, and buds from:
 - (A) If two or more lateral branches are present, the terminal 18 inches of the top lateral branch and terminal 18 inches of one lateral branch from the lower one-third of the plant. If any branch is less than 18 inches, the whole branch shall be taken.
 - (B) If two lateral branches are not present, the terminal 18 inches from the terminal bud at the top of the plant. If the plant is less than 18 inches tall, the whole plant shall be taken.
 - (2) A composite sample shall consist of at least five primary samples from different plants.

- (3) A separate composite sample shall be taken for:
 - (A) Each cultivar within each contiguous field, and
 - (B) Indoor and outdoor growing areas shall be treated as separate fields.
 - (4) When feasible, the commissioner, or designated sampler, should not collect samples within 10 feet of field edges.
- (c) Handling of Samples.
- (1) All plant material collected for a composite sample shall be placed together in a permeable bag and kept in a manner not conducive to mold growth.
 - (2) The bag containing the composite sample shall be sealed and labeled in a manner to detect tampering and ensure chain of custody. Sample labels shall be signed by both the registrant and the commissioner or designated sampler.
 - (3) Samples shall be labeled with a unique sample identification number and accompanied by the following documentation:
 - (A) The registrant's proof of registration,
 - (B) The pre-harvest report,
 - (C) Seed certification documentation for the seed cultivar used,
 - (D) The THC testing report for each certified seed cultivar used, and
 - (E) A sample analysis request form with chain of custody information provided by the testing laboratory.
 - (4) Samples shall be delivered to the testing laboratory within 24 hours of collection. The testing laboratory shall document the chain of custody by signing the sample label upon receiving the sample. A copy of the signed chain of custody documentation shall be provided by the testing laboratory to the commissioner or designated sampler.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4942. Approved Testing Method for Testing Industrial Hemp for THC Content

- (a) Sampling Preparation.
- (1) The laboratory shall maintain chain of custody upon receiving the samples.
 - (2) Each composite sample shall be maintained and tested separately for THC content.
 - (3) All parts of the plant included in the composite sample shall be processed and tested as a single sample. No plant parts shall be removed during the sample preparation and testing.
 - (4) All parts of the plant included in the composite sample shall be dried until the weight of the composite sample remains constant after drying intervals. Drying temperature must not

exceed 90 degrees Celsius. Dried composite samples shall be milled to a homogenous powder-like consistency and combined before analysis.

- (b) Suitable analytical instrumentation used to determine THC content in industrial hemp includes the following:
 - (1) Gas chromatography with flame ionization detector
 - (2) Gas chromatography coupled with mass spectrometry
 - (3) Liquid chromatography coupled with mass spectrometry
 - (4) Liquid chromatography coupled with ultraviolet detector
- (c) Analytical instrumentation used must be able to establish a validated limit of quantification (LOQ) of one-tenth of 1 percent or lower for total THC content.
- (d) Sample Retention.
 - (1) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the laboratory shall retain the sample for a minimum of 30 days from the testing date.
 - (2) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent and does not exceed 1 percent, the laboratory shall retain the sample for a minimum of 60 days from the testing date.
 - (3) If the laboratory test report indicates a percentage content of THC that exceeds 1 percent, the laboratory shall retain the sample for a minimum of 90 days from the testing date.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4943. Approved Laboratory for Testing Industrial Hemp for THC Content

- (a) Testing of industrial hemp for THC content shall be conducted by a laboratory with International Organization for Standardization (ISO) / International Electrotechnical Commission (IEC) 17025 accreditation using a validated method for total THC analysis.
- (b) The laboratory shall retain, and make available to the commissioner upon request, a copy of the ISO/IEC 17025 certificate of accreditation.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4944. Notification of Laboratory Test Report

- (a) Laboratories shall provide a laboratory test report to the registrant and commissioner within 10 days of the collection of samples.
 - (1) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the laboratory shall provide the registrant no fewer than 10 original copies with wet signatures and the commissioner one or more copies of the laboratory test report, signed by an employee authorized to sign by the laboratory. The laboratory shall

retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.

- (2) If the laboratory test report indicates a percentage content of THC that exceeds three-tenths of 1 percent, the laboratory shall provide both the registrant and commissioner one or more copies of the laboratory test report, signed by an employee authorized to sign by the laboratory.
- (b) Laboratories shall issue a laboratory test report for each composite sample. The laboratory test report shall include the:
- (1) registration number,
 - (2) unique sample identification number,
 - (3) name and contact information of the registrant,
 - (4) name of the sampler,
 - (5) dates of the sample collection and testing,
 - (6) name of the cultivar tested,
 - (7) physical address, Global Positioning System coordinates, general description of the location, and acreage of the field sampled,
 - (8) name of approved analytical instrumentation used and the limit of quantification (LOQ),
 - (9) name of the person receiving the sample,
 - (10) name of the person testing the sample,
 - (11) percentage content of THC, a post-decarboxylation value or a calculated value using a conversion formula of delta-9-THC and eighty-seven and seven tenths (87.7) percent of THC-acid, on a dry weight basis, and words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" or "FAILED AS CALIFORNIA INDUSTRIAL HEMP" at or near the top of page.
 - (A) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear.
 - (B) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4945. Approved Testing Method for Retesting of Industrial Hemp for THC Content

- (a) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent and does not exceed 1 percent, additional samples for retesting shall be collected in accordance with the sampling procedures outlined in Section 4941 and tested in accordance with the testing procedures outlined in Sections 4942 through 4944.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4946. Final Disposition for Registered Industrial Hemp Crops

- (a) Registrants may harvest the sampled crop upon receipt of a laboratory test report that indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent.
 - (1) Registrants shall submit a harvest report to the commissioner within 72 hours following the completion of the harvest. The harvest report shall include the:
 - (A) registration number,
 - (B) name and contact information of the registrant,
 - (C) date(s) of harvest,
 - (D) name of the cultivar(s) and unique sample identification number(s),
 - (E) physical address, Global Positioning System coordinates, general description of the location, and acreage of the harvested crop.
 - (2) The commissioner may confirm the harvest of the crop by conducting field inspections.
- (b) Registrants shall destroy a crop that does not comply with the three-tenths of 1 percent THC limit in accordance with the provisions of Section 4950 within the following timeframes:
 - (1) If a laboratory test report indicates a percentage content of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after the registrant's receipt of the laboratory test report.
 - (2) If a second laboratory test report indicates a percentage content of THC exceeds three-tenths of 1 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after the registrant's receipt of the second laboratory test report.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

Destruction of Industrial Hemp Crops

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

California Code of Regulations
Title 3. Food and Agriculture
Division 4. Plant Industry
Chapter 8. Industrial Hemp Cultivation
Article 3. Abatement and Enforcement

4950. Destruction of Non-Compliant Industrial Hemp Crops

- (a) Any industrial hemp crop that does not meet the requirements of Division 24 of the Food and Agricultural Code and this chapter shall be destroyed in a manner approved by the commissioner:
 - (1) Unless otherwise specified in 4946 (b), any non-compliant industrial hemp crop shall be destroyed as soon as practical, but no later than 45 days after the registrant's receipt of notification of abatement from the commissioner.
- (b) The grower of the industrial hemp crop shall submit a destruction plan to the commissioner at least 24 hours prior to the start of the destruction. The destruction plan shall include the:
 - (1) Registration number, if applicable;
 - (2) Name and contact information of the grower;
 - (3) Anticipated destruction date(s) of the crop to be destroyed;
 - (4) Name of the cultivar(s) and unique sample identification number(s), if applicable;
 - (5) Physical address, Global Positioning System coordinates, general description of the location, and acreage of the crop to be destroyed; and
 - (6) Proposed destruction method.
- (c) The proposed crop destruction method shall be approved by the commissioner prior to the start of the destruction.
- (d) The commissioner shall confirm the destruction of the crop by conducting inspections.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4950.1 Voluntary Destruction of Industrial Hemp Crops

- (a) Any industrial hemp grower that wishes to voluntarily destroy a crop shall do so in a manner approved by the commissioner.
- (b) The grower of the industrial hemp crop shall submit a destruction plan to the commissioner at least 24 hours prior to the start of the destruction. The destruction plan shall include the:
 - (1) Registration number, if applicable;

- (2) Name and contact information of the grower;
 - (3) Anticipated destruction date(s) of the crop to be destroyed;
 - (4) Name of the cultivar(s) and unique sample identification number(s), if applicable;
 - (5) Physical address, Global Positioning System coordinates, general description of the location, and acreage of the crop to be destroyed; and
 - (6) Proposed destruction method.
- (c) The proposed crop destruction method shall be approved by the commissioner prior to the start of the destruction.
- (d) The commissioner shall confirm the destruction of the crop by conducting inspections.
- Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

County of San Luis Obispo Agricultural Liaison Advisory Board

2156 Sierra Way, Suite A
San Luis Obispo, CA 93401



**Agricultural Liaison
Advisory Board (ALAB)**

Positions/Members/Terms
CHAIR: Jean-Pierre Wolff
VICE CHAIR: Dan Rodrigues

District One: Peschong Appt.
Craig Pritchard (1/21)
District Two: Gibson Appt.
Lisen Bonnier (1/23)
District Three: Hill Appt.
Tom Ikeda (1/21)
District Four: Compton Appt.
Daniel Chavez (1/23)
District Five: Arnold Appt.
vacant (1/21)
Ag. Finance Rep.
Mark Pearce (8/22)
Cattlemen Rep.
Dick Nock
Coastal San Luis RCD Rep.
Jean-Pierre Wolff (8/22)
Direct Marketing/Organic Rep.
Jutta Thoerner (4/20)
Environmental Rep.
Krista Burke (1/23)
Farm Bureau Rep.
R. Don Warden
Nursery Rep.
Butch Yamashita (4/20)
Upper Salinas-Las Tablas RCD Rep.
George Kendall (4/23)
Vegetable Rep.
Claire Wineman (4/20)
Wine Grape Rep.
Dan Rodrigues (4/20)
Strawberry Rep.
vacant
County Agricultural Commissioner
Marty Settevendemie
Ex-Officio
U.C. Coop. Extension, Farm Advisor
Mark Battany

DATE: December 18, 2019

TO: Kip Morais, Project Manager, and Brian Pedrotti, Senior Planner,
San Luis Obispo County Department of Planning and Building,

SUBJECT: ALAB comments and recommendations on the Public Review Draft of the
Industrial Hemp Ordinance

At the December 9, 2019 Agricultural Liaison Advisory Board (ALAB) meeting, ALAB members discussed the potential adoption of a permanent ordinance regulating the cultivation and processing of industrial hemp within the unincorporated portions of San Luis Obispo County. ALAB members affirmed their support for the growth and success for all agricultural commodities and the majority agreed upon a number of recommendations described below.

ALAB reviewed the information provided by the ALAB hemp subcommittee, a group established by ALAB to specifically address the potential for a local hemp ordinance and assist in providing information to be used for that ordinance development. The hemp subcommittee, a group which included ALAB members, local hemp growers, and local vineyard and winery representatives, met six times in the past four months. Meetings were open to the public and many hemp growers and concerned citizens alike attended and provided comments and input. The ALAB subcommittee provided the full ALAB membership with a few specific recommendations and a number of general areas of consensus that the full ALAB board took under advisement.

After reviewing the input from the ALAB hemp subcommittee and considerable additional discussion amongst members, **ALAB members approved a motion to provide the following five recommendations to County Planning in response to the Public Review Draft of the Industrial Hemp Ordinance:**

- ALAB recommends that County Planning strive to develop this ordinance, and its associated requirements and restrictions, in a manner that minimizes conflicts with existing agricultural operations and businesses.
- ALAB recommends that County Planning consider the implementation of a sliding scale for setback requirements based upon the number of industrial hemp acres being cultivated.

Although ALAB could not come to consensus on exactly what those setback distances should be, it was agreed that it is logical to require smaller setback distances from smaller sized growing sites, relative to the acreage of the hemp growing site.

- **In Section 22.30.244 (B.)1.c:** ALAB recommends that riparian and wetland setbacks be struck from the ordinance due to this requirement being duplicative of existing requirements from other agencies that growers must already meet.
- ALAB recommends that direction is given to the Agricultural Commissioner's Office to develop a set of recommended and/or required Best Management Practices (BMP's) for the cultivation of industrial hemp locally. Once these BMP's are developed, ALAB recommends that consideration is given toward incorporating those BMP's into the industrial hemp registration process conducted by the Agricultural Commissioner's Office.
- ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.

Thank you for your consideration of these recommendations.

Sincerely,



Jean-Pierre Wolff, Ph.D.
ALAB Chair

ALAB Meeting – December 9, 2019

Review of the ALAB Subcommittee’s actions regarding the Development of a Permanent Ordinance for Industrial Hemp Cultivation in San Luis Obispo County – updated to reflect the second set of meetings occurring from October – December 2019.

I. BACKGROUND: The ALAB Subcommittee on hemp met three times in August 2019, and then passed their recommendations and areas of consensus along to the entire ALAB group at the September ALAB meeting. At that September ALAB meeting, it was recommended that the hemp subcommittee continue meeting to see if there were any other areas of consensus that could be reached, recognizing that the hemp subcommittee meetings would be a parallel process going on while County Planning worked on developing a draft permanent ordinance.

- SUBCOMMITTEE MEETING DATES: October 9, 2019; November 6, 2019; December 4, 2019

II. SUBCOMMITTEE RESULTS:

- The hemp subcommittee could not reach any areas of consensus on any of the outstanding major issues, such as setback distances or the exact definition of *sensitive receptor*.
- The subcommittee did discuss the possibility of using a sliding scale for setbacks based on the size of the proposed hemp cultivation site. Although consensus could not be agreed upon regarding the exact setback distance, it was generally agreed that having setbacks vary depending on the size of cultivation was a good idea, but that it may be difficult to address within an ordinance framework.
- SETBACKS WITH GENERAL AGREEMENT BUT NO GROUP CONSENSUS

	Acres of hemp cultivated		
	<1	<10	10>
Residential Single	100	200	300
Residential Multiple	100	200	300
Residential Suburban	100	200	300
Tasting Room	500-1000	1000	1000
Urban Reserve line	200	400	600
Village Reserve line	200	400	600

III. COMMENTS ON PUBLIC DRAFT OF PERMANENT HEMP ORDINANCE: County Planning released the Public Draft version of the permanent hemp ordinance on November 19, 2019. The ALAB hemp subcommittee met once after the release of the public draft.

- 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.

ALAB Meeting – September 9, 2019

Review of the ALAB Subcommittee's actions regarding the Development of a Permanent Ordinance for Industrial Hemp Cultivation in San Luis Obispo County

I. BACKGROUND:

- On June 18, 2019, the San Luis Obispo County Board of Supervisors enacted an urgency ordinance placing a temporary moratorium on industrial hemp cultivation (with a few exemptions).
- On July 2, 2019, ALAB submitted a letter to the Board of Supervisors with concerns about the land use regulations imposed on industrial hemp production, emphasizing that hemp should not have land use restrictions different from other legal crops.
http://www.slocounty.ca.gov/Departments/Agriculture-Weights-and-Measures/All-Forms-Documents/Information/Meeting-Minutes/ALAB-Meeting-Agendas,-Minutes,-Presentations/2019/ALAB_2019_07_01-Draft-Mins-plus-Hemp-Letter.aspx
- On July 16, 2019, the Board of Supervisors voted to extend that same urgency ordinance through June 2020. At that same meeting in July, the Board also directed County Planning to develop a permanent ordinance that would allow industrial hemp cultivation within the county with certain restrictions, such as zoning limitations, minimum parcel sizes, and possible setbacks. The Board asked County Planning to prepare a potential permanent ordinance and return sometime in early 2020, with the intention that a permanent ordinance would be enacted by spring 2019 and supersede (e.g. replace) the urgency ordinance. The Board directed County Planning to work with the Agricultural Liaison Advisory Board (ALAB) through an ALAB subcommittee, the County Ag Department, hemp growers, and concerned citizens to develop the permanent ordinance.
- At the August 5, 2019 ALAB meeting, a subcommittee was established to work with County Planning on a draft permanent ordinance to regulate hemp cultivation.

II. ALAB SUBCOMMITTEE ON INDUSTRIAL HEMP

- OFFICIAL MEMBERS: (1) Dan Rodrigues (chair) – ALAB Vice-Chair and wine grape representative; (2) Tom Ikeda – ALAB member, District 3 Representative; (3) Brent Burchett – Farm Bureau Executive Director; (4) Brian Yengoyan – hemp industry; (5) Sean Donahoe – hemp industry; (6) Bob Schielbelhut – vineyard owner in Edna Valley/concerns with hemp cultivation
- OTHER MEETING ATTENDEES: (1) Kip Morais – County Planning; (2) Karen Nall – County Planning; (3) Jean-Pierre Wolff – ALAB Chair and vineyard owner; (4) Marc Lea – Assistant Agricultural Commissioner; (5) Mark Battany – Farm Advisor; (6) Kaylee Ellis – ALAB Member, Vegetable Industry Representative alternate; (7) Kirk Azevedo – hemp industry; (8) Jean Johnson – hemp industry
- SUBCOMMITTEE MEETING DATES: August 13, 2019; August 20, 2019; August 26, 2019

III. SUBCOMMITTEE GOALS

- Subcommittee Chair Dan Rodrigues emphasized that all input should be respectful and civil with the overarching goal of finding areas of consensus. Dan reminded the subcommittee members

that the focus should be on addressing those items specifically identified by the Board of Supervisors: zoning requirements, setbacks, and minimum parcel sizes.

- Dan explained that the entire ordinance would get reviewed at future hearings at ALAB meetings, the Planning Commission, and the Board of Supervisors. Anything recommended could get changed several times prior to any permanent ordinance getting enacted so it makes sense to identify those areas where we can find common ground and not get bogged down in the discussion of very specific details.
- Dan also explained that any subcommittee recommendations that are agreed upon does not necessarily need to be the direction of the ALAB board itself. The full ALAB membership may come to different conclusions than the subcommittee.

IV. SUBCOMMITTEE – AREAS OF CONSENSUS

ZONING LIMITATIONS:

- Agriculture (AG) and Rural Lands (RL) zoned parcels: Hemp cultivation, both indoor and outdoor, should be allowed on these properties.
- On lands zoned Rural Residential (RR), cultivation of transplants should be allowed. Since transplants will be defined as only non-flowering plants, this cultivation should be allowed both indoors and outdoors. It's recognized that transplant growing will typically be done indoors in greenhouses on RR zoned properties, but they may need to move them outside to harden them off prior to shipping and there is no reason to disallow that ability.
- On lands zoned Rural Residential (RR), Industrial (Ind), and Commercial Services (CS), growers would have the option of going through the discretionary use permit process (Minor Use Permit) to grow full flowering plants. It was recognized that this isn't an ideal scenario, but due to concerns with trying to tackle this issue in the permanent ordinance and the detail needed to determine if a grower has an adequate closed system type greenhouse needed to alleviate odor issues, and the goal of staying on track with an expedited timeline, this was a mechanism of at least leaving the door open to those who wanted to grow indoor hemp on parcels zoned RR, IND, or CS.

SETBACKS or BUFFERS:

- The group agreed that any setbacks that may be established should be measured from a particular identified use off-site from the hemp grower's parcel and not from the hemp grower's property line. In other words, there is no need for setbacks from a grower's property line if the hemp cultivation is taking place well away from any potential conflicts.
- The group agreed that any setbacks or buffers that may be established should be measured from a "sensitive site" or "sensitive receptor". There was not an agreement established on exactly what those sensitive receptors should be. Items discussed included schools and state licensed daycares, residential zoned areas or properties (as opposed to a single residence or a couple of residences located on agricultural zoned lands), existing agricultural crops/commodities, wineries, and winery tasting rooms.

MINIMUM PARCEL SIZES:

- The group agreed that a minimum parcel size was not required. It was discussed that any setbacks or buffers developed would be geared toward alleviating land use conflict between neighbors, and would be more effective than a minimum parcel size (e.g. if there was a minimum parcel size but no setback/buffer established than the grower could still plant in a corner of his property close directly adjacent to other residences or established crops and a required minimum parcel size would be ineffective). In addition, by not allowing full flowering hemp plants on those parcels zoned for residential land uses, that alleviates much of the need to establish minimum parcel sizes.

OTHER ITEMS:

- The issue of Agricultural Research Institution exemption growers was not discussed in detail due to the fact that it's likely getting addressed at the state level in the current SB 153 bill and was already addressed at the July 16, 2019 Board of Supervisors hearing through the approval of **Resolution 2019-209**.
- The issue of cross-pollination, specifically the potential for cross-contamination of different hemp varieties as well as hemp and legally grown cannabis, was considered but it was agreed upon that it was not an issue that could adequately be addressed in this subcommittee, especially considering the expedited timeline. It was also pointed out by several subcommittee members that cross-pollination issues in all other agricultural crops is addressed through peer-to-peer notifications and agreements and is not addressed through regulation or ordinance.

V. SUBCOMMITTEE – AREAS ADDRESSED BUT NO CONSENSUS REACHED

SETBACKS or BUFFERS:

- The group could not come to any consensus regarding what distance setbacks or buffers should be established. Due to the lack of any currently available science on hemp odor issues or potential grape taint, it was difficult to determine a logical rationale for a specific buffer distance.
- Setback/buffer distances discussed ranged from 50 feet to ½ mile. Using the current "Agricultural Buffer Policies" in the county's Agriculture Element that is designed for proposed projects near, or adjacent to, existing agriculture was discussed. Those buffer distances range from 50 – 600 feet, but again no consensus could be made by the subcommittee.
- The potential for a tiered buffer system based on the acreage of a particular hemp cultivation site was also discussed with no consensus made.

OTHER

- The potential for an overlay disallowing hemp cultivation in the Edna Valley area was discussed. The rationale proposed for this particular overlay concerned the unique climatic factors that exist in this area, along with the long established wine grape growing region (and the concerns over potential conflicts such as odor affecting tasting room visitors and terpene taint of grapes in the field or in wineries/wine production facilities). No consensus was reached on this proposal.

ATTACHMENT E

Board of Supervisors Minutes

BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, May 5, 2020

PRESENT: Supervisors John Peschong, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

ABSENT: None

Department: Planning and Building

Item 22 - Hearing to consider adoption of a resolution amending the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp; exempt from CEQA. All Districts.

Mr. Kip Morais – Planning and Building: provides the staff powerpoint presentation.

Chairperson Compton: opens the floor to public comment.

Ms. Barbara Bagget; Mr. Brent Aurchett; Mr. Charles Yates; Mr. Don Spare; Mr. Donald Flinn; Ms. Jena Wilson; Mr. John Krelle; Mr. John Wilson; Ms. Kim Spare; Ms. Linda Ziegler; Ms. Marjan Kelsey; Ms. Melissa Babu; Ms. Monica Racz; Mr. Clairborne Thompson; Ms. Nancy Greenough; Mr. Praveen Babu; Ms. Sabine Strobel; Ms. Sheila Meyers; Ms. Taylor Ernst; Mr. Alexis Alvarez Thoma; Ms. Olivia Faris; Ms. Claire Wineman; Ms. Jean Johnson; Mr. Bob Schiebelhut; Dr. Jorge Sellu; Ms. Stephanie Shakofsky; Ms. Diane Matthew; Mr. Adam Laurent; Mr. Ron Dunham; Mr. Ted Fitzgerald; Mr. Frank Brown; Ms. Linde Owen; Mr. Conner Lucky; Mr. Sean Donahoe; Mr. John Davis; Mr. Gary Kirkland; Mr. Brandon Rivers; Mr. Hugh Duggan; Mr. Murray Powell and Ms. Kelly Yates: speak.

Upon Board discussions, Supervisor Arnold, makes a motion to amend industrial hemp ordinance language to implement a 1 strike rule; limit 400 acres minimum site for outdoor grows; apply a 1 mile setback from Urban Reserve Lines and Village Reserve Lines; Apply a 2,000 ft setback from property line; allow outdoor grows in ag and rural land areas; limit rural residential land use categories to indoor grows - prohibiting flowering-transplants; clarifying Manufacturing would be allowed in industrial/commercial zoning; prohibit hoop houses for hemp grows; add language to clarify what happens in case of conflict between regulations on site along the border with Santa Barbara County; and identify Edna Valley as an exclusionary area. Additionally, Supervisor Arnold adds direction to staff to bring back Arroyo Grande and other exclusionary areas in the future and look at well interference and water offset requirements for medium and high priority basins.

The Board agrees to continue the meeting passed 5 pm.

Motion By: Hill, Adam

Second By: Peschong, John

Board Members:	AYES:	NOES:	ABSTAIN:	RECUSE:
Lynn Compton (Chairperson, District 4)	X			
Bruce S. Gibson (Vice-Chairperson, District 2)	X			
John Peschong (Board Member, District 1)	X			
Adam Hill (Board Member, District 3)	X			
Debbie Arnold (Board Member, District 5)	X			

Mr. Brian Stack – Deputy Counsel: speaks to the difficulty enforcing the 1 strike rule and that it will not be applied to the ordinances at this time.

Mr. Morais: reviews language modifications (based on motion) to the Industrial Hemp ordinances as follows, limiting outdoor industrial hemp cultivation sites of four-hundred (400) acres or larger; limiting indoor industrial

hemp cultivation to sites of five (5) acres or larger; not allowing outdoor industrial hemp cultivation to be located within two-thousand (2,000) feet from adjacent property lines and one-mile from Urban Reserve Lines (URL), and Village Reserve Lines (VRL); allowing Industrial hemp cultivation in the Agriculture (AG) and Rural Lands (RL); limiting Industrial hemp cultivation in Rural Residential (RR) land use categories to indoor cultivation of industrial hemp transplants; adding Edna Valley as an exclusionary area; adding clarifying language regarding industrial hemp manufacturing prohibiting Industrial hemp cultivation in hoop houses. Furthermore, presents new findings for adding the Edna Valley as an exclusion area to the resolution recitals for adoption.

Supervisor Hill seconds the motion on the floor.

Supervisor Gibson: addresses the changes made; and questions the findings that state we are consistent with general plan and goals and policies of the ag element and if a policy consistency analysis is necessary, with Mr. Stack and Mr. Jon Ansolabehere – Chief Deputy Clerk responding and suggesting a finding be added.

Mr. Morais: presents Exhibit A - Findings that were made by the Planning Commission with added language as Finding E. that reads "The proposed amendments do not constitute a de-facto prohibition on industrial hemp cultivation because they will allow for industrial hemp cultivation subject to certain limitations (e.g. minimum parcel size, setbacks, etc.) to address land use compatibility impacts", with Supervisor Gibson stating upon the many reasons he cannot support the motion, he cannot support Finding E. and B.

The Board amends the resolution to include findings for adding the Edna Valley as an exclusion area; amends the ordinances to Titles 22 and 23 to reflect the changes presented by staff; and adopts as amended RESOLUTION NO. 2020-118, a resolution adopting specific amendments to Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance), Title 1 (General Provisions) of the county code, and Coastal Framework For Planning Table "O", for the industrial hemp ordinance; adopts as amended Exhibit A - Findings from the Planning Commission; waives the reading of the proposed ordinances and said ordinances are read by title only; adopts as amended ORDINANCE NO. 3414 - Ordinance Amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, by amending various sections regarding Industrial Hemp Activities; adopts as amended ORDINANCE NO. 3415 - Ordinance Amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, By Amending Various Sections Regarding Industrial Hemp Activities and adopts ORDINANCE NO. 3416- an ordinance Amending Title 1 of the San Luis Obispo County Code by amending Section 1.05.080 Regarding Industrial Hemp Related Violations. Furthermore, the Board directs staff to bring back Arroyo Grande and other exclusionary areas in the future and look at well interference and water offset requirements for medium and high priority basins.

Motion By: Arnold, Debbie

Second By: Hill, Adam

Board Members:	AYES:	NOES:	ABSTAIN:	RECUSE:
Lynn Compton (Chairperson, District 4)	X			
Bruce S. Gibson (Vice-Chairperson, District 2)		X		
John Peschong (Board Member, District 1)	X			
Adam Hill (Board Member, District 3)	X			
Debbie Arnold (Board Member, District 5)	X			

I, **WADE HORTON**, Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, May 5, 2020, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

Witness, my hand and seal of said Board of Supervisors on Thursday, May 28, 2020.



WADE HORTON, Ex-Officio Clerk of the Board of Supervisors

By: Annette Ramirez

Deputy Clerk

ATTACHMENT F

Adopted Ordinance

- **Ordinance No. 3415 Adopted Ordinance (Ordinance 3415), Resolution 2020-118, Exhibit A to Resolution**

ORDINANCE NO. 3415
AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE,
THE COASTAL ZONE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS
REGARDING INDUSTRIAL HEMP ACTIVITIES

SECTION 1: Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

SECTION 2: Section 23.08.042 – Industrial Hemp Processing is hereby added to Title 23 to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.042 - Agricultural Processing

Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

- a. General permit requirements.** The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.
- b. Application content.** Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).
- c. Minimum site area.** No minimum required.
- d. Standards for specific uses.**

(4) Industrial Hemp Processing. For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non- permanent structure). The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, hoop houses, or trailers is included under Crop Production and Grazing and subject to the standards set forth under 23.08.047. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Extraction of cannabinoids from industrial hemp is considered Chemical Manufacturing. Manufacturing of finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example and not limitation, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile products and Manufacturing of CBD infused food and beverage products, once allowed under state law, would be included under Food and Beverage products.

- (i) Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

(ii) **Nuisance Odors.** All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

(iii) **Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

SECTION 3: Section 23.08.040 – Agricultural Uses – Specialized (S-3) is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.040 - Agricultural Uses - Specialized (S-3)

Specialized agricultural uses which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

- 23.08.041 Agricultural Accessory Structures
- 23.08.042 Agricultural Processing Uses
- 23.08.045 Aquaculture
- 23.08.046 Animal Raising and Keeping
- 23.08.047 Industrial Hemp Cultivation
- 23.08.048 Farm Equipment and Supplies
- 23.08.050 Interim Agricultural Uses (S-18)
- 23.08.052 Specialized Animal Facilities
- 23.08.054 Nursery Specialties
- 23.08.056 Roadside Stands

SECTION 4: Section 23.08.047 – Industrial hemp cultivation is hereby added to Title 23 to read as follows:

23.08.047 - Industrial hemp cultivation

a. Limitation on use.

- (1) Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG) and Rural Lands (RL)
- (2) Industrial hemp cultivation in Residential Rural (RR) land use categories is limited to indoor cultivation of industrial hemp transplants.
- (3) Outdoor industrial hemp cultivation is limited to sites of four-hundred (400) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger.

(4) Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is prohibited.

b. Permit Requirements.

No permit required.

c. Cultivation Standards

(1) **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- (i) **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within two-thousand (2,000) feet from adjacent property lines and one-mile from Urban Reserve Lines (URL) and Village Reserve Lines (VRL). For any properties adjoining parcels located within the jurisdiction of another agency and the agency allows industrial hemp cultivation, the setback shall be the lesser of the setback set forth above or the setback required by the other agency. For any properties adjoining parcels located within the jurisdiction of another agency and the agency does not allow industrial hemp cultivation, the setback set forth above shall control.
- (ii) **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residences of separate ownership.
- (iii) All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.
- (iv)

(2) **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

(3) **State Industrial Hemp Registration.** Applicants must satisfy the registration requirements specified in the California Food & Agricultural Code. Applicants must submit those registration materials to the Agricultural Commissioner in accordance with state laws and regulation. The registration materials must be accompanied by all required fees.

(4) Industrial hemp cultivation is prohibited in hoop houses.

d. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

(1) Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weight and Measures.

(2) Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Section 23.08.420 et seq. and Chapter 23.10 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 5: Chapter 23.10.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

- g. Cannabis Activity and Industrial Hemp Related Violations.** Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County.

The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

SECTION 6: The amendments to the Coastal Framework for Planning adopted by Board of Supervisors Resolution No. 2020-118 are hereby adopted and included as part of this ordinance and Section 23.01.022 of the Coastal Zone Land Use Ordinance as though they were fully set forth herein.

SECTION 7: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 9: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 10: This ordinance shall become operative immediately only upon certification of the Amendments by the California Coastal Commission, as may be certified with suggested modifications by the Coastal Commission and accepted and agreed to by the Board of Supervisors.

SECTION 11: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 12: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

SECTION 13: Interim/Urgency Ordinance No. 3393, and its extending ordinance, No. 3394, as they apply to the Coastal portions of the County, shall be repealed and replaced upon this Ordinance becoming effective and operative.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 5th day of May, 2020, by the following roll call to vote, to wit:

YES: Supervisors Debbie Arnold, Adam Hill, John Peschong, and Chairperson Lynn Compton

NOES: Supervisor Bruce S. Gibson

ABSENT: None

ABSTAINING: None

Lynn Compton

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:
RITA L. NEAL
County Counsel

By: /s/ Brian Stack
Deputy County Counsel

Dated: April 23, 2020

The undersigned Deputy Clerk of the Board of Supervisors certifies that, pursuant to Section 25103 of the Government Code, delivery of this document has been made on May 26, 2020.

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **WADE HORTON**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on May 26, 2020.

WADE HORTON,
Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, May 5, 2020

PRESENT: Supervisors John Peschong, Bruce S. Gibson, Adam Hill, Debbie Arnold and
Chairperson Lynn Compton

ABSENT: None

RESOLUTION NO. 2020-118

RESOLUTION ADOPTING SPECIFIC AMENDMENTS TO TITLE 22 (LAND USE ORDINANCE), TITLE 23 (COASTAL ZONE LAND USE ORDINANCE), TITLE 1 (GENERAL PROVISIONS) OF THE COUNTY CODE, AND COASTAL FRAMEWORK FOR PLANNING TABLE "O", FOR THE INDUSTRIAL HEMP ORDINANCE

The following resolution is now offered and read:

WHEREAS, pursuant to Article XI, section 7 of the California Constitution, the County of San Luis Obispo may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and,

WHEREAS, the cultivation of industrial hemp without additional land use regulations has the potential to cause land use conflicts unique from other traditional crops because of federal and state regulatory requirements, its genetic similarities to cannabis, the potential for confusion with cannabis, and the potential to be a source of cannabis like odors which has been the subject of significant public testimony and concern, specifically including when nearby residential areas; and,

WHEREAS, the cultivation of industrial hemp without reasonable additional land use regulations could adversely affect the health, safety, and well-being of the County and its residents; and,

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of San Luis Obispo County that amendments be made to existing permanent land use regulations governing industrial hemp; and,

WHEREAS, the enactment of these amendments does not have the potential to cause an increase in industrial hemp or its impacts in the unincorporated area of the County of San Luis Obispo beyond what would otherwise be allowed under existing permanent land use regulations; and,

WHEREAS, the Edna Valley American Viticultural Area (AVA) has unique topographical and climatic features which are prized for their unique ability to grow high quality cool-season grapes such as Pinot Noir and Chardonnay, including being among the coldest AVA's in California, having one of the longest grape growing seasons in California, being the only appellation in the County with two transverse valleys open to the ocean, and having generally consistent weather patterns from March to November consisting of overnight inversion layers and afternoon onshore winds; and,

WHEREAS, due in large part to these unique topographical and climatic features, the predominate agricultural use in the Edna Valley AVA consists of vineyards and wineries specializing in cool-season grapes such as Pinot Noir and Chardonnay; and

WHEREAS, although the Edna Valley AVA is predominantly agricultural use, residential buildout in this area has included several cluster residential and agricultural subdivisions which are intertwined in and around the agricultural uses of the Edna Valley AVA, including, but not limited to, the areas of Twin Creeks Way, Country Club Drive, Tiffany Ranch Road, Camino Edna, and Edna Ranch Circle; and

WHEREAS, due to Edna's Valley AVA's recognition as a unique cool-season appellation and ability to grow high quality cool-season grapes, there is a concentration of established vineyards, wineries, and tasting rooms that rely on the unique features of the area to grow, produce and sell high quality wines, as well as offer prized venues for events such as weddings; and

WHEREAS, having a high quality cool-season appellation is integral to the success of the County's diversified wine industry and supporting industries because it allows wineries to produce and market a wide range of grape varieties grown in the County; and

WHEREAS, previous cultivation of industrial hemp in the Edna Valley AVA resulted in numerous complaints and substantial public testimony by wine industry representatives and residents in the area raising nuisance odor and pesticide related concerns and the impacts

industrial hemp cultivation was having on established agricultural operations, employees and residents in the area; and

WHEREAS, the cultivation of industrial hemp in the Edna Valley AVA has the potential to cause land use conflicts due to the same unique topographical and climatic features which are prized for their ability to grow high quality cool-season grapes and have resulted in the concentration of vineyards and wineries in the appellation, including a greater risk for odor and pesticide related conflicts, and

WHEREAS, prohibiting the cultivation of industrial hemp in the unincorporated areas of the Edna Valley AVA is in the best interests of the health, safety, and welfare of County residents; and

WHEREAS, the intent and purpose of these amendments is to establish reasonable restrictions upon the cultivation and processing of industrial hemp in order to protect the environment, public health, safety, and welfare in San Luis Obispo County; and

WHEREAS, on June 18, 2019, the Board adopted an urgency ordinance placing a temporary moratorium on the cultivation of industrial hemp in San Luis Obispo County and directed staff to prepare a permanent ordinance that would allow industrial hemp cultivation to occur within the County; and,

WHEREAS, on January 23, 2020 the Planning Commission reviewed the proposed amendments to Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance), Title 1 (General Provisions) and the Coastal Framework for Planning and recommended the Board of Supervisors approve the amendments as attached hereto; and,

WHEREAS, the Board of Supervisors has duly considered the proposed amendments to Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance), Title 1 (General Provisions), and the Coastal Framework for Planning and finds that the recommendation of the Planning Commission on January 23, 2020 should be accepted.

WHEREAS, the Board of Supervisors adopts the findings in Exhibit A1 and finds that the proposed amendments are consistent with the Land Use Element and other adopted elements of the County General Plan and the proposed amendments will protect the public health, safety and welfare of residents by placing restrictions on Industrial Hemp Cultivation and processing that are intended to minimize conflict with other crops and land uses.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE Board of Supervisors of the County of San Luis Obispo, State California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.
3. That the Chairperson of the Board of Supervisors sign Ordinance 3414 to adopt and enact the amendments to Title 22 (Land Use Ordinance) of the County Code as attached hereto.
4. That the Chairperson of the Board of Supervisors sign Ordinance 3415 to adopt and enact the amendments to Title 23 (Land Use Ordinance) of the County Code as attached hereto.

[This document was certified as part of the Local Coastal Program. Therefore, this amendment needs to be submitted to the California Coastal Commission and will become effective only upon certification by the Coastal Commission.]

5. Amend the Coastal Framework for Planning as such amendments appear on Exhibit A attached hereto. [This document was certified as part of the Local Coastal Program. Therefore, this amendment needs to be submitted to the California Coastal Commission and will become effective only upon certification by the Coastal Commission.]

6. That the Chairperson of the Board of Supervisors sign Ordinance 3416 to adopt and enact amendments to Title 1 (General Provisions) of the San Luis Obispo County Code as attached hereto.

Upon motion of Supervisor Arnold, seconded by Supervisor Hill, and on the following roll call vote, to wit:

AYES: Supervisors Arnold, Hill, Peschong and Chairperson Compton

NOES: Supervisor Gibson

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted.

Jayne Compton
Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: Annette Ramirez
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Brian Stack
Deputy County Counsel

Dated: April 23, 2020

<p>STATE OF CALIFORNIA) ss.</p> <p>COUNTY OF SAN LUIS OBISPO)</p> <p>I, WADE HORTON, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.</p> <p>Witness, my hand and seal of said Board of Supervisors on May 26, 2020.</p> <p style="text-align: center;">WADE HORTON, Ex-Officio Clerk of the Board of Supervisors</p> <p>By: <u>Annette Ramirez</u> Deputy Clerk</p>

EXHIBIT A - STRIKETHROUGH

PROPOSED LCP AMENDMENT TO THE COASTAL FRAMEWORK FOR PLANNING

SECTION 1. Chapter 6 Section C (“Allowable Land Uses in the Coastal Zone and Coastal Table O”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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A) AGRICULTURE																
Ag Accessory Structures	1	6-39	S-3-P	S-3-P	S-3-P	S-3	S-3	S-3					S-3	S-3	S-3	S-14
Ag Processing	2	6-39	S-3	S-3	S-3		S-3						S-3	A		
Animal Raising & Keeping	3	6-40	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Aquaculture	4	6-40		S-3	S-3		S-3						S-3-P	S-3-P		
Crop Production and Grazing	5	6-44	P	P	P	A	A	S-18	S-18	S-18	S-18	S-18	S-18	A	A	A
<u>Industrial Hemp Cultivation</u>			<u>S-3-P</u>	<u>S-3-P</u>	<u>S-3-P</u>		<u>S-3</u>									
Farm Equipment & Supplies	6	6-45		S-3	S-3		S-3						A	A		
Nursery Specialties – Soil Dependent	7	6-51	S-3-P	S-3-P	S-3		S-3	S-3				S-3	S-3	S-3		
Nursery Specialties – Non-Soil Dependent	8	6-52		S-3	S-3		S-3	S-3				S-3	S-3	S-3		
Specialized Animal Facilities	9	6-58	S-3	S-3-P	S-3	S-3	S-3	S-3			S-3	S-3	S-3	S-3	S-3	

SECTION 2. Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Crop Production and Grazing [A5]

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, "Animal Raising and Keeping."

EXHIBIT A - CLEAN

PROPOSED LCP AMENDMENT TO THE COASTAL FRAMEWORK FOR PLANNING

SECTION 1. Chapter 6 Section C (“Allowable Land Uses in the Coastal Zone and Coastal Table O”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

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Ag Processing	2	6-39	S-3	S-3	S-3		S-3						S-3	A		
Animal Raising & Keeping	3	6-40	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Aquaculture	4	6-40		S-3	S-3		S-3						S-3-P	S-3-P		
Crop Production and Grazing	5	6-44	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>	S-18	S-18	S-18	S-18	S-18	S-18	A	A	A
Industrial Hemp Cultivation			S-3-P	S-3-P	S-3-P		S-3									
Farm Equipment & Supplies	6	6-45		S-3	S-3		S-3						A	A		
Nursery Specialties – Soil Dependent	7	6-51	S-3-P	S-3-P	S-3		S-3	S-3					S-3	S-3	S-3	
Nursery Specialties – Non-Soil Dependent	8	6-52		S-3	S-3		S-3	S-3					S-3	S-3	S-3	
Specialized Animal Facilities	9	6-58	S-3	S-3-P	S-3	S-3	S-3	S-3					S-3	S-3	S-3	S-3

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Fwd: [EXT]FW: Hemp Moratorium - Edna Valley AVA

Nicole Nix <nnix@co.slo.ca.us>

Mon 4/27/2020 03:55 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>

From: Nathan Carlson

Sent: Monday, April 27, 2020 2:50 PM

To: ahill@co.slo.ca.us

Subject: Hemp Moratorium - Edna Valley AVA

Supervisor Hill –

As an employer and the General Manager of an agricultural business within the Edna Valley AVA, I am reaching out to ask for your support in prohibiting Hemp and Cannabis from being established in our area. I have witnessed the damage and economic loss that this crop has caused for many of my counterparts in Santa Barbara County, and believe that we owe it to ourselves to go very slowly and assess the risks, and learn from the hard lessons that our neighbors to the south have encountered.

Thanks for your consideration and support in this matter.

Nathan R. Carlson

Direct: [REDACTED]

Email: nathan@centerofeffortwine.com

CENTER OF EFFORT

[REDACTED]
www.centerofeffortwine.com

[EXT]Hemp Moratorium

George Donati <george@pacificcoastfarming.com>

Mon 4/27/2020 04:28 PM

To: Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Cc: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Supervisors of San Luis Obispo County,

I am asking you to **Carve Out the Edna Valley AVA** when you vote on the Hemp Moratorium. The Edna Valley is the one very small area in our County that has over \$100,000,000 invested in permanent crops, tasting rooms, Event Centers and multiple residences. Hemp and Marijuana crops are not compatible with tourism, residences, and tasting rooms due to the skunky odors and allergic reactions many of us experience when these Cannabis crops are grown.

Please do not allow this new crop to be grown in the Edna Valley region.

Thank you,

George Donati
Pacific Coast Farming

Fwd: [EXT]Fwd: Hemp Hearing - email in lieu of public comment

Nicole Nix <nnix@co.slo.ca.us>

Mon 4/27/2020 03:53 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Nicole Nix

Legislative Assistant - District 3

805.781.4336

From: Paula Dooley <paula@stephenrosswine.com>

Sent: Monday, April 27, 2020 2:55:46 PM

To: Nicole Nix <nnix@co.slo.ca.us>

Subject: [EXT]Fwd: Hemp Hearing - email in lieu of public comment

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

----- Forwarded message -----

From: **Paula Dooley** <paula@stephenrosswine.com>

Date: Mon, Apr 27, 2020 at 2:37 PM

Subject: Hemp Hearing - email in lieu of public comment

To: <ahill@co.slo.ca.us>, <lcompton@co.slo.ca.us>, <bgibson@co.slo.ca.us>, <darnold@co.slo.ca.us>, <jpeschong@co.slo.ca.us>

SLO County Board of Supervisors:

I am writing to request a Carve Out of the Edna Valley AVA so that no hemp is grown in our wine region. My husband, Stephen Ross Dooley and I, and many others have invested our lives in the wine industry of the Edna Valley AVA and surrounding area. We have a vineyard of our own in the Edna Valley AVA, and also buy grapes from other vineyards in the area on which we have based our winery, Stephen Ross. We celebrated our 25th vintage in 2019.

Our concern is that decades-long investment in the \$100 million range in the wine industry, farming, production and tourism sectors, will undeniably be undermined and greatly devalued if hemp is permitted within the AVA or in close proximity to wine grape vineyards. Terpene drift is proven. Smoke taint is proven. Malodorous conditions are proven. Why would you undermine your own county by permitting conditions that will wreak havoc on the existing farming, production and tourism that supports the local economy?

Neither the setbacks nor the site specification in the Hemp ordinance are based on science, or any specific conditions within our valley. They seem to mimic the cannabis ordinance, but cannabis relies on the discretionary permit process as a check and balance. This is not the case in the proposed Hemp ordinance. Please, carve out this world renowned area of premium wine grape growing and production, and protect it from the adverse effects of hemp grown nearby.

Please. Protect your ag community, your local wine economy, and your constituents.

I would appreciate a simple confirmation from each of you that you have received my letter.

--

Paula

Paula Dooley
Stephen Ross Wine Cellars
Flying Cloud Wines
Jackhammer Wines



--

Paula

Paula Dooley
Stephen Ross Wine Cellars
Flying Cloud Wines
Jackhammer Wines



Correspondence for item #22 5.5.2020

Micki Olinger <molinger@co.slo.ca.us>

Tue 4/28/2020 01:48 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 9 attachments (645 KB)

[EXT]Hemp Moratorium; [EXT]Hemp in the Edna Valley; [EXT]Hemp Moratorium Meeting 5-5-20; [EXT]Hemp Ordinance; [EXT]Hemp Moratorium; [EXT]Hemp Moratorium - Edna Valley AVA; [EXT]Hemp Hearing - email in lieu of public comment; [EXT]; [EXT]Industrial Hemp;

Good Afternoon,

Attached is correspondence for item #22 on the 5.5.2020 Agenda. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

[EXT]Hemp Moratorium

LED FORTINI <led14e@gmail.com>

Tue 4/28/2020 01:41 PM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

 1 attachments (260 KB)

Scan 2020-4-28 13.36.34.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

TO: SLO COUNTY BOARD OF SUPERVISORS
FROM : LED & ANNE FORTINI, 765 VIA ROBLES, SLO 93401

Re: Proposed Industrial Hemp Ordinance for SLO County.

This is a letter to notify the county of our opposition to the county proposed Hemp Ordinance. I, Led Fortini, was born and raised in this county. I am involved with agricultural crops such as grapes in the Edna Valley. We are surrounded with truck (vegetable) crops which have the potential of being affected by the properties of hemp. I believe our edible crops could be put into danger. The odors of hemp can affect our nearby schools, tasting rooms, event centers. This problem will affect our tourism, our wineries and have the possibility of driving away the people that want to have their weddings here. it has the potential of affecting our local economy, not to mention the potential health issues such as allergies, etc.

We need to encourage hemp growers to plant their crops in very rural, low populated areas were regular Ag. crops are not affected.

Thank You for your considerations.

A handwritten signature in black ink that reads "L. Fortini". The signature is written in a cursive style with a large, looped initial "L" and a distinct "Fortini" following.

[EXT]Hemp in the Edna Valley

Margaret Zuech <margaret@piedracreek.com>

Tue 4/28/2020 11:06 AM

To: Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

I am an 87 year old woman living in the Edna Valley for 37 years. In the last few years the tranquility of my life has been turned upside down because of the hemp grown 2016 feet from my home. I have suffered respiratory ailments and near choking when it is being processed especially during the early hours of the morning, the stench so pungent that it wakes me from a sound sleep gasping for air and choking.

I beg you to please put a stop to this putridness by declaring the **Edna Valley a Carve Out Zone** and returning what's left of my life to a semblance of health and serenity.

Respectfully,

Margaret Zuech


[EXT]Hemp Moratorium Meeting 5-5-20

Howard Carroll <howardecarroll@icloud.com>

Tue 4/28/2020 09:32 AM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

San Luis Obispo Supervisors:

Re:

Hemp Moratorium

The Edna Valley has 1,000's of residences, dozens of vineyards, wineries and tasting rooms, a dozen small and large event venues and a private golf course and clubhouse. We have worked together to create the harmony of the Edna Valley that is the essence of our county. Now, hemp and cannabis grows are impacting all of these entities with noxious smells and elements that disrupt our community. As a farmer, resident and family of the Edna Valley since 1874, I urge you to "carve out" the Edna Valley from growing these products that have a significant impact to our residences and business.

Thank you,

Howard Carroll



hecarroll@sbcglobal.net

howardecarroll@icloud.com

[EXT]Hemp Ordinance

bill@whscks.com <bill@whscks.com>

Mon 4/27/2020 05:50 PM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

Cc: Nicole Nix <nnix@co.slo.ca.us>

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Board of Supervisors

Below is email I sent last December 2019 to the Board:

The Board of Supervisors is to be thanked for the current moratorium on approving new plantings of hemp in San Luis Obispo County. As I stated in my first note to the Board this summer there isn't a lot of scientific study on this crop as there is for produce, fruit, or grapes so we really don't know the short and long-term effects.

As a business owner in San Luis Obispo Country since 2008 with employees in the Edna Valley where we farm our vineyards, have winery operations, along with tasting rooms and event areas we are concerned with the proposed Country of San Luis Obispo Industrial Hemp Ordinance as drafted. This response is being sent to you and the staff planning staff to make sure all parties know our concerns.

Currently conversation in our area is about what is happening in other areas around the country as they granted approval without drafting the proper regulations for insuring the Health and Environmental Concerns, Noise Pollution, Air Quality Degradation and side effects on sustainable Farming. The Board of Supervisors thoughtfully asked for this to be addressed by the planning staff.

Having read the draft legislation what is particularly troubling to me is forth the ordinance to be effective it must be enforceable along with the responsible organization or organizations having the proper equipment and authority to hold violators accountable in a timely manner. This was not addressed in the planned ordinance. It is no secret that the valley has those that don't follow the rules and frustration exists with the lack of enforceability. It encourages some to operate outside the rules.

Which ties to the biggest concern is that of sustainable farming. Established crops in the valley spray for conditions we all understand like mildew for example. It's a given that we experience this condition in the Edna Valley at various times. Given our transverse valley with various wind patterns the set back is inadequate for those of us that have been doing business in the area. A set back of 300 feet is inadequate. I have been looking for the scientific proof why this is the right distance. Which is back to my initial point it doesn't exist. So why wouldn't you make this a larger number or restrict plantings until you have facts and data. The county puts itself at risk and other at risk with lax standards.

Finally, direction was provided to the staff to address the following issues that the draft ordinance does not address adequately which are the health issues, event centers, churches, schools, and residences that are in AG zoned properties.

Again, thank you for your attention to this issue and willingness to listen to the citizens of San Luis Obispo County.

Respectfully,

William H Swanson

Center of Effort
Edna Valley

I have not seen any revisions to the draft and ask that since you will be meeting next week to discuss the issue could you ask the group tasked to do the ordinance to please answer the questions or concerns that have been raised by residents and business owners in the Edna Valley. As a home owner and business man in the Edna Valley I would request that if changes are not going to be made for the county at a minimum would request our area be **"excluded"** or deemed an **"exclusionary zone"** from allowing Hemp to be grown in our valley. We have friends and neighbors in the Santa Barbara County who have suffered economically and are very unhappy with what their leaders have done to them and their businesses. Please don't let that happen in our special area.

Thanks for listening to a concerned individual,

William H Swanson

As an employer and the General Manager of an agricultural business within the Edna Valley AVA, I am reaching out to ask for your support in prohibiting Hemp and Cannabis from being established in our area. I have witnessed the damage and economic loss that this crop has caused for many of my counterparts in Santa Barbara County, and believe that we owe it to ourselves to go very slowly and assess the risks, and learn from the hard lessons that our neighbors to the south have encountered.

[EXT]Hemp Moratorium

George Donati <george@pacificcoastfarming.com>

Mon 4/27/2020 04:28 PM

To: Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Cc: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

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Supervisors of San Luis Obispo County,

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Please do not allow this new crop to be grown in the Edna Valley region.

Thank you,

George Donati
Pacific Coast Farming

[EXT]Hemp Moratorium - Edna Valley AVA

Nathan Carlson <nathan@centerofeffortwine.com>

Mon 4/27/2020 02:52 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

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Supervisor Arnold –

As an employer and the General Manager of an agricultural business within the Edna Valley AVA, I am reaching out to ask for your support in prohibiting Hemp and Cannabis from being established in our area. I have witnessed the damage and economic loss that this crop has caused for many of my counterparts in Santa Barbara County, and believe that we owe it to ourselves to go very slowly and assess the risks, and learn from the hard lessons that our neighbors to the south have encountered.

Thanks for your consideration in this matter.

Nathan R. Carlson

[REDACTED]

Email: nathan@centerofeffortwine.com

CENTER OF EFFORT

[REDACTED]

www.centerofeffortwine.com

[EXT]Hemp Hearing - email in lieu of public comment

Paula Dooley <paula@stephenrosswine.com>

Mon 4/27/2020 02:37 PM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

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SLO County Board of Supervisors:

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Our concern is that decades-long investment in the \$100 million range in the wine industry, farming, production and tourism sectors, will undeniably be undermined and greatly devalued if hemp is permitted within the AVA or in close proximity to wine grape vineyards. Terpene drift is proven. Smoke taint is proven. Malodorous conditions are proven. Why would you undermine your own county by permitting conditions that will wreak havoc on the existing farming, production and tourism that supports the local economy?

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Please. Protect your ag community, your local wine economy, and your constituents.

I would appreciate a simple confirmation from each of you that you have received my letter.

--

Paula

Paula Dooley
Stephen Ross Wine Cellars
Flying Cloud Wines
Jackhammer Wines
[REDACTED]

[EXT]

Frank Brown <frbrown2010@gmail.com>

Mon 3/30/2020 12:36 PM

To: Debbie Arnold <darnold@co.slo.ca.us>; Micki Olinger <molinger@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

March 30, 2020

Ms. Debbie Aenold

Supervisor, District 5

San Luis Obispo County

Debbie,

As you are aware, last June the Board of Supervisors passed an urgency ordinance placing a temporary Moratorium on the cultivation of Industrial Hemp in this county, shortly after the San Luis Obispo County Agricultural Commissioners office started processing applications in our county. The stated reason for the Urgency Ordinance was the “immediate preservation of the public peace, health, safety and welfare” of the county’s citizens. The Board further directed staff to draft an ordinance that would address the concerns of all parties, pro and con.

Through ALAB and it’s sub-committees exhaustive efforts, recommendations were provided to County Staff who prepared an Hemp Ordinance and presented it to the Planning Commission. On November 19, 2019, the Planning Commission voted to send the Ordinance to the Board of Supervisors.

I believe the Ordinance as written, is a fair compromise that addresses the concerns of all parties. It may not be perfect and may have to be revisited in the future, but it needs to be adopted for immediate implementation.

I, and many involved in this new agricultural industry urged for immediate adoption of this Industrial Hemp Ordinance proposal as currently written on April 7, 2020. Last years 11th hour moratorium placed an economic hardship on many farmers who had already spent money and time preparing to enter the market. This year, farmers will need as much time as the Board of Supervisors can give them to prepare to grow successfully this 2020 season. With the extraordinary steps being taken to contain the spread of COVID-19, San Luis Obispo County’s economy will sustain an economic blow that will possibly take years for recovery. Allowing the cultivation of Industrial Hemp will create jobs and opportunities that will be relatively safe from this virus threat as most of the cultivation practices allow worker exposure to fresh air, sunlight and the ability to keep a safe distance from other workers.

Now that the proposed Industrial Hemp Ordinance has been moved off the agenda and possibly on April 21, 2020 agenda there is much concern that it may again be moved off calendar and not addressed. The urgency ordinance is eligible to be extended for up to one more year, but that would require another vote by the Board of Supervisors at an official meeting of the BOS. If no action is taken by the Board of Supervisors by June 18, 2020, then the Urgency Ordinance “dies” and we are back to where we were before. If the urgency ordinance expires, then there won't be any additional local restrictions on hemp cultivation beyond what already exists for all other crops.

Our county, like the rest of our great Nation will need any and all opportunities to recover financially from this worldwide disaster. Many manufacturers of CBD Oil (cannabidiol) products claim CBD is effective at relieving anxiety, stress, depression, pain, inflammation, improving sleep, and other health benefits including improving the bodies immune system to fight disease. A CBD product (Epidolex) has been FDA approved to treat epilepsy.

FDA Commissioner Stephen Hahn, M.D., recently said that the agency is working towards regulating hemp-derived CBD (Hemp CBD) products and admitted that the agency's approach to Hemp CBD is not sustainable:

“We're not going to be able to say you can't use these products. It's a fools errand to even approach that. We have to be open to the fact that there might be some value to these products and certainly Americans think that's the case. But we want to get them information to make the right decisions”.(Dr. Stephen Hahn)

There is a new bipartisan bill in Congress, [H.R. 5587](#), which would amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to give the Food and Drug Administration (FDA) flexibility to regulate hemp-derived CBD as a dietary supplement without going through a time-intensive rulemaking process. This much needed action will provide hemp farmers and consumers with certainty as to how FDA will regulate this portfolio of products.

Farmers need time to prepare ground, buy seed and make other decisions concerning cultivation as early in the 2020 season as possible, not once the growing season starts.

When the executive order for sheltering in place for this county was announced on March 19, Wade Horton stated;

“The health and safety of our community is our top priority. The actions we take today will help us get back to normal as soon as possible,”

Indeed, the actions you as an elected official take on this important ordinance will affect the county's future economic vitality. Farmers will need every possible opportunity in San Luis Obispo County to help our local economy recover from this unprecedented world crisis, and we need your leadership to help make this happen as soon as possible.

Respectfully,

Frank Brown, CEO

Cal Bio-ag Diversified



[EXT]Industrial Hemp

Frank Brown <frbrown2010@gmail.com>

Wed 3/18/2020 10:21 AM

To: Debbie Arnold <darnold@co.slo.ca.us>

Cc: Micki Olinger <molinger@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

March 18, 2020

Honorable Members of the SLOCO Board of Supervisors,

Last June the Board of Supervisors passed an urgency ordinance placing a temporary Moratorium on the cultivation of Industrial Hemp in this county, shortly after the San Luis Obispo County Agricultural Commissioners office started processing applications in our county. The Board further directed staff to draft an ordinance that would address the concerns of all parties, pro and con. I believe the Ordinance as written, is a fair compromise that addresses the concerns of all parties. It may not be perfect and may have to be revisited in the future, but it needs to be adopted for immediate implementation.

Through ALAB and it's sub-committees exhaustive efforts, recommendations were provided to County Staff who prepared an Hemp Ordinance and presented it to the Planning Commission. On November 19, 2019, the Planning Commission voted to send the Ordinance to the Board of Supervisors.

I, and many involved in this new agricultural industry urge immediate adoption of this Industrial Hemp Ordinance proposal as currently written on April 7, 2020. Last years 11th hour moratorium placed an economic hardship on many farmers who had already spent money and time preparing to enter the market. This year, farmers will need as much time as the Board of Supervisors can give them to prepare to grow successfully this 2020 season. With the extraordinary steps being taken to contain the spread of COVID-19, San Luis Obispo County's economy will sustain an economic blow that will possibly take years for recovery. Allowing the growth of Industrial Hemp will create jobs and opportunities that will be relatively safe from this virus threat as most of the cultivation practices allow worker exposure to fresh air, sunlight and the ability to keep a safe distance from other workers.

This county, like the rest of our great Nation will need any and all opportunities to recover from this worldwide disaster. Many manufacturers of CBD Oil (cannabidiol) products claim CBD is effective at relieving anxiety, stress, depression, pain, inflammation, improving sleep, and other health benefits including improving the bodies immune system to fight disease. A CBD product (Epidolex) has been FDA approved to treat epilepsy.

FDA Commissioner Stephen Hahn, M.D., recently said that the agency is working towards regulating hemp-derived CBD (Hemp CBD) products and admitted that the agency's approach to Hemp CBD is not sustainable:

"We're not going to be able to say you can't use these products. It's a fools errand to even approach that. We have to be open to the fact that there might be some value to these products and certainly Americans think that's the case. But we want to get them information to make the right decisions". (Dr. Stephen Hahn)

There is a new bipartisan bill in Congress, [H.R. 5587](#), which would amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to give the Food and Drug Administration (FDA) flexibility to regulate hemp-derived CBD as a dietary supplement without going through a time-intensive rulemaking process. This much needed action will provide hemp farmers and consumers with certainty as to how FDA will regulate this portfolio of products.

We will need every possible opportunity in San Luis Obispo County to help our local economies recover from this unprecedented world crisis, and we need your leadership to make this happen on April 7, 2020, effective immediately.

Respectfully,

Frank Brown, CEO

Cal Bio-ag Diversified



FW: [EXT]Hemp Ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Wed 4/29/2020 02:38 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (890 KB)

UC Davis letter .pdf;

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Susan Huls <s.hulsangelsfan27@gmail.com>

Sent: Wednesday, April 29, 2020 2:35 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please include the following letters with the documentation for agenda #22 for May 5, 2020

 [BofS Hemp Ordinance letter](#)

Submitted by Courtney Taylor

UNIVERSITY OF CALIFORNIA, DAVIS

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • OAKLAND • SAN DIEGO • SAN FRANCISCO



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SCHOOL OF AGRICULTURAL AND ENVIRONMENTAL SCIENCES
AGRICULTURAL EXPERIMENT STATION
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DEPARTMENT OF VITICULTURE AND ENOLOGY
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S.B. COUNTY

AGRICULTURAL DEVELOPMENT
HEARING SUPPORT

182

11/6/19

October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is zined at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effect that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Myers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or odor abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kerrison et al., 2009; Krstic et al., 2015) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Capone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtroy-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 10% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or Eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, freshness/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (materials other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/l. Herve et al., (2003) reported a recognition threshold of 3.2 µg/l. in red wine. Irrespective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 15.5 µg/l.). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kenderson et al., 2019). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Copene also found that *Eucalyptus* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with an MOG included, including no *Eucalyptus* leaves and/or bark, produced wines with above aroma threshold levels of 1,8- cineole if made from winegrapes grown within the first 50 meters from *Eucalyptus* trees. Including grape stems and some grape leaves as will be normal during most fermentations, will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Aizpurua-Olazola et al., 2016). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The genotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Aizpurua-Olazola et al., 2016). This is a 10³ order difference between the cannabis terpene concentration and wine odor detection levels. Research has shown terpene emission rates of up to 8.7 µgC g⁻¹ hr⁻¹ depending on the strain of *Cannabis spp* (Wang et al., 2019). Additionally, β-myrcene, eucalyptol and δ-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, limonol, α-terpineol, β- caryophyllene, hashishene, α-limonene and more. New terpenes are continually being identified in cannabis plants.

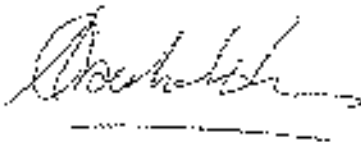
Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Carran et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, absorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616

[EXT]Proposed Hemp Ordinance

Brian Talley <brian@talleyvineyards.com>

Thu 4/30/2020 03:14 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Lynn Compton <lcompton@co.slo.ca.us>; BOS_District 5_Web Contact <district5@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

 1 attachments (68 KB)

Hemp Production SLO County.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please find attached my comments regarding the proposed hemp ordinance.

Sincerely,

Brian Talley

www.TalleyVineyards.com

www.TalleyFarms.com





EST. 1911



FW: More Correspondence for the BOS Industrial Hemp

Hallie E. Scott <hscott@co.slo.ca.us>

Thu 4/30/2020 03:15 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see the below correspondence for Industrial Hemp, going before BOS 5/5. Thank you.

Hallie Scott

Supervising Administrative Clerk II

(p) 805-781-5718

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Thursday, April 30, 2020 3:00 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Cc: Brian Pedrotti <bpedrotti@co.slo.ca.us>; Robert Fitzroy <rfitzroy@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>

Subject: More Correspondence for the BOS Industrial Hemp

Importance: High

Hello Hallie,

I am forwarding the below email as official correspondence for the Board for Industrial Hemp for this Tuesday, May 5. Please let me know if you have any questions.

Thank you,
Kip Morais

March 28, 2020

Mr. Kip Morais, Project Manager
Mr. Brian Pedrotti, Supervising Planner

San Luis Obispo County

Dear Sirs,

Last June the Board of Supervisors passed an urgency ordinance placing a temporary Moratorium on the cultivation of Industrial Hemp in this county, shortly after the San Luis Obispo County Agricultural Commissioners office started processing applications in our county. The stated reason for the Urgency Ordinance was the "immediate preservation of the public peace, health, safety and welfare" of the county's citizens. The Board further directed staff to draft an ordinance that would address the concerns of all parties, pro and con.

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I, and many involved in this new agricultural industry urged for immediate adoption of this Industrial Hemp Ordinance proposal as currently written on April 7, 2020, now off calendar. Last years 11th hour moratorium placed an economic hardship on many farmers who had already spent money and time preparing to enter the market. This year, farmers will need as much time as the Board of Supervisors can give them to prepare to grow successfully this 2020 season. With the extraordinary steps being taken to contain the spread of COVID-19, San Luis Obispo County's economy will sustain an economic blow that will possibly take years for recovery. Allowing the cultivation of Industrial Hemp will create jobs and opportunities that will be relatively safe from this virus threat as most of the cultivation practices allow worker exposure to fresh air, sunlight and the ability to keep a safe distance from other workers.

Now that the proposed Industrial Hemp Ordinance has been moved off the agenda and possibly on April 21, 2020 agenda there is much concern that it may again be moved off calendar and not addressed. The urgency ordinance is eligible to be extended for up to one more year, but that would require another vote by the Board of Supervisors at an official meeting of the BOS. If no action is taken by the Board of Supervisors before June 18, 2020, then the Urgency Ordinance "dies" and we are back to where we were before. If the urgency ordinance expires, then there won't be any additional local restrictions on hemp cultivation beyond what already exists for all other crops.

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Indeed, the actions you take on this important ordinance will affect the county's future economic vitality. Farmers will need every possible opportunity in San Luis Obispo County to help our local economy recover from this unprecedented world crisis, and we need your leadership to help make this happen as soon as possible.

Respectfully,

Frank Brown, CEO
Cal Bio-ag Diversified



**KIP MORAIS
PLANNER**

Planning and Building
County of San Luis Obispo
Tel: (805) 781-5136
kmorais@co.slo.ca.us

FW: More Correspondence for the BOS Industrial Hemp

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Thu 4/30/2020 03:16 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

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(p) 805-781-5718

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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Cal Bio-ag Diversified



**KIP MORAIS
PLANNER**

Planning and Building
County of San Luis Obispo
Tel: (805) 781-5136
kmorais@co.slo.ca.us

FW: [EXT]Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Thu 4/30/2020 03:28 PM

To: BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>; AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (890 KB)

UC Davis letter .pdf;

Public Comment on item 22 on next week's agenda.

- **Caleb Mott**

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

(805) 781-4337

(800) 834-4636 ext 4337

District4@co.slo.ca.us

1055 Monterey St D430

San Luis Obispo CA 93408

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From: Susan Huls <s.hulsangelsfan27@gmail.com>

Sent: Wednesday, April 29, 2020 2:31 PM

To: Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please include the following letters with the documentation for agenda #22 for May 5, 2020

[BofS Hemp Ordinance letter](#)

Submitted by Courtney Taylor

UNIVERSITY OF CALIFORNIA, DAVIS

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AGRICULTURAL EXPERIMENT STATION
2015 RIVERSIDE AVENUE
DEPARTMENT OF VITICULTURE AND ENOLOGY
TELEPHONE 530/752-0252
FAX 530/752-0250

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NOV 04 2019

SANTA BARBARA COUNTY

HEARING SUPPORT

182
11/6/19

October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effect that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards.

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Myers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or odor abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kennison et al., 2009; Krstic et al., 2015) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Capone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtray-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 10% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or Eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, freshness/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOC (materials other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/l. Merve et al., (2003) reported a recognition threshold of 3.2 µg/l. in red wine. Irrespective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 15.5 µg/l.). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kennison et al., 2019). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOC (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOC are included.

Copene also found that *Eucalyptus* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with an MOC included, including no *Eucalyptus* leaves and/or bark, produced wines with above aroma threshold levels of 1,8-cineole if made from winegrapes grown within the first 50 meters from *Eucalyptus* trees. Including grape stems and some grape leaves as will be normal during most fermentations, will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Aizpurua-Olazola et al., 2016). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The genotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Aizpurua-Olazola et al., 2016). This is a 10³ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 8.7 µgC g⁻¹ hr⁻¹ depending on the strain of *Cannabis spp* (Wang et al., 2019). Additionally, β-myrcene, cineolol and δ-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, linalool, α-terpineol, β-caryophyllene, hashishene, α-terpinolene and more. New terpenes are continually being identified in cannabis plants.

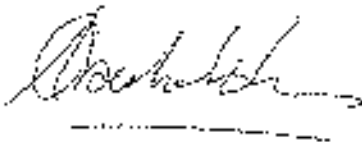
Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Carrau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, absorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616

FW: [EXT]Fwd: Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Thu 4/30/2020 03:28 PM

To: BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>; AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

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2015 RIVERSIDE AVENUE
DEPARTMENT OF VITICULTURE AND ENOLOGY
DAVIS, CALIFORNIA 95616-8739
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182
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October 28, 2019

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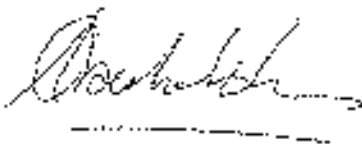
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Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oheimolster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616

FW: [EXT]Hemp in Edna Valley

John Peschong <jpeschong@co.slo.ca.us>

Fri 5/1/2020 08:50 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Item 22

VICKI JANSSEN, Legislative Assistant
First District Supervisor John Peschong
1055 Monterey St., D430
San Luis Obispo, CA 93408
(805)781-4491/Fax (805) 781-1350
vjanssen@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: Judy Darway <judekidsnhorses@gmail.com>

Sent: Friday, May 1, 2020 8:49 AM

To: John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Hemp in Edna Valley

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Mr. Peschong,

I don't want to take up a lot of time, but just want to remind you the special issues we had in the Edna Valley with hemp last year. We live in the heart of Edna Valley and my husband is a 3rd generation farmer and property owner here.

Plain and simple, we are asking for a carve out that allows hemp and cannabis to be grown in San Luis County, but not in the Edna Valley.

Edna Valley has many unique properties that make it the special place that it is--one of the few places in the world that certain varieties of wine grapes can be grown--a climate that allows vegetables and fruits to be grown year round--weather that encourages visitors to come to our area 365 days a year (supporting our thriving economy)--and air quality that makes it a healthy place to live and visit.

These same things that make it good for many industries make it unacceptable for hemp and cannabis. The dual air currents that come in through Los Osos Valley and Price Canyon meet the currents that come over the mountains from the central valley and trap the air. There is no way for the heavy fumes to be cleared and they are locked in to be absorbed by grapes, citrus and avocado trees, and human bodies. They have a seriously negative affect on our health, our crops, and the desire for visitors to come. Schools reported teachers and students with headaches and allergy problems associated with the odors. There are many areas in our county where free-flowing air currents make hemp and cannabis worthy crops (Los Osos, Paso Robles, Atascadero, California Valley) as was brought up in our meetings. Growers and residents in those areas were able to live side by side with the hemp fields with no negative affects to health, comfort, or adjoining crops. That was not the case in the Edna Valley.

As life long residents and farmers in Edna Valley, we are not asking you to take away the rights of hemp and cannabis growers, but only to protect the rights of existing schools, farmers, residents, and businesses in the valley and carve out a no hemp/cannabis area that covers only the Edna Valley region. This carve out would mean no growing of any kind (nursery, seed plants, medical, industrial, experimental, educational, or any other classification currently in existence or future nomenclature used to describe growing hemp/cannabis of any nature for any purpose.)

Please help us keep our special features of the Edna Valley intact while allowing growers in other parts of the county to grow and produce their crops.

Please vote for an Edna Valley carve out.

Thank you.

Chuck & Judy Darway



FW: [EXT]Make Edna Valley a NO HEMP zone

Debbie Arnold <darnold@co.slo.ca.us>

Fri 5/1/2020 09:09 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: Hoss Christensen <hossch@gmail.com>

Sent: Thursday, April 30, 2020 9:26 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Make Edna Valley a NO HEMP zone

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

April 29, 2020

Dear Supervisor Arnold,

I understand that the Board of Supervisors will be voting on the Hemp Moratorium at the Tuesday, May 5th, 2020 regularly scheduled meeting.

As a resident and 3rd generation Edna Valley farmer, I request and strongly urge you to consider a special "carve-out" and not allow any industrial hemp growth or processing in the Edna Valley.

I am very concerned about the possible negative impact to our prolific agriculture, our hospitality industry and our overall quality of life. The county's current plan does not provide details on funding for inspection, enforcement and regulation. Other counties with poorly managed industrial hemp programs have run into significant problems as reported by the Bakersfield Californian newspaper in October 2019. [100s of Acres of "Hemp" bulldozed by Federal Authorities.](#)

Additionally, there is no denying the strong "unique" odor or smell associated with an industrial hemp crop. This issue of strong smell has been presented and discussed in Santa Barbara and Ventura counties as shown by this TV newsclip. [10s of Camarillo citizens complain about "Hemp Stench".](#)

I do not want these problems near my home, near my vegetables and hay or near our wineries with the potential to affect my family and my grandchildren.

Again, I strongly urge you to approve a "NO HEMP" carve-out for the Edna Valley. My grandfather and my father spent their entire lives farming here and helped make Edna Valley one the most desirable places to live and farm in California. Let's not tarnish the work by previous generations.

Thank you for your time and consideration.

Respectfully,

George "Hoss" Christensen
Biddle Ranch Road
Edna Valley

FW: [EXT]Hemp in Edna Valley

Debbie Arnold <darnold@co.slo.ca.us>

Fri 5/1/2020 09:14 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: Judy Darway <judekidsnhorses@gmail.com>

Sent: Friday, May 1, 2020 8:48 AM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp in Edna Valley

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Debbie,

I don't want to take up a lot of time, but just want to remind you the special issues we had in the Edna Valley with hemp last year. We live in the heart of Edna Valley and my husband is a 3rd generation farmer and property owner here.

Plain and simple, we are asking for a carve out that allows hemp and cannabis to be grown in San Luis County, but not in the Edna Valley.

Edna Valley has many unique properties that make it the special place that it is--one of the few places in the world that certain varieties of wine grapes can be grown--a climate that allows vegetables and fruits to be grown year round--weather that encourages visitors to come to our area 365 days a year (supporting our thriving economy)--and air quality that makes it a healthy place to live and visit.

These same things that make it good for many industries make it unacceptable for hemp and cannabis. The dual air currents that come in through Los Osos Valley and Price Canyon meet the currents that come over the mountains from the central valley and trap the air. There is no way for the heavy fumes to be cleared and they are locked in to be absorbed by grapes, citrus and avocado trees, and human bodies. They have a seriously negative affect on our health, our crops, and the desire for visitors to come. Schools reported teachers and students with headaches and allergy problems associated with the odors. There are many areas in our county where free-flowing air currents make hemp and cannabis worthy crops (Los Osos, Paso Robles, Atascadero, California Valley) as was brought up in our meetings. Growers and residents in those areas were able to live side by side with the hemp fields with no negative affects to health, comfort, or adjoining crops. That was not the case in the Edna Valley.

As life long residents and farmers in Edna Valley, we are not asking you to take away the rights of hemp and cannabis growers, but only to protect the rights of existing schools, farmers, residents, and businesses in the valley and carve out a no hemp/cannabis area that covers only the Edna Valley region. This carve out would mean no growing of any kind (nursery, seed plants, medical, industrial, experimental, educational, or any other classification currently in existence or future nomenclature used to describe growing hemp/cannabis of any nature for any purpose.)

Please help us keep our special features of the Edna Valley intact while allowing growers in other parts of the county to grow and produce their crops.

Please vote for an Edna Valley carve out.

Thank you.

Chuck & Judy Darway



Agenda Item #22- Hemp Ordinance

Vicki Janssen <vjanssen@co.slo.ca.us>

Thu 4/30/2020 09:09 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 4 attachments (1 MB)

[EXT]Hemp Ordinance; [EXT]Letter of Concern for 5.5.20 BOS Meeting | The Barn; [EXT]Fwd: Hemp in Edna Valley; [EXT]Hemp Moratorium - Edna Valley AVA;

[EXT]Hemp Ordinance

Susan Huls <s.hulsangelsfan27@gmail.com>

Wed 4/29/2020 02:24 PM

To: John Peschong <jpeschong@co.slo.ca.us>

 1 attachments (890 KB)

UC Davis letter .pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please include the following letters with the documentation for agenda #22 for May 5, 2020

[BofS Hemp Ordinance letter](#)

Submitted by Courtney Taylor

UNIVERSITY OF CALIFORNIA, DAVIS

BERKELEY • DAVIS • DRYDEN • LOS ANGELES • MERCED • OAKLAND • SAN DIEGO • SAN JOSE • SAN FRANCISCO



SANTA BARBARA • STANFORD

SCHOOL OF AGRICULTURAL AND ENVIRONMENTAL SCIENCES
AGRICULTURAL EXPERIMENT STATION
2015 RIVERSIDE EXTENSION
DEPARTMENT OF VITICULTURE AND ENOLOGY
TELEPHONE 530/752-0252
FAX 530/752-0250

ONE SHYLLER AVENUE
DAVIS, CALIFORNIA 95616-8739

RECEIVED

NOV 04 2019

S.B. COUNTY

PLANNING & DEVELOPMENT
HEARING SUPPORT

182

11/6/19

October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is zined at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effect that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Myers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or odor abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kerrison et al., 2009; Krstic et al., 2015) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Capone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtray-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 10% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or Eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, freshness/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (materials other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/l. Herve et al., (2003) reported a recognition threshold of 3.2 µg/l. in red wine. Irrespective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 15.5 µg/l.). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kenderson et al., 2019). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Copene also found that *Eucalyptus* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with an MOG included, including no *Eucalyptus* leaves and/or bark, produced wines with above aroma threshold levels of 1,8-cineole if made from winegrapes grown within the first 50 meters from *Eucalyptus* trees. Including grape stems and some grape leaves as will be normal during most fermentations, will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Aizpurua-Olazola et al., 2016). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The genotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Aizpurua-Olazola et al., 2016). This is a 10³ order difference between the cannabis terpene concentration and wine odor detection levels. Research has shown terpene emission rates of up to 8.7 µgC g⁻¹ hr⁻¹ depending on the strain of *Cannabis* spp (Wang et al., 2019). Additionally, β-myrcene, eucalyptol and δ-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, limonol, α-terpineol, β-caryophyllene, hashishene, α-limonene and more. New terpenes are continually being identified in cannabis plants.

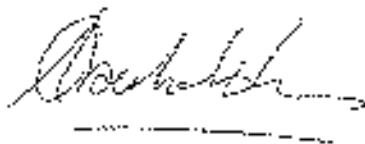
Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Carran et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, absorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616

[EXT]Letter of Concern for 5.5.20 BOS Meeting | The Barn

Alicia Cocks <alicia@whitebarnslo.com>

Wed 4/29/2020 02:22 PM

To: Adam Hill <ahill@co.slo.ca.us>

📎 1 attachments (83 KB)

Hemp_White_Barn_Request.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

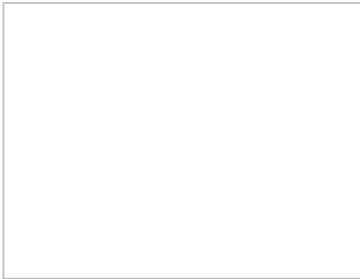
Hello Mr. Hill,

I hope this email finds you well and that you are staying safe during these unprecedented times. I wanted to reach out and pass along a letter of concern regarding the operations of hemp and cannabis in the Edna Valley. I understand that this is going to be addressed in the meeting this Tuesday so if you would please take a few moments to read our letter of concern that would be much appreciated. We look forward to finding out more on Tuesday!

Thank you.

--

WWW.EDNAVALLEYWHITEBARN.COM



April 29th, 2020

Dear District 3 Supervisor Mr. Hill,

We are reaching out to graciously request your continued support in prohibiting the use of hemp and cannabis in the Edna Valley and to inform you of our concerns surrounding any existing or potential future hemp and cannabis operations in this area. Some of the main concerns include increased criminal activity, nuisance of strong odors, nuisance of bright lights at night and the general public's health due to the odors.

Hemp and cannabis operations not only negatively affect the community in the Edna Valley, but as well as our small business operations at the White Barn. In the past two and half years during our business operations we have had numerous guests complaining of the odor and even becoming ill. In addition, we have received a guest complaint about marijuana plants being transported up and down Green Gate Road on their daughter's wedding weekend. Hemp and cannabis operations begin effecting our business when we are inviting potential clients out to the White Barn for a site tour. We had numerous potential clients, including a public figure who would have brought a significant amount of attention to the Central Coast, not move forward with booking our venue due to the odor that they inhaled during their site tour. With the nature of the times that we are in, now is the time more so than ever to stand by the community of the Edna Valley and support our residents comfortability in their own homes and small businesses, such as the White Barn, who contribute immensely to the tourism industry of this county.

We are looking to you as our County Board of Supervisors to help us protect our community and neighborhoods. We understand that the County is trying to move hemp into agricultural areas, but please understand that the Edna Valley is just as much a residential area as it is an agricultural area. We are lucky to work and live in the peaceful and safe Edna Valley that it is. Please consider prohibiting the use of hemp or cannabis operations in the Edna Valley as this area is very important to us and near and dear to our hearts.

Sincerely,

Alicia Cocks
The White Barn - Edna Valley
Director of Operations & Events

[EXT]Hemp Moratorium - Edna Valley AVA

Nathan Carlson <nathan@centerofeffortwine.com>

Mon 4/27/2020 02:52 PM

To: John Peschong <jpeschong@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Supervisor Peschong –

As an employer and the General Manager of an agricultural business within the Edna Valley AVA, I am reaching out to ask for your support in prohibiting Hemp and Cannabis from being established in our area. I have witnessed the damage and economic loss that this crop has caused for many of my counterparts in Santa Barbara County, and believe that we owe it to ourselves to go very slowly and assess the risks, and learn from the hard lessons that our neighbors to the south have encountered.

Thanks for your consideration in this matter.

Nathan R. Carlson

Direct: [REDACTED]

Cell: [REDACTED]

Email: nathan@centerofeffortwine.com

CENTER OF EFFORT

[REDACTED]

www.centerofeffortwine.com

[EXT]Fwd: Hemp in Edna Valley

Lynda Ziegler <zieglell@gmail.com>

Tue 4/28/2020 12:38 PM

To: John Peschong <jpeschong@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

> Begin forwarded message:

>

>

>

> I am writing to you to urge you to carve out permanent moratorium on growing hemp in Edna Valley. I spoke at the public hearing regarding the hemp ordinance and the concern for Edna Valley as did several others.

>

> The Edna Valley is perfect for viniculture and we have a robust and valuable wine business here in growing and tasting rooms. In addition we have event venues which are harmed by the smell of the hemp plants, this has already happened. This economic engine could be severely damaged by allowing hemp growth in the valley. There are thousands of acres in San Luis Obispo county that are viable for growing hemp without interfering with other economic activity.

>

> Please preserve a vital and valuable economy in wine growing, tasting, and associated venues by carving out Edna Valley as a no hemp area. I appreciate your consideration.

>

>

> Lynda Ziegler

>

>

FW: [EXT]Hemp

Debbie Arnold <darnold@co.slo.ca.us>

Fri 5/1/2020 12:05 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

-----Original Message-----

From: Gerry <judgegerryb@yahoo.com>

Sent: Friday, May 1, 2020 11:25 AM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>;
Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Hemp

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

I am writing to encourage you to create a "carve out hemp prohibition" in the Edna Valley and environs. By now, I believe you have heard, ad nauseam, the adverse impacts of Hemp in close proximity to residential developments, wineries, tasting rooms and other business interests, so I will spare you the repetition.

As a grape grower I am cognizant of the right to grow, but there must be a balance and recognition of other interests, as well. It seems to me that over many years a great deal of energy and money has been devoted to development of a "wine tasting venue", wineries, vineyards and integrated residential developments. Just recall the efforts to grow the airport to bring tourism to our wine country. We should not jeopardize these efforts or the underlying wine infrastructure. Please protect the Edna valley by carving it out and prohibit the growing of hemp. Thank you for your efforts.

GBarry

Sent from my iPad

FW: [EXT]Hemp

Lynn Compton <lcompton@co.slo.ca.us>

Fri 5/1/2020 01:47 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

- Caleb Mott
Legislative Assistant District 4
San Luis Obispo County Supervisor Lynn Compton
(805) 781-4337
(800) 834-4636 ext 4337
District4@co.slo.ca.us
1055 Monterey St D430
San Luis Obispo CA 93408
Visit our Website

-----Original Message-----

From: Gerry <judgegerryb@yahoo.com>

Sent: Friday, May 1, 2020 11:25 AM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>;
Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

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GBarry

Sent from my iPad

FW: [EXT]Make Edna Valley a NO HEMP zone

Lynn Compton <lcompton@co.slo.ca.us>

Fri 5/1/2020 01:49 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

- Caleb Mott

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

(805) 781-4337

(800) 834-4636 ext 4337

District4@co.slo.ca.us

1055 Monterey St D430

San Luis Obispo CA 93408

[Visit our Website](#)

From: Hoss Christensen <hossch@gmail.com>

Sent: Thursday, April 30, 2020 9:24 PM

To: Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Make Edna Valley a NO HEMP zone

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

April 29, 2020

Dear Supervisor Compton,

I understand that the Board of Supervisors will be voting on the Hemp Moratorium at the Tuesday, May 5th, 2020 regularly scheduled meeting.

As a resident and 3rd generation Edna Valley farmer, I request and strongly urge you to consider a special "carve-out" and not allow any industrial hemp growth or processing in the Edna Valley.

I am very concerned about the possible negative impact to our prolific agriculture, our hospitality industry and our overall quality of life. The county's current plan does not provide details on funding for inspection, enforcement and regulation. Other counties with poorly managed industrial hemp programs have run into significant problems as reported by the Bakersfield Californian newspaper in October 2019. [100s of Acres of "Hemp" bulldozed by Federal Authorities.](#)

Additionally, there is no denying the strong "unique" odor or smell associated with an industrial hemp crop. This issue of strong smell has been presented and discussed in Santa Barbara and Ventura counties as shown by this TV newsclip. [10s of Camarillo citizens complain about "Hemp Stench".](#)

I do not want these problems near my home, near my vegetables and hay or near our wineries with the potential to affect my family and my grandchildren.

Again, I strongly urge you to approve a "NO HEMP" carve-out for the Edna Valley. My grandfather and my father spent their entire lives farming here and helped make Edna Valley one the most desirable places to live and farm in California. Let's not tarnish the work by previous generations.

Thank you for your time and consideration.

Respectfully,

George "Hoss" Christensen

Biddle Ranch Road
Edna Valley

FW: [EXT]public comment

District 4 <district4@co.slo.ca.us>

Fri 5/1/2020 02:26 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>

 1 attachments (20 KB)

Letter to Supervisors hemp ordinance 2020.pdf;

Public Comment on Item 22.

- **Caleb Mott**

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

(805) 781-4337

(800) 834-4636 ext 4337

District4@co.slo.ca.us

1055 Monterey St D430

San Luis Obispo CA 93408

[Visit our Website](#)

From: John & LaNaya Sordelet <jlsordelet@gmail.com>

Sent: Friday, May 1, 2020 2:12 PM

To: Caleb Mott <cmott@co.slo.ca.us>

Subject: [EXT]public comment

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello Caleb,

I need to get this to the Supervisors, could you help please.

I was waiting to speak with Supervisor Compton and this meeting kept up on me.

thanks you,

John Sordelet

April 29, 2020

Hello Supervisors,

As the draft is, I will potentially have a huge problem for my family farm and business.

Early summer of 2019, I was granted a cultivation permit for Industrial Hemp here in SLO. I was told that the crop was going to look and smell just the same as cannabis. This is only partially true; the plant, in its vegetative state, if touched, smells exactly the same. However, during the flowering stage, cannabis becomes very fragrant as THC levels rise. Hemp, on the other hand, is missing the concentrated THC ingredient (chemical) that produces the pungent, familiar cannabis smell. The flowers of Hemp do not smell just like cannabis, they are much less odoriferous. The whole smell issue is not the same as cannabis. This info is based on the five different Hemp cultivators I registered and trialed this year.

Now that I have had a successful year 2019, and have committed full time to my hemp farm, any changes to my existing site could be detrimental to my family owned and operated business. There is no reason for that to happen. I have come together with two other local, small family-businesses. We are all going to be able to increase our revenue and stimulate the local economy. This is great news.

**After my years of experience working with County Building and Planning, I have the following idea I would very much like you to implement, especially with the current delays due to the covid-19 restrictions:

For the 17 of us registered hemp cultivators: Please allow (Grand Fathered-in) us to continue to operate on the original sites registered. (Only on the sites we have already used this last year.) Any new site would be held to the new standards.

I say this because when codes/regulations change, existing buildings/businesses are not made to start over and rebuild. They are always(Grand Fathered-in). Only new operations are held to the new standards. This has been my experience with building codes and ordinances.

For example, when I was working on a project during the Oak Woodland Urgency Ordinance, Megan Martin simply worked through the permitting process with me immediately and granted me a permit because I was mid-project, and already in compliance.

That is the case now with us registered hemp cultivators. I have committed a lot (everything) to my farm, nursery, and orchard and all has been done to the regulations of CA Dept. of Fish and Wildlife as well as the Ag. Department and Building and Planning. I have had no negative issues at all, only positive. I simply wish to carry on my business just like last year.

**My other issue is set backs. If a riparian setback goes into place, myself and many growers will lose ½ of our fields. This is why I say there is no reason for that standard. We farmers already pay the Central Coast Regional Water Control Board to monitor the creeks for environmental protection purposes. If there was a red flag, those issues would be sourced and dealt with by that established agency. Wolff Vineyards and all of Edna has their grapes 25 ft from the riparian watercourse because that is a Fish and Wildlife standard. You can see this is the case when driving through the apple orchards in See Canyon, as well.

I hope my thoughts make sense to all of you and will be helpful in the decision making process of this ordinance.

John Sordelet
Black Bear Springs Organic Farm

FW: [EXT]Hemp Hearing - my public comments

Lynn Compton <lcompton@co.slo.ca.us>

Fri 5/1/2020 01:47 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

- **Caleb Mott**

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

(805) 781-4337

(800) 834-4636 ext 4337

District4@co.slo.ca.us

1055 Monterey St D430

San Luis Obispo CA 93408

[Visit our Website](#)

From: oo7barb@aol.com <oo7barb@aol.com>

Sent: Friday, May 1, 2020 1:46 PM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Hemp Hearing - my public comments

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

SLO County Board Of Supervisors:

I have lived in the Edna Valley for 40 years.

I am writing to request a Carve Out of the Edna Valley AVA so that no hemp is grown in our wine region. I believe that the proposed industrial hemp ordinance, as currently drafted, will have a devastating impact on the Edna Valley wine industry - both vineyards and tasting rooms.

Please protect our wine and tourism industries.

Barbara Baggett
Moretti Canyon Vineyards
Edna Ranch Vineyards

FW: [EXT]Hemp Hearing - my public comments

Debbie Arnold <darnold@co.slo.ca.us>

Fri 5/1/2020 02:33 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: oo7barb@aol.com <oo7barb@aol.com>

Sent: Friday, May 1, 2020 1:46 PM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Hemp Hearing - my public comments

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

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I have lived in the Edna Valley for 40 years.

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Please protect our wine and tourism industries.

Barbara Baggett
Moretti Canyon Vineyards
Edna Ranch Vineyards

[EXT]5/5/2020 Item 22 Comments-Hemp Cultivation

Claire Wineman <claire.wineman@grower-shipper.com>

Fri 5/1/2020 04:31 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

 1 attachments (225 KB)

GSA SB SLO Comments on SLO Co Hemp Ord 5.5.20 Item 22.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Good afternoon,

Please see attached for comments on Tuesday's Item 22 regarding the cultivation of industrial hemp. Please confirm successful receipt of this message.

Thank you,
Claire

Claire Wineman
President
Grower-Shipper Association of
Santa Barbara and San Luis Obispo Counties

Phone: 

Cell: 

Fax: 805.343.6189

Email: claire.wineman@grower-shipper.com



May 1, 2020

County of San Luis Obispo
Board of Supervisors
ad_Board_clerk@co.slo.ca.us

Re: May 5, 2020 Agenda Item #22—County of San Luis Obispo Land Use Ordinance Amendments Regarding the Cultivation of Industrial Hemp

Dear Chair Compton and Board of Supervisors:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of amendments regarding the cultivation of industrial hemp.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing agricultural crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President

FW: 1 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:43 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (20 KB)

Facts.RKS.12.9.19.docx;

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:34 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 1 BOS CORRESPONDENCE FOR HEMP

Last summer the Edna Valley community supported the moratorium based on the adverse experiences and complaints of the ag communities and residents in other counties, primarily Santa Barbara. From the beginning, the group of Edna Valley residents and ag business owners stressed the unique Facts and qualities of the Edna Valley (see attached) and asked for a carve-out. See also two emails I forwarded to the Planning Commission on Dec 19,2019 on behalf of the Edna Valley Growers Mutual Water Company and myself.

Last fall, we experienced first-hand the adverse effects of a "research" hemp grow in the heart of the Edna Valley, which not only confirmed the concerns expressed earlier., but resulted in many emphatic complaints and grievances by the Edna Valley community, to the Ag and Planning Departments, APCD, the Planning Commission and the BOS. These documented complaints include:

(1) Adverse health effects on neighbors. With the changing wind patterns in the Valley, the noxious "skunk" smell and terpenes spread throughout the Valley up to 1 mile from the "research" grow in all directions causing significant respiratory and allergic reactions to neighbors;

(2) field workers near the hemp grow similarly suffered and expressed concerns about unsafe working conditions;

(3) event centers received complaints from their customers concerning the skunk smell, resulting in a loss of good will and reputation;

(4) wine tasting rooms also received complaints from customers (and employees) concerning the skunk smell.

(5) neighboring farm operators received threats from the hemp grower of lawsuits for engaging in standard farming practices, such as tilling the soil which creates "dust".

The Edna Valley is small, unique and blessed with a high concentration of vineyards, orchards, row crops, wine tasting rooms and event centers. And we have been consistent and vocal for almost one year--we need a carve out.

Bob Schiebelhut

San Luis Obispo, CA 93401



KIP MORAIS

PLANNER

Planning and Building

County of San Luis Obispo

Tel: (805)

kmorais@co.slo.ca.us

Facts re: the Edna Valley Appellation and Hemp

1. There are 3 federally approved appellations in the County: Paso Robles (660,000 acres); Arroyo Grande (39,646 acres) and Edna Valley (18,970 acres excluding the City of SLO)
2. The County land mass is 2,111,360 acres. The Edna Valley is a small valley--it represents just 0.008 of the total acreage in the County. It has a high concentration of vineyards, wineries, tasting rooms, and event centers. Also, Los Ranchos School and several dense neighborhoods and ranchettes throughout the Valley.
3. The Edna Valley is unique in California: (a) it is the coldest appellation in California; (b) it is the only appellation with 2 transverse valleys open to the ocean (Morro Bay-Los Osos and Pismo Beach) and (c) it has the longest grape growing season in California with bud break in Feb and harvest to Nov.
4. Because the Edna Valley is truly a valley, surrounded by hills, its climatic characteristics are generally uniform throughout the Valley. This differs from the "open" Paso Robles and Arroyo Grande appellations where the western and eastern portions have dramatically different temperatures. For example, Growing Degree Days ("GDD") for Paso Robles west and east range from 3117 to 3342 (F). For Edna Valley, the GDD is relatively constant 2371 (F). (Note: The GDD numbers were provided by UC Ag Extension, based on 24-hour monitoring. With only one monitoring station in the Arroyo Grande appellation, no GDD range is available).
5. With marine air from 2 sources, the Edna Valley experiences relatively high amounts of fog and wind from March to November. Wind records from the SLO County Airport show windy conditions 2/3's of the time—average 7-8 MPH—and 20-30 MPH peak all year. Also, the winds predominately come from 2 directions, thereby creating a mix of wind influence, which is a recipe for broad distribution of hemp terpenes over large distances.
6. The predominant terpene in cannabis (marijuana or hemp) is myrcene which emit the strongly noxious "skunk" odor. According to complaints by Edna Valley residents to the County, the skunk odors from a hemp grow in the Valley last fall was detected over 1 mile in several directions from the grow and caused respiratory problems and insomnia for many residents up to 1 mile from the grow.
7. "Smoke" taint from wildfires unfortunately is a reality. The 'smoke" taint from wildfires in No Calif has caused immense monetary losses to the wine industry, due to cancellation of contracts and rejection of grape after the wildfires.
8. Research by Prof. Oberholtser, U.C.Davis, has demonstrated the deleterious effect of smoke volatiles and eucalyptus terpenes have had on grapes and the resulting end product—wine. She has opined that cannabis terpenes may have the same adverse effect on grapes, and wine. With the morning foggy conditions in Edna Valley—near stagnant air mass—and the later windy conditions in Edna Valley, the risk of terpene drift is higher than any other location in the County.
9. Cannabis growers in Santa Barbara County have threatened and sued over spray drift—cannabis is very sensitive to pesticides, insecticides and fungicides. In fact, this issue of spray drift is even greater in the Edna Valley due to its foggy and windy conditions. The best conditions for spraying are in the morning before the wind picks up. But on foggy mornings the sprays can be suspended in the fog and then distributed when the wind picks up.
10. The Edna Valley is extremely susceptible to Powdery Mildew. Combined with a very long growing season, the amount of spraying to prevent Powdery Mildew is more than triple the number of sprays a vineyard in the North County receives. This means the Edna Valley grape growers will face far greater risk of spray drift than other growers in the County.

FW: 2 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:44 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Hallie Scott

Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:41 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 2 BOS CORRESPONDENCE FOR HEMP

In December, I sent the following email for your consideration. At the time, while opposed to hemp grows in Edna Valley, I was hoping that the Hemp Ordinance would, at a minimum, provide at least the same level of protection to existing residences and the agricultural industry as the Marijuana Ordinance. From what I understand, such is not the case with the proposal slated for discussion on May 5.

Since my December email, I have become more convinced that Hemp grows in Edna Valley should be prohibited. The protections afforded in the current recommendations are grossly inadequate, especially with respect to distancing. Edna Valley is simply too densely populated to provide any degree of protection from the release of terpenes from hemp grows. I am not opposed to hemp grows in appropriate locations, meaning areas of the county that are not heavily populated or farmed with crops that can be adversely impacted.

Of further concern is the lack of ability to enforce any ordinance given available resources.

The potential negative impact to the residents, farmers, and workers in Edna Valley is huge and should not be jeopardized by a hastily prepared ordinance that has not had the benefit of scientific research to establish reasonable protections.

I urge you to error on the side of caution to protect the existing quality of life and economic vitality of Edna Valley. Prohibit hemp farming in Edna Valley.

Respectively submitted,

Richard Pescatore



KIP MORAIS

PLANNER

Planning and Building

County of San Luis Obispo

Tel: (805)

kmorais@co.slo.ca.us

FW: 3 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:45 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (18 KB)

HempLetter (003).docx;

Please see correspondence via attachment, thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:43 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 3 BOS CORRESPONDENCE FOR HEMP



KIP MORAIS
PLANNER
Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

TO: SLO County Board of Supervisors

FROM: Andy & Laurie Mangano,

SLO 93401

RE: Proposed Hemp Ordinance

Back in December we sent you correspondence requesting your consideration to prohibit the cultivation of hemp in Edna Valley (attached letter below, pg2). Since then staff has prepared a draft ordinance for your consideration on May 5th.

We still are registering our opposition to the ordinance as drafted. While the cultivation of hemp may be better suited in other areas in the county that are less dense any hemp cultivation in Edna Valley will have significant conflicts with both existing permanent crops and rural residences.

I would hope and trust the BOS would look to other California counties that experience issues related to implementing a hemp ordinance (lessons learned). Mendocino County has responded by imposing strict zoning regulations to keep Hemp farms away from residential areas. And in Sonoma County, lawsuits have been launched by residences who want cultivation banned entirely.

The conflicts are real and the prospect of Hemp cultivation in Edna Valley will have a negative impact on our quality of life. The prevailing winds in the valley are significant and so will be the Hemp odor.

We respectfully request while considering the draft ordinance, the BOS take into consideration carving out or prohibiting the cultivation of Hemp in Edna Valley. While we are not opposed to Hemp grows elsewhere in the county that may be more appropriate, we are opposed to Hemp in Edna Valley

Typically, you will not find me opposing county projects/business opportunities, as I'm usually the recipient of opposition regarding my project proposals. In this instance however I need to register my opposition to the county proposed hemp ordinance. We oppose for several reasons: One is a concern of compatibility with existing crops, inadequate setbacks, potential spray drift liability issues for existing crops, etc. The existing crop rotation along with permanent vineyards provide a homogeneous atmosphere for the residents in Edna Valley. Second the odor emitting from the hemp is very noticeable and pungent which will have a negative effect on residents and wine tasting venues. While there are numerous other issues with the hemp ordinance, our opposition deserves your support. There are many other areas within the county that could support hemp cultivation, Edna Valley is not one of them. We are requesting your support to prohibit the cultivation of hemp in the Edna Valley.

Andy & Laurie Mangano

pl_longrangeshared @co.slo.ca.us

jpeschong@co.slo.ca.us

bgibson@co.slo.ca.us

ahill@co.slo.ca.us

lcompton@co.slo.ca.us

darnold@co.slo.ca.us

George@pacificcoastfarming.com

FW: 4 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:45 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:43 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 4 BOS CORRESPONDENCE FOR HEMP

May 3, 2020

FROM: Misha and Stephen Freyaldenhoven

ADDRESS:

San Luis Obispo, CA 93401

Live in Edna Valley since: 2/2011

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barabara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- “Terpene drift” coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article “Cannabis: The land use concerns of cultivation” stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.
- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

We sincerely hope that you will support our opposition.

Best regards,

Misha and Stephen Freyaldenhoven

Sent from my iPhone



KIP MORAIS
PLANNER
Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

FW: 5 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:45 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:44 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 5 BOS CORRESPONDENCE FOR HEMP

Marty and Nancy Plaskett
- Edna Valley Ranch property
San Luis Obispo, CA 93401

SLO County Board of Supervisors:

Please accept this letter of opposition to Hemp Production in Edna Valley. As relative new comers to the Edna Ranch community, we bought the property based on pristine valley views, comforting breezes from the Ocean and the aesthetically pleasing grape cultivation that supports a thriving Wine industry in the valley.

Coming from a farming background, the sustainable farming practices in Edna Valley have not come by chance, it requires a delicate balance of man and nature. The "Hemp Ordinance options" are the tools that County Supervisors have to be a part of this sustainability balance. Weighing the influence one industry has on another is no easy task, but risk assessment must be a large portion of the decision when a new

industry can affect established industry and the public as it relates to their personal property, health, lifestyle and property values.

Please carefully consider all consequences, unintentional or otherwise, that would be associated with allowing Hemp Production in Edna Valley and choose "Option 3", as a ban on Hemp Production based on undeniable risk to existing Industry and Residents.

Respectfully,
Marty and Nancy Plaskett.



KIP MORAIS
PLANNER
Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

FW: 6 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:46 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:46 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 6 BOS CORRESPONDENCE FOR HEMP

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Greetings

We have just recently moved to this area and we truly love it here. We feel that hemp fields would ruin the beauty and change the feel and smell that make this area so special.

This is a unique area please let us enjoy the clean fresh air.

A very concerned neighbor
Sent from my iPad

KIP MORAIS
PLANNER



Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

Revision - FW: 6 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:59 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

REVISION to correspondence #6 – Please include the name: Janice Piekarczyk <nelsonjanice@icloud.com>

Hallie Scott

Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:46 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 6 BOS CORRESPONDENCE FOR HEMP

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Greetings

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This is a unique area please let us enjoy the clean fresh air.

A very concerned neighbor

Sent from my iPad

KIP MORAIS

PLANNER

Planning and Building



County of San Luis Obispo

Tel: (805)

kmorais@co.slo.ca.us

FW: 7 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:48 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:48 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 7 BOS CORRESPONDENCE FOR HEMP

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Greetings, As a new home owner in this beautiful Edna Valley, please think of the long range effects this could have, We moved here because of the air quality, The wineries, the youthfulness of our college community, Our friends and children and tourists, express the same things, they too dream of being able to live here one day, I have personally spoken to many that attended college here and never left. Why ? would we want to turn this into a stench hole, where the skunk weed is what we will be known for?The wine industry becomes tainted, If you've ever driven by the feed lots of Harris ranch and the manure smell was so strong you rolled up your windows, had to put A/C on recycle, Is that some place you would want to raise your family? Spend some days or move to? Please, Please Please, keep SLO as a no Hemp Grow area.

Thank you Lawrence Piekarczyk

Thank you



KIP MORAIS

PLANNER

Planning and Building

County of San Luis Obispo

Tel: (805)

kmorais@co.slo.ca.us

FW: 8 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:50 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>
Sent: Monday, May 4, 2020 12:50 PM
To: Hallie E. Scott <hscott@co.slo.ca.us>
Subject: 8 BOS CORRESPONDENCE FOR HEMP

May 3, 2020

FROM: Kirsten hind

ADDRESS: e San Luis Obispo, CA 93401
Live in Edna Valley since:2013

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice my opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- “Terpene drift” coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article “Cannabis: The land use concerns of cultivation” stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.
- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

I sincerely hope that you will support our opposition.

Best regards,

--

Kind Regards,

Kirsten Hind
Circa Company, LLC
President



KIP MORAIS

PLANNER

Planning and Building

County of San Luis Obispo

Tel: (805)

kmorais@co.slo.ca.us

FW: 9 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:52 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (635 KB)

Opposition of the Proposed Hemp Ordinance.pdf;

Please see the attached correspondence.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>
Sent: Monday, May 4, 2020 12:51 PM
To: Hallie E. Scott <hscott@co.slo.ca.us>
Subject: 8 BOS CORRESPONDENCE FOR HEMP

Supervisors of SLO County,

Please consider letter attached.

Kind regards,
Kimberlee Pompeo

<https://www.linkedin.com/in/kimberleepompeodukemarshall>

KIP MORAIS
PLANNER



Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

FW: 10 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:53 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:53 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 9 BOS CORRESPONDENCE FOR HEMP

To: Kip Morais, Project Manager; Brian Pedrotti, Senior Planner; Department of Planning and Building

Copy: San Luis Obispo Board of Supervisors: Debbie Arnold, Lynn Compton, Bruce Gibson, Adam Hill, John Peschong

From: Don & Kim Spare

RE: Proposed Industrial Hemp Ordinance

This letter is to express our opposition to the proposed countywide industrial hemp ordinance currently under your consideration for Edna Valley.

First, from an economic standpoint, it makes little sense to introduce a new industry into a currently thriving economy when that new industry could have significant deleterious effects on the existing economy – consider:

- Hemp growing/harvesting creates a strong odor requiring odor abatement remedies that are not 100% effective and whose long-term effects on the other crops have not been thoroughly studied – the result is a potentially significant economic impact

- Wine tasting rooms in Edna Valley are a tourist draw and significant source of revenue to the county – given the choice of wine tasting in Edna Valley with the obnoxious odor of hemp or wine tasting in clear air in Paso Robles, it is illogical to think that someone wouldn't rather drive a bit further north to avoid the smell – the result is a potentially significant loss of tax dollars to the county
- Hemp growing is a water-intensive crop – given that representatives of Edna Valley are participating in a years-long planning process required by the state Sustainable Groundwater Management Act, it make little sense to add another significant variable in the planning process now – the result is potentially significant additional costs to Edna Valley to secure more water

Secondly, it seems a bit illogical to have not seriously considered a more sparsely-populated area in the county that would be far much suitable to host a crop that no one would consider emits a pleasant smell – the goal of additional tax revenue could be achieved without jeopardizing tax revenue and the economy of Edna Valley.

Finally, it seem that protections to existing residences and the agricultural industry appear to be inadequate, and the resources necessary to enforce the inevitable infractions that will occur are not guaranteed.

For these reasons, we respectfully request your thoughtful consideration to prohibit hemp farming in Edna Valley.

Don & Kim Spare

San Luis Obispo, CA 93401



**KIP MORAIS
PLANNER**

Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

[EXT]SLO County Board of Supervisors Meeting May 5, 2020 Item 22

Stephen W Almond <steve.almond52@gmail.com>

Mon 5/4/2020 12:49 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Cc: jawortner_gmail.com <jawortner@gmail.com>; ICE1 Jill - Wife <jill.almond58@gmail.com>; Steve Almond <steve.almond52@gmail.com>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

SLO County Board of Supervisors Meeting May 5, 2020 Item 22: Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp; exempt from CEQA. All Districts.

San Luis Obispo Supervisors Peschong, Gibson, Hill, Compton and Arnold:

Thank you for the opportunity to address you with this letter regarding the May 5, 2020 San Luis Obispo Board of Supervisors Meeting decision on the Industrial Hemp Ordinance. I am a SLO County rancher, property owner, taxpayer and voter. My wife and I operate our small family ranch business about three miles outside of the town of Creston.

The cultivation of industrial hemp ("Hemp") is not the same as traditional agriculture - Hemp cultivation is in direct conflict with traditional agriculture and small family farm businesses and our quality of life here in San Luis Obispo County ("County").

The purpose of my letter to you is to provide you with facts and data that hopefully helps to inform you on this point. I will ask you to approve a Hemp ordinance that will acknowledge these facts and protect our County's existing small farm businesses, traditional agriculture, tasting rooms, vineyards, event centers, and residential agriculture neighborhoods from the negative effects of Hemp/Marijuana cultivation.

Here are the 3 key facts and data that I will ask you to consider as you finalize your decisions on the County's Hemp ordinance....

1. Hemp and Marijuana are the same plant - Cannabis. The County should have ONE restricted land use ordinance for Cannabis. What is the difference between Hemp and Marijuana? In a word, semantics. From a practical standpoint, it's the THC concentration. Hemp and Marijuana are, scientifically the same plant. They are the same genus -Cannabis - and the same species - Sativa.

From a scientific perspective, a cannabis sativa plant that is CBD dominant, as opposed to THC dominant, is a Hemp plant. Legal definitions focus on the THC to a percentage point. In the 2014 US Farm bill Congress defined Hemp as "the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight basis." The state of California and SLO County use this definition.

From the County's land use and agriculture ordinance perspective, a Hemp plant is no different than a cannabis plant. **Same** skunk smells/air pollution, **same** industrial chemical manufacturing/extraction processes, **same** environmental/water use issues, **same** fire hazard risks and **same** public safety/crime issues and **same** land use issues.

It's all about compatible land use, not Hemp/Marijuana use. Therefore, the Hemp ordinance like the Marijuana ordinances should include the following land use common sense restrictions...

- Include residential dwelling units in the "sensitive receptor" definition with at least a 1,000 foot setback. Residential dwellings need at least a 1,000 foot set back from Hemp/Marijuana grows in the county ordinance. The current County ig farm/cattle feed lot ordinance has 1,000 foot residential dwelling setback and 1 mile setback from residential areas.
- Eliminate industrial chemical Hemp/Marijuana manufacturing on Agricultural Zoned land. No use of chemical extraction processing of the Hemp/Marijuana biomass including use of liquid carbon dioxide or ethanol extraction processes where there are significant risks of fire/explosion hazards as well as untested environmental impacts to land, air and water/aquifer. Put manufacturing like this where it belongs in Industrial or Commercial Zoned land.
- Keep the cultivation of Hemp/Marijuana indoors and limited to sealed greenhouses that do not vent to the atmosphere. This will limit the impact of air pollution/skunk odor to surrounding neighbors. Outdoor grows can not mitigate the resulting air pollution/skunk odors. Put outdoor grows at least 1 mile away from residential neighborhoods just like the pig farm setback ordinance. (County Hog Ranch Ordinance 22.30.100 - Animal Facilities - Specialized "E. Hog ranches. The raising or keeping of more than three sows, a boar and their unweaned litter is subject to the same standards that are required of beef and dairy feedlots by Subsection C. A hog ranch shall be located no closer than one mile from any residential category; and no closer than 1000 feet from any school, or dwelling.)
- Require compliance with the California Environmental Quality Act (CEQA). Do not allow for Hemp/Marijuana exemptions to CEQA. Protect our County environment as well as the health and wellbeing of your constituents from unknown and unstudied Hemp/Marijuana grow environmental operational impacts.
- Implement strict density limitations for the number of Hemp/Marijuana cultivation sites that may be near each other. Restrict the number of Hemp/Marijuana farms in a given residential agriculture/local neighborhood area. Do not replicate massive hoop house grows and concentration of indoor/outdoor grows disaster in Santa Barbara County!
- Allow SLO County Community Advisory Committee (CACs) and the Planning Commission to review and make local community recommendations on any and all future Hemp/Marijuana applications for proposed projects. Same plant same issues, our communities need to provide the same local inputs into the Planning Department land use reviews despite the agriculture designation for Hemp.

2. Hemp/Marijuana operations are in direct conflict with local established traditional agriculture small farm businesses. Protections need to be put in the Hemp/Marijuana ordinance that safeguard the County's existing \$2.5 billion traditional agriculture businesses. Hemp/Marijuana is a nuisance crop and in direct conflict with traditional agriculture in our County. Existing owned and operated small family farm businesses are at risk from up to 3 miles in proximity to a Hemp/Marijuana operation.

The California Department of Food and Agriculture has a 37 page document detailing the rules and regulations for the cultivation of Hemp (<https://www.cdfa.ca.gov/plant/industrialhemp/docs/registration/IH-RegistrationApplicationPacket-SeedBreeders.pdf>) but not one page of regulations for the cultivation of any

traditional agriculture crop. The cultivation of Hemp/Marijuana IS NOT THE SAME as growing wine grapes, fruit trees, vegetables or forage as evidenced by the CDFA documentation.

Traditional agriculture and small farm businesses can not use pesticide sprays (herbicide, fungicide, insecticides etc) on their farm crops within 3 miles of a Hemp/Marijuana grow because these sprays could "pesticide drift" to the cannabis grow. This "pesticide drift" could contaminate the Hemp/Marijuana end product which is required to undergo extensive testing for pesticide content. In the Creston area, aerial pesticide spraying of the alfalfa and forage fields are common along with boom, blast and venturi spraying of pesticides for the fruit, olive orchards, vegetable crops and vineyards. This is the same conflict to traditional agriculture businesses that has been a disaster in Santa Barbara County. Legal battles are on going in Santa Barbara and Napa counties due to this "pesticide drift" conflict brought on by cannabis grows versus traditional agriculture. See referenced articles below:

- May 1, 2020: Santa Barbara Independent. "Lawsuit Seeks to Shut Down Busy Bee's Organics in Wine Country. County Must Rein In Booming Cannabis Industry, Coalition Says." <https://www.independent.com/2020/04/30/lawsuit-seeks-to-shut-down-busy-bees-organics-in-wine-country/>
- March 30, 2020: Santa Maria Times. "Santa Barbara County Planning Commission to recommend more rigorous permit for all cannabis cultivation" https://santamariatimes.com/news/local/govt-and-politics/santa-barbara-county-planning-commission-to-recommend-more-rigorous-permit/article_93a77c65-d3fd-5e4a-8122-c92a5f2892fd.html
- February 18, 2020: Politico. "Wine vs. weed in Napa Valley" <https://www.politico.com/news/2020/02/18/wine-vs-weed-in-napa-valley-115322>
- October 17, 2019: Wine Business.com. "Napa County Takes First Step To Ban Commercial Cannabis Cultivation." <https://www.winebusiness.com/news/?go=getArticle&dataId=221115>
- September 18, 2019: Wine Business Daily News "Napa supervisors prepare to ban cultivation, manufacturing, and sale of commercial cannabis in unincorporated Napa County" <https://www.winebusiness.com/news/?go=getArticle&dataId=219744>
- August 9, 2019: Cal Coast News. "Proposed Buellton pot grows pit a vintner against weed farms" <https://calcoastnews.com/2019/08/proposed-buellton-pot-grows-pit-a-vintner-against-weed-farms/>
- July 19, 2019: Edhat Santa Barbara. "Supervisors agree to added restriction for local cannabis growers" <https://www.edhat.com/news/supervisors-agree-to-added-restriction-for-local-cannabis-growers>
- June 21, 2019: Time Magazine. "The Environmental Downside of Cannabis Cultivation" <https://time.com/tag/cannabis/>
- June 18, 2019: Santa Barbara Independent. "Santa Barbara County in an Uproar Over Cannabis Odors" From Carpinteria to Santa Ynez Valley Lawsuits, Public Hearings and Civil Protests Complain About Smells Emitting from Green Houses and Fields. <https://www.independent.com/2019/06/05/santa-barbara-countyin-an-uproar-over-cannabis-odors>
- June 15, 2019: LA Times. "The World's Largest Pot Farms, and How Santa Barbara Opened the Door" <https://www.latimes.com/local/california/la-me-santa-barbara-pot-grows-20190612-htmlstory.html>
- May 22, 2019: Los Angeles Magazine. "In Santa Barbara, the War Between Weed Growers and Their Neighbors Is Getting Nasty" <https://www.lamag.com/citythinkblog/santa-barbara-weed-war/>

Conversely, the Hemp/Marijuana grows drift terpenes that could negatively impact the quality of the local vineyards and fruit orchards. Terpenes are a large and diverse class of organic compounds, produced by a

variety of plants, including Hemp/Marijuana. Terpenes often have a strong odor. These Hemp/Marijuana terpenes could negatively impact vineyard fruit quality - UC Davis is currently studying this impact. In November 2019, UC Davis provided Santa Barbara County a letter that outlined the potential negative impacts of terpenes on vineyard and grape quality. In Napa Valley vineyard/winery grape contracts have been cancelled due to cannabis terpene contamination and the traditional agriculture vineyards have had to go to court versus the cannabis grows in the area.

The following language needs to be included in the County Hemp/Marijuana ordinances to protect and prevent undo pesticide drift litigation for existing local small business farmers in the County...

“Throughout the life of the project, the applicant, and their representatives, agents, officers, employees, successors, landlords, tenants, insurers, assigns and any other party claiming a direct or indirect financial, ownership or commercial interest in the project or the cannabis or cannabis products produced or located on the site, shall, as a condition of approval of this land use permit, release, waive, discharge, hold harmless and covenant not to sue any property owner, property operator/tenant or pest control business, pest control advisor or qualified applicator, including their agents, officers, employees and authorized representatives (“Released Parties”), for any claim, loss or damage to cannabis or cannabis products located on the project site arising out of the recommendation or application of a registered pesticide on an agricultural commodity located outside the project site by a person or business who holds the required state license or certificate and local Operator Identification Number and, if applicable, Restricted Materials Permit, and who follows required state and local pesticide use reporting and does not grossly depart from industry norms, standards and practices regarding the application of said pesticide. This condition does not extend to any loss or damage caused by the gross negligence or willful misconduct of a Released Party. This condition expressly extends to any statutory violations, including but not limited to actual or alleged violations of Food and Agricultural Code Section 12972 or 12973, so long as the violations are not caused by the gross negligence or willful misconduct of a Released Party. Approval of this land use permit, as a land use decision, is a quasi-judicial action regulatory in nature involving the application of preexisting laws or standards to a specific project and does not involve negotiated consideration by both the County and the application, unlike a development agreement, and therefore is not subject to the limitations of Civil Code section 1668 because this land use decision is not contractual in nature. This condition of approval shall have no impact on the enforcement or application of State pesticide laws and regulations by state or local agencies, including but not limited to licensing and certification requirements, pesticide use reporting and operator identification numbers, pesticide use enforcement inspections and investigations, issuance of cease and desist orders, initiation of administrative or criminal enforcement actions, and imposition of administrative, civil and criminal penalties.”

Hemp/Marijuana projects are NOT traditional agriculture for SLO County - these are nuisance crops. As a Supervisor and as the County Board of Supervisors, we need you to protect an existing and thriving \$2.5 billion traditional agriculture, small farm businesses and the wine tourism industry.

3. The Creston Advisory Body (CAB) and Creston Community DO NOT want Hemp/Marijuana grows near our farms, residential agriculture neighborhoods, homes and families. A CAB letter on the Hemp ordinance was sent to the County earlier this year where CAB stated our community concerns and position on Hemp/Marijuana. Please listen to your County CACs and constituents on this conflict of issues regarding Hemp/Marijuana grows and our rural country quality of life. Our CAC voice is one - we do not want these operations in our communities.

In summary...

Hemp/Marijuana projects are NOT traditional agriculture for SLO County - these are nuisance crops.

1. Hemp and Marijuana are the same plant - Cannabis. The County should have ONE restricted land use ordinance for Cannabis.
2. Hemp/Marijuana operations are in direct conflict with local established traditional agriculture small farm businesses. Protections need to be put in the Hemp/Marijuana ordinance that safeguard the County's existing \$2.5 billion traditional agriculture businesses.
3. The Creston Advisory Body (CAB) and Creston Community DO NOT want Hemp/Marijuana grows near our farms, residential agriculture neighborhoods, homes and families.

Do not force the Santa Barbara County's cannabis un-restricted grows on to San Luis Obispo County traditional agriculture businesses, residential agriculture neighborhoods, homes and families. These Hemp/Marijuana operations are in direct conflict to our rural/country quality of life.

Please consider in the County Hemp/Marijuana ordinance a set of restrictions to Hemp/Marijuana operations that acknowledges the facts and data as I have outlined in my letter to you. The cultivation of Hemp/Marijuana is not the same as traditional agriculture. Cannabis - Hemp and Marijuana - requires a set of ordinances to protect existing agriculture and small farm businesses as well as the neighboring homes and families in San Luis Obispo County.

Thank you.

Steve Almond
Almond Ranch

Creston, CA 93432

email: steve.almond52@gmail.com

mobile:

FW: [EXT]Fwd: Hemp Grow at 1091 Viva Way Nipomo

District 4 <district4@co.slo.ca.us>

Mon 5/4/2020 02:34 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>

Public Comment on 22 for tomorrow's meeting.

- **Caleb Mott**

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

ext 4337

District4@co.slo.ca.us

1055 Monterey St D430

San Luis Obispo CA 93408

[Visit our Website](#)

From: mcberry@aol.com <mcberry@aol.com>

Sent: Monday, May 4, 2020 1:55 PM

To: Brian Pedrotti <bpedrotti@co.slo.ca.us>; District 4 <district4@co.slo.ca.us>

Subject: [EXT]Fwd: Hemp Grow at 1091 Viva Way Nipomo

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hi Brian and Caleb, This is just an update on Viva Way Hemp Grower. The obnoxious skunk odor is still very strong and the fans are as loud as ever. The only real change is the next door property owner had to build a 6 foot high wood fence 630 ft. long to keep the hemp business off of his property. In my opinion this Hemp Growing facility does not belong in this neighborhood.

Thanks for presenting this at your meeting tomorrow.

Sincerely, Mike Berry

From: mcberry@aol.com

To: bpedrotti@co.slo.ca.us, lcompton@co.slo.ca.us

Sent: 1/22/2020 1:02:49 PM Pacific Standard Time

Subject: Hemp Grow at 1091 Viva Way Nipomo

Brian how have you been ? I just received an e-mail about the Hemp meeting tomorrow and hopefully it's not to late to register my comments. After ten years of dealing with Plant Source /Viva Farms at this location my neighbors and I have now spent the last ten months putting up with this extremely annoying operation . There are still four non permitted buildings at this location that are part of a demolition permit issued in 2016. The new owners are not only continuing to use them but have installed lights and fifteen huge very loud fans that come on automatically 24 hours a day.The hemp odor generated at this location can be smelled by neighbors as far away as the old Clearwater Nursery on Mesa Road,you can imagine how

strong it is at my house just 90 to 100 feet away! I don't know how much time you spent on Granny-Tiny home ordinances but at a SCAC meeting you stated motor homes and travel trailers were not allowed as living quarters but when the employee that is living on the property was presented to Danny DeRio at Code Enforcement he said it was irrelevant. Hopefully my and the other neighbors concerns will be considered and this Hemp Grow can be required to relocate. Thanks Mike Berry

FW: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 02:41 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 5 attachments (3 MB)

Hemp BOS Hearing Documents.PDF; Hemp CEQA Exemption.PDF; GrowerShipper Letter.PDF; CDFW Comment Letter.PDF; SLO APCD Letter.PDF;

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold

(p)

(f)

molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Murray J. Powell <murray@dfrios.com>

Sent: Monday, May 4, 2020 2:20 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>; Ramona Hedges <rhedges@co.slo.ca.us>

Subject: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 4, 2020

To the San Luis Obispo County
Board of Supervisors

VIA EMAIL

Re: Proposed SLO County Hemp Ordinance – BOS May 5, 2020 Approval Hearing.

I am writing in reference to the Board's May 5th hearing agenda item #22 scheduled to consider amending various sections of SLO County's Title 22 and 23 Code regarding industrial hemp activities. I attended most of the ALAB Committee Hemp Ordinance meetings conducted during 2019. I am surprised and disappointed that the County is considering this very important matter while State and County COVID Emergency orders are in effect. The Emergency Orders prohibit "Non-Essential Services and Activities" that are not matters related to the protection of the public's health, safety and welfare. In my opinion, the scheduled May 5th BOS ordinance approval hearing is a violation of the existing State and County COVID Emergency Shelter at Home and other related COVID Emergency Orders. Certainly the approval of the defective, poorly drafted Hemp ordinance that each of you will be considering on Tuesday, is not an "Essential" emergency matter intended to protect the health, safety and welfare of our County's residents, workers and visitors.

The following comments address several important issues that are virtually ignored or are inadequately presented in the proposed Hemp ordinance draft to be considered tomorrow.

Odor. The proposed ordinance does not prohibit the offsite detection of Outdoor Hemp Cultivation Hemp. Essentially Hemp is an outdoor cultivated crop. **THE PROPOSED ORDINANCE PROHIBITS INDOOR HEMP CULTIVATION and INDOOR HEMP PROCESSING ODOR DETECTION OFFSITE.** Does this make any sense? Outdoor hemp cultivation is the MAJOR LEADING source of cannabis skunk like odor impacting neighboring properties, residents and established businesses. Effective outdoor cannabis odor mitigation systems or techniques do not exist. The majority of Hemp related public comments and complaints discussed during the ALAB Committee's consideration of proposed Hemp ordinances and the Planning Commission's hours long draft ordinance hearings were regarding Hemp offsite odor detection and Hemp cultivation area setback distances intended to mitigate offsite odor detection. **Please add the following provision to the proposed ordinance. "Nuisance Odors. All Industrial hemp outdoor cultivation shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite."**

Setbacks. Setbacks are also related to odor impacts issues. Planning arbitrarily proposes a 300 foot outdoor hemp setback distance in the draft that is adopted from existing County cannabis ordinances. Experience in the County and elsewhere has proven, beyond a reasonable doubt, that 300 foot and much longer setback distances have no significant effect on the adverse impacts of cannabis odor on neighboring properties and our communities.

Effect of Cannabis Terpenes. The draft is silent on the effect of Hemp cannabis terpenes on wine grapes, other crops and on finished wine taste and quality. The hearing staff reports dismiss the probable adverse effects of cannabis odor terpenes on grapes and wine saying "It is important to note that there is a lack of scientific research regarding the effects of hemp terpenes on wine grapes, although that is likely to change in the near future as research is underway." Attached is a five page letter written Anita Oberholster PHD, that is part of your hearing record, who is a faculty member of the California UC Davis Department of Viticulture and Enology. This UC Department is ranked number 1 in the world regarding scientific research regarding grape growing and winemaking. Please read this letter. The letter concludes that the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on a large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near cannabis cultivation sites and on resulting wine quality. Once again this is subject related to offsite cannabis odor protection. The proposed draft provides that Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership. As discussed above, undisputed evidence exists that 300 foot setback do not mitigate the effects of cannabis odor.

CBD Oil and product Manufacturing Operations. The primary intent of Hemp production in SLO County is to manufacture CBD oil and related products. Obviously CBD Oil and other CBD product manufacturing processes are an essential Hemp activity and are very similar to regular MJ cannabis product manufacturing processes. Surprisingly, the proposed Hemp ordinance **IS SILENT** regarding any Hemp manufacturing activities except for the following brief comment. "Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. **For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing . . .**" Other than this very brief comment there are no references in the proposed draft to any existing County or State Codes, regulations or guidelines concerning CBD oil manufacturing operations. An existing County Title 22 Chemical Products Manufacturing ordinance found at Title 22 Section 22.30.160 is discussed below. This brief 1995 ordinance refers to Hemp or THC cannabis manufacturing operations.

CBD manufacturing operations involve highly dangerous flammable and explosive materials and the operation of highly technical high pressure (5,000 PSI) extraction equipment. Existing County THC cannabis ordinances (Title 22 Section 22.40.070) place some restrictions on the scope, location, site size, minimum 600 setback distances and other regulations on THC cannabis manufacturing facility operations. The County's existing Title 22 Section 22.40.070 cannabis manufacturing ordinance provides some control over regular cannabis (over .3% CBD content) manufacturing processes. A number of Section 22.40.070 provisions are relevant to Hemp

manufacturing activities. The following represent existing cannabis manufacturing Title 22 ordinance provisions that should be addressed in the Hemp draft. None of these provisions are in the proposed draft.

- Location of THC cannabis manufacturing facilities are limited to Commercial Service (CS), Industrial (IND) and Agricultural (AG) land use zones
- Limitation on use. Only Non-volatile processes and substances are allowed to operate. Use of volatile process and substances are prohibited. “Nonvolatile solvent” means any solvent used in the extraction process that is not a volatile solvent, including carbon dioxide. **“Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. “Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.” See existing ordinance 22.30.160 for comments on explosive gases.**
- Manufacturing facilities shall not be located within 600 feet of schools, parks, playgrounds, recreation or youth centers and licensed drug and alcohol recovery and living facilities. These are existing “Sensitive Sites” defined in the County’s existing Cannabis ordinances. The proposed draft has no setbacks indicate for manufacturing facilities.
- Manufacturing facilities shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. Need to add the Nuisance Odor offsite detection provision previously discussed above.
- Manufacturing facilities do not pose a significant threat to the public or to neighboring uses from explosion of or from the release of harmful gases, liquids or substances.

The proposed Hemp ordinance fails to at least limit manufacturing to Non-Volatile processes allows for highly flammable and dangerous manufacturing processes that are a threat to the health, safety and welfare of the general public, to Hemp manufacturing facility employees and to neighboring properties and residents.

An existing County Title 22 Chemical Products Manufacturing ordinance is found at Title 22 Section 22.30.160 that should be considered applicable to Hemp manufacturing operations described in the draft as “Chemical Manufacturing”. The existing title 22 Chemical Products Manufacturing Section 22.30.10 ids attached. This County Code section provides the following:

22.30.160 - Chemical Products Manufacturing

A. Permit requirement. Minor Use Permit approval, unless a Conditional Use Permit is otherwise required by Section 22.08.030 Permit Requirements - Manufacturing and Processing Uses.

B. Location. A chemical product manufacturing facility shall be located no closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category. ..

C. Minimum site area. Five acres, unless otherwise provided by Subsection D.

D. Specific use standards.

1. Explosives manufacture. The manufacture of explosives is subject to the following standards.

a. Location. No closer than one mile to any Residential, Commercial, Office and Professional, Recreation, or Public Facilities category.

b. Minimum site area. 20 acres.

c. Storage. The storage of explosives shall be in compliance with Section 22.10.050 (Toxic and Hazardous Materials).

2. Gaseous products. The manufacture or bulk storage of explosive or corrosive gaseous products such as acetylene, chlorine, fluorene and hydrogen, are subject to the special standards for explosives in Subsection D1.

[Amended 1992, Ord. 2553] [22.08.082]

This existing Chemical Products Manufacturing County Code ordinance adds several layers of confusion and contradictory requirements when compared to the Hemp draft. Does the Chemical Product Manufacturing Code

Section 22.30.160 dictate the requirements for the location and operation of Hemp manufacturing operations and facilities or not? VERY CONFUSING.

- The draft Hemp ordinance does not designate or limit the location of Hemp Manufacturing operations to any County zoning designations, to any setback measurements or distances, or minimum site size. 22.30.160 would require 1,000 foot not 300 setbacks according B. above, or possibly one (1) mile according to D.1.a. if volatile processes are allowed in the “Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories” but apparently not in the AG, RL, CS and IND zones.
- The existing Chemical Code section limits manufacturing facility site areas, depending on the guidelines in D., to either 5 acres in B. or 20 acres in D.1.a. These provisions appear unclear as to whether these minimum site area size limit apply to the Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories” designated in this Code Section. Or does this Code Section’s minimum site area limits apply to all County zone designations where Hemp operations may be allowed in the County?
- The draft Hemp ordinance does not limit Hemp Manufacturing operations to any specific County location zoning designations. The draft does designate the hemp cultivation activities to AG, RL and RR, and processing to AG, RL, RR, CS and IND zones. The Chemical Code section does not limit manufacturing facility locations to any Land Use designations but does place setback restrictions on “Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories”. Four of these five designations are not referred to in the Hemp draft. What County Land Use zone designations are Hemp manufacturing facilities and operations limited to, if any?

Sensitive Site Definitions. The draft mentions “Sensitive Sites but does not define the term. The existing County THC cannabis ordinances define sensitive sites as “Cannabis cultivation shall not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility with minimum setback distances of 1,000 or 600 feet. The draft ordinance and the May 5th Staff reports use the term “sensitive uses while rejecting the term “sensitive sites’ as State definitions that do not address odor issues. Other “sensitive site” issues involve impacts on area compatibility, impact on visual aspects of surrounding site areas and other important matters in addition to odor problems that are ignored in the draft.

Pesticide Use and Drift. THC Cannabis pesticide limitations are measured in parts per million not the typical parts per thousand applicable to regular recognized crops. Pesticide drift has created serious conflicts between cannabis operations and established recognized crop and grazing ag operations. Cannabis operators are threatening established growers and pesticide service operators with lawsuits for pesticide material drifting on to cannabis crops. Helicopter pesticide spraying operators are refusing to spray established crops such as citrus and avocado groves that require aerial spraying to be effective. California has yet to establish regulations and guidelines associated with Hemp pesticide use and testing thresh holds. The California Department of Pesticide Regulation’s website has the following statement posted. “ Pesticide guidance developed for cannabis by the Department of Pesticide Regulation (DPR) is specific to cannabis and not applicable to industrial hemp. **DPR is currently developing hemp-specific guidance that will be added to this webpage. We strongly recommend stakeholders familiarize themselves with current pesticide law and regulations and contact your local agricultural commissioner’s office with pesticide related questions.**

ALAB Committee Recommendations. ALAB submitted five “recommendations” to County Planning on December 19 ,2019. The Planning Department arbitrarily issued its propose Hemp ordinance draft for public review on November 12, 2019. ALAB’s last Hemp meeting and the submission of its December 19, 2019 recommendation letter was more than a month later than the publishing of the Planning Department draft for public review. All five of ALAB’s recommendations are ignored in the draft ordinance. The ALAB recommendation letter is attached. Staff misleading comments claiming that the draft ordinance will “reduce conflicts with other uses”. Outdoor Hemp Cultivation, the major source of obnoxious Hemp (cannabis) odor, is not addressed in the proposed ordinance draft. ALAB failed to arrive at any consensus regarding setback distances and methods of measurements. ALAB recommends the development of Best Management Practices (MAP’s) for hemp cultivation. Not a word about MAP’s in the draft. Where are they? Will we ever see them?

SLO County Urgency Ordinance No. 3393. SLO County's June 10, 2019 Temporary Hemp Moratorium Urgency Ordinance No. 3393 recognizes and discusses various concerns associated with Hemp activity that will be encountered in the County. References are to Urgency Ordinance No. 3393 Section 2.

Urgency Order Item N. As cannabis cultivation permits have been processed, the County has received substantial amounts of public testimony regarding the potential harmful effects of cultivating cannabis, specifically, odor nuisance and public safety concerns. Individuals opposing either existing or proposed cannabis cultivations, cite foul "skunk-like" smells emanating from the operation, the need to close windows, people unable to go outside due to the noxious skunk like odor, and people experiencing irritated eyes because of the odor. Cannabis cultivation projects are therefore individually reviewed to look at further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed. Individuals also cite similar odor complaints regarding certain odor "masking" systems which are often used in the growing of cannabis identifying an "overwhelming Febreze like smell" which is similarly annoying and causing eye irritation. At this point, it is unclear if industrial hemp has similar odors thus implicating these same potential impacts and further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed. This item recognizes the public's opposition and complaints with cannabis plant "skunk like odors" and states that further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed. **Outdoor Hemp cultivation, Hemp's major odor producing activity, is not addressed in the draft.**

Urgency Order Item O. Cannabis cultivation has become increasingly more prolific in the County and certain places, like California Valley, experienced an almost immediate insurgence of cannabis related activity. This cannabis related activity resulted in an increase in public services, most specifically, increased need for public safety and law enforcement due to an increase in criminal conduct. Through the County's Cannabis Ordinance, site specific safety and security issues are reviewed and plans and conditions are put into place (i.e. special fencing, lights, security cameras, etc.) in order to address this potential impact. Because industrial hemp is virtually identical to cannabis, the County's Sheriff's Department notes that certain regulations are needed in order to deter or prevent individuals associating industrial hemp with cannabis and therefore deterring or preventing unlawful activities which are associated with cannabis (i.e. theft, trespass, and robbery). **See enforcement comments below.**

Urgency Order Item P. Industrial hemp can serve as a host to mites and other insects. At this time, there are few pesticides registered for hemp that specifically address such mites or other insects. **Pesticide drift from established regular crop and grazing agricultural properties has become a major issue with regular cannabis operations in SLO and other counties. County and State pesticide regulations have not been established.**

Urgency Order Item Q. Absent regulation, the cultivation of industrial hemp and cannabis may pose incompatibility issues due to cross-pollination if male industrial hemp plants are grown or allowed to be grown. For example, due to cross-pollination and compatibility concerns, the state of Washington restricted the cultivation of industrial hemp within four miles of any licensed marijuana cultivation. Therefore, the cultivation of industrial hemp prior to the adoption of reasonable local regulations may interfere with licensed and permitted cultivation operations under the Cannabis Ordinance. **California recently pass a law SB 153 prohibiting the cultivation of regular cannabis and hemp on the same permitted property sites. The draft ordinance requires a 300 foot separation between Outdoor industrial hemp cultivation and any crop production or cannabis grow of separate ownership but does not refer to the State law that prohibits hemp and cannabis cultivation on a single property. A 300 foot separation is ineffective in preventing cannabis – hemp cross pollination.**

Urgency Order Item R. The cultivation of industrial hemp prior to the adoption of state or local regulations is potentially harmful to the welfare of residents, creates a nuisance, and may threaten the safety and land of nearby property owners. The allowance of cultivation of industrial hemp prior to the adoption of reasonable state or local regulations, creates an urgent and immediate threat to the public health, safety or welfare of the citizens and existing agriculture in San Luis Obispo County.

Urgency Order Item S. There is an urgent need for the County, including its Agricultural Commissioner, Planning and Building, Sheriff, and County Counsel departments, to assess the impacts of industrial hemp cultivation to review any state regulations subsequently issued and to explore reasonable regulatory options relating thereto.

The draft has no references to the many existing State or Federal codes regulating Industrial Hemp cultivation and CBD Oil production.

Urgency Order Item T. The County of San Luis Obispo has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances by the cultivation of industrial hemp prior to the adoption of reasonable state or local regulations.

Urgency Order Item S. There is an urgent need for the County, including its Agricultural Commissioner, Planning and Building, Sheriff, and County Counsel departments, to assess the impacts of industrial hemp cultivation to review any state regulations subsequently issued and to explore reasonable regulatory options relating thereto.

Urgency Order Item T. The County of San Luis Obispo has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances by the cultivation of industrial hemp prior to the adoption of reasonable state or local regulations.

The proposed Inland Title 22 Hemp ordinance draft fails to address most of the Urgency Ordinance No. 3393's concerns.

Enforcement. I assume, that since Hemp is a cannabis plant, that the Cannabis County Code Enforcement staff will be assigned with the County's Hemp enforcement responsibilities. Presently four (4) County Cannabis Code enforcement officer positions exist. County Code Enforcement is administered by the Planning Department. Last summer County Planning official, Matt Jensen, stated in a public meeting that cannabis code enforcement at that time was "OVERWHELMED". This was prior to any County cannabis projects, other than temporarily permitted abeyance projects, that should have been operating. Promised enforcement of Hemp and of 141 proposed outdoor cannabis cultivation permitted projects will require quarterly monitoring inspections and countless code complaints and pursuit of illegal operations requires a substantial increase in the County's Code and Law enforcement staff. Presently the County has no plans in place to expand County Code and law enforcement manpower.

CEQA Exemption. Planning proposes to exempt the adoption of the existing draft is from CEQA. See the staff report in the 259 page Attachment 11 and the Notice of Exemption Attachment 13 of the hearings documents for the May 5th BOS hearing agenda item #22. The Notice of Exemption makes the following comments:

"This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo. CEQA Guidelines Section 15061 (b)(3), Common Sense Rule Exemption."

SLO County APCD Comment Letter. The SLO APCD made the following comments in its December 19, 2019 comment letter (attached) regarding the Hemp ordinance draft ;

"To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:'

"The industrial hemp manufacturing requirements described in Paragraph D. 5. Industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories

of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - Air Pollution Control District (APCD) Review, it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

Permit – Manufacturing & Masking/Neutralizing of Hemp The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance – Manufacturing & Masking/Neutralizing of Hemp The following are subject to the APCD's Nuisance Rule 402 and may result in enforcement action:

- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

None of this information of the APCD permitting requirements are disclosed in the draft ordinance.

California Department of Fish and Wildlife Department (CDFW) Comment Letter. The CDFW disagrees with the County's CEQA exemption conclusions. The Department's 13 page December 18, 2019 letter (copy attached) can be found in tomorrow's hearing agenda's Item #22 as Attachment No. 11. The second and third paragraphs of page 72 of the CDFW letter makes the following comments:

"The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare or threatened species (as defined in Section 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064,15065). Impacts must be avoid or mitigated to less than significant unless the CEQA lead agency makes and supports a Statement of Overriding Consideration (SOC).

I don't see any discussion in the 12 page May 5th Hearing Staff Report or other hearing documents other than the responding to Fish and Wildlife Department's CEQA concerns and recommendations.

You would hope that the County has learned from its prior mistakes. Existing County Cannabis ordinances implemented during 2017 have been amended three times with a fourth proposed amendment process scheduled at a date to be determined. Hemp is a moving target at the federal and State levels. Laws and code regulations are being developed and passed as we speak. See California Senate Bill SB 153 signed into law on October 12, 2019 (attached). Once this proposed Hemp ordinance is approved, the train has left the station and conflicts and lawsuits between Hemp operators, the public and established agricultural businesses begin. Cannabis operators are threatening to sue established agricultural operations that, in many cases, have been operating for decades on multi-generational family owned farms demanding that well established pesticide

application practices cease. In certain cases California law requires pesticide spraying applications on a quarterly basis to combat certain insects.

Each of you are aware that the County's proposed approval of Industrial Hemp operations has generated a substantial amount of public dialogue and opposition throughout the County during the past year as expressed during County Board, Planning Commission and County ALAB Hemp ordinance committee meetings. Substantial evidence of this opposition exists in the hundreds of pages of agenda hearing document attachments submitted as part of Tuesday's May 5th hearing record. You represent the 285,000 residents of SLO County. information must be seriously considered by each of you. The County Farm Bureau voiced concerns regarding certain Hemp related matters but generally opposes any discretionary permitting requirements for Hemp cultivation. However the Farm Bureau and its ALAB Group members are not in agreement. Many members oppose Hemp in SLO County and are of the opinion that Hemp and Cannabis cultivation is not compatible with organic or conventional Central Coast agriculture. See the attached 170 member Grower/Shipper Association letter attached.

The BOS has the ability to extend the existing Hemp Moratorium to a later date (one year I believe). Hopefully State and local COVID orders will be lifted soon. I support the conclusions that are expressed by the Grower/Shipper Association's December 19, 2019 letter (attached) that asks that the County defer its consideration of an Industrial Hemp Ordinance until a later date when presently unknown health, legal, Federal and State regulatory, terpene odor and other unknown issues and there possible unintended consequences are determined. should only be considered during regular Brown Act government agency public hearings and meetings where the public is allowed to participate in-person to observe and present opinion, recommendations comments. The County Board and Planning Commission hearings on the Hemp ordinance matter were heavily attended by the public with a considerable number (majority) of public comments presented in -person during the course of the hearings opposing hemp cultivation in SLO County. The Hemp moratorium should be continued to a later date.

Murray Powell
Templeton Resident

Submitted by Courtney Taylor

UNIVERSITY OF CALIFORNIA, DAVIS

REGISTRATION SERVICES • OFFICE OF THE REGISTRAR • 100 SHALLENBURN DRIVE • DAVIS, CALIFORNIA 95616-8500



UNIVERSITY OF CALIFORNIA, DAVIS

COLLEGE OF AGRONOMIC SCIENCES AND ENVIRONMENTAL SCIENCES
UNIVERSITY OF CALIFORNIA, DAVIS
DEPARTMENT OF VITICULTURE AND ENOLOGY
100 SHALLENBURN DRIVE
DAVIS, CA 95616-8500

100 SHALLENBURN AVENUE
DAVIS, CALIFORNIA 95616-8500

RECEIVED

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11/6/19

October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effects that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards.

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kerimon et al., 2009; Kratoch et al., 2013) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Cappone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtrey-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 10% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, fresh/minty/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (material other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/l. Herve et al., (2003) reported a recognition threshold of 3.2 µg/l in red wine. In respective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 12.5 µg/l). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kerison et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Capone also found that *Lonicera* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with no MOG included, including no *Lonicera* leaves and/or bark, produced wines with above aroma threshold levels of 1,8-cineole if made from winegrapes grown within the first 50 meters from *Lonicera* trees. Including grape stems and some grape leaves as will be normal during most fermentations will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Azpurua-Olaverria et al., 2010). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The chemotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Azpurua-Olaverria et al., 2016). This is a 10³ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 87 µg·g⁻¹·hr⁻¹ depending on the strain of *Cannabis* spp (Wang et al., 2019). Additionally, β-myrcene, α-caryophyllol and δ-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, limonol, α-terpinolol, β-caryophyllene, linalthene, α-humulene and more. New terpenes are continually being identified in cannabis plants.

Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Larrau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, adsorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry to California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Ecology Department of Viticulture and Enology
University of California, Davis, California, 95616

- 3. Landscaping.** A 10-foot landscaping strip containing screening plant materials shall be provided adjacent to all interior lot lines.
- 4. Interment facilities.** All facilities for ground burial shall be designed and constructed in compliance with any requirements established by the Regional Water Quality Control Board (see Section 22.10.190 - Regional Water Quality Control Board Review).

[Amended 1994, Ord. 2696] [22.08.064]

22.30.160 - Chemical Products Manufacturing

- A. Permit requirement.** Minor Use Permit approval, unless a Conditional Use Permit is otherwise required by Section 22.08.030 (Permit Requirements - Manufacturing and Processing Uses).
- B. Location.** A chemical product manufacturing facility shall be located no closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category.
- C. Minimum site area.** Five acres, unless otherwise provided by Subsection D.
- D. Specific use standards.**
 - 1. Explosives manufacture.** The manufacture of explosives is subject to the following standards.
 - a. Location.** No closer than one mile to any Residential, Commercial, Office and Professional, Recreation, or Public Facilities category.
 - b. Minimum site area.** 20 acres.
 - c. Storage.** The storage of explosives shall be in compliance with Section 22.10.050 (Toxic and Hazardous Materials).
 - 2. Gaseous products.** The manufacture or bulk storage of explosive or corrosive gaseous products such as acetylene, chlorine, fluorene and hydrogen, are subject to the special standards for explosives in Subsection D1.

[Amended 1992, Ord. 2553] [22.08.082]

1. The cannabis processing facility, as proposed, will comply with all the requirements of State and County for the processing of cannabis, including dual licensure and participation in an authorized track and trace program;
2. The cannabis processing facility includes adequate quality control measures to ensure cannabis processed at the site meets State regulatory standards;
3. The cannabis processing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis is obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
4. The cannabis processing facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

OR

(For location modifications only.) Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective.

5. *(For processing sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

[Amended 2018, Ord. 3377]

22.40.070 - Cannabis Manufacturing

- A. Limitation on use.** Non-volatile cannabis manufacturing facilities may be permitted in the Commercial Service (CS), Industrial (IND), and Agriculture (AG) land use categories subject to a land use permit, as required below. Cannabis manufacturing facilities involving volatile processes or substances (requiring a Type 7 volatile manufacturing State license) are prohibited. Cannabis manufacturing facilities in the Commercial Service land use category are limited to those sites within an Urban Reserve Line (URL)

only. Cannabis manufacturing facilities in the Agriculture land use category are limited to the processing of the raw cannabis materials grown onsite.

B. Land use permit required.

- 1. Minor Use Permit.** Non-volatile manufacturing facilities of less than 40,000 square feet shall require Minor Use Permit approval unless a Conditional Use Permit is required by another Section of this Title.
- 2. Conditional Use Permit.** Non-volatile manufacturing facilities of 40,000 square feet or more shall require Conditional Use Permit approval.

C. Application requirements. In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.

- 1.** A complete description of all products used in the manufacturing process including the cannabis supply chain, liquids, solvents, agents, and processes.
- 2.** Storage protocol and hazard response plan.
- 3.** A security plan that includes lighting, security video cameras, alarm systems and secure area for cannabis storage. The security plan shall include a requirement that there be at least 30 (thirty) business days of surveillance video (that captures both inside and outside images) stored on an ongoing basis. The video system for the security cameras must be located in a locked, tamper-proof compartment.
- 4.** Employee safety and training equipment plan, plus Materials Safety Data Sheet requirements, if any.

D. Manufacturing standards.

- 1. Location.** Cannabis manufacturing shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the manufacturing facility to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility through Conditional Use Permit approval, provided the Commission first makes the findings specified in Section 22.40.070(E)(5).

- 2. Setbacks.** Setbacks are required as set forth in Section 22.10.140.
 - 3. Nuisance odors.** All cannabis manufacturing shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis manufacturing shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.
 - 4. Limitation on the manufacturing of cannabis edible products.** The manufacturing of cannabis edible products, as defined by this Title, that are in the shape of animals, people, insects, or fruit is prohibited.
- E. Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
- 1.** The cannabis manufacturing facility, as proposed, will comply with all the requirements of State and County for the manufacturing of cannabis, including dual licensure and participation in an authorized track and trace program;
 - 2.** The cannabis manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from release of harmful gases, liquids, or substances;
 - 3.** The cannabis manufacturing facility includes adequate quality control measures to ensure cannabis manufactured at the site meets industry standards and includes a documented employee safety training program, a Materials Data Safety Sheet (MSDS), and meets all requirements in the Health and Safety Code Section 11362.775, and as it may be amended;
 - 4.** The cannabis manufacturing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
 - 5.** The cannabis manufacturing facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

OR

(For location modifications only.) Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective.

6. *(For manufacturing sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

[Amended 2018, Ord. 3377]

22.40.080 - Cannabis Testing Facilities

- A. Limitation on use.** Cannabis testing facilities may be permitted in the Commercial Service (CS) and Industrial (IND) land use categories subject to a land use permit. Cannabis testing facilities in the Commercial Service land use category are limited to those sites within an Urban Reserve Line (URL) only.
- B. Land use permit required.** Cannabis testing facilities of less than 20,000 square-feet shall require Minor Use Permit approval. Cannabis testing facilities of 20,000 square-feet or greater shall require Conditional Use Permit approval.
- C. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60, Section 22.40.040, and include an operations plan detailing how cannabis will be received, secured, tested, and destroyed upon completion.
- D. Cannabis testing facilities standards.**
 - 1. Location.** Cannabis testing facilities shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility through Conditional Use Permit approval, provided the Commission first makes the findings specified in Section 22.40.080(E)(6).

County of San Luis Obispo Agricultural Liaison Advisory Board



2156 Sierra Way, Suite A
San Luis Obispo, CA 93401

**Agricultural Liaison
Advisory Board (ALAB)**

Positions/Members/Terms

CHAIR: Jean-Pierre Wolff
VICE CHAIR: Dan Rodrigues

District One: Peschong Appt.
Craig Pritchard (1/21)

District Two: Gibson Appt.
Lisen Bonnier (1/23)

District Three: Hill Appt.
Tom Ikeda (1/21)

District Four: Compton Appt.
Daniel Chavez (1/23)

District Five: Arnold Appt.
vacant (1/21)

Ag. Finance Rep.
Mark Pearce (8/22)

Cattlemen Rep.
Dick Nock

Coastal San Luis RCD Rep.
Jean-Pierre Wolff (8/22)

Direct Marketing/Organic Rep.
Jutta Thoerner (4/20)

Environmental Rep.
Krista Burke (1/23)

Farm Bureau Rep.
R. Don Warden

Nursery Rep.
Butch Yamashita (4/20)

Upper Salinas-Las Tablas RCD Rep.
George Kendall (4/23)

Vegetable Rep.
Claire Wineman (4/20)

Wine Grape Rep.
Dan Rodrigues (4/20)

Strawberry Rep.
vacant

County Agricultural Commissioner
Marty Settevendemie
Ex-Officio

U.C. Coop. Extension, Farm Advisor
Mark Battany

DATE: December 18, 2019

TO: Kip Morais, Project Manager, and Brian Pedrotti, Senior Planner,
San Luis Obispo County Department of Planning and Building,

SUBJECT: ALAB comments and recommendations on the Public Review Draft of the
Industrial Hemp Ordinance

At the December 9, 2019 Agricultural Liaison Advisory Board (ALAB) meeting, ALAB members discussed the potential adoption of a permanent ordinance regulating the cultivation and processing of industrial hemp within the unincorporated portions of San Luis Obispo County. ALAB members affirmed their support for the growth and success for all agricultural commodities and the majority agreed upon a number of recommendations described below.

ALAB reviewed the information provided by the ALAB hemp subcommittee, a group established by ALAB to specifically address the potential for a local hemp ordinance and assist in providing information to be used for that ordinance development. The hemp subcommittee, a group which included ALAB members, local hemp growers, and local vineyard and winery representatives, met six times in the past four months. Meetings were open to the public and many hemp growers and concerned citizens alike attended and provided comments and input. The ALAB subcommittee provided the full ALAB membership with a few specific recommendations and a number of general areas of consensus that the full ALAB board took under advisement.

After reviewing the input from the ALAB hemp subcommittee and considerable additional discussion amongst members, **ALAB members approved a motion to provide the following five recommendations to County Planning in response to the Public Review Draft of the Industrial Hemp Ordinance:**

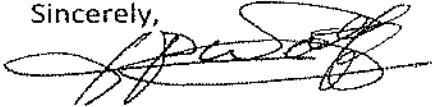
- ALAB recommends that County Planning strive to develop this ordinance, and its associated requirements and restrictions, in a manner that minimizes conflicts with existing agricultural operations and businesses.
- ALAB recommends that County Planning consider the implementation of a

sliding scale for setback requirements based upon the number of industrial hemp acres being cultivated. Although ALAB could not come to consensus on exactly what those setback distances should be, it was agreed that it is logical to require smaller setback distances from smaller sized growing sites, relative to the acreage of the hemp growing site.

- **In Section 22.30.244 (B.)1.c:** ALAB recommends that riparian and wetland setbacks be struck from the ordinance due to this requirement being duplicative of existing requirements from other agencies that growers must already meet.
- ALAB recommends that direction is given to the Agricultural Commissioner's Office to develop a set of recommended and/or required Best Management Practices (BMP's) for the cultivation of industrial hemp locally. Once these BMP's are developed, ALAB recommends that consideration is given toward incorporating those BMP's into the industrial hemp registration process conducted by the Agricultural Commissioner's Office.
- ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.

Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'JP Wolff', with a long horizontal flourish extending to the right.

Jean-Pierre Wolff, Ph.D.
ALAB Chair



December 19, 2019

Brian Pedrotti and Kip Morais
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Planning and Building Department:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of a permanent ordinance regarding industrial hemp cultivation. Our Board of Directors voted unanimously to submit this comment letter.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES
534 E Chapel St • Santa Maria, CA 93454 • (805) 343-2215

Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

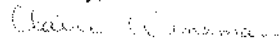
Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing food crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President



SAN LUIS OBISPO COUNTY FARM BUREAU

4875 MORABITO PLACE, SAN LUIS OBISPO, CA 93401

PHONE (805) 543-3654 • FAX (805) 543-3697 • www.slofarmbureau.org

December 19, 2019

San Luis Obispo County
Department of Planning and Building
Attn: Kip Morais
976 Osos Street Room 200
San Luis Obispo, CA 93408

Submitted by email to pl_LongRangeShared@co.slo.ca.us

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

San Luis Obispo County Farm Bureau represents all of the farmers, ranchers and agribusinesses that make up our \$2.5 billion-dollar county agricultural economy. Like all policy issues, our positions on industrial hemp must reflect our members' diverse perspectives. Our 800 members include hemp and cannabis growers, retailers, rural residents opposed to all cannabis, wine grape growers, and farmers raising other commodities. Since the Urgency Ordinance was passed on June 18, 2019, Farm Bureau has tried to find common ground between stakeholders on this difficult issue both within our membership and through the Agricultural Liaison Advisory Board. Our comments here are to help guide County staff, Planning Commissioners and Supervisors to fairly understand industrial hemp issues and to make this ordinance workable for San Luis Obispo County.

Our principal objective is to preserve our freedom to farm, not to farm any one particular crop. We must prioritize protecting our largest commodity (wine grapes), while being mindful of how any protections enacted today could jeopardize all farmers down the road. We also have a responsibility to attract new people to agriculture and afford smaller farms an opportunity to make a living off of a small amount of land. Industrial hemp has this potential, but sadly, the County's enactment of a temporary moratorium during the 2019 growing season, coupled with the rapidly evolving nature of this new U.S. hemp market, means a potentially lucrative new ag commodity will likely pass San Luis Obispo by. Nonetheless, we are committed to finding a path forward for hemp in SLO County.

Our members have identified three primary issues of concern with industrial hemp, including:

- Odors from hemp cultivation being a nuisance to neighboring residences or businesses;
- Possible contamination of wine grapes by compounds present in the odor emitted by hemp and cannabis (compounds known as terpenes); and
- Legal liability from contaminating hemp and cannabis with pesticides used in neighboring crop fields for non-hemp or cannabis crops.

Issue 1: Odor

First, any setback on a federally legal agricultural crop is a dangerous precedent for all of agriculture. If odors from ag crops are categorized as a nuisance, several longtime staples of our county's crop portfolio (broccoli, leafy greens, etc.) are at risk of being restricted or pushed out. Furthermore, some

1

routine crop inputs like fertilizers or pesticides also can have an odor. This county has to-date differentiated crop-associated odors that may only be present during certain times of year from livestock odors that may be present year-round. This ordinance deviates from this precedent, and unfortunately puts a path forward for residents unhappy with crop farming odors to seek local land use restrictions on farmers. Odors are inherent in the production of most row crops to some degree or another. Clearly in the background of this hemp conversation, the County is also contending with vocal complaints about odors from cannabis operations; but, where will we draw the line for the rest of agriculture? Farm Bureau opposes banning a federally legal agricultural commodity based on odor, and we believe this ordinance takes our County down an anti-business and anti-agriculture path of overregulation. At what point will we realize the inevitable consequences of the not-in-my-backyard mentality that increasingly drives local policy decisions? We caution our County leaders to not allow current objections to hemp and cannabis odors to open the door for restricting other crops that have an odor some residents find unpleasant or a nuisance.

Issue 2: Possible Contamination of Wine Grapes

Allowing any one crop to negatively impact another crop is also problematic. Frankly, if our policy position has to reflect a choice between protecting an existing crop benefitting a majority of our members and welcoming a new crop, Farm Bureau will have to advocate for preserving our existing leading commodity. But longtime local farmers and residents will recall a time when wine grapes pushed out grain and hay production that was once fundamental to San Luis Obispo County agriculture. Many farmers undoubtedly faced hardship as a result of this change, but arguably wine grapes' proliferation was a net positive for our local economy. If hemp lives up to the hype, do we want to close the door on an opportunity for the next generation of farmers to succeed? Judging by the success of wine grapes today, we should thank our predecessors for having an open mind and regulatory restraint by welcoming a new crop opportunity without a near-sighted determination to protect existing crops.

If cannabis or hemp does cause actual contamination of wine grapes from terpenes, this ordinance will need to be revisited after scientific evidence can guide an appropriate buffer or setback requirement. Concern about hemp and cannabis taint onto wine grapes in SLO County to date has been limited to the Edna Valley region. Hemp has been grown for the past two years immediately adjacent to wine grapes in at least two locations in SLO County (Paso Robles and in southern SLO County near Santa Maria) with no reported issues of terpene contamination. Science in the future may confirm concerns about hemp and cannabis' negative effect on wine grapes, but no such evidence exists today. As a federally legal agricultural crop, hemp should be innocent until proven guilty.

Issue 3: Pesticide Drift Liability

To complicate the issue further, some local farmers have faced legal threats from cannabis or hemp neighbors regarding pesticide drift contamination. Some of the potential drift concern has not come from actual spray migrating to adjoining farms where cannabis or hemp is grown, but from pesticides they believe may be contained in the dust stirred up during routine field work like plowing. Other farmers have been unable to get aerial spraying services performed because the pesticide applicator is afraid of being sued by cannabis or hemp farmers. It is important to note, hemp does not receive the same stringent pesticide residue testing on every lot like cannabis, but pesticide residue tolerance levels for hemp are still being developed by the U.S. Environmental Protection Agency. That is, conventional farmers' pesticide drift concerns are understandably elevated for cannabis, and to a lesser but still

significant extent, hemp. The inability to get spraying services performed could be devastating for farmers, especially crops like avocados or grapes where the crop cannot be easily relocated.

For perspective though, the County does not attempt to shield any crops, be it conventionally or organically grown fruits or vegetables, cannabis, hemp or other crops, from pesticide drift through the Land Use Ordinance; pesticide drift cases are handled by the County Agricultural Commissioner or directly by affected parties through litigation. We understand the frustration felt by non-hemp farmers who are being threatened with lawsuits for pesticide drift. We understand the rationale for dealing with a real and present problem today of avoiding these lawsuits by supporting a large setback requirement for hemp. But we caution those farmers and our County leaders that these setback requirements to mitigate odor and pesticide drift issues could come back later on to these same farms in the future. It is already against the law for any farmer to drift pesticides on to a neighboring farm, but low or non-existing pesticide residue tolerance levels for cannabis or hemp has changed the discussion about how pesticides impact neighbors. If we enact restrictions to prevent cannabis or hemp growers from being contaminated by conventional agriculture's pesticide drift, surely schools, hospitals, residences and about everyone else in our community will want the same pesticide drift protection. Will we now make all farmers using pesticides be two miles from a residence or school? These farmers advocating for hemp to be regulated like cannabis or to subject hemp to large setbacks are our valued Farm Bureau members, but we caution them and our County leaders this may be "cutting off our nose to spite our face."

Specific recommendations:

1. We oppose banning a federally legal agricultural crop based on odor.
2. We oppose a conditional use permit requirement for a federally legal agricultural commodity. Hemp should not be regulated like cannabis.
3. We support the ordinance's proposed standard for indoor cultivation being no detectable odor off site. As minimizing off-site odors is the objective, the ordinance does not need to include specific odor control system components or equipment.
4. We believe language in Section 22.30.244 (B.)1.c of the ordinance regarding riparian and wetland setbacks should be removed. These requirements seem unnecessary.
5. We believe the list of locations from which a setback is required may need to be broadened to include event spaces like wedding venues, in addition to protection singled out for tasting rooms.
6. We do not support the minimum site acreage requirement for indoor and outdoor hemp production. Avoiding neighbor-to-neighbor conflicts can be better achieved through some sort of buffer or setback system. For example, a farmer could locate a hemp crop at the edge of a 10-acre site in close proximity to neighbors. A 10-acre minimum also discourages beginning farmers and smaller operations from growing hemp. Placing a minimum acreage requirement may be an expedient political solution to get hemp out of areas where neighbor complaints typically come from, but it disproportionately affects small and beginning growers who cannot afford larger size farms.
7. Recognizing some complaints specific to cannabis cultivation in Residential Rural areas, we support the ordinance's allowance for non-flowering hemp production in the Residential Rural land use category instead of a complete prohibition. To completely disallow hemp in Residential Rural areas would be especially problematic for our local greenhouse industry. While opinions about odors from cannabis and hemp vary, immature hemp transplants should be recognized as less odorous as they do not yet possess female flowers where odors largely originate.

8. We support the ordinance's allowance for temporary structures (hoop houses) to be used for hemp cultivation and for temporary drying or crop storage.
9. Our membership has diverse opinions on what an appropriate setback distance should be, ranging from hemp growers wanting no setback, to other farmers wanting a setback of several thousand feet. As has been borne out by months of stakeholder discussions through the Agricultural Liaison Advisory Board, we do not currently have sufficient science to develop a setback to address all potential concerns. In the absence of this important information, the best option may be to develop a sliding scale based on hemp acreage as was recommended by ALAB. If more science becomes available in coming years regarding cannabis or hemp terpene contamination of grapes, the ordinance setback should be revised. The 300 feet setback as proposed in the ordinance is not ideal, but it is a better compromise than the 1000 feet or two-mile setback being proposed by other stakeholders based on the limited information we have today.

In closing, we want to thank all of our Farm Bureau members, local community groups, and the volunteer members of the Agricultural Liaison Advisory Board for providing input on this challenging issue. We also want to thank Assistant Agricultural Commissioner/Sealer Marc Lea for staffing the Hemp Subcommittee, and Planning and Building Planner Kip Morais for working expeditiously to craft an ordinance in the face of contentious debate and little agreement from stakeholders.

Sincerely,



Brent Burchett
Executive Director
San Luis Obispo County Farm Bureau



Air Pollution Control District
San Luis Obispo County

Via Email

December 19, 2019

Kip Morais
San Luis Obispo County Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
kmorais@co.slo.ca.us

SUBJECT: APCD Comments Regarding the SLO County Industrial Hemp Ordinance Draft

Dear Mr. Morais:

Thank you giving the San Luis Obispo County Air Pollution Control District (APCD) an opportunity to comment on the San Luis Obispo County Industrial Hemp Ordinance Draft (Draft). The Draft defined cultivation, processing and manufacturing as follows:

Industrial Hemp Cultivation

- Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review (pg. 2).
- The definition of Industrial Hemp Cultivation is defined on page 13 and states any activity involving the planting, growing, harvesting, or field drying of industrial hemp.
- Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories (pg. 2).
- Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure, only within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting (pg.13).

Industrial Hemp Processing

- Industrial Hemp Processing will be treated as an Agricultural Processing use and will require discretionary review (pg. 2).
- indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use (pg.13).

APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 2 of 3

Industrial Hemp Manufacturing

- Manufacturing of hemp products will be classified under existing manufacturing uses according to end-product and scale of operations and subject to permitting requirements accordingly (pg.13).
- Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end-product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc. (pg. 14).

The following APCD comments are pertinent to the Draft Ordinance.

The industrial hemp manufacturing requirements described in Paragraph D. 5. Industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - [Air Pollution Control District \(APCD\) Review](#), it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:

Permit - Agricultural Burning

Since Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing, burning of Industrial Hemp waste will require an APCD Agricultural Burn Permit and burning of waste is only allowed on Permissive Burn Days. All agricultural burning is subject to APCD Rule 502. Verification of THC content may be required upon application. For more information on agricultural burning, visit the following APCD webpage: sloccleanair.org/rules-regulations/agriculture/burning.

Permit - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's Nuisance Rule 402 and may result in enforcement action:

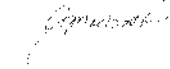
- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

Attachment 11

*APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 3 of 3*

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

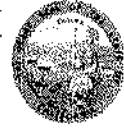
JNM/jjh

cc: Brian Pedrotti, Long Range Planning Team
Sarah Wade, APCD



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 18, 2019

Kip Morais
County of San Luis Obispo Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408

**Subject: County of San Luis Obispo Industrial Hemp Ordinance Public Review
Draft (Ordinance)**

Dear Mr. Morais:

The California Department of Fish and Wildlife (Department) has received a copy of the draft County of San Luis Obispo Industrial Hemp Ordinance. The draft Ordinance addresses cultivation, processing, manufacturing, and in the field sales of hemp in the unincorporated San Luis Obispo County (County) jurisdiction.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Ordinance that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Ordinance the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code (FGC).

As defined in the Ordinance, Section 4, Section 22.30.070, industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories. As defined in the Ordinance, Section 4, Section 22.30.244, industrial hemp cultivation (indoor and outdoor) may be allowed in the AG, RL, and RR land use categories only; outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger; indoor industrial hemp cultivation is limited to sites of five (5) acres or larger; outdoor industrial hemp cultivation in the RR land use category is limited to production of industrial hemp transplants only.

THE DEPARTMENT ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802).

Conserving California's Wildlife Since 1870

Kip Morais
 County of San Luis Obispo Planning & Building Department
 December 18, 2019
 Page 2

COMMENTS AND RECOMMENDATIONS

The Ordinance applies to all of San Luis Obispo (SLO) County which has been identified to contain thousands of acres of protected conservation lands, core population areas for multiple State and federally listed species and supports rare natural communities. The County includes the only known habitat for many special status species and important geographic and topographic habitat areas that have been identified as critical to meet the recovery goals for many State and federally listed species.

The Department is concerned the Ordinance, as drafted, could result in impacts to both unlisted and special status species known to occur in the County, including but not limited to, the special status species listed in the Table 1 and 2. The Department's recommendations are included below to minimize impacts to fish and wildlife resources and their habitat.

Common Name	Scientific Name	State Status	Federal Status
Invertebrates			
Kern primrose sphinx moth	<i>Euproserpinus euterpe</i>		threatened
longhorn fairy shrimp	<i>Branchinecta longiantenna</i>		endangered
Morro shoulderband snail	<i>Helminthoglypta walkeriana</i>		endangered
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>		endangered
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>		threatened
Fish			
arroyo chub	<i>Gila arcuttii</i>	SSC	
Steelhead	<i>Oncorhynchus mykiss</i>		threatened
tidewater goby	<i>Eucyclogobius newberryi</i>	SSC	endangered
Amphibians			
California red-legged frog	<i>Rana draytonii</i>	SSC	threatened
California tiger salamander	<i>Ambystoma californiense</i>	threatened	threatened
Coast Range newt	<i>Taricha torosa</i>	SSC	
foothill yellow-legged frog	<i>Rana boylei</i>	candidate threatened	

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 11

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to FGC section 2081. If a project could result in take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue a State Incidental Take Permit (ITP) for the Project.

The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

CEQA /

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in § 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (§§ 21001(c), 21083, Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with FGC section 2080 and would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency chooses not to mitigate impacts to CESA-listed species to less than significant levels, then the Department would become CEQA Lead Agency for ITP issuance, which would result in delays and additional costs to applicants. If there is no CEQA document and the project proponent seeks acquisition of an ITP, pursuant to FGC section 2081(b), the Department would become CEQA Lead Agency for ITP issuance. Furthermore, the issuance of an Exemption or Negative Declaration would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency proceeds with an Exemption or Negative Declaration, then the Department would become CEQA Lead Agency for ITP issuance.

Land Conversion: Not all parcels zoned Agriculture, Commercial Service, Residential Rural and Industrial have been developed. Many parcels meeting the land use categories for hemp cultivation or processing are undeveloped and potentially contain suitable habitat and special status species, specifically in the Carrizo Plain. Land conversion may result in habitat loss for special status species, migration/movement corridor limitations, or fragmentation of sensitive habitat. Loss of habitat to development and agriculture are contributing factors to the decline of many special status species and game species.

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 12

To further ensure that important fish and wildlife resources are not lost due to hemp cultivation, the Department recommends limiting hemp cultivation and processing to a "Previously Disturbed Area", following is a potential definition. The Department would like to discuss with County staff whether this definition would accomplish our common goals of avoiding new habitat conversions and significant impacts to wildlife due to hemp cultivation and processing: "An area which legally underwent clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation as of August 23, 2016. The extent and intensity of the disturbance must be such that County-approved biologists can readily verify that no rare, threatened, or endangered species occupy the site and that hemp cultivation would not cause impacts to rare, threatened, or endangered species." Some cases may require a qualified biologist to visit the site to make such a determination.

Many areas that have been previously farmed, graded, filled, or otherwise disturbed in the County support fish and wildlife resources, including special status species. For example, most of the Carrizo Plain was cultivated in the past but has been recolonized by multiple special status species. Even recently and currently cultivated lands there support special status species. Coastal prairies in the North Coast Plan Area and other grasslands throughout the County have also mostly been tilled or farmed in the past, yet they support special status plants and animals. Areas on the Nipomo Mesa and elsewhere in the South County that have been "previously disturbed" support Pismo clarkia, which is a State rare and federal endangered species.

Carrizo Planning Area: Carrizo Plain is unique within the County. Located in southeast SLO County, Carrizo Plain is bounded by the Temblor Range to the east, Caliente Range to the west, and contains the Carrizo National Monument. Carrizo Plain is home to multiple special status species, including the fully protected blunt-nosed leopard lizard, San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel and tricolored blackbird, and important game species such as pronghorn (*Antilocapra americana*) and tule elk (*Cervus elaphus*).

Hemp cultivation is incompatible with the fish and wildlife resources that occur in the Carrizo Planning Area. The Carrizo Planning Area harbors the highest concentration of special status species in California, contains designated Critical Habitat, and provides core habitat essential to the recovery of species listed under both the Federal and California Endangered Species Acts. The Department has observed directly that cannabis cultivation has disturbed and displaced habitat for these species in the Carrizo Planning Area, exposed listed species to poisoning, and likely resulted in unlawful take of listed species. These observations were documented in letters to the County dated September 8 and October 31, 2016 and March 6, 2017. It is reasonable to conclude allowing hemp cultivation and processing in the Carrizo Planning Area would have similar effects on the Critical Habitat and special status species in the area. The

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 13

Department recommends the County prohibit hemp cultivation and processing in the Carrizo Planning Area.

Riparian Habitat, Wetlands, and Watercourses: The Department concurs with the County's hemp cultivation setbacks of at least 50 feet from the upland extent of riparian vegetation of any watercourse and 100 feet from any wetland. Riparian habitat, wetlands, and watercourses are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat, wetlands, and watercourses are known to exist within the County, including historic seeping from the earth lined canals, shallow first encountered groundwater, and along natural and human made watercourses. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, the Department recommends that impacts to wetlands be compensated with the creation of new habitat, preferably on-site, at a minimum of an acre-for-acre basis. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. In addition, the Department recommends a delineation be conducted for proposed Projects to assess riparian, wetland, and watercourse impacts to guide project proponents in establishing appropriate no-disturbance buffers.

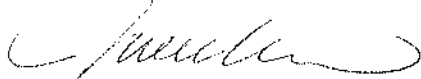
Enforcement: The California Department of Food and Agriculture (CDFA) is the licensing authority for the State for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the State's resources from the adverse impacts of cannabis cultivation (Fish & G. Code, § 12029). Like cannabis cultivation, hemp cultivation has the potential to affect fish, wildlife, plants, and their habitats. Cannabis inspections have led to violations for water diversions and storage, grading, chemical use, wildlife threats, timber conversion, and public safety. The Department's Law Enforcement Division (LED) is a critical component of enforcement. The Department's LED works with cannabis cultivators to bring their facilities into compliance, aids in remediating criminal environmental violations, coordinates with other agencies to remove illegal grows, growers, illegal water impoundments, and extremely toxic chemicals frequently associated with illegal grows, and protects California's unique and diverse natural resources.

The Department recommends amending the inspections section to read as follows: "All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, **without notice**, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, **The California Department of Fish and Wildlife, California Peace Officers** and Department of Agriculture/Weights and Measures."

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 14

The Department appreciates the opportunity to work with County staff and comment on the Ordinance. Questions or further coordination regarding this letter should be directed to Kelley Aubushon, Senior Environmental Scientist (Specialist), at (559) 243-8153 or kelley.aubushon@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

ec: Lieutenant Tyson Quintal
Ryan Mathis
Sarah Paulson
James Rosauer
California Department of Fish and Wildlife



SB-153 Industrial hemp. (2019-2020)

SHARE THIS:



Date Published: 10/14/2019 09:00 PM

Senate Bill No. 153

CHAPTER 838

An act to amend Sections 81001, 81002, 81003, 81004, 81005, and 81006 of, to amend, repeal, and add Section 81000 of, and to add Sections 81004.5, 81012, 81013, 81014, and 81015 to, the Food and Agricultural Code, relating to industrial hemp, and making an appropriation therefor.

[Approved by Governor October 12, 2019. Filed with Secretary of State
October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 153, Wilk. Industrial hemp.

Existing federal law, the Agricultural Act of 2014, authorizes an institution of higher education, as defined, or a state department of agriculture, as defined, to grow or cultivate industrial hemp under an agricultural pilot program, as defined, under certain conditions. Existing federal law, the Agricultural Marketing Act of 1946, as amended by the Agriculture Improvement Act of 2018, requires a state desiring to have primary regulatory authority over the production of industrial hemp in the state to submit to the United States Secretary of Agriculture, through the state department of agriculture, a plan, with specified contents, under which the state monitors and regulates hemp production.

Existing state law regulates the cultivation and testing of industrial hemp, as defined, and regulates the activities of seed breeders to develop seed cultivars through seed development plans, as defined. Existing law creates the Industrial Hemp Advisory Board. Existing state law requires an entity that is either a grower of industrial hemp for commercial purposes or a seed breeder that develops varieties of industrial hemp for sale or research to register with the county agricultural commissioner of the county in which it intends to cultivate industrial hemp and to annually renew its registration. Existing state law exempts an established agricultural research institution, as defined, from these registration requirements. Existing state law requires the Department of Food and Agriculture to establish a registration fee and appropriate renewal fee to be paid by registrants. Under existing state law, these fees are deposited in the Department of Food and Agriculture Fund and continuously appropriated to the department for the administration and enforcement of this registration program and other provisions regulating the cultivation of industrial hemp. Existing state law requires a county agricultural commissioner to transmit information collected pursuant to these provisions to the department. Under existing state law, a violation of these provisions is a misdemeanor.

Under existing state law, these provisions are operative only to the extent authorized by federal law, as set forth in an opinion of the Attorney General. Before enactment of the federal Agriculture Improvement Act of 2018, an opinion of the Attorney General issued pursuant to existing state law concluded that industrial hemp may only be grown pursuant to these provisions to the extent authorized by the federal Agricultural Act of 2014.

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), added by Proposition 64 at the November 8, 2016, statewide general election, revised some provisions of state law regarding industrial hemp.

This bill would revise the provisions regulating the cultivation and testing of industrial hemp to conform with the requirements for a state plan under the federal Agricultural Marketing Act of 1946, as amended by the federal Agriculture Improvement Act of 2018, by, among other things, revising the definition of "industrial hemp," and replacing the terms "seed breeder," "seed cultivar," and "seed development plan" with the defined terms "hemp breeder," "cultivar," and "variety development plan," respectively. The bill would expand and change the membership of the Industrial Hemp Advisory Board, as specified. The bill would apply the registration requirements to growers of industrial hemp for noncommercial as well as commercial purposes. Upon approval of a state plan, as specified, the bill would apply certain registration and regulatory requirements to established agricultural research institutions, including submission of research plans, as defined, to county agricultural commissioners before cultivating hemp. The bill would impose new requirements on the department and county agricultural commissioners for the handling and transmittal of registration information, impose new testing requirements, provide new enforcement procedures to be operative as of the effective date of an approved state plan, as defined, and impose new conditions on eligibility to participate in the industrial hemp program, as defined. By expanding registration requirements, including payment of registration fees, to some growers of industrial hemp for agricultural or academic research purposes, the bill would establish a new source of revenue for a continuously appropriated fund, thus making an appropriation.

This bill would require the Secretary of Food and Agriculture, in consultation with the Governor and the Attorney General, to develop and submit a state plan to the United States Secretary of Agriculture, as provided, on or before May 1, 2020.

This bill would specify consequences for a violation of its provisions according to the frequency of prior violations and whether the violation was negligent, grossly negligent, reckless, or intentional. By imposing new registration requirements on some growers of industrial hemp for agricultural or academic research purposes, the violation of which would be a misdemeanor, this bill would impose a state-mandated local program.

AUMA authorizes the Legislature to amend certain provisions of AUMA to further the purposes and intent of AUMA with a 2/3 vote of the membership of the Legislature.

This bill would amend AUMA by modifying the definition of "established agricultural research institution" and imposing certain registration and other requirements on these institutions, as of the date on which a state plan for California is approved pursuant to the federal Agricultural Marketing Act of 1946, as amended by the federal Agriculture Improvement Act of 2018.

This bill would declare that its provisions further the purposes and intent of AUMA.

By increasing the duties of county agricultural commissioners who would enforce certain of these new provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature in enacting this act to neither limit nor prevent a city, county, or city and county from exercising its police power authority under Section 7 of Article XI of the California Constitution.

SEC. 2. Section 81000 of the Food and Agricultural Code is amended to read:

81000. Definitions.

(a) For purposes of this division, the following terms have the following meanings:

(1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.

(2) "Board" means the Industrial Hemp Advisory Board.

(3) "Cultivar" means a variety of industrial hemp.

- (4) "Established agricultural research institution" means an institution that is either of the following:
- (A) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers.
- (B) An institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.
- (5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.
- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.
- (9) "THC" means delta-9 tetrahydrocannabinol.
- (10) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.
- (b) This section shall remain operative only until the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), and as of January 1 of the following year is repealed.

SEC. 3. Section 81000 is added to the Food and Agricultural Code, to read:

81000. Definitions.

- (a) For purposes of this division, the following terms have the following meanings:
- (1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.
- (2) "Board" means the Industrial Hemp Advisory Board.
- (3) "Cultivar" means a variety of industrial hemp.
- (4) "Established agricultural research institution" means an institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of agricultural or academic research.
- (5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.
- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.

(9) "Research plan" means a strategy devised by an established agricultural research institution, or applicant established agricultural research institution, detailing its planned approach to growing or cultivating hemp for academic or agricultural research.

(10) "THC" means delta-9 tetrahydrocannabinol.

(11) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.

(b) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

SEC. 4. Section 81001 of the Food and Agricultural Code is amended to read:

81001. (a) There is in the department an Industrial Hemp Advisory Board. The board shall consist of 13 members, appointed by the secretary as follows:

(1) Five of the board members shall be growers of industrial hemp that are registered pursuant to the provisions of this division.

(2) Two of the board members shall be members of an established agricultural research institution.

(3) One member of the board shall be a representative as provided by the California State Sheriffs' Association and approved by the secretary.

(4) One member of the board shall be a county agricultural commissioner.

(5) One member of the board shall be a representative of the Hemp Industries Association or its successor industry association.

(6) Two members of the board shall be representatives of businesses that sell industrial hemp products.

(7) One member of the board shall be a member of the public.

(b) It is hereby declared, as a matter of legislative determination, that growers and representatives of industrial hemp product manufacturers and businesses appointed to the board pursuant to this division are intended to represent and further the interest of a particular agricultural industry, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that persons who are appointed to the board shall be subject to the conflict-of-interest provisions described in Sections 87100 and 87103 of the Government Code.

(c) The term of office for a member of the board is three years. If a vacancy exists, the secretary shall, consistent with the membership requirements described in subdivision (a), appoint a replacement member to the board for the duration of the term.

(d) A member of the board shall not receive a salary but may be reimbursed by the department for attendance at meetings and other board activities authorized by the board and approved by the secretary.

(e) The board shall advise the secretary and may make recommendations on all matters pertaining to this division, including, but not limited to, industrial hemp seed law and regulations, enforcement, annual budgets required to accomplish the purposes of this division, and the setting of an appropriate assessment rate necessary for the administration of this division.

(f) The board shall annually elect a chair from its membership and, from time to time, other officers as it deems necessary.

(g) The board shall meet at the call of its chair or the secretary, or at the request of any four members of the board. The board shall meet at least once a year to review budget proposals and fiscal matters related to the proposals.

SEC. 5. Section 81002 of the Food and Agricultural Code is amended to read:

81002. (a) Except when grown by a registered established agricultural research institution or by a registered hemp breeder developing a new cultivar, industrial hemp shall be grown only if it is on the list of approved cultivars, or

produced by clonal propagation of industrial hemp that is on the list of approved cultivars and therefore genetically identical to, and capable of exhibiting the same range of characteristics as, the parent cultivar.

(b) The list of approved cultivars shall include all of the following:

(1) Industrial hemp cultivars that have been certified by member organizations of the Association of Official Seed Certifying Agencies, including, but not limited to, the Canadian Seed Growers' Association.

(2) Industrial hemp cultivars that have been certified by the Organization of Economic Cooperation and Development.

(3) California varieties of industrial hemp cultivars that have been certified by a seed-certifying agency pursuant to Article 6.5 (commencing with Section 52401) of Chapter 2 of Division 18.

(c) (1) Upon recommendation by the board or the department, the secretary may update the list of approved cultivars by adding, amending, or removing cultivars.

(2) The adoption, amendment, or repeal of the list of approved cultivars, and the adoption of a methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars, pursuant to this section shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(3) The department, in consultation with the board, shall hold at least one public hearing with public comment to determine the methodology and procedure by which a cultivar is added, amended, or removed from the list of approved cultivars.

(4) The department shall finalize the methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars and send the methodology and procedure to the Office of Administrative Law. The Office of Administrative Law shall file the methodology and procedure promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The methodology and procedure shall do all of the following:

(A) Indicate that the methodology and procedure are adopted pursuant to this division.

(B) State that the methodology and procedure are being transmitted for filing.

(C) Request that the Office of Administrative Law publish a notice of the filing of the methodology and procedure and print an appropriate reference in Title 3 of the California Code of Regulations.

(d) The department, in consultation with the board, may determine the manner in which the public is given notice of the list of approved cultivars, and any addition, amendment, or removal from that list.

SEC. 6. Section 81003 of the Food and Agricultural Code is amended to read:

81003. (a) (1) Except for an established agricultural research institution subject to Section 81004.5 or a hemp breeder subject to Section 81004, and before cultivation, a grower of industrial hemp shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) The approved cultivar to be grown, including the state or county of origin.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew the registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated

registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each grower of industrial hemp.

(B) A legal description of the land on which the grower engages in industrial hemp cultivation.

(C) Registration status of the grower of industrial hemp.

(f) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

SEC. 7. Section 81004 of the Food and Agricultural Code is amended to read:

81004. (a) (1) Except when grown by an established agricultural research institution subject to Section 81004.5, and before cultivation, a hemp breeder shall register with the commissioner of the county in which the hemp breeder intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) A variety development plan, which shall include all of the following:

(i) If a new cultivar is to be certified by a seed-certifying agency, the name of the seed-certifying agency that will be conducting the certification.

(ii) The industrial hemp varieties that will be used and, if applicable, how those varieties will be used in the development of a new cultivar.

(iii) A plan for testing all of the plants grown.

(iv) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(v) The measures that will be taken to prevent the unlawful use of industrial hemp under this division.

(vi) A procedure for the maintenance of records documenting the development of the new cultivar.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a hemp breeder registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the

commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) A registrant developing a new cultivar who wishes to change any provision of the variety development plan shall submit to the commissioner the revised variety development plan. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that the registrant may cultivate under the revised variety development plan.

(f) All records pertaining to the variety development plan shall be kept and maintained by the hemp breeder and be available upon request by the commissioner, a law enforcement agency, or a seed certifying agency.

(g) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each hemp breeder.

(B) A legal description of the land on which the hemp breeder engages in industrial hemp cultivation.

(C) Registration status of the hemp breeder.

(h) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

SEC. 8. Section 81004.5 is added to the Food and Agricultural Code, to read:

81004.5. (a) (1) Before cultivating hemp for agricultural or academic research, an established agricultural research institution shall register with the commissioner of the county in which it intends to cultivate.

(2) The registration application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the geographic area where the applicant plans to engage in hemp cultivation or storage, or both.

(C) A research plan that shall include all of the following:

(i) The hemp varieties that will be used and, if applicable, how those varieties will be used for purposes of agricultural or academic research.

(ii) A plan for testing all of the plants cultivated.

(iii) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(iv) The measures that will be taken to prevent the unlawful use of hemp under this division.

(v) A procedure for the maintenance of records documenting the agricultural or academic research.

(3) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration if it will continue cultivating hemp beyond that term.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue an established agricultural research institution registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with

the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate hemp on the changed or altered land area.

(d) A registrant conducting agricultural or academic research who wishes to change any provision of the research plan shall submit to the commissioner a revised research plan. Once the commissioner has received the revised research plan, and the commissioner determines that the requirements of this division are met, the commissioner shall notify the registrant that it may cultivate under the revised research plan.

(e) All records pertaining to the research plan shall be kept and maintained by the established agricultural research institution and be available upon request by the commissioner or a law enforcement agency.

(f) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each registered established agricultural research institution.

(B) A legal description of the land on which the established agricultural research institution engages in hemp cultivation.

(C) Registration status of the established agricultural research institution.

(g) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(h) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

SEC. 9. Section 81005 of the Food and Agricultural Code is amended to read:

81005. (a) The department shall establish a registration fee and appropriate renewal fee to be paid by growers of industrial hemp and hemp breeders, not including an established agricultural research institution, to cover the actual costs of implementing, administering, and enforcing the provisions of this division.

(b) Fees established pursuant to subdivision (a) that are collected by the commissioner upon registration or renewal pursuant to Section 81003 or 81004, except for amounts retained pursuant to this subdivision, shall be forwarded, according to procedures set by the department, to the department for deposit into the Department of Food and Agriculture Fund to be used for the administration and enforcement of this division. A commissioner or the county, as appropriate, may retain the amount of a fee necessary to reimburse direct costs incurred by the commissioner in the collection of the fee.

(c) The board of supervisors of a county may establish a reasonable fee, in an amount necessary to cover the actual costs of the commissioner and the county of implementing, administering, and enforcing the provisions of this division, except for costs that are otherwise reimbursed pursuant to subdivision (b), to be charged and collected by the commissioner upon registrations or renewals required pursuant to Section 81003 or 81004 and retained by the commissioner or the county, as appropriate.

SEC. 10. Section 81006 of the Food and Agricultural Code is amended to read:

81006. Industrial Hemp Growth Limitations; Prohibitions; Imports; Laboratory Testing.

(a) Except when grown by a registered established agricultural research institution or a registered hemp breeder, industrial hemp shall be grown in acreages of not less than one-tenth of an acre at the same time.

(b) Clandestine cultivation of industrial hemp is prohibited. All plots shall have adequate signage indicating they are industrial hemp.

(c) Industrial hemp shall not be cultivated on a premises licensed by the department to cultivate or process cannabis. Industrial hemp, regardless of its THC content, that is cultivated on a premises licensed by the department for cannabis cultivation shall be considered cannabis as defined in subdivision (f) of Section 26001 of

the Business and Professions Code and subject to licensing and regulatory requirements for cannabis pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code.

(d) Industrial hemp shall include products imported under the Harmonized Tariff Schedule of the United States (2013) of the United States International Trade Commission, including, but not limited to, hemp seed, per subheading 1207.99.03, hemp oil, per subheading 1515.90.80, oilcake, per subheading 2306.90.01, true hemp, per heading 5302, true hemp yarn, per subheading 5308.20.00, and woven fabrics of true hemp fibers, per subheading 5311.00.40.

(e) (1) Except when industrial hemp is grown by a registered established agricultural research institution and tested in accordance with an approved research plan or by a registered hemp breeder and tested in accordance with an approved variety development plan, a registrant that grows industrial hemp under this section shall, before the harvest of each crop and as provided below, obtain a laboratory test report indicating the THC levels of a random sampling of the dried flowering tops of the industrial hemp grown.

(2) Sampling shall occur no more than 30 days before harvest.

(3) The sample collected for THC testing shall be taken with the grower or hemp breeder present. The department shall establish, by regulation, the sampling procedures, including all of the following:

(A) The number of plants to be sampled per field, and any composting of samples.

(B) The portions of the plant to be sampled.

(C) The plant parts to be included in a sample.

(D) Additional procedures as necessary to ensure accuracy and the sanitation of samples and fields.

(4) The sample collected for THC testing shall be accompanied by the registrant's proof of registration.

(5) The laboratory test report shall be issued by a laboratory approved by the department, using a department-approved testing method. The testing method shall use postdecarboxylation or similarly reliable methods for determining THC concentration levels. The laboratory test report shall indicate the percentage concentration of THC on a dry-weight basis, indicate the date and location of samples taken, and state the Global Positioning System coordinates and total acreage of the crop. If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report. If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report.

(6) If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the laboratory shall provide the person who requested the testing not less than 10 original copies signed by an employee authorized by the laboratory and shall retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.

(7) If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent and does not exceed 1 percent, the registrant that grows industrial hemp shall submit additional samples for testing of the industrial hemp grown.

(8) A registrant that grows industrial hemp shall destroy the industrial hemp grown upon receipt of a first laboratory test report indicating a percentage concentration of THC that exceeds 1 percent or a second laboratory test report pursuant to paragraph (7) indicating a percentage concentration of THC that exceeds 0.3 percent but is less than 1 percent. If the percentage concentration of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after receipt of the laboratory test report. If the percentage concentration of THC in the second laboratory test report exceeds 0.3 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after receipt of the second test report.

(9) A registrant that intends to grow industrial hemp and who complies with this section shall not be prosecuted for the cultivation or possession of marijuana as a result of a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent but does not exceed 1 percent.

(10) A registered established agricultural research institution or a registered hemp breeder shall obtain laboratory results in accordance with its approved research plan or variety development plan. The secretary may authorize a registered established agricultural research institution or hemp breeder to cultivate or possess industrial hemp with a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent in

accordance with its approved research plan or variety development plan if that cultivation or possession contributes to the development of types of industrial hemp that will comply with the 0.3 percent THC limit established in this division.

(11) A registrant that grows industrial hemp shall retain an original signed copy of the laboratory test report for two years from its date of sampling, make an original signed copy of the laboratory test report available to the department, the commissioner, or law enforcement officials or their designees upon request, and shall provide an original copy of the laboratory test report to each person purchasing, transporting, or otherwise obtaining from the registrant that grows industrial hemp the fiber, oil, cake, or seed, or any component of the seed, of the plant.

SEC. 11. Section 81012 is added to the Food and Agricultural Code, to read:

81012. (a) Enforcement of the approved state plan shall comply with subdivision (e) of Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

(b) A grower of industrial hemp, established agricultural research institution, or hemp breeder that the secretary determines has violated a provision of this division listed in the approved state plan or an additional requirement listed pursuant to subdivision (b) of Section 81015, including, but not limited to, by failing to provide a legal description of the land on which industrial hemp is grown, failing to register as required, or exceeding the 0.3 percent THC limit established in this division, shall be subject to the following consequences:

(1) For a negligent violation, as determined by the secretary, the consequences under state laws for a violation of this division shall be as follows:

(A) If the violation is not a repeat violation subject to subparagraph (B), the grower of industrial hemp, established agricultural research institution, or hemp breeder shall comply with a corrective action plan, to be established by the secretary, that includes both of the following:

(i) A reasonable date by which the grower of industrial hemp, established agricultural research institution, or hemp breeder shall correct the negligent violation.

(ii) A requirement that the grower of industrial hemp, established agricultural research institution, or hemp breeder shall periodically report to the secretary, for a period of at least the next two calendar years, on its compliance with this division or the approved state plan.

(B) A grower of industrial hemp, established agricultural research institution, or hemp breeder that commits a negligent violation three times in a five-year period shall be ineligible to participate in the industrial hemp program for a period of five years beginning on the date of the finding of the third violation.

(2) For a violation committed intentionally, or with recklessness or gross negligence, the secretary shall immediately report the grower of industrial hemp, established agricultural research institution, or hemp breeder to the Attorney General of the United States and the Attorney General of this state, as applicable.

(c) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

SEC. 12. Section 81013 is added to the Food and Agricultural Code, to read:

81013. Any person convicted of a felony relating to a controlled substance under state or federal law before, on, or after January 1, 2020, shall be ineligible, during the 10-year period following the date of the conviction, to participate in the industrial hemp program.

SEC. 13. Section 81014 is added to the Food and Agricultural Code, to read:

81014. A person that materially falsifies any information contained in an application or registration under Section 81003 or 81004, or other application to participate in the industrial hemp program, shall be ineligible to participate in the industrial hemp program.

SEC. 14. Section 81015 is added to the Food and Agricultural Code, to read:

81015. (a) On or before May 1, 2020, the secretary, in consultation with the Governor and the Attorney General, shall develop and submit to the United States Secretary of Agriculture a state plan, consistent with this division,

pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), including a certification that the state has the resources and personnel to carry out the practices and procedures described in clauses (i) to (iv), inclusive, of subparagraph (A) of paragraph (2) of subsection (a) of that section.

(b) In an annex to the state plan, the secretary shall list the provisions of this division that are included in the state plan, and any additional requirements in the state plan, that shall be subject to enforcement pursuant to Section 81012.

SEC. 15. The Legislature finds and declares that this act furthers the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act by bringing state law into conformance with federal law regarding state plans for production of industrial hemp, allowing industrial hemp to be grown as an agricultural product, and regulating industrial hemp separately from other strains of cannabis.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Notice of Common-Sense Exemption

PLN-1124
3/22/2018

Project Title and No.: Industrial Hemp Ordinance / LRP2019-00008 / ED20-040

Project Location (Specific address [use APN or description when no situs available]):
Countywide

Project Applicant/Phone No./Email:
County of San Luis Obispo/805-781-5600/kmorais@co.slo.ca.us

Applicant Address (Street, City, State, Zip):
976 Osos Street, San Luis Obispo, CA 93408

Name of Public Agency Approving Project: County of San Luis Obispo

Description of Nature, Purpose, and Beneficiaries of Project:

Hearing to consider a request by the County of San Luis Obispo to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, the Coastal Framework for Planning Table "O" (LRP2019-00008), and Title 1 Administrative Fines, to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 - Agricultural Processing Uses, Section 23.08.040 - Agricultural Uses - Specialized, Section 23.10.150 - Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.

Exempt Status/Findings: This project is covered by the common-sense rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), Common-Sense Rule Exemption]

Reasons why project is exempt:

This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place limited restrictions on the cultivation of industrial hemp, a current crop production use. Crop production is currently an allowed use by-

Attachment 13

right within the County of San Luis Obispo, and the provisions of the ordinance in and of themselves would not result in a physical change to the environment.

Additional information: Additional information pertaining to this notice of exemption may be obtained by reviewing the second page of this document and by contacting the Environmental Coordinator, 976 Osos St., Rm 200, San Luis Obispo, CA 93408 (805) 781-5600.

PLN-1124
3/22/2018

Notice of General Rule Exemption

Project Title and No.: Industrial Hemp Ordinance LRP2019-0008

Pursuant to section 15061 of the State California Environmental Quality Act (CEQA) Guidelines, the preliminary review of a project includes a determination as to whether a project is exempt from CEQA. This checklist represents a summary of this project's review for exemption.

	<u>YES</u>	<u>NO</u>
1. Does this project fall within any exempt class as listed in sections 15301 through 15329 of the State CEQA Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is there a reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the project inconsistent with any Federal, State, or local law or administrative requirement relating to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will the project involve substantial public controversy regarding environmental issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Does the project have the potential to achieve short-term environmental goals to the disadvantage of achieving long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Does the project have adverse impacts that are individually insignificant but cumulatively significant? Cumulatively significant means that the incremental effects of an individual project are substantially adverse when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

On the basis of this initial evaluation, I find that the proposed project does not have the potential to cause a significant effect on the environment, and is therefore exempt from CEQA.

Xzandrea Fowler Feb. 25, 2020
 Xzandrea Fowler, Environmental Planning Manager Date



December 19, 2019

Brian Pedrotti and Kip Morais
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Planning and Building Department:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of a permanent ordinance regarding industrial hemp cultivation. Our Board of Directors voted unanimously to submit this comment letter.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES
534 E Chapel St • Santa Maria, CA 93454 • (805) 343-2215

Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing food crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93716
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 18, 2019

Kip Morais
County of San Luis Obispo Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408

**Subject: County of San Luis Obispo Industrial Hemp Ordinance Public Review
Draft (Ordinance)**

Dear Mr. Morais:

The California Department of Fish and Wildlife (Department) has received a copy of the draft County of San Luis Obispo Industrial Hemp Ordinance. The draft Ordinance addresses cultivation, processing, manufacturing, and in the field sales of hemp in the unincorporated San Luis Obispo County (County) jurisdiction.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Ordinance that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Ordinance the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code (FGC).

As defined in the Ordinance, Section 4, Section 22.30.070, industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories. As defined in the Ordinance, Section 4, Section 22.30.244, industrial hemp cultivation (indoor and outdoor) may be allowed in the AG, RL, and RR land use categories only; outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger; indoor industrial hemp cultivation is limited to sites of five (5) acres or larger; outdoor industrial hemp cultivation in the RR land use category is limited to production of industrial hemp transplants only

THE DEPARTMENT ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*id.*, § 1802).

Conserving California's Wildlife Since 1870

Kip Morais
 County of San Luis Obispo Planning & Building Department
 December 18, 2019
 Page 2

COMMENTS AND RECOMMENDATIONS

The Ordinance applies to all of San Luis Obispo (SLO) County which has been identified to contain thousands of acres of protected conservation lands, core population areas for multiple State and federally listed species and supports rare natural communities. The County includes the only known habitat for many special status species and important geographic and topographic habitat areas that have been identified as critical to meet the recovery goals for many State and federally listed species.

The Department is concerned the Ordinance, as drafted, could result in impacts to both unlisted and special status species known to occur in the County, including but not limited to, the special status species listed in the Table 1 and 2. The Department's recommendations are included below to minimize impacts to fish and wildlife resources and their habitat.

Common Name	Scientific Name	State Status	Federal Status
Invertebrates			
Kern primrose sphinx moth	<i>Euproserpinus euterpe</i>		threatened
longhorn fairy shrimp	<i>Branchinecta longiantenna</i>		endangered
Morro shoulderband snail	<i>Helminthoglypta walkeriana</i>		endangered
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>		endangered
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>		threatened
Fish			
arroyo chub	<i>Gila orcuttii</i>	SSC	
Steelhead	<i>Oncorhynchus mykiss</i>		threatened
tidewater goby	<i>Eucyclogobius newberryi</i>	SSC	endangered
Amphibians			
California red-legged frog	<i>Rana draytonii</i>	SSC	threatened
California tiger salamander	<i>Ambystoma californiense</i>	threatened	threatened
Coast Range newt	<i>Taricha torosa</i>	SSC	
foothill yellow-legged frog	<i>Rana boylei</i>	candidate threatened	

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 11

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to FGC section 2081. If a project could result in take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue a State Incidental Take Permit (ITP) for the Project.

The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

CEQA /

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in § 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (§§ 21001(c), 21083, Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with FGC section 2080 and would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency chooses not to mitigate impacts to CESA-listed species to less than significant levels, then the Department would become CEQA Lead Agency for ITP issuance, which would result in delays and additional costs to applicants. If there is no CEQA document and the project proponent seeks acquisition of an ITP, pursuant to FGC section 2081(b), the Department would become CEQA Lead Agency for ITP issuance. Furthermore, the issuance of an Exemption or Negative Declaration would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency proceeds with an Exemption or Negative Declaration, then the Department would become CEQA Lead Agency for ITP issuance.

Land Conversion: Not all parcels zoned Agriculture, Commercial Service, Residential Rural and Industrial have been developed. Many parcels meeting the land use categories for hemp cultivation or processing are undeveloped and potentially contain suitable habitat and special status species, specifically in the Carrizo Plain. Land conversion may result in habitat loss for special status species, migration/movement corridor limitations, or fragmentation of sensitive habitat. Loss of habitat to development and agriculture are contributing factors to the decline of many special status species and game species.

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 12

To further ensure that important fish and wildlife resources are not lost due to hemp cultivation, the Department recommends limiting hemp cultivation and processing to a "Previously Disturbed Area", following is a potential definition. The Department would like to discuss with County staff whether this definition would accomplish our common goals of avoiding new habitat conversions and significant impacts to wildlife due to hemp cultivation and processing: "An area which legally underwent clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation as of August 23, 2016. The extent and intensity of the disturbance must be such that County-approved biologists can readily verify that no rare, threatened, or endangered species occupy the site and that hemp cultivation would not cause impacts to rare, threatened, or endangered species." Some cases may require a qualified biologist to visit the site to make such a determination.

Many areas that have been previously farmed, graded, filled, or otherwise disturbed in the County support fish and wildlife resources, including special status species. For example, most of the Carrizo Plain was cultivated in the past but has been recolonized by multiple special status species. Even recently and currently cultivated lands there support special status species. Coastal prairies in the North Coast Plan Area and other grasslands throughout the County have also mostly been tilled or farmed in the past, yet they support special status plants and animals. Areas on the Nipomo Mesa and elsewhere in the South County that have been "previously disturbed" support Pismo clarkia, which is a State rare and federal endangered species.

Carrizo Planning Area: Carrizo Plain is unique within the County. Located in southeast SLO County, Carrizo Plain is bounded by the Temblor Range to the east, Caliente Range to the west, and contains the Carrizo National Monument. Carrizo Plain is home to multiple special status species, including the fully protected blunt-nosed leopard lizard, San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel and tricolored blackbird, and important game species such as pronghorn (*Antilocapra americana*) and tule elk (*Cervus elaphus*).

Hemp cultivation is incompatible with the fish and wildlife resources that occur in the Carrizo Planning Area. The Carrizo Planning Area harbors the highest concentration of special status species in California, contains designated Critical Habitat, and provides core habitat essential to the recovery of species listed under both the Federal and California Endangered Species Acts. The Department has observed directly that cannabis cultivation has disturbed and displaced habitat for these species in the Carrizo Planning Area, exposed listed species to poisoning, and likely resulted in unlawful take of listed species. These observations were documented in letters to the County dated September 8 and October 31, 2016 and March 6, 2017. It is reasonable to conclude allowing hemp cultivation and processing in the Carrizo Planning Area would have similar effects on the Critical Habitat and special status species in the area. The

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 13

Department recommends the County prohibit hemp cultivation and processing in the Carrizo Planning Area.

Riparian Habitat, Wetlands, and Watercourses: The Department concurs with the County's hemp cultivation setbacks of at least 50 feet from the upland extent of riparian vegetation of any watercourse and 100 feet from any wetland. Riparian habitat, wetlands, and watercourses are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat, wetlands, and watercourses are known to exist within the County, including historic seeping from the earth lined canals, shallow first encountered groundwater, and along natural and human made watercourses. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, the Department recommends that impacts to wetlands be compensated with the creation of new habitat, preferably on-site, at a minimum of an acre-for-acre basis. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. In addition, the Department recommends a delineation be conducted for proposed Projects to assess riparian, wetland, and watercourse impacts to guide project proponents in establishing appropriate no-disturbance buffers.

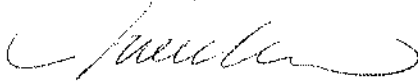
Enforcement: The California Department of Food and Agriculture (CDFA) is the licensing authority for the State for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the State's resources from the adverse impacts of cannabis cultivation (Fish & G. Code, § 12029). Like cannabis cultivation, hemp cultivation has the potential to affect fish, wildlife, plants, and their habitats. Cannabis inspections have led to violations for water diversions and storage, grading, chemical use, wildlife threats, timber conversion, and public safety. The Department's Law Enforcement Division (LED) is a critical component of enforcement. The Department's LED works with cannabis cultivators to bring their facilities into compliance, aids in remediating criminal environmental violations, coordinates with other agencies to remove illegal grows, growers, illegal water impoundments, and extremely toxic chemicals frequently associated with illegal grows, and protects California's unique and diverse natural resources.

The Department recommends amending the inspections section to read as follows: "All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, **without notice**, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, **The California Department of Fish and Wildlife, California Peace Officers** and Department of Agriculture/Weights and Measures."

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 14

The Department appreciates the opportunity to work with County staff and comment on the Ordinance. Questions or further coordination regarding this letter should be directed to Kelley Aubushon, Senior Environmental Scientist (Specialist), at (559) 243-8153 or kelley.aubushon@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

ec: Lieutenant Tyson Quintal
Ryan Mathis
Sarah Paulson
James Rosauer
California Department of Fish and Wildlife



Air Pollution Control District
San Luis Obispo County

Via Email

December 19, 2019

Kip Morais
San Luis Obispo County Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
kmorais@co.slo.ca.us

SUBJECT: APCD Comments Regarding the SLO County Industrial Hemp Ordinance Draft

Dear Mr. Morais:

Thank you giving the San Luis Obispo County Air Pollution Control District (APCD) an opportunity to comment on the San Luis Obispo County Industrial Hemp Ordinance Draft (Draft). The Draft defined cultivation, processing and manufacturing as follows:

Industrial Hemp Cultivation

- Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review (pg. 2).
- The definition of Industrial Hemp Cultivation is defined on page 13 and states any activity involving the planting, growing, harvesting, or field drying of industrial hemp.
- Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories (pg. 2).
- Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure, only within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting (pg.13).

Industrial Hemp Processing

- Industrial Hemp Processing will be treated as an Agricultural Processing use and will require discretionary review (pg. 2).
- Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use (pg.13).

APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 2 of 3

Industrial Hemp Manufacturing

- Manufacturing of hemp products will be classified under existing manufacturing uses according to end-product and scale of operations and subject to permitting requirements accordingly (pg.13).
- Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end-product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc. (pg. 14).

The following APCD comments are pertinent to the Draft Ordinance.

The industrial hemp manufacturing requirements described in Paragraph D. 5. industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - [Air Pollution Control District \(APCD\) Review](#), it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:

Permit - Agricultural Burning

Since Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing, burning of Industrial Hemp waste will require an APCD Agricultural Burn Permit and burning of waste is only allowed on Permissive Burn Days. All agricultural burning is subject to APCD Rule 502. Verification of THC content may be required upon application. For more information on agricultural burning, visit the following APCD webpage: slocleanair.org/rules_regulations/agriculture/burning.

Permit - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's Nuisance Rule 402 and may result in enforcement action:

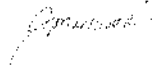
- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

Attachment 11

*APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 3 of 3*

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

jNM/jjh

cc: Brian Pedrotti, Long Range Planning Team
Sarah Wade, APCD

Additional Correspondence - FW: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 02:47 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 5 attachments (3 MB)

Hemp BOS Hearing Documents.PDF; Hemp CEQA Exemption.PDF; GrowerShipper Letter.PDF; CDFW Comment Letter.PDF; SLO APCD Letter.PDF;

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 2:43 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Cc: Trevor Keith <tkeith@co.slo.ca.us>; Robert Fitzroy <rfitzroy@co.slo.ca.us>; Brian Stack <bstack@co.slo.ca.us>; Brian Pedrotti <bpedrotti@co.slo.ca.us>; Airlin Singewald <asingewald@co.slo.ca.us>

Subject: FW: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

Hello Hallie,

I am forwarding this as official correspondence for Industrial hemp for tomorrow's BOS hearing.

Thank you,

KIP MORAIS
PLANNER

Planning and Building
County of San Luis Obispo
Tel: (805)



kmorais@co.slo.ca.us

From: Trevor Keith <tkeith@co.slo.ca.us>
Sent: Monday, May 04, 2020 2:26 PM
To: Robert Fitzroy <rfitzroy@co.slo.ca.us>; Brian Stack <bstack@co.slo.ca.us>; Kip J. Morais <kmorais@co.slo.ca.us>
Subject: FW: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

FYI

From: Murray J. Powell <murray@dfrios.com>
Sent: Monday, May 4, 2020 2:20 PM
To: John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>; Ramona Hedges <rhedges@co.slo.ca.us>
Subject: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 4, 2020

To the San Luis Obispo County
Board of Supervisors

VIA EMAIL

Re: Proposed SLO County Hemp Ordinance – BOS May 5, 2020 Approval Hearing.

I am writing in reference to the Board's May 5th hearing agenda item #22 scheduled to consider amending various sections of SLO County's Title 22 and 23 Code regarding industrial hemp activities. I attended most of the ALAB Committee Hemp Ordinance meetings conducted during 2019. I am surprised and disappointed that the County is considering this very important matter while State and County COVID Emergency orders are in effect. The Emergency Orders prohibit "Non-Essential Services and Activities" that are not matters related to the protection of the public's health, safety and welfare. In my opinion, the scheduled May 5th BOS ordinance approval hearing is a violation of the existing State and County COVID Emergency Shelter at Home and other related COVID Emergency Orders. Certainly the approval of the defective, poorly drafted Hemp ordinance that each of you will be considering on Tuesday, is not an "Essential" emergency matter intended to protect the health, safety and welfare of our County's residents, workers and visitors.

The following comments address several important issues that are virtually ignored or are inadequately presented in the proposed Hemp ordinance draft to be considered tomorrow.

Odor. The proposed ordinance does not prohibit the offsite detection of Outdoor Hemp Cultivation Hemp. Essentially Hemp is an outdoor cultivated crop. **THE PROPOSED ORDINANCE PROHIBITS INDOOR HEMP CULTIVATION and INDOOR HEMP PROCESSING ODOR DETECTION OFFSITE.** Does this make any sense? Outdoor hemp cultivation is the MAJOR LEADING source of cannabis skunk like odor impacting neighboring properties, residents and established businesses. Effective outdoor cannabis odor mitigation systems or techniques do not exist. The majority of Hemp related public comments and complaints discussed during the ALAB Committee's consideration of proposed Hemp ordinances and the Planning Commission's hours long draft ordinance hearings were regarding Hemp offsite odor detection and Hemp cultivation area setback distances intended to mitigate offsite odor detection. **Please add the following provision to the proposed ordinance. "Nuisance Odors. All Industrial hemp outdoor cultivation shall be sited and/or operated in a manner that prevents hemp nuisance**

odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.”

Setbacks. Setbacks are also relate to odor impacts issues. Planning arbitrarily proposes a 300 foot outdoor hemp setback distance in the draft that is adopted from existing County cannabis ordinances. Experience in the County and elsewhere has proven, beyond a reasonable doubt, that 300 foot and much longer setback distances have no significant effect on the adverse impacts of cannabis odor on neighboring properties and our communities.

Effect of Cannabis Terpenes. The draft is silent on the effect of Hemp cannabis terpenes on wine grapes, other crops and on finished wine taste and quality. The hearing staff reports dismiss the probable adverse effects of cannabis odor terpenes on grapes and wine saying “It is important to note that there is a lack of scientific research regarding the effects of hemp terpenes on wine grapes, although that is likely to change in the near future as research is underway.” Attached is a five page letter written Anita Oberholster PHD, that is part of your hearing record, who is a faculty member of is the California UC Davis Department of Viticulture and Enology. This UC Department is ranked number 1 in the world regarding scientific research regarding grape growing and winemaking. Please read this letter. The letter concludes that the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on a large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near cannbis cultivation sites and on resulting wine quality. Once again this is subject related to offsite cannabis odor protection. The proposed draft provides that Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership. As discussed above, undisputed evidence exists that 300 foot setback do not mitigate the effects of cannabis odor.

CBD Oil and product Manufacturing Operations. The primarily intent of Hemp production in SLO County is to manufacture CBD oil and related products. Obviously CBD Oil and other CBD product manufacturing processes are an essential Hemp activity and are very similar to regular MJ cannabis product manufacturing processes. Surprisingly, the proposed Hemp ordinance **IS SILENT** regarding any Hemp manufacturing activities except for the following brief comment. “Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. **For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing . . .**” Other than this very brief comment there are no references in the proposed draft to any existing County or State Codes, regulations or guidelines concerning CBD oil manufacturing operations. An existing County Title 22 Chemical Products Manufacturing ordinance found at Title 22 Section 22.30.160 is discussed below. This brief 1995 ordinance refer to Hemp or THC cannabis manufacturing operations.

CBD manufacturing operations involve highly dangerous flammable and explosive materials and the operation of highly technical high pressure (5,000 PSI) extraction equipment. Existing County THC cannabis ordinances (Title 22 Section 22.40.070) place some restrictions on the scope, location, site size, minimum 600 setback distances and other regulations on THC cannabis manufacturing facility operations. The County’s existing Title 22 Section 22.40.070 cannabis manufacturing ordinances provides some control over regular cannabis (over .3% CBD content) manufacturing processes. A number of Section 22.40.070 provisions are relevant to Hemp manufacturing activities. The following represent existing cannabis manufacturing Title 22 ordinance provisions that should be addressed in the Hemp draft. None of these provisions are in the proposed draft.

- Location of THC cannabis manufacturing facilities are limited to Commercial Service (CS), Industrial (IND) and Agricultural (AG) land use zones
- Limitation on use. Only Non-volatile processes and substances are allowed to operate. Use of volatile process and substances are prohibited. “Nonvolatile solvent” means any solvent used in the extraction process that is not a volatile solvent, including carbon dioxide. **“Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. “Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.” See existing ordinance 22.30.160 for comments on explosive gases.**

- Manufacturing facilities shall not be located within 600 feet of schools, parks, playgrounds, recreation or youth centers and licensed drug and alcohol recovery and living facilities. These are existing "Sensitive Sites" defined in the County's existing Cannabis ordinances. The proposed draft has no setbacks indicate for manufacturing facilities.
- Manufacturing facilities shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. Need to add the Nuisance Odor offsite detection provision previously discussed above.
- Manufacturing facilities do not pose a significant threat to the public or to neighboring uses from explosion of or from the release of harmful gases, liquids or substances.

The proposed Hemp ordinance fails to at least limit manufacturing to Non-Volatile processes allows for highly flammable and dangerous manufacturing processes that are a threat to the health, safety and welfare of the general public, to Hemp manufacturing facility employees and to neighboring properties and residents.

An existing County Title 22 Chemical Products Manufacturing ordinance is found at Title 22 Section 22.30.160 that should be considered applicable to Hemp manufacturing operations described in the draft as "Chemical Manufacturing". The existing title 22 Chemical Products Manufacturing Section 22.30.10 ids attached. This County Code section provides the following:

22.30.160 - Chemical Products Manufacturing

A. Permit requirement. Minor Use Permit approval, unless a Conditional Use Permit is otherwise required by Section 22.08.030 Permit Requirements - Manufacturing and Processing Uses.

B. Location. A chemical product manufacturing facility shall be located no closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category. ..

C. Minimum site area. Five acres, unless otherwise provided by Subsection D.

D. Specific use standards.

1. Explosives manufacture. The manufacture of explosives is subject to the following standards.

a. Location. No closer than one mile to any Residential, Commercial, Office and Professional, Recreation, or Public Facilities category.

b. Minimum site area. 20 acres.

c. Storage. The storage of explosives shall be in compliance with Section 22.10.050 (Toxic and Hazardous Materials).

2. Gaseous products. The manufacture or bulk storage of explosive or corrosive gaseous products such as acetylene, chlorine, fluorene and hydrogen, are subject to the special standards for explosives in Subsection D1.

[Amended 1992, Ord. 2553] [22.08.082]

This existing Chemical Products Manufacturing County Code ordinance adds several layers of confusion and contradictory requirements when compared to the Hemp draft. Does the Chemical Product Manufacturing Code Section 22.30.160 dictate the requirements for the location and operation of Hemp manufacturing operations and facilities or not? VERY CONFUSING.

- The draft Hemp ordinance does not designate or limit the location of Hemp Manufacturing operations to any County zoning designations, to any setback measurements or distances, or minimum site size. 22.30.160 would require 1,000 foot not 300 setbacks according B. above, or possibly one (1) mile according to D.1.a. if volatile processes are allowed in the "Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories" but apparently not in the AG, RL, CS and IND zones.
- The existing Chemical Code section limits manufacturing facility site areas, depending on the guidelines in D., to either 5 acres in B. or 20 acres in D.1.a. These provisions appear unclear as to whether these minimum site area size limit apply to the Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories" designated in this Code Section. Or does this Code Section's

minimum site area limits apply to all County zone designations where Hemp operations may be allowed in the County?

- The draft Hemp ordinance does not limit Hemp Manufacturing operations to any specific County location zoning designations. The draft does designate the hemp cultivation activities to AG, RL and RR, and processing to AG, RL, RR, CS and IND zones. The Chemical Code section does not limit manufacturing facility locations to any Land Use designations but does place setback restrictions on “Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories”. Four of these five designations are not referred to in the Hemp draft. What County Land Use zone designations are Hemp manufacturing facilities and operations limited to, if any?

Sensitive Site Definitions. The draft mentions “Sensitive Sites but does not define the term. The existing County THC cannabis ordinances define sensitive sites as “Cannabis cultivation shall not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility with minimum setback distances of 1,000 or 600 feet. The draft ordinance and the May 5th Staff reports use the term “sensitive uses while rejecting the term “sensitive sites’ as State definitions that do not address odor issues. Other “sensitive site” issues involve impacts on area compatibility, impact on visual aspects of surrounding site areas and other important matters in addition to odor problems that are ignored in the draft.

Pesticide Use and Drift. THC Cannabis pesticide limitations are measured in parts per million not the typical parts per thousand applicable to regular recognized crops. Pesticide drift has created serious conflicts between cannabis operations and established recognized crop and grazing ag operations. Cannabis operators are threatening established growers and pesticide service operators with lawsuits for pesticide material drifting on to cannabis crops. Helicopter pesticide spraying operators are refusing to spray established crops such as citrus and avocado groves that require aerial spraying to be effective. California has yet to establish regulations and guidelines associated with Hemp pesticide use and testing thresholds. The California Department of Pesticide Regulation’s website has the following statement posted. “ Pesticide guidance developed for cannabis by the Department of Pesticide Regulation (DPR) is specific to cannabis and not applicable to industrial hemp. **DPR is currently developing hemp-specific guidance that will be added to this webpage. We strongly recommend stakeholders familiarize themselves with current pesticide law and regulations and contact your local agricultural commissioner’s office with pesticide related questions.**

ALAB Committee Recommendations. ALAB submitted five “recommendations” to County Planning on December 19, 2019. The Planning Department arbitrarily issued its propose Hemp ordinance draft for public review on November 12, 2019. ALAB’s last Hemp meeting and the submission of its December 19, 2019 recommendation letter was more than a month later than the publishing of the Planning Department draft for public review. All five of ALAB’s recommendations are ignored in the draft ordinance. The ALAB recommendation letter is attached. Staff misleading comments claiming that the draft ordinance will “reduce conflicts with other uses”. Outdoor Hemp Cultivation, the major source of obnoxious Hemp (cannabis) odor, is not addressed in the proposed ordinance draft. ALAB failed to arrive at any consensus regarding setback distances and methods of measurements. ALAB recommends the development of Best Management Practices (MAP’s) for hemp cultivation. Not a word about MAP’s in the draft. Where are they? Will we ever see them?

SLO County Urgency Ordinance No. 3393. SLO County’s June 10, 2019 Temporary Hemp Moratorium Urgency Ordinance No. 3393 recognizes and discusses various concerns associated with Hemp activity that will be encountered in the County. References are to Urgency Ordinance No. 3393 Section 2.

Urgency Order Item N. As cannabis cultivation permits have been processed, the County has received substantial amounts of public testimony regarding the potential harmful effects of cultivating cannabis, specifically, odor nuisance and public safety concerns. Individuals opposing either existing or proposed cannabis cultivations, cite foul “skunk-like” smells emanating from the operation, the need to close windows, people unable to go outside due to the noxious skunk like odor, and people experiencing irritated eyes because of the odor. Cannabis cultivation projects are therefore individually reviewed to look at further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which

may be needed. Individuals also cite similar odor complaints regarding certain odor “masking” systems which are often used in the growing of cannabis identifying an “overwhelming Febreze like smell” which is similarly annoying and causing eye irritation. At this point, it is unclear if industrial hemp has similar odors thus implicating these same potential impacts and further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed. This item recognizes the public’s opposition and complaints with cannabis plant “skunk like odors” and states that further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed. **Outdoor Hemp cultivation, Hemp’s major odor producing activity, is not addressed in the draft.**

Urgency Order Item O. Cannabis cultivation has become increasingly more prolific in the County and certain places, like California Valley, experienced an almost immediate insurgence of cannabis related activity. This cannabis related activity resulted in an increase in public services, most specifically, increased need for public safety and law enforcement due to an increase in criminal conduct. Through the County's Cannabis Ordinance, site specific safety and security issues are reviewed and plans and conditions are put into place (i.e. special fencing, lights, security cameras, etc.) in order to address this potential impact. Because industrial hemp is virtually identical to cannabis, the County’s Sheriff’s Department notes that certain regulations are needed in order to deter or prevent individuals associating industrial hemp with cannabis and therefore deterring or preventing unlawful activities which are associated with cannabis (i.e. theft, trespass, and robbery). **See enforcement comments below.**

Urgency Order Item P. Industrial hemp can serve as a host to mites and other insects. At this time, there are few pesticides registered for hemp that specifically address such mites or other insects. **Pesticide drift from established regular crop and grazing agricultural properties has become a major issue with regular cannabis operations in SLO and other counties. County and State pesticide regulations have not been established.**

Urgency Order Item Q. Absent regulation, the cultivation of industrial hemp and cannabis may pose incompatibility issues due to cross-pollination if male industrial hemp plants are grown or allowed to be grown. For example, due to cross-pollination and compatibility concerns, the state of Washington restricted the cultivation of industrial hemp within four miles of any licensed marijuana cultivation. Therefore, the cultivation of industrial hemp prior to the adoption of reasonable local regulations may interfere with licensed and permitted cultivation operations under the Cannabis Ordinance. **California recently pass a law SB 153 prohibiting the cultivation of regular cannabis and hemp on the same permitted property sites. The draft ordinance requires a 300 foot separation between Outdoor industrial hemp cultivation and any crop production or cannabis grow of separate ownership but does not refer to the State law that prohibits hemp and cannabis cultivation on a single property. A 300 foot separation is ineffective in preventing cannabis – hemp cross pollination.**

Urgency Order Item R. The cultivation of industrial hemp prior to the adoption of state or local regulations is potentially harmful to the welfare of residents, creates a nuisance, and may threaten the safety and land of nearby property owners. The allowance of cultivation of industrial hemp prior to the adoption of reasonable state or local regulations, creates an urgent and immediate threat to the public health, safety or welfare of the citizens and existing agriculture in San Luis Obispo County.

Urgency Order Item S. There is an urgent need for the County, including its Agricultural Commissioner, Planning and Building, Sheriff, and County Counsel departments, to assess the impacts of industrial hemp cultivation to review any state regulations subsequently issued and to explore reasonable regulatory options relating thereto. **The draft has no references to the many existing State or Federal codes regulating Industrial Hemp cultivation and CBD Oil production.**

Urgency Order Item T. The County of San Luis Obispo has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances by the cultivation of industrial hemp prior to the adoption of reasonable state or local regulations.

Urgency Order Item S. There is an urgent need for the County, including its Agricultural Commissioner, Planning and Building, Sheriff, and County Counsel departments, to assess the impacts of industrial hemp cultivation to review any state regulations subsequently issued and to explore reasonable regulatory options relating thereto.

Urgency Order Item T. The County of San Luis Obispo has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances by the cultivation of industrial hemp prior to the adoption of reasonable state or local regulations.

The proposed Inland Title 22 Hemp ordinance draft fails to address most of the Urgency Ordinance No. 3393's concerns.

Enforcement. I assume, that since Hemp is a cannabis plant, that the Cannabis County Code Enforcement staff will be assigned with the County's Hemp enforcement responsibilities. Presently four (4) County Cannabis Code enforcement officer positions exist. County Code Enforcement is administered by the Planning Department. Last summer County Planning official, Matt Jensen, stated in a public meeting that cannabis code enforcement at that time was "OVERWHELMED". This was prior to any County cannabis projects, other than temporarily permitted abeyance projects, that should have been operating. Promised enforcement of Hemp and of 141 proposed outdoor cannabis cultivation permitted projects will require quarterly monitoring inspections and countless code complaints and pursuit of illegal operations requires a substantial increase in the County's Code and Law enforcement staff. Presently the County has no plans in place to expand County Code and law enforcement manpower.

CEQA Exemption. Planning proposes to exempt the adoption of the existing draft is from CEQA. See the staff report in the 259 page Attachment 11 and the Notice of Exemption Attachment 13 of the hearings documents for the May 5th BOS hearing agenda item #22. The Notice of Exemption makes the following comments:

"This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo. CEQA Guidelines Section 15061 (b)(3), Common Sense Rule Exemption."

SLO County APCD Comment Letter. The SLO APCD made the following comments in its December 19, 2019 comment letter (attached) regarding the Hemp ordinance draft ;

"To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:'

"The industrial hemp manufacturing requirements described in Paragraph D. 5. Industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - Air Pollution Control District (APCD) Review, it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

Permit – Manufacturing & Masking/Neutralizing of Hemp The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.

- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance – Manufacturing & Masking/Neutralizing of Hemp The following are subject to the APCD’s Nuisance Rule 402 and may result in enforcement action:

- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

None of this information of the APCD permitting requirements are disclosed in the draft ordinance.

California Department of Fish and Wildlife Department (CDFW) Comment Letter. The CDFW disagrees with the County’ CEQA exemption conclusions. The Departments 13 page December 18, 2019 letter (copy attached) can be found in tomorrow’s hearing agenda’s Item #22 as Attachment No. 11. The second and third paragraphs of page 72 of the CDFW letter makes the following comments:

“The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare or threatened species (as defined in Section 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064,15065). Impacts must be avoid or mitigated to less than significant unless the CEQA lead agency makes and supports a Statement of Overriding Consideration (SOC).

I don’t see any discussion in the 12 page May 5th Hearing Staff Report or other hearing documents other than the responding to Fish and Wildlife Department’s CEQA concerns and recommendations.

You would hope that the County has learned from it prior mistakes. Existing County Cannabis ordinances implemented during 2017 have been amended three times with a fourth proposed amendment process scheduled at a date to be determined. Hemp is a moving target at the federal and State levels. Laws and code regulations are being developed and passed as we speak. See California Senate Bill SB 153 signed into law on October 12, 2019 (attached). Once this proposed Hemp ordinance is approved , the train has left the station and conflicts and lawsuits between Hemp operators, the public and established agricultural businesses begin. Cannabis operators are threatening to sue established agricultural operations that, in many cases, have been operating for decades on multi-generational family owned farms demanding that well established pesticide application practices cease. In certain cases California law requires pesticide spraying applications on a quarterly basis to combat certain insects.

Each of you are aware that the County’s proposed approval of Industrial Hemp operations has generated a substantial amount of public dialogue and opposition throughout the County during the past year as expressed during County Board, Planning Commission and County ALAB Hemp ordinance committee meetings. Substantial evidence of this opposition exists in the hundreds of pages of agenda hearing document attachments submitted as part of Tuesday’s May 5th hearing record. You represent the 285,000 residents of SLO County. information must be seriously considered by each of you. The County Farm Bureau voiced concerns regarding certain Hemp related matters but generally opposes any discretionary permitting requirements for Hemp cultivation. However the Farm Bureau and its ALAB Group members are not in agreement. Many members oppose Hemp in SLO

County and are of the opinion that Hemp and Cannabis cultivation is not compatible with organic or conventional Central Coast agriculture. See the attached 170 member Grower/Shipper Association letter attached.

The BOS has the ability to extend the existing Hemp Moratorium to a later date (one year I believe). Hopefully State and local COVID orders will be lifted soon. I support the conclusions that are expressed by the Grower/Shipper Association's December 19, 2019 letter (attached) that asks that the County defer its consideration of an Industrial Hemp Ordinance until a later date when presently unknown health, legal, Federal and State regulatory, terpene odor and other unknown issues and there possible unintended consequences are determined. should only be considered during regular Brown Act government agency public hearings and meetings where the public is allowed to participate in-person to observe and present opinion, recommendations comments. The County Board and Planning Commission hearings on the Hemp ordinance matter were heavily attended by the public with a considerable number (majority) of public comments presented in -person during the course of the hearings opposing hemp cultivation in SLO County. The Hemp moratorium should be continued to a later date.

Murray Powell
Templeton Resident

Submitted by Courtney Taylor

UNIVERSITY OF CALIFORNIA, DAVIS

REGISTRATION SERVICES • OFFICE OF THE REGISTRAR • 100 SHREVE DRIVE • DAVIS, CALIFORNIA 95616-0001



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REGISTRATION SERVICES
UNIVERSITY OF CALIFORNIA
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October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effects that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards.

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kerison et al., 2009; Kratoch et al., 2013) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Cappone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtrey-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 10% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, fresh/minty/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOC (material other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/l. Herve et al., (2003) reported a recognition threshold of 3.2 µg/l in red wine. In respective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 12.5 µg/l). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kerison et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOC (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOC are included.

Capone also found that *Lonicera* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with no MOG included, including no *Lonicera* leaves and/or bark, produced wines with above aroma threshold levels of 1,8-cineole if made from winegrapes grown within the first 50 meters from *Lonicera* trees. Including grape stems and some grape leaves as will be normal during most fermentations will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Azpurua-Olaverria et al., 2010). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The chemotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Azpurua-Olaverria et al., 2016). This is a 10³ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 87 µg·g⁻¹·hr⁻¹ depending on the strain of *Cannabis spp* (Wang et al., 2019). Additionally, β-myrcene, α-caryophyllol and δ-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, linalool, α-terpineol, β-caryophyllene, humulene, α-humulene and more. New terpenes are continually being identified in cannabis plants.

Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Larrau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, adsorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry to California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Ecology Department of Viticulture and Enology
University of California, Davis, California, 95616

- 3. Landscaping.** A 10-foot landscaping strip containing screening plant materials shall be provided adjacent to all interior lot lines.
- 4. Interment facilities.** All facilities for ground burial shall be designed and constructed in compliance with any requirements established by the Regional Water Quality Control Board (see Section 22.10.190 - Regional Water Quality Control Board Review).

[Amended 1994, Ord. 2696] [22.08.064]

22.30.160 - Chemical Products Manufacturing

- A. Permit requirement.** Minor Use Permit approval, unless a Conditional Use Permit is otherwise required by Section 22.08.030 (Permit Requirements - Manufacturing and Processing Uses).
- B. Location.** A chemical product manufacturing facility shall be located no closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category.
- C. Minimum site area.** Five acres, unless otherwise provided by Subsection D.
- D. Specific use standards.**
 - 1. Explosives manufacture.** The manufacture of explosives is subject to the following standards.
 - a. Location.** No closer than one mile to any Residential, Commercial, Office and Professional, Recreation, or Public Facilities category.
 - b. Minimum site area.** 20 acres.
 - c. Storage.** The storage of explosives shall be in compliance with Section 22.10.050 (Toxic and Hazardous Materials).
 - 2. Gaseous products.** The manufacture or bulk storage of explosive or corrosive gaseous products such as acetylene, chlorine, fluorene and hydrogen, are subject to the special standards for explosives in Subsection D1.

[Amended 1992, Ord. 2553] [22.08.082]

1. The cannabis processing facility, as proposed, will comply with all the requirements of State and County for the processing of cannabis, including dual licensure and participation in an authorized track and trace program;
2. The cannabis processing facility includes adequate quality control measures to ensure cannabis processed at the site meets State regulatory standards;
3. The cannabis processing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis is obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
4. The cannabis processing facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

OR

(For location modifications only.) Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective.

5. *(For processing sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

[Amended 2018, Ord. 3377]

22.40.070 - Cannabis Manufacturing

- A. Limitation on use.** Non-volatile cannabis manufacturing facilities may be permitted in the Commercial Service (CS), Industrial (IND), and Agriculture (AG) land use categories subject to a land use permit, as required below. Cannabis manufacturing facilities involving volatile processes or substances (requiring a Type 7 volatile manufacturing State license) are prohibited. Cannabis manufacturing facilities in the Commercial Service land use category are limited to those sites within an Urban Reserve Line (URL)

only. Cannabis manufacturing facilities in the Agriculture land use category are limited to the processing of the raw cannabis materials grown onsite.

B. Land use permit required.

- 1. Minor Use Permit.** Non-volatile manufacturing facilities of less than 40,000 square feet shall require Minor Use Permit approval unless a Conditional Use Permit is required by another Section of this Title.
- 2. Conditional Use Permit.** Non-volatile manufacturing facilities of 40,000 square feet or more shall require Conditional Use Permit approval.

C. Application requirements. In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.

- 1.** A complete description of all products used in the manufacturing process including the cannabis supply chain, liquids, solvents, agents, and processes.
- 2.** Storage protocol and hazard response plan.
- 3.** A security plan that includes lighting, security video cameras, alarm systems and secure area for cannabis storage. The security plan shall include a requirement that there be at least 30 (thirty) business days of surveillance video (that captures both inside and outside images) stored on an ongoing basis. The video system for the security cameras must be located in a locked, tamper-proof compartment.
- 4.** Employee safety and training equipment plan, plus Materials Safety Data Sheet requirements, if any.

D. Manufacturing standards.

- 1. Location.** Cannabis manufacturing shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the manufacturing facility to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility through Conditional Use Permit approval, provided the Commission first makes the findings specified in Section 22.40.070(E)(5).

- 2. Setbacks.** Setbacks are required as set forth in Section 22.10.140.
 - 3. Nuisance odors.** All cannabis manufacturing shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis manufacturing shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.
 - 4. Limitation on the manufacturing of cannabis edible products.** The manufacturing of cannabis edible products, as defined by this Title, that are in the shape of animals, people, insects, or fruit is prohibited.
- E. Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
- 1.** The cannabis manufacturing facility, as proposed, will comply with all the requirements of State and County for the manufacturing of cannabis, including dual licensure and participation in an authorized track and trace program;
 - 2.** The cannabis manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from release of harmful gases, liquids, or substances;
 - 3.** The cannabis manufacturing facility includes adequate quality control measures to ensure cannabis manufactured at the site meets industry standards and includes a documented employee safety training program, a Materials Data Safety Sheet (MSDS), and meets all requirements in the Health and Safety Code Section 11362.775, and as it may be amended;
 - 4.** The cannabis manufacturing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
 - 5.** The cannabis manufacturing facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

OR

(For location modifications only.) Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective.

6. *(For manufacturing sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

[Amended 2018, Ord. 3377]

22.40.080 - Cannabis Testing Facilities

- A. Limitation on use.** Cannabis testing facilities may be permitted in the Commercial Service (CS) and Industrial (IND) land use categories subject to a land use permit. Cannabis testing facilities in the Commercial Service land use category are limited to those sites within an Urban Reserve Line (URL) only.
- B. Land use permit required.** Cannabis testing facilities of less than 20,000 square-feet shall require Minor Use Permit approval. Cannabis testing facilities of 20,000 square-feet or greater shall require Conditional Use Permit approval.
- C. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60, Section 22.40.040, and include an operations plan detailing how cannabis will be received, secured, tested, and destroyed upon completion.
- D. Cannabis testing facilities standards.**
 1. **Location.** Cannabis testing facilities shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility through Conditional Use Permit approval, provided the Commission first makes the findings specified in Section 22.40.080(E)(6).

County of San Luis Obispo Agricultural Liaison Advisory Board



2156 Sierra Way, Suite A
San Luis Obispo, CA 93401

**Agricultural Liaison
Advisory Board (ALAB)**

Positions/Members/Terms

CHAIR: Jean-Pierre Wolff
VICE CHAIR: Dan Rodrigues

District One: Peschong Appt.
Craig Pritchard (1/21)

District Two: Gibson Appt.
Lisen Bonnier (1/23)

District Three: Hill Appt.
Tom Ikeda (1/21)

District Four: Compton Appt.
Daniel Chavez (1/23)

District Five: Arnold Appt.
vacant (1/21)

Ag. Finance Rep.
Mark Pearce (8/22)

Cattlemen Rep.
Dick Nock

Coastal San Luis RCD Rep.
Jean-Pierre Wolff (8/22)

Direct Marketing/Organic Rep.
Jutta Thoerner (4/20)

Environmental Rep.
Krista Burke (1/23)

Farm Bureau Rep.
R. Don Warden

Nursery Rep.
Butch Yamashita (4/20)

Upper Salinas-Las Tablas RCD Rep.
George Kendall (4/23)

Vegetable Rep.
Claire Wineman (4/20)

Wine Grape Rep.
Dan Rodrigues (4/20)

Strawberry Rep.
vacant

County Agricultural Commissioner
Marty Settevendemie
Ex-Officio

U.C. Coop. Extension, Farm Advisor
Mark Battany

DATE: December 18, 2019

TO: Kip Morais, Project Manager, and Brian Pedrotti, Senior Planner,
San Luis Obispo County Department of Planning and Building,

SUBJECT: ALAB comments and recommendations on the Public Review Draft of the
Industrial Hemp Ordinance

At the December 9, 2019 Agricultural Liaison Advisory Board (ALAB) meeting, ALAB members discussed the potential adoption of a permanent ordinance regulating the cultivation and processing of industrial hemp within the unincorporated portions of San Luis Obispo County. ALAB members affirmed their support for the growth and success for all agricultural commodities and the majority agreed upon a number of recommendations described below.

ALAB reviewed the information provided by the ALAB hemp subcommittee, a group established by ALAB to specifically address the potential for a local hemp ordinance and assist in providing information to be used for that ordinance development. The hemp subcommittee, a group which included ALAB members, local hemp growers, and local vineyard and winery representatives, met six times in the past four months. Meetings were open to the public and many hemp growers and concerned citizens alike attended and provided comments and input. The ALAB subcommittee provided the full ALAB membership with a few specific recommendations and a number of general areas of consensus that the full ALAB board took under advisement.

After reviewing the input from the ALAB hemp subcommittee and considerable additional discussion amongst members, **ALAB members approved a motion to provide the following five recommendations to County Planning in response to the Public Review Draft of the Industrial Hemp Ordinance:**

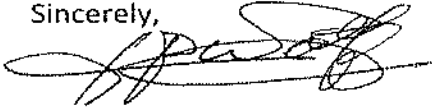
- ALAB recommends that County Planning strive to develop this ordinance, and its associated requirements and restrictions, in a manner that minimizes conflicts with existing agricultural operations and businesses.
- ALAB recommends that County Planning consider the implementation of a

sliding scale for setback requirements based upon the number of industrial hemp acres being cultivated. Although ALAB could not come to consensus on exactly what those setback distances should be, it was agreed that it is logical to require smaller setback distances from smaller sized growing sites, relative to the acreage of the hemp growing site.

- **In Section 22.30.244 (B.)1.c:** ALAB recommends that riparian and wetland setbacks be struck from the ordinance due to this requirement being duplicative of existing requirements from other agencies that growers must already meet.
- ALAB recommends that direction is given to the Agricultural Commissioner's Office to develop a set of recommended and/or required Best Management Practices (BMP's) for the cultivation of industrial hemp locally. Once these BMP's are developed, ALAB recommends that consideration is given toward incorporating those BMP's into the industrial hemp registration process conducted by the Agricultural Commissioner's Office.
- ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.

Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'JP Wolff', written over a horizontal line.

Jean-Pierre Wolff, Ph.D.
ALAB Chair



December 19, 2019

Brian Pedrotti and Kip Morais
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Planning and Building Department:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of a permanent ordinance regarding industrial hemp cultivation. Our Board of Directors voted unanimously to submit this comment letter.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES
534 E Chapel St • Santa Maria, CA 93454 • (805) 343-2215

Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

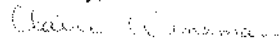
Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing food crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President



SAN LUIS OBISPO COUNTY FARM BUREAU

4875 MORABITO PLACE, SAN LUIS OBISPO, CA 93401

PHONE (805) 543-3654 • FAX (805) 543-3697 • www.slofarmbureau.org

December 19, 2019

San Luis Obispo County
Department of Planning and Building
Attn: Kip Morais
976 Osos Street Room 200
San Luis Obispo, CA 93408

Submitted by email to pl_LongRangeShared@co.slo.ca.us

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

San Luis Obispo County Farm Bureau represents all of the farmers, ranchers and agribusinesses that make up our \$2.5 billion-dollar county agricultural economy. Like all policy issues, our positions on industrial hemp must reflect our members' diverse perspectives. Our 800 members include hemp and cannabis growers, retailers, rural residents opposed to all cannabis, wine grape growers, and farmers raising other commodities. Since the Urgency Ordinance was passed on June 18, 2019, Farm Bureau has tried to find common ground between stakeholders on this difficult issue both within our membership and through the Agricultural Liaison Advisory Board. Our comments here are to help guide County staff, Planning Commissioners and Supervisors to fairly understand industrial hemp issues and to make this ordinance workable for San Luis Obispo County.

Our principal objective is to preserve our freedom to farm, not to farm any one particular crop. We must prioritize protecting our largest commodity (wine grapes), while being mindful of how any protections enacted today could jeopardize all farmers down the road. We also have a responsibility to attract new people to agriculture and afford smaller farms an opportunity to make a living off of a small amount of land. Industrial hemp has this potential, but sadly, the County's enactment of a temporary moratorium during the 2019 growing season, coupled with the rapidly evolving nature of this new U.S. hemp market, means a potentially lucrative new ag commodity will likely pass San Luis Obispo by. Nonetheless, we are committed to finding a path forward for hemp in SLO County.

Our members have identified three primary issues of concern with industrial hemp, including:

- Odors from hemp cultivation being a nuisance to neighboring residences or businesses;
- Possible contamination of wine grapes by compounds present in the odor emitted by hemp and cannabis (compounds known as terpenes); and
- Legal liability from contaminating hemp and cannabis with pesticides used in neighboring crop fields for non-hemp or cannabis crops.

Issue 1: Odor

First, any setback on a federally legal agricultural crop is a dangerous precedent for all of agriculture. If odors from ag crops are categorized as a nuisance, several longtime staples of our county's crop portfolio (broccoli, leafy greens, etc.) are at risk of being restricted or pushed out. Furthermore, some

1

routine crop inputs like fertilizers or pesticides also can have an odor. This county has to-date differentiated crop-associated odors that may only be present during certain times of year from livestock odors that may be present year-round. This ordinance deviates from this precedent, and unfortunately puts a path forward for residents unhappy with crop farming odors to seek local land use restrictions on farmers. Odors are inherent in the production of most row crops to some degree or another. Clearly in the background of this hemp conversation, the County is also contending with vocal complaints about odors from cannabis operations; but, where will we draw the line for the rest of agriculture? Farm Bureau opposes banning a federally legal agricultural commodity based on odor, and we believe this ordinance takes our County down an anti-business and anti-agriculture path of overregulation. At what point will we realize the inevitable consequences of the not-in-my-backyard mentality that increasingly drives local policy decisions? We caution our County leaders to not allow current objections to hemp and cannabis odors to open the door for restricting other crops that have an odor some residents find unpleasant or a nuisance.

Issue 2: Possible Contamination of Wine Grapes

Allowing any one crop to negatively impact another crop is also problematic. Frankly, if our policy position has to reflect a choice between protecting an existing crop benefitting a majority of our members and welcoming a new crop, Farm Bureau will have to advocate for preserving our existing leading commodity. But longtime local farmers and residents will recall a time when wine grapes pushed out grain and hay production that was once fundamental to San Luis Obispo County agriculture. Many farmers undoubtedly faced hardship as a result of this change, but arguably wine grapes' proliferation was a net positive for our local economy. If hemp lives up to the hype, do we want to close the door on an opportunity for the next generation of farmers to succeed? Judging by the success of wine grapes today, we should thank our predecessors for having an open mind and regulatory restraint by welcoming a new crop opportunity without a near-sighted determination to protect existing crops.

If cannabis or hemp does cause actual contamination of wine grapes from terpenes, this ordinance will need to be revisited after scientific evidence can guide an appropriate buffer or setback requirement. Concern about hemp and cannabis taint onto wine grapes in SLO County to date has been limited to the Edna Valley region. Hemp has been grown for the past two years immediately adjacent to wine grapes in at least two locations in SLO County (Paso Robles and in southern SLO County near Santa Maria) with no reported issues of terpene contamination. Science in the future may confirm concerns about hemp and cannabis' negative effect on wine grapes, but no such evidence exists today. As a federally legal agricultural crop, hemp should be innocent until proven guilty.

Issue 3: Pesticide Drift Liability

To complicate the issue further, some local farmers have faced legal threats from cannabis or hemp neighbors regarding pesticide drift contamination. Some of the potential drift concern has not come from actual spray migrating to adjoining farms where cannabis or hemp is grown, but from pesticides they believe may be contained in the dust stirred up during routine field work like plowing. Other farmers have been unable to get aerial spraying services performed because the pesticide applicator is afraid of being sued by cannabis or hemp farmers. It is important to note, hemp does not receive the same stringent pesticide residue testing on every lot like cannabis, but pesticide residue tolerance levels for hemp are still being developed by the U.S. Environmental Protection Agency. That is, conventional farmers' pesticide drift concerns are understandably elevated for cannabis, and to a lesser but still

significant extent, hemp. The inability to get spraying services performed could be devastating for farmers, especially crops like avocados or grapes where the crop cannot be easily relocated.

For perspective though, the County does not attempt to shield any crops, be it conventionally or organically grown fruits or vegetables, cannabis, hemp or other crops, from pesticide drift through the Land Use Ordinance; pesticide drift cases are handled by the County Agricultural Commissioner or directly by affected parties through litigation. We understand the frustration felt by non-hemp farmers who are being threatened with lawsuits for pesticide drift. We understand the rationale for dealing with a real and present problem today of avoiding these lawsuits by supporting a large setback requirement for hemp. But we caution those farmers and our County leaders that these setback requirements to mitigate odor and pesticide drift issues could come back later on to these same farms in the future. It is already against the law for any farmer to drift pesticides on to a neighboring farm, but low or non-existing pesticide residue tolerance levels for cannabis or hemp has changed the discussion about how pesticides impact neighbors. If we enact restrictions to prevent cannabis or hemp growers from being contaminated by conventional agriculture's pesticide drift, surely schools, hospitals, residences and about everyone else in our community will want the same pesticide drift protection. Will we now make all farmers using pesticides be two miles from a residence or school? These farmers advocating for hemp to be regulated like cannabis or to subject hemp to large setbacks are our valued Farm Bureau members, but we caution them and our County leaders this may be "cutting off our nose to spite our face."

Specific recommendations:

1. We oppose banning a federally legal agricultural crop based on odor.
2. We oppose a conditional use permit requirement for a federally legal agricultural commodity. Hemp should not be regulated like cannabis.
3. We support the ordinance's proposed standard for indoor cultivation being no detectable odor off site. As minimizing off-site odors is the objective, the ordinance does not need to include specific odor control system components or equipment.
4. We believe language in Section 22.30.244 (B.)1.c of the ordinance regarding riparian and wetland setbacks should be removed. These requirements seem unnecessary.
5. We believe the list of locations from which a setback is required may need to be broadened to include event spaces like wedding venues, in addition to protection singled out for tasting rooms.
6. We do not support the minimum site acreage requirement for indoor and outdoor hemp production. Avoiding neighbor-to-neighbor conflicts can be better achieved through some sort of buffer or setback system. For example, a farmer could locate a hemp crop at the edge of a 10-acre site in close proximity to neighbors. A 10-acre minimum also discourages beginning farmers and smaller operations from growing hemp. Placing a minimum acreage requirement may be an expedient political solution to get hemp out of areas where neighbor complaints typically come from, but it disproportionately affects small and beginning growers who cannot afford larger size farms.
7. Recognizing some complaints specific to cannabis cultivation in Residential Rural areas, we support the ordinance's allowance for non-flowering hemp production in the Residential Rural land use category instead of a complete prohibition. To completely disallow hemp in Residential Rural areas would be especially problematic for our local greenhouse industry. While opinions about odors from cannabis and hemp vary, immature hemp transplants should be recognized as less odorous as they do not yet possess female flowers where odors largely originate.

8. We support the ordinance's allowance for temporary structures (hoop houses) to be used for hemp cultivation and for temporary drying or crop storage.
9. Our membership has diverse opinions on what an appropriate setback distance should be, ranging from hemp growers wanting no setback, to other farmers wanting a setback of several thousand feet. As has been borne out by months of stakeholder discussions through the Agricultural Liaison Advisory Board, we do not currently have sufficient science to develop a setback to address all potential concerns. In the absence of this important information, the best option may be to develop a sliding scale based on hemp acreage as was recommended by ALAB. If more science becomes available in coming years regarding cannabis or hemp terpene contamination of grapes, the ordinance setback should be revised. The 300 feet setback as proposed in the ordinance is not ideal, but it is a better compromise than the 1000 feet or two-mile setback being proposed by other stakeholders based on the limited information we have today.

In closing, we want to thank all of our Farm Bureau members, local community groups, and the volunteer members of the Agricultural Liaison Advisory Board for providing input on this challenging issue. We also want to thank Assistant Agricultural Commissioner/Sealer Marc Lea for staffing the Hemp Subcommittee, and Planning and Building Planner Kip Morais for working expeditiously to craft an ordinance in the face of contentious debate and little agreement from stakeholders.

Sincerely,



Brent Burchett
Executive Director
San Luis Obispo County Farm Bureau



Air Pollution Control District
San Luis Obispo County

Via Email

December 19, 2019

Kip Morais
San Luis Obispo County Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
kmorais@co.slo.ca.us

SUBJECT: APCD Comments Regarding the SLO County Industrial Hemp Ordinance Draft

Dear Mr. Morais:

Thank you giving the San Luis Obispo County Air Pollution Control District (APCD) an opportunity to comment on the San Luis Obispo County Industrial Hemp Ordinance Draft (Draft). The Draft defined cultivation, processing and manufacturing as follows:

Industrial Hemp Cultivation

- Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review (pg. 2).
- The definition of Industrial Hemp Cultivation is defined on page 13 and states any activity involving the planting, growing, harvesting, or field drying of industrial hemp.
- Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories (pg. 2).
- Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure, only within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting (pg.13).

Industrial Hemp Processing

- Industrial Hemp Processing will be treated as an Agricultural Processing use and will require discretionary review (pg. 2).
- indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use (pg.13).

APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 2 of 3

Industrial Hemp Manufacturing

- Manufacturing of hemp products will be classified under existing manufacturing uses according to end-product and scale of operations and subject to permitting requirements accordingly (pg.13).
- Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end-product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc. (pg. 14).

The following APCD comments are pertinent to the Draft Ordinance.

The industrial hemp manufacturing requirements described in Paragraph D. 5. Industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - [Air Pollution Control District \(APCD\) Review](#), it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:

Permit - Agricultural Burning

Since Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing, burning of Industrial Hemp waste will require an APCD Agricultural Burn Permit and burning of waste is only allowed on Permissive Burn Days. All agricultural burning is subject to APCD Rule 502. Verification of THC content may be required upon application. For more information on agricultural burning, visit the following APCD webpage: sloccleanair.org/rules-regulations/agriculture/burning.

Permit - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's Nuisance Rule 402 and may result in enforcement action:

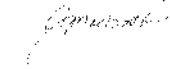
- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

Attachment 11

*APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 3 of 3*

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

JNM/jjh

cc: Brian Pedrotti, Long Range Planning Team
Sarah Wade, APCD



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 18, 2019

Kip Morais
County of San Luis Obispo Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408

**Subject: County of San Luis Obispo Industrial Hemp Ordinance Public Review
Draft (Ordinance)**

Dear Mr. Morais:

The California Department of Fish and Wildlife (Department) has received a copy of the draft County of San Luis Obispo Industrial Hemp Ordinance. The draft Ordinance addresses cultivation, processing, manufacturing, and in the field sales of hemp in the unincorporated San Luis Obispo County (County) jurisdiction.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Ordinance that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Ordinance the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code (FGC).

As defined in the Ordinance, Section 4, Section 22.30.070, industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories. As defined in the Ordinance, Section 4, Section 22.30.244, industrial hemp cultivation (indoor and outdoor) may be allowed in the AG, RL, and RR land use categories only; outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger; indoor industrial hemp cultivation is limited to sites of five (5) acres or larger; outdoor industrial hemp cultivation in the RR land use category is limited to production of industrial hemp transplants only.

THE DEPARTMENT ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802).

Conserving California's Wildlife Since 1870

Kip Morais
 County of San Luis Obispo Planning & Building Department
 December 18, 2019
 Page 2

COMMENTS AND RECOMMENDATIONS

The Ordinance applies to all of San Luis Obispo (SLO) County which has been identified to contain thousands of acres of protected conservation lands, core population areas for multiple State and federally listed species and supports rare natural communities. The County includes the only known habitat for many special status species and important geographic and topographic habitat areas that have been identified as critical to meet the recovery goals for many State and federally listed species.

The Department is concerned the Ordinance, as drafted, could result in impacts to both unlisted and special status species known to occur in the County, including but not limited to, the special status species listed in the Table 1 and 2. The Department's recommendations are included below to minimize impacts to fish and wildlife resources and their habitat.

Table 1 Special Status Species Known to Occur in San Luis Obispo County			
Common Name	Scientific Name	State Status	Federal Status
Invertebrates			
Kern primrose sphinx moth	<i>Euproserpinus euterpe</i>		threatened
longhorn fairy shrimp	<i>Branchinecta longiantenna</i>		endangered
Morro shoulderband snail	<i>Helminthoglypta walkeriana</i>		endangered
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>		endangered
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>		threatened
Fish			
arroyo chub	<i>Gila arcuttii</i>	SSC	
Steelhead	<i>Oncorhynchus mykiss</i>		threatened
tidewater goby	<i>Eucyclogobius newberryi</i>	SSC	endangered
Amphibians			
California red-legged frog	<i>Rana draytonii</i>	SSC	threatened
California tiger salamander	<i>Ambystoma californiense</i>	threatened	threatened
Coast Range newt	<i>Taricha torosa</i>	SSC	
foothill yellow-legged frog	<i>Rana boylei</i>	candidate threatened	

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 11

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to FGC section 2081. If a project could result in take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue a State Incidental Take Permit (ITP) for the Project.

The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

CEQA /

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in § 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (§§ 21001(c), 21083, Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with FGC section 2080 and would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency chooses not to mitigate impacts to CESA-listed species to less than significant levels, then the Department would become CEQA Lead Agency for ITP issuance, which would result in delays and additional costs to applicants. If there is no CEQA document and the project proponent seeks acquisition of an ITP, pursuant to FGC section 2081(b), the Department would become CEQA Lead Agency for ITP issuance. Furthermore, the issuance of an Exemption or Negative Declaration would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency proceeds with an Exemption or Negative Declaration, then the Department would become CEQA Lead Agency for ITP issuance.

Land Conversion: Not all parcels zoned Agriculture, Commercial Service, Residential Rural and Industrial have been developed. Many parcels meeting the land use categories for hemp cultivation or processing are undeveloped and potentially contain suitable habitat and special status species, specifically in the Carrizo Plain. Land conversion may result in habitat loss for special status species, migration/movement corridor limitations, or fragmentation of sensitive habitat. Loss of habitat to development and agriculture are contributing factors to the decline of many special status species and game species.

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 12

To further ensure that important fish and wildlife resources are not lost due to hemp cultivation, the Department recommends limiting hemp cultivation and processing to a "Previously Disturbed Area", following is a potential definition. The Department would like to discuss with County staff whether this definition would accomplish our common goals of avoiding new habitat conversions and significant impacts to wildlife due to hemp cultivation and processing: "An area which legally underwent clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation as of August 23, 2016. The extent and intensity of the disturbance must be such that County-approved biologists can readily verify that no rare, threatened, or endangered species occupy the site and that hemp cultivation would not cause impacts to rare, threatened, or endangered species." Some cases may require a qualified biologist to visit the site to make such a determination.

Many areas that have been previously farmed, graded, filled, or otherwise disturbed in the County support fish and wildlife resources, including special status species. For example, most of the Carrizo Plain was cultivated in the past but has been recolonized by multiple special status species. Even recently and currently cultivated lands there support special status species. Coastal prairies in the North Coast Plan Area and other grasslands throughout the County have also mostly been tilled or farmed in the past, yet they support special status plants and animals. Areas on the Nipomo Mesa and elsewhere in the South County that have been "previously disturbed" support Pismo clarkia, which is a State rare and federal endangered species.

Carrizo Planning Area: Carrizo Plain is unique within the County. Located in southeast SLO County, Carrizo Plain is bounded by the Temblor Range to the east, Caliente Range to the west, and contains the Carrizo National Monument. Carrizo Plain is home to multiple special status species, including the fully protected blunt-nosed leopard lizard, San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel and tricolored blackbird, and important game species such as pronghorn (*Antilocapra americana*) and tule elk (*Cervus elaphus*).

Hemp cultivation is incompatible with the fish and wildlife resources that occur in the Carrizo Planning Area. The Carrizo Planning Area harbors the highest concentration of special status species in California, contains designated Critical Habitat, and provides core habitat essential to the recovery of species listed under both the Federal and California Endangered Species Acts. The Department has observed directly that cannabis cultivation has disturbed and displaced habitat for these species in the Carrizo Planning Area, exposed listed species to poisoning, and likely resulted in unlawful take of listed species. These observations were documented in letters to the County dated September 8 and October 31, 2016 and March 6, 2017. It is reasonable to conclude allowing hemp cultivation and processing in the Carrizo Planning Area would have similar effects on the Critical Habitat and special status species in the area. The

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 13

Department recommends the County prohibit hemp cultivation and processing in the Carrizo Planning Area.

Riparian Habitat, Wetlands, and Watercourses: The Department concurs with the County's hemp cultivation setbacks of at least 50 feet from the upland extent of riparian vegetation of any watercourse and 100 feet from any wetland. Riparian habitat, wetlands, and watercourses are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat, wetlands, and watercourses are known to exist within the County, including historic seeping from the earth lined canals, shallow first encountered groundwater, and along natural and human made watercourses. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, the Department recommends that impacts to wetlands be compensated with the creation of new habitat, preferably on-site, at a minimum of an acre-for-acre basis. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. In addition, the Department recommends a delineation be conducted for proposed Projects to assess riparian, wetland, and watercourse impacts to guide project proponents in establishing appropriate no-disturbance buffers.

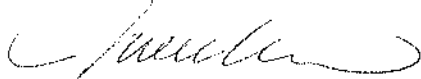
Enforcement: The California Department of Food and Agriculture (CDFA) is the licensing authority for the State for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the State's resources from the adverse impacts of cannabis cultivation (Fish & G. Code, § 12029). Like cannabis cultivation, hemp cultivation has the potential to affect fish, wildlife, plants, and their habitats. Cannabis inspections have led to violations for water diversions and storage, grading, chemical use, wildlife threats, timber conversion, and public safety. The Department's Law Enforcement Division (LED) is a critical component of enforcement. The Department's LED works with cannabis cultivators to bring their facilities into compliance, aids in remediating criminal environmental violations, coordinates with other agencies to remove illegal grows, growers, illegal water impoundments, and extremely toxic chemicals frequently associated with illegal grows, and protects California's unique and diverse natural resources.

The Department recommends amending the inspections section to read as follows: "All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, **without notice**, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, **The California Department of Fish and Wildlife, California Peace Officers** and Department of Agriculture/Weights and Measures."

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 14

The Department appreciates the opportunity to work with County staff and comment on the Ordinance. Questions or further coordination regarding this letter should be directed to Kelley Aubushon, Senior Environmental Scientist (Specialist), at (559) 243-8153 or kelley.aubushon@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

ec: Lieutenant Tyson Quintal
Ryan Mathis
Sarah Paulson
James Rosauer
California Department of Fish and Wildlife



SB-153 Industrial hemp. (2019-2020)

SHARE THIS:



Date Published: 10/14/2019 09:00 PM

Senate Bill No. 153

CHAPTER 838

An act to amend Sections 81001, 81002, 81003, 81004, 81005, and 81006 of, to amend, repeal, and add Section 81000 of, and to add Sections 81004.5, 81012, 81013, 81014, and 81015 to, the Food and Agricultural Code, relating to industrial hemp, and making an appropriation therefor.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 153, Wilk. Industrial hemp.

Existing federal law, the Agricultural Act of 2014, authorizes an institution of higher education, as defined, or a state department of agriculture, as defined, to grow or cultivate industrial hemp under an agricultural pilot program, as defined, under certain conditions. Existing federal law, the Agricultural Marketing Act of 1946, as amended by the Agriculture Improvement Act of 2018, requires a state desiring to have primary regulatory authority over the production of industrial hemp in the state to submit to the United States Secretary of Agriculture, through the state department of agriculture, a plan, with specified contents, under which the state monitors and regulates hemp production.

Existing state law regulates the cultivation and testing of industrial hemp, as defined, and regulates the activities of seed breeders to develop seed cultivars through seed development plans, as defined. Existing law creates the Industrial Hemp Advisory Board. Existing state law requires an entity that is either a grower of industrial hemp for commercial purposes or a seed breeder that develops varieties of industrial hemp for sale or research to register with the county agricultural commissioner of the county in which it intends to cultivate industrial hemp and to annually renew its registration. Existing state law exempts an established agricultural research institution, as defined, from these registration requirements. Existing state law requires the Department of Food and Agriculture to establish a registration fee and appropriate renewal fee to be paid by registrants. Under existing state law, these fees are deposited in the Department of Food and Agriculture Fund and continuously appropriated to the department for the administration and enforcement of this registration program and other provisions regulating the cultivation of industrial hemp. Existing state law requires a county agricultural commissioner to transmit information collected pursuant to these provisions to the department. Under existing state law, a violation of these provisions is a misdemeanor.

Under existing state law, these provisions are operative only to the extent authorized by federal law, as set forth in an opinion of the Attorney General. Before enactment of the federal Agriculture Improvement Act of 2018, an opinion of the Attorney General issued pursuant to existing state law concluded that industrial hemp may only be grown pursuant to these provisions to the extent authorized by the federal Agricultural Act of 2014.

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), added by Proposition 64 at the November 8, 2016, statewide general election, revised some provisions of state law regarding industrial hemp.

This bill would revise the provisions regulating the cultivation and testing of industrial hemp to conform with the requirements for a state plan under the federal Agricultural Marketing Act of 1946, as amended by the federal Agriculture Improvement Act of 2018, by, among other things, revising the definition of "industrial hemp," and replacing the terms "seed breeder," "seed cultivar," and "seed development plan" with the defined terms "hemp breeder," "cultivar," and "variety development plan," respectively. The bill would expand and change the membership of the Industrial Hemp Advisory Board, as specified. The bill would apply the registration requirements to growers of industrial hemp for noncommercial as well as commercial purposes. Upon approval of a state plan, as specified, the bill would apply certain registration and regulatory requirements to established agricultural research institutions, including submission of research plans, as defined, to county agricultural commissioners before cultivating hemp. The bill would impose new requirements on the department and county agricultural commissioners for the handling and transmittal of registration information, impose new testing requirements, provide new enforcement procedures to be operative as of the effective date of an approved state plan, as defined, and impose new conditions on eligibility to participate in the industrial hemp program, as defined. By expanding registration requirements, including payment of registration fees, to some growers of industrial hemp for agricultural or academic research purposes, the bill would establish a new source of revenue for a continuously appropriated fund, thus making an appropriation.

This bill would require the Secretary of Food and Agriculture, in consultation with the Governor and the Attorney General, to develop and submit a state plan to the United States Secretary of Agriculture, as provided, on or before May 1, 2020.

This bill would specify consequences for a violation of its provisions according to the frequency of prior violations and whether the violation was negligent, grossly negligent, reckless, or intentional. By imposing new registration requirements on some growers of industrial hemp for agricultural or academic research purposes, the violation of which would be a misdemeanor, this bill would impose a state-mandated local program.

AUMA authorizes the Legislature to amend certain provisions of AUMA to further the purposes and intent of AUMA with a 2/3 vote of the membership of the Legislature.

This bill would amend AUMA by modifying the definition of "established agricultural research institution" and imposing certain registration and other requirements on these institutions, as of the date on which a state plan for California is approved pursuant to the federal Agricultural Marketing Act of 1946, as amended by the federal Agriculture Improvement Act of 2018.

This bill would declare that its provisions further the purposes and intent of AUMA.

By increasing the duties of county agricultural commissioners who would enforce certain of these new provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature in enacting this act to neither limit nor prevent a city, county, or city and county from exercising its police power authority under Section 7 of Article XI of the California Constitution.

SEC. 2. Section 81000 of the Food and Agricultural Code is amended to read:

81000. Definitions.

(a) For purposes of this division, the following terms have the following meanings:

(1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.

(2) "Board" means the Industrial Hemp Advisory Board.

(3) "Cultivar" means a variety of industrial hemp.

- (4) "Established agricultural research institution" means an institution that is either of the following:
- (A) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers.
- (B) An institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.
- (5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.
- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.
- (9) "THC" means delta-9 tetrahydrocannabinol.
- (10) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.
- (b) This section shall remain operative only until the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), and as of January 1 of the following year is repealed.

SEC. 3. Section 81000 is added to the Food and Agricultural Code, to read:

81000. Definitions.

- (a) For purposes of this division, the following terms have the following meanings:
- (1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.
- (2) "Board" means the Industrial Hemp Advisory Board.
- (3) "Cultivar" means a variety of industrial hemp.
- (4) "Established agricultural research institution" means an institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of agricultural or academic research.
- (5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.
- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.

(9) "Research plan" means a strategy devised by an established agricultural research institution, or applicant established agricultural research institution, detailing its planned approach to growing or cultivating hemp for academic or agricultural research.

(10) "THC" means delta-9 tetrahydrocannabinol.

(11) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.

(b) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

SEC. 4. Section 81001 of the Food and Agricultural Code is amended to read:

81001. (a) There is in the department an Industrial Hemp Advisory Board. The board shall consist of 13 members, appointed by the secretary as follows:

(1) Five of the board members shall be growers of industrial hemp that are registered pursuant to the provisions of this division.

(2) Two of the board members shall be members of an established agricultural research institution.

(3) One member of the board shall be a representative as provided by the California State Sheriffs' Association and approved by the secretary.

(4) One member of the board shall be a county agricultural commissioner.

(5) One member of the board shall be a representative of the Hemp Industries Association or its successor industry association.

(6) Two members of the board shall be representatives of businesses that sell industrial hemp products.

(7) One member of the board shall be a member of the public.

(b) It is hereby declared, as a matter of legislative determination, that growers and representatives of industrial hemp product manufacturers and businesses appointed to the board pursuant to this division are intended to represent and further the interest of a particular agricultural industry, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that persons who are appointed to the board shall be subject to the conflict-of-interest provisions described in Sections 87100 and 87103 of the Government Code.

(c) The term of office for a member of the board is three years. If a vacancy exists, the secretary shall, consistent with the membership requirements described in subdivision (a), appoint a replacement member to the board for the duration of the term.

(d) A member of the board shall not receive a salary but may be reimbursed by the department for attendance at meetings and other board activities authorized by the board and approved by the secretary.

(e) The board shall advise the secretary and may make recommendations on all matters pertaining to this division, including, but not limited to, industrial hemp seed law and regulations, enforcement, annual budgets required to accomplish the purposes of this division, and the setting of an appropriate assessment rate necessary for the administration of this division.

(f) The board shall annually elect a chair from its membership and, from time to time, other officers as it deems necessary.

(g) The board shall meet at the call of its chair or the secretary, or at the request of any four members of the board. The board shall meet at least once a year to review budget proposals and fiscal matters related to the proposals.

SEC. 5. Section 81002 of the Food and Agricultural Code is amended to read:

81002. (a) Except when grown by a registered established agricultural research institution or by a registered hemp breeder developing a new cultivar, industrial hemp shall be grown only if it is on the list of approved cultivars, or

produced by clonal propagation of industrial hemp that is on the list of approved cultivars and therefore genetically identical to, and capable of exhibiting the same range of characteristics as, the parent cultivar.

(b) The list of approved cultivars shall include all of the following:

(1) Industrial hemp cultivars that have been certified by member organizations of the Association of Official Seed Certifying Agencies, including, but not limited to, the Canadian Seed Growers' Association.

(2) Industrial hemp cultivars that have been certified by the Organization of Economic Cooperation and Development.

(3) California varieties of industrial hemp cultivars that have been certified by a seed-certifying agency pursuant to Article 6.5 (commencing with Section 52401) of Chapter 2 of Division 18.

(c) (1) Upon recommendation by the board or the department, the secretary may update the list of approved cultivars by adding, amending, or removing cultivars.

(2) The adoption, amendment, or repeal of the list of approved cultivars, and the adoption of a methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars, pursuant to this section shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(3) The department, in consultation with the board, shall hold at least one public hearing with public comment to determine the methodology and procedure by which a cultivar is added, amended, or removed from the list of approved cultivars.

(4) The department shall finalize the methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars and send the methodology and procedure to the Office of Administrative Law. The Office of Administrative Law shall file the methodology and procedure promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The methodology and procedure shall do all of the following:

(A) Indicate that the methodology and procedure are adopted pursuant to this division.

(B) State that the methodology and procedure are being transmitted for filing.

(C) Request that the Office of Administrative Law publish a notice of the filing of the methodology and procedure and print an appropriate reference in Title 3 of the California Code of Regulations.

(d) The department, in consultation with the board, may determine the manner in which the public is given notice of the list of approved cultivars, and any addition, amendment, or removal from that list.

SEC. 6. Section 81003 of the Food and Agricultural Code is amended to read:

81003. (a) (1) Except for an established agricultural research institution subject to Section 81004.5 or a hemp breeder subject to Section 81004, and before cultivation, a grower of industrial hemp shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) The approved cultivar to be grown, including the state or county of origin.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew the registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated

registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each grower of industrial hemp.

(B) A legal description of the land on which the grower engages in industrial hemp cultivation.

(C) Registration status of the grower of industrial hemp.

(f) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

SEC. 7. Section 81004 of the Food and Agricultural Code is amended to read:

81004. (a) (1) Except when grown by an established agricultural research institution subject to Section 81004.5, and before cultivation, a hemp breeder shall register with the commissioner of the county in which the hemp breeder intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) A variety development plan, which shall include all of the following:

(i) If a new cultivar is to be certified by a seed-certifying agency, the name of the seed-certifying agency that will be conducting the certification.

(ii) The industrial hemp varieties that will be used and, if applicable, how those varieties will be used in the development of a new cultivar.

(iii) A plan for testing all of the plants grown.

(iv) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(v) The measures that will be taken to prevent the unlawful use of industrial hemp under this division.

(vi) A procedure for the maintenance of records documenting the development of the new cultivar.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a hemp breeder registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the

commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) A registrant developing a new cultivar who wishes to change any provision of the variety development plan shall submit to the commissioner the revised variety development plan. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that the registrant may cultivate under the revised variety development plan.

(f) All records pertaining to the variety development plan shall be kept and maintained by the hemp breeder and be available upon request by the commissioner, a law enforcement agency, or a seed certifying agency.

(g) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each hemp breeder.

(B) A legal description of the land on which the hemp breeder engages in industrial hemp cultivation.

(C) Registration status of the hemp breeder.

(h) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

SEC. 8. Section 81004.5 is added to the Food and Agricultural Code, to read:

81004.5. (a) (1) Before cultivating hemp for agricultural or academic research, an established agricultural research institution shall register with the commissioner of the county in which it intends to cultivate.

(2) The registration application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the geographic area where the applicant plans to engage in hemp cultivation or storage, or both.

(C) A research plan that shall include all of the following:

(i) The hemp varieties that will be used and, if applicable, how those varieties will be used for purposes of agricultural or academic research.

(ii) A plan for testing all of the plants cultivated.

(iii) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(iv) The measures that will be taken to prevent the unlawful use of hemp under this division.

(v) A procedure for the maintenance of records documenting the agricultural or academic research.

(3) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration if it will continue cultivating hemp beyond that term.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue an established agricultural research institution registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with

the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate hemp on the changed or altered land area.

(d) A registrant conducting agricultural or academic research who wishes to change any provision of the research plan shall submit to the commissioner a revised research plan. Once the commissioner has received the revised research plan, and the commissioner determines that the requirements of this division are met, the commissioner shall notify the registrant that it may cultivate under the revised research plan.

(e) All records pertaining to the research plan shall be kept and maintained by the established agricultural research institution and be available upon request by the commissioner or a law enforcement agency.

(f) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each registered established agricultural research institution.

(B) A legal description of the land on which the established agricultural research institution engages in hemp cultivation.

(C) Registration status of the established agricultural research institution.

(g) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(h) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

SEC. 9. Section 81005 of the Food and Agricultural Code is amended to read:

81005. (a) The department shall establish a registration fee and appropriate renewal fee to be paid by growers of industrial hemp and hemp breeders, not including an established agricultural research institution, to cover the actual costs of implementing, administering, and enforcing the provisions of this division.

(b) Fees established pursuant to subdivision (a) that are collected by the commissioner upon registration or renewal pursuant to Section 81003 or 81004, except for amounts retained pursuant to this subdivision, shall be forwarded, according to procedures set by the department, to the department for deposit into the Department of Food and Agriculture Fund to be used for the administration and enforcement of this division. A commissioner or the county, as appropriate, may retain the amount of a fee necessary to reimburse direct costs incurred by the commissioner in the collection of the fee.

(c) The board of supervisors of a county may establish a reasonable fee, in an amount necessary to cover the actual costs of the commissioner and the county of implementing, administering, and enforcing the provisions of this division, except for costs that are otherwise reimbursed pursuant to subdivision (b), to be charged and collected by the commissioner upon registrations or renewals required pursuant to Section 81003 or 81004 and retained by the commissioner or the county, as appropriate.

SEC. 10. Section 81006 of the Food and Agricultural Code is amended to read:

81006. Industrial Hemp Growth Limitations; Prohibitions; Imports; Laboratory Testing.

(a) Except when grown by a registered established agricultural research institution or a registered hemp breeder, industrial hemp shall be grown in acreages of not less than one-tenth of an acre at the same time.

(b) Clandestine cultivation of industrial hemp is prohibited. All plots shall have adequate signage indicating they are industrial hemp.

(c) Industrial hemp shall not be cultivated on a premises licensed by the department to cultivate or process cannabis. Industrial hemp, regardless of its THC content, that is cultivated on a premises licensed by the department for cannabis cultivation shall be considered cannabis as defined in subdivision (f) of Section 26001 of

the Business and Professions Code and subject to licensing and regulatory requirements for cannabis pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code.

(d) Industrial hemp shall include products imported under the Harmonized Tariff Schedule of the United States (2013) of the United States International Trade Commission, including, but not limited to, hemp seed, per subheading 1207.99.03, hemp oil, per subheading 1515.90.80, oilcake, per subheading 2306.90.01, true hemp, per heading 5302, true hemp yarn, per subheading 5308.20.00, and woven fabrics of true hemp fibers, per subheading 5311.00.40.

(e) (1) Except when industrial hemp is grown by a registered established agricultural research institution and tested in accordance with an approved research plan or by a registered hemp breeder and tested in accordance with an approved variety development plan, a registrant that grows industrial hemp under this section shall, before the harvest of each crop and as provided below, obtain a laboratory test report indicating the THC levels of a random sampling of the dried flowering tops of the industrial hemp grown.

(2) Sampling shall occur no more than 30 days before harvest.

(3) The sample collected for THC testing shall be taken with the grower or hemp breeder present. The department shall establish, by regulation, the sampling procedures, including all of the following:

(A) The number of plants to be sampled per field, and any composting of samples.

(B) The portions of the plant to be sampled.

(C) The plant parts to be included in a sample.

(D) Additional procedures as necessary to ensure accuracy and the sanitation of samples and fields.

(4) The sample collected for THC testing shall be accompanied by the registrant's proof of registration.

(5) The laboratory test report shall be issued by a laboratory approved by the department, using a department-approved testing method. The testing method shall use postdecarboxylation or similarly reliable methods for determining THC concentration levels. The laboratory test report shall indicate the percentage concentration of THC on a dry-weight basis, indicate the date and location of samples taken, and state the Global Positioning System coordinates and total acreage of the crop. If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report. If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report.

(6) If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the laboratory shall provide the person who requested the testing not less than 10 original copies signed by an employee authorized by the laboratory and shall retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.

(7) If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent and does not exceed 1 percent, the registrant that grows industrial hemp shall submit additional samples for testing of the industrial hemp grown.

(8) A registrant that grows industrial hemp shall destroy the industrial hemp grown upon receipt of a first laboratory test report indicating a percentage concentration of THC that exceeds 1 percent or a second laboratory test report pursuant to paragraph (7) indicating a percentage concentration of THC that exceeds 0.3 percent but is less than 1 percent. If the percentage concentration of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after receipt of the laboratory test report. If the percentage concentration of THC in the second laboratory test report exceeds 0.3 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after receipt of the second test report.

(9) A registrant that intends to grow industrial hemp and who complies with this section shall not be prosecuted for the cultivation or possession of marijuana as a result of a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent but does not exceed 1 percent.

(10) A registered established agricultural research institution or a registered hemp breeder shall obtain laboratory results in accordance with its approved research plan or variety development plan. The secretary may authorize a registered established agricultural research institution or hemp breeder to cultivate or possess industrial hemp with a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent in

accordance with its approved research plan or variety development plan if that cultivation or possession contributes to the development of types of industrial hemp that will comply with the 0.3 percent THC limit established in this division.

(11) A registrant that grows industrial hemp shall retain an original signed copy of the laboratory test report for two years from its date of sampling, make an original signed copy of the laboratory test report available to the department, the commissioner, or law enforcement officials or their designees upon request, and shall provide an original copy of the laboratory test report to each person purchasing, transporting, or otherwise obtaining from the registrant that grows industrial hemp the fiber, oil, cake, or seed, or any component of the seed, of the plant.

SEC. 11. Section 81012 is added to the Food and Agricultural Code, to read:

81012. (a) Enforcement of the approved state plan shall comply with subdivision (e) of Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

(b) A grower of industrial hemp, established agricultural research institution, or hemp breeder that the secretary determines has violated a provision of this division listed in the approved state plan or an additional requirement listed pursuant to subdivision (b) of Section 81015, including, but not limited to, by failing to provide a legal description of the land on which industrial hemp is grown, failing to register as required, or exceeding the 0.3 percent THC limit established in this division, shall be subject to the following consequences:

(1) For a negligent violation, as determined by the secretary, the consequences under state laws for a violation of this division shall be as follows:

(A) If the violation is not a repeat violation subject to subparagraph (B), the grower of industrial hemp, established agricultural research institution, or hemp breeder shall comply with a corrective action plan, to be established by the secretary, that includes both of the following:

(i) A reasonable date by which the grower of industrial hemp, established agricultural research institution, or hemp breeder shall correct the negligent violation.

(ii) A requirement that the grower of industrial hemp, established agricultural research institution, or hemp breeder shall periodically report to the secretary, for a period of at least the next two calendar years, on its compliance with this division or the approved state plan.

(B) A grower of industrial hemp, established agricultural research institution, or hemp breeder that commits a negligent violation three times in a five-year period shall be ineligible to participate in the industrial hemp program for a period of five years beginning on the date of the finding of the third violation.

(2) For a violation committed intentionally, or with recklessness or gross negligence, the secretary shall immediately report the grower of industrial hemp, established agricultural research institution, or hemp breeder to the Attorney General of the United States and the Attorney General of this state, as applicable.

(c) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

SEC. 12. Section 81013 is added to the Food and Agricultural Code, to read:

81013. Any person convicted of a felony relating to a controlled substance under state or federal law before, on, or after January 1, 2020, shall be ineligible, during the 10-year period following the date of the conviction, to participate in the industrial hemp program.

SEC. 13. Section 81014 is added to the Food and Agricultural Code, to read:

81014. A person that materially falsifies any information contained in an application or registration under Section 81003 or 81004, or other application to participate in the industrial hemp program, shall be ineligible to participate in the industrial hemp program.

SEC. 14. Section 81015 is added to the Food and Agricultural Code, to read:

81015. (a) On or before May 1, 2020, the secretary, in consultation with the Governor and the Attorney General, shall develop and submit to the United States Secretary of Agriculture a state plan, consistent with this division,

pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), including a certification that the state has the resources and personnel to carry out the practices and procedures described in clauses (i) to (iv), inclusive, of subparagraph (A) of paragraph (2) of subsection (a) of that section.

(b) In an annex to the state plan, the secretary shall list the provisions of this division that are included in the state plan, and any additional requirements in the state plan, that shall be subject to enforcement pursuant to Section 81012.

SEC. 15. The Legislature finds and declares that this act furthers the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act by bringing state law into conformance with federal law regarding state plans for production of industrial hemp, allowing industrial hemp to be grown as an agricultural product, and regulating industrial hemp separately from other strains of cannabis.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Notice of Common-Sense Exemption

PLN-1124
3/22/2018

Project Title and No.: Industrial Hemp Ordinance / LRP2019-00008 / ED20-040

Project Location (Specific address [use APN or description when no situs available]):
Countywide

Project Applicant/Phone No./Email:

County of San Luis Obispo/805-781-5600/kmorais@co.slo.ca.us

Applicant Address (Street, City, State, Zip):

976 Osos Street, San Luis Obispo, CA 93408

Name of Public Agency Approving Project: County of San Luis Obispo

Description of Nature, Purpose, and Beneficiaries of Project:

Hearing to consider a request by the County of San Luis Obispo to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, the Coastal Framework for Planning Table "O" (LRP2019-00008), and Title 1 Administrative Fines, to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 - Agricultural Processing Uses, Section 23.08.040 - Agricultural Uses - Specialized, Section 23.10.150 - Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.

Exempt Status/Findings: This project is covered by the common-sense rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), Common-Sense Rule Exemption]

Reasons why project is exempt:

This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place limited restrictions on the cultivation of industrial hemp, a current crop production use. Crop production is currently an allowed use by-

Attachment 13

right within the County of San Luis Obispo, and the provisions of the ordinance in and of themselves would not result in a physical change to the environment.

Additional information: Additional information pertaining to this notice of exemption may be obtained by reviewing the second page of this document and by contacting the Environmental Coordinator, 976 Osos St., Rm 200, San Luis Obispo, CA 93408 (805) 781-5600.

PLN-1124
3/22/2018

Notice of General Rule Exemption

Project Title and No.: Industrial Hemp Ordinance LRP2019-0008

Pursuant to section 15061 of the State California Environmental Quality Act (CEQA) Guidelines, the preliminary review of a project includes a determination as to whether a project is exempt from CEQA. This checklist represents a summary of this project's review for exemption.

	<u>YES</u>	<u>NO</u>
1. Does this project fall within any exempt class as listed in sections 15301 through 15329 of the State CEQA Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is there a reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the project inconsistent with any Federal, State, or local law or administrative requirement relating to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will the project involve substantial public controversy regarding environmental issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Does the project have the potential to achieve short-term environmental goals to the disadvantage of achieving long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Does the project have adverse impacts that are individually insignificant but cumulatively significant? Cumulatively significant means that the incremental effects of an individual project are substantially adverse when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

On the basis of this initial evaluation, I find that the proposed project does not have the potential to cause a significant effect on the environment, and is therefore exempt from CEQA.

Xzandra Fowler Feb. 25, 2020
 Xzandra Fowler, Environmental Planning Manager Date



December 19, 2019

Brian Pedrotti and Kip Morais
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Planning and Building Department:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of a permanent ordinance regarding industrial hemp cultivation. Our Board of Directors voted unanimously to submit this comment letter.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES
534 E Chapel St • Santa Maria, CA 93454 • (805) 343-2215

Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing food crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93716
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 18, 2019

Kip Morais
County of San Luis Obispo Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408

**Subject: County of San Luis Obispo Industrial Hemp Ordinance Public Review
Draft (Ordinance)**

Dear Mr. Morais:

The California Department of Fish and Wildlife (Department) has received a copy of the draft County of San Luis Obispo Industrial Hemp Ordinance. The draft Ordinance addresses cultivation, processing, manufacturing, and in the field sales of hemp in the unincorporated San Luis Obispo County (County) jurisdiction.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Ordinance that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Ordinance the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code (FGC).

As defined in the Ordinance, Section 4, Section 22.30.070, industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories. As defined in the Ordinance, Section 4, Section 22.30.244, industrial hemp cultivation (indoor and outdoor) may be allowed in the AG, RL, and RR land use categories only; outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger; indoor industrial hemp cultivation is limited to sites of five (5) acres or larger; outdoor industrial hemp cultivation in the RR land use category is limited to production of industrial hemp transplants only.

THE DEPARTMENT ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*id.*, § 1802).

Conserving California's Wildlife Since 1870

Kip Morais
 County of San Luis Obispo Planning & Building Department
 December 18, 2019
 Page 2

COMMENTS AND RECOMMENDATIONS

The Ordinance applies to all of San Luis Obispo (SLO) County which has been identified to contain thousands of acres of protected conservation lands, core population areas for multiple State and federally listed species and supports rare natural communities. The County includes the only known habitat for many special status species and important geographic and topographic habitat areas that have been identified as critical to meet the recovery goals for many State and federally listed species.

The Department is concerned the Ordinance, as drafted, could result in impacts to both unlisted and special status species known to occur in the County, including but not limited to, the special status species listed in the Table 1 and 2. The Department's recommendations are included below to minimize impacts to fish and wildlife resources and their habitat.

Table 1 Special Status Species Known to Occur in San Luis Obispo County			
Common Name	Scientific Name	State Status	Federal Status
Invertebrates			
Kern primrose sphinx moth	<i>Euproserpinus euterpe</i>		threatened
longhorn fairy shrimp	<i>Branchinecta longiantenna</i>		endangered
Morro shoulderband snail	<i>Helminthoglypta walkeriana</i>		endangered
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>		endangered
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>		threatened
Fish			
arroyo chub	<i>Gila orcuttii</i>	SSC	
Steelhead	<i>Oncorhynchus mykiss</i>		threatened
tidewater goby	<i>Eucyclogobius newberryi</i>	SSC	endangered
Amphibians			
California red-legged frog	<i>Rana draytonii</i>	SSC	threatened
California tiger salamander	<i>Ambystoma californiense</i>	threatened	threatened
Coast Range newt	<i>Taricha torosa</i>	SSC	
foothill yellow-legged frog	<i>Rana boylei</i>	candidate threatened	

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 11

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to FGC section 2081. If a project could result in take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue a State Incidental Take Permit (ITP) for the Project.

The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

CEQA /

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in § 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (§§ 21001(c), 21083, Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with FGC section 2080 and would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency chooses not to mitigate impacts to CESA-listed species to less than significant levels, then the Department would become CEQA Lead Agency for ITP issuance, which would result in delays and additional costs to applicants. If there is no CEQA document and the project proponent seeks acquisition of an ITP, pursuant to FGC section 2081(b), the Department would become CEQA Lead Agency for ITP issuance. Furthermore, the issuance of an Exemption or Negative Declaration would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency proceeds with an Exemption or Negative Declaration, then the Department would become CEQA Lead Agency for ITP issuance.

Land Conversion: Not all parcels zoned Agriculture, Commercial Service, Residential Rural and Industrial have been developed. Many parcels meeting the land use categories for hemp cultivation or processing are undeveloped and potentially contain suitable habitat and special status species, specifically in the Carrizo Plain. Land conversion may result in habitat loss for special status species, migration/movement corridor limitations, or fragmentation of sensitive habitat. Loss of habitat to development and agriculture are contributing factors to the decline of many special status species and game species.

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 12

To further ensure that important fish and wildlife resources are not lost due to hemp cultivation, the Department recommends limiting hemp cultivation and processing to a "Previously Disturbed Area", following is a potential definition. The Department would like to discuss with County staff whether this definition would accomplish our common goals of avoiding new habitat conversions and significant impacts to wildlife due to hemp cultivation and processing: "An area which legally underwent clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation as of August 23, 2016. The extent and intensity of the disturbance must be such that County-approved biologists can readily verify that no rare, threatened, or endangered species occupy the site and that hemp cultivation would not cause impacts to rare, threatened, or endangered species." Some cases may require a qualified biologist to visit the site to make such a determination.

Many areas that have been previously farmed, graded, filled, or otherwise disturbed in the County support fish and wildlife resources, including special status species. For example, most of the Carrizo Plain was cultivated in the past but has been recolonized by multiple special status species. Even recently and currently cultivated lands there support special status species. Coastal prairies in the North Coast Plan Area and other grasslands throughout the County have also mostly been tilled or farmed in the past, yet they support special status plants and animals. Areas on the Nipomo Mesa and elsewhere in the South County that have been "previously disturbed" support Pismo clarkia, which is a State rare and federal endangered species.

Carrizo Planning Area: Carrizo Plain is unique within the County. Located in southeast SLO County, Carrizo Plain is bounded by the Temblor Range to the east, Caliente Range to the west, and contains the Carrizo National Monument. Carrizo Plain is home to multiple special status species, including the fully protected blunt-nosed leopard lizard, San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel and tricolored blackbird, and important game species such as pronghorn (*Antilocapra americana*) and tule elk (*Cervus elaphus*).

Hemp cultivation is incompatible with the fish and wildlife resources that occur in the Carrizo Planning Area. The Carrizo Planning Area harbors the highest concentration of special status species in California, contains designated Critical Habitat, and provides core habitat essential to the recovery of species listed under both the Federal and California Endangered Species Acts. The Department has observed directly that cannabis cultivation has disturbed and displaced habitat for these species in the Carrizo Planning Area, exposed listed species to poisoning, and likely resulted in unlawful take of listed species. These observations were documented in letters to the County dated September 8 and October 31, 2016 and March 6, 2017. It is reasonable to conclude allowing hemp cultivation and processing in the Carrizo Planning Area would have similar effects on the Critical Habitat and special status species in the area. The

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 13

Department recommends the County prohibit hemp cultivation and processing in the Carrizo Planning Area.

Riparian Habitat, Wetlands, and Watercourses: The Department concurs with the County's hemp cultivation setbacks of at least 50 feet from the upland extent of riparian vegetation of any watercourse and 100 feet from any wetland. Riparian habitat, wetlands, and watercourses are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat, wetlands, and watercourses are known to exist within the County, including historic seeping from the earth lined canals, shallow first encountered groundwater, and along natural and human made watercourses. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, the Department recommends that impacts to wetlands be compensated with the creation of new habitat, preferably on-site, at a minimum of an acre-for-acre basis. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. In addition, the Department recommends a delineation be conducted for proposed Projects to assess riparian, wetland, and watercourse impacts to guide project proponents in establishing appropriate no-disturbance buffers.

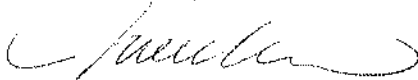
Enforcement: The California Department of Food and Agriculture (CDFA) is the licensing authority for the State for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the State's resources from the adverse impacts of cannabis cultivation (Fish & G. Code, § 12029). Like cannabis cultivation, hemp cultivation has the potential to affect fish, wildlife, plants, and their habitats. Cannabis inspections have led to violations for water diversions and storage, grading, chemical use, wildlife threats, timber conversion, and public safety. The Department's Law Enforcement Division (LED) is a critical component of enforcement. The Department's LED works with cannabis cultivators to bring their facilities into compliance, aids in remediating criminal environmental violations, coordinates with other agencies to remove illegal grows, growers, illegal water impoundments, and extremely toxic chemicals frequently associated with illegal grows, and protects California's unique and diverse natural resources.

The Department recommends amending the inspections section to read as follows: "All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, *without notice*, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, *The California Department of Fish and Wildlife, California Peace Officers* and Department of Agriculture/Weights and Measures."

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 14

The Department appreciates the opportunity to work with County staff and comment on the Ordinance. Questions or further coordination regarding this letter should be directed to Kelley Aubushon, Senior Environmental Scientist (Specialist), at (559) 243-8153 or kelley.aubushon@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

ec: Lieutenant Tyson Quintal
Ryan Mathis
Sarah Paulson
James Rosauer
California Department of Fish and Wildlife



Air Pollution Control District
San Luis Obispo County

Via Email

December 19, 2019

Kip Morais
San Luis Obispo County Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
kmorais@co.slo.ca.us

SUBJECT: APCD Comments Regarding the SLO County Industrial Hemp Ordinance Draft

Dear Mr. Morais:

Thank you giving the San Luis Obispo County Air Pollution Control District (APCD) an opportunity to comment on the San Luis Obispo County Industrial Hemp Ordinance Draft (Draft). The Draft defined cultivation, processing and manufacturing as follows:

Industrial Hemp Cultivation

- Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review (pg. 2).
- The definition of Industrial Hemp Cultivation is defined on page 13 and states any activity involving the planting, growing, harvesting, or field drying of industrial hemp.
- Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories (pg. 2).
- Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure, only within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting (pg.13).

Industrial Hemp Processing

- Industrial Hemp Processing will be treated as an Agricultural Processing use and will require discretionary review (pg. 2).
- Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use (pg.13).

APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 2 of 3

Industrial Hemp Manufacturing

- Manufacturing of hemp products will be classified under existing manufacturing uses according to end-product and scale of operations and subject to permitting requirements accordingly (pg.13).
- Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end-product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc. (pg. 14).

The following APCD comments are pertinent to the Draft Ordinance.

The industrial hemp manufacturing requirements described in Paragraph D. 5. industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - [Air Pollution Control District \(APCD\) Review](#), it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:

Permit - Agricultural Burning

Since Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing, burning of Industrial Hemp waste will require an APCD Agricultural Burn Permit and burning of waste is only allowed on Permissive Burn Days. All agricultural burning is subject to APCD Rule 502. Verification of THC content may be required upon application. For more information on agricultural burning, visit the following APCD webpage: slocleanair.org/rules_regulations/agriculture/burning.

Permit - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's Nuisance Rule 402 and may result in enforcement action:

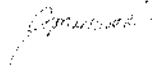
- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

Attachment 11

*APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 3 of 3*

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

jNM/jjh

cc: Brian Pedrotti, Long Range Planning Team
Sarah Wade, APCD

[EXT]item 22 (Hemp Ordinance)

Donnas <dmehlschau@sbcglobal.net>

Mon 5/4/2020 02:57 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Board of Supervisors:

After much study, I am hoping that you can come to a decision that will protect existing AG.

Nipomo Valley is currently home to Avocado and lemon orchards, grapes, blue berries, row crops (various vegetables), grain crops. All of these crops have considerable investments of time and money. I appreciate your efforts in this matter.

Donna Mehlschau

d

Nipomo, CA 93444

[EXT]Comment Agenda Item #22 Hemp

Kerry Adam <kerry@adambros.com>

Mon 5/4/2020 03:27 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 4, 2020

Kieran Adam

Nipomo, CA
93444

San Luis Obispo County Board of Supervisors
Attn: Clerk
1055 Monterey D430
San Luis Obispo, CA
93408
Sent Via e-Mail Only

Dear Supervisors,

I am writing today as comment for your May 5 meeting and regarding item number 22, the industrial hemp ordinance coming before you. I oppose the cultivation of Hemp of any kind in proximity (within 1 mile at minimum) to any residential homes including those in rural areas. My main opposition is the odor factor. The odor is a nuisance that decreases the quality of life in San Luis Obispo county.

Again – I oppose cultivation of Hemp in even sparsely populated regions of the county.

Sincerely,

Kieran Adam

FW: [EXT]Proposed Industrial Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:28 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Public Comment on Item 22.

From: Don Spare <don@westcoastrecognition.com>

Sent: Sunday, May 3, 2020 8:58 PM

To: PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>

Cc: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Proposed Industrial Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

To: Kip Morais, Project Manager; Brian Pedrotti, Senior Planner; Department of Planning and Building

Copy: San Luis Obispo Board of Supervisors: Debbie Arnold, Lynn Compton, Bruce Gibson, Adam Hill, John Peschong

From: Don & Kim Spare

RE: Proposed Industrial Hemp Ordinance

This letter is to express our opposition to the proposed countywide industrial hemp ordinance currently under your consideration for Edna Valley.

First, from an economic standpoint, it makes little sense to introduce a new industry into a currently thriving economy when that new industry could have significant deleterious effects on the existing economy – consider:

- Hemp growing/harvesting creates a strong odor requiring odor abatement remedies that are not 100% effective and whose long-term effects on the other crops have not been thoroughly studied – the result is a potentially significant economic impact
- Wine tasting rooms in Edna Valley are a tourist draw and significant source of revenue to the county – given the choice of wine tasting in Edna Valley with the obnoxious odor of hemp or wine tasting in clear air in Paso Robles, it is illogical to think that someone wouldn't rather drive a bit further north to avoid the smell – the result is a potentially significant loss of tax dollars to the county
- Hemp growing is a water-intensive crop – given that representatives of Edna Valley are participating in a years-long planning process required by the state Sustainable Groundwater Management Act, it make little sense to add another significant variable in the planning process now – the result is potentially significant additional costs to Edna Valley to secure more water

Secondly, it seems a bit illogical to have not seriously considered a more sparsely-populated area in the county that would be far much suitable to host a crop that no one would consider emits a pleasant smell – the goal of additional tax revenue could be achieved without jeopardizing tax revenue and the economy of Edna Valley.

Finally, it seem that protections to existing residences and the agricultural industry appear to be inadequate, and the resources necessary to enforce the inevitable infractions that will occur are not guaranteed.

For these reasons, we respectfully request your thoughtful consideration to prohibit hemp farming in Edna Valley.

Don & Kim Spare

San Luis Obispo, CA 93401

FW: [EXT]Hemp Carve out for Edna and Arroyo Grande AVA

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:28 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (303 KB)

Hemp Letter.pdf;

Public Comment on Item 22.

From: anne@slocoastwine.com <anne@slocoastwine.com>

Sent: Monday, May 4, 2020 10:01 AM

To: Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Subject: [EXT]Hemp Carve out for Edna and Arroyo Grande AVA

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Members of the San Luis Obispo County Board of Supervisors,

Attached, please find a letter in support of a carve out for Edna and Arroyo Grande's AVA from hemp cultivation.

Should you have any questions, please do not hesitate to reach out.

Thank you,

Anne Steinhauer
Executive Director
San Luis Obispo Coast Wine Collective

www.slocoastwine.com

| |



May 1, 2020

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

To the Members of the San Luis Obispo County Board of Supervisors,

The San Luis Obispo Coast Wine Collective (formerly known as the SLO Wine County Association) respectfully requests your support to ban all hemp cultivation in the Edna and Arroyo Grande Valley American Viticultural Areas (AVA). For the last 30 years, SLO Coast Wine has represented the wineries located in the Edna and Arroyo Grande Valley AVA, which generated ~\$16 million in wine sales in 2019.

Allowing hemp cultivation in the Edna and Arroyo Grande AVA will significantly impact the economic value of winegrapes by increasing exposure to terpene drift and smell taint, negatively changing the flavors and smells of our local wines. In addition, with a preponderance of wineries located in the region, the smell of hemp drifting into our tasting rooms negatively impacts our guest's experience with our businesses.

Therefore, SLO Coast Wine requests your support that the Edna and Arroyo Grande Valley AVA be carved out of the hemp cultivation ordinance. If you have any questions, please let me know.

Thank you,

A handwritten signature in blue ink, appearing to read "Anne Steinhauer".

Anne Steinhauer
Executive Director
SLO Coast Wine Collective

A handwritten signature in blue ink, appearing to read "Stephen R. Dooley".

Stephen R. Dooley
President
SLO Coast Wine Collective

www.slocoastwine.com

FW: [EXT]Hemp and Marijuana

Caleb Mott <cmott@co.slo.ca.us>

Mon 5/4/2020 03:28 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>

Public Comment on Item 22.

From: Brad Parkinson <bradp@stanford.edu>

Sent: Sunday, May 3, 2020 4:18 PM

To: Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Hemp and Marijuana

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

2 May 2020

Dear Supervisor Compton,

I am writing to you to strongly request that you permanently ban Marijuana and Hemp growing from the productive, yet fragile Edna Valley.

The main arguments to prohibit such crops:

1. This valley is home to dozens of vineyards and tasting rooms. They produce some of the finest Pinot Noir and other varietals in the US. The volatiles given off by Hemp and Marijuana will seriously jeopardize the quality - both by measurement and by reputation. At times, the valley is relatively calm and windless; the nauseous odor settles in over very wide and uncontrolled areas. It is both perceptions and measurements that are the problem.
2. Venues have become a major activity for the Valley. We have many weddings and similar celebrations throughout the year. These are great advertisement for our county - enhancing reputation, adding to tourism and increasing business for the whole tourist industry. The threat of the Hemp and Marijuana smell permeating such events would be disastrous. Just a few very bad web revues could seriously erode these businesses. Our county must avoid such negativity, particularly in the coming economically challenging environment.
3. The Edna Valley has many fine homes that contribute well to the county tax base. Taxes are based on value, that can be a subjective judgement, tempered by the sale prices. A reputation for "bad air" would be harmful. In addition, experiences by Oregon Schools and others attest to lung-choking episodes. This is not the environment we should tolerate. The Edna Valley, with its frequent, very

calm, evenings would be a concentrator of these problems, amplifying both intensity and geographic extent.

I strongly believe any significant risk to our valley for Grape Production, for delightful venues and for property values must be avoided.

I am hoping you will do the right thing and ensure such crops are not allowed in Edna Valley.

Very Best Regards

Bradford and Virginia Parkinson
Hunkered down at home in the Edna Valley

Bradford W. Parkinson
Edward Wells Professor, Emeritus, Aeronautics and Astronautics (Recalled)
Co-Director Stanford Center for Position, Navigation and Time
Stanford University,
thegpsbrad@gmail.com
C: O/H

FW: [EXT]Hemp cultivation

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:29 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; **BOS_Legislative Assistants Only** <BOS_Legislative-Assistants-Only@co.slo.ca.us>

Public Comment on Item 22.

-----Original Message-----

From: Larry <lcandsons@yahoo.com>

Sent: Sunday, May 3, 2020 4:15 PM

To: Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Hemp cultivation

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Greetings, As a new home owner in this beautiful Edna Valley, please think of the long range effects this could have, We moved here because of the air quality, The wineries, the youthfulness of our college community, Our friends and children and tourists, express the same things, they too dream of being able to live here one day, I have personally spoken to many that attended college here and never left. Why ? would we want to turn this into a stench hole, where the skunk weed is what we will be known for?The wine industry becomes tainted, If you've ever driven by the feed lots of Harris ranch and the manure smell was so strong you rolled up your windows, had to put A/C on recycle, Is that some place you would want to raise your family? Spend some days or move to?
Please, Please Please, keep SLO as a no Hemp Grow area.
Thank you Lawrence Piekarczyk

Thank you

FW: [EXT]Hemp cultivation

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:29 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; **BOS_Legislative Assistants Only** <BOS_Legislative-Assistants-Only@co.slo.ca.us>

Public Comment on Item 22.

-----Original Message-----

From: Larry <lcandsons@yahoo.com>

Sent: Sunday, May 3, 2020 4:15 PM

To: Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Hemp cultivation

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Please, Please Please, keep SLO as a no Hemp Grow area.
Thank you Lawrence Piekarczyk

Thank you

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We are emailing you to express our opposition to the proposed hemp ordinance which you will soon be considering. We have lived in Edna Valley since 2002 and are concerned that the ordinance would permit the growing of hemp within 300 feet of our property. These are just some of our concerns:

- • Hemp is known to emit noxious odors while being grown. This would be exacerbated during harvest, which occurs several times a year and would make any outside activity on our property extremely unpleasant.
- • Hemp pollen exacerbates allergies and would have a strongly negative impact upon the health of allergy sufferers in Edna Valley.
- • “Terpene drift” could have an extremely deleterious impact on the extensive plantings of wine grapes and citrus in the Edna valley.
- • The enjoyment of wine is at least in part related to aroma and bouquet and the wafting of cannabis odors would adversely affect the experience at the many wine tasting rooms throughout the valley.
- • Since the Edna Valley is already in the process of drafting measures to insure compliance with the new state mandates on water consumption being developed, it seems irresponsible to adopt a measure to permit the planting of cannabis which is known to require extensive irrigation.

We hope that you will find a way to protect the Edna Valley from hemp cultivation and confine it to areas where the negative impacts would be less drastic.

Thank you for consideration of our concerns,
Max and Deanna Riedlsperger

--
Max Riedlsperger

San Luis Obispo, CA 93401

Home:

Cell:

FW: [EXT]Fwd: May 5th Hemp Ordinance/ e mail in lieu of public hearing

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:29 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Public Comment on Item 22.

From: mgfrms@aol.com <mgfrms@aol.com>

Sent: Sunday, May 3, 2020 1:44 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Fwd: May 5th Hemp Ordinance/ e mail in lieu of public hearing

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

QMichael E. Gagnani

Begin forwarded message:

From: "mgfrms@aol.com" <mgfrms@aol.com>

Date: May 3, 2020 at 11:41:07

C Ordinance/ e in lieu of public hearing

Dear Slo Council Members,

In review of the proposed "Hemp Ordinance Options" to be considered, "Option 3" in my opinion is the best of the three options if an altogether ban of hemp cultivation in Edna Valley whether it be indoors or outdoors is not an option. Assuming we all know it gives off a noxious skunk odor I fill it would result in a steep devaluation of our properties in addition to the relentless odor. I have observed activities of the cultivation of hemp in the San Joaquin Valley and the odor can be observed well beyond a mile of a hemp field. The odor obviously follows it wherever it goes. At harvest and transportation of product the smell is far reaching, (1/2 mile or more) e.g. passing transported product, product sitting roadside, product being dried after harvest. I would encourage any resident in Edna Ranch to contact city council members prior to the May 5th meeting who have not done so. I hope this has been of some help, we need to preserve our property values and the way of life we all cherish in Edna Ranch.

Regards,

QMichael E. Gagnani

From: Andrew Mangano <andymangano7@gmail.com>

Sent: Friday, May 1, 2020 10:14 AM

To: cheryl Fernandez <cheryl.fernandez63@gmail.com>

Cc: Andy Mangano <andy@manganold.com>

Subject: RE: May 5th Hemp Ordinance/ e mail in lieu of public hearing

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/file/getfile/121905>

Cheryl,

Please send to the neighborhood. The county will entertain adopting a hemp ordinance on may 5th. It appears SLO county staff's recommendation is to allow hemp production within 300 feet of residential properties. With what we know about noxious odors regarding hemp production along with windy conditions in Edna Valley, this ordinance as drafted could have a negative impact on our way of life here in Edna Ranch. I would encourage homeowners to write the Board of Supervisors or attend the meeting and express your concerns.

ahill@co.slo.ca.us

lcompton@co.slo.ca.us

bgibson@co.slo.ca.us

darnold@co.slo.ca.us

jpeschong@co.slo.ca.us

<WebPage.pdf>

<Untitled attachment 01108.html>

FW: [EXT]Opposition to Proposed Hemp Growing Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:29 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Public Comment on Item 22.

From: Virginia Rodgers <espudian@gmail.com>

Sent: Sunday, May 3, 2020 1:11 PM

To: pl.longrangeshared@co.slo.ca.us; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; George@pacificcoastfarming.com

Subject: [EXT]Opposition to Proposed Hemp Growing Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 3, 2020

FROM:

San Luis Obispo CA 93401
Live in Edna Valley since: 2004

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp crop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places.

The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.

- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- “Terpene drift” coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article “Cannabis: The land use concerns of cultivation” stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. We do not think that our water basin should be burdened even further.
- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

We sincerely hope that you will support our opposition.

Best regards,

Vance D. Rodgers, M.D.
Virginia A. Rodgers

FW: [EXT]Opposition Letter

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:29 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Public Comment on Item 22.

From: Misha Freyaldenhoven <stevefrey@aol.com>

Sent: Sunday, May 3, 2020 1:02 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>

Cc: George@pacificcoastfarming.com

Subject: [EXT]Opposition Letter

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 3, 2020

FROM: Misha and Stephen Freyaldenhoven

ADDRESS:

San Luis Obispo, CA 93401

Live in Edna Valley since: 2/2011

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.

- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- "Terpene drift" coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article "Cannabis: The land use concerns of cultivation" stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.
- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

We sincerely hope that you will support our opposition.

Best regards,

Misha and Stephen Freyaldenhoven

Sent from my iPhone

FW: [EXT]Hemp Growing Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:30 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Public Comment on Item 22.

-----Original Message-----

From: Marianne Palmer <mariannelesliepalmer@gmail.com>

Sent: Sunday, May 3, 2020 12:56 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Cc: George@pacificcoastfarming.com

Subject: [EXT]Hemp Growing Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please exclude Edna Valley from allowing hemp cultivation as proposed when you vote on this.

As a resident of Edna Valley since 1998, I am concerned for our local environment. It is my understanding current crops consistently deplete our local aquifer. As someone who hand waters my garden with my shower water, this concerns me.

As an asthma sufferer, I am concerned for my welfare.

As someone who understands the economic role of our Edna Valley wineries in both agriculture and tourism, both foreseeable and unforeseeable collateral damages concern me.

Please, please consider the long term consequences of degrading the resources entrusted to your care,

Marianne Palmer

San Luis Obispo, Ca 93401

FW: [EXT]RE: Proposed Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:30 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (15 KB)

HempLetter (003).docx;

Public Comment on Item 22.

From: Andrew Mangano <andymangano7@gmail.com>

Sent: Sunday, May 3, 2020 10:54 AM

To: PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Cc: Andy Mangano <andymangano7@gmail.com>

Subject: [EXT]RE: Proposed Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Andy Mangano

MFI Limited

San Luis Obispo, CA 93401

andymangano7@gmail.com

Office :

Fax :

Cell :

TO: SLO County Board of Supervisors

FROM: Andy & Laurie Mangano,

RE: Proposed Hemp Ordinance

Back in December we sent you correspondence requesting your consideration to prohibit the cultivation of hemp in Edna Valley (attached letter below, pg2). Since then staff has prepared a draft ordinance for your consideration on May 5th.

We still are registering our opposition to the ordinance as drafted. While the cultivation of hemp may be better suited in other areas in the county that are less dense any hemp cultivation in Edna Valley will have significant conflicts with both existing permanent crops and rural residences.

I would hope and trust the BOS would look to other California counties that experience issues related to implementing a hemp ordinance (lessons learned). Mendocino County has responded by imposing strict zoning regulations to keep Hemp farms away from residential areas. And in Sonoma County, lawsuits have been launched by residences who want cultivation banned entirely.

The conflicts are real and the prospect of Hemp cultivation in Edna Valley will have a negative impact on our quality of life. The prevailing winds in the valley are significant and so will be the Hemp odor.

We respectfully request while considering the draft ordinance, the BOS take into consideration carving out or prohibiting the cultivation of Hemp in Edna Valley. While we are not opposed to Hemp grows elsewhere in the county that may be more appropriate, we are opposed to Hemp in Edna Valley

Typically, you will not find me opposing county projects/business opportunities, as I'm usually the recipient of opposition regarding my project proposals. In this instance however I need to register my opposition to the county proposed hemp ordinance. We oppose for several reasons: One is a concern of compatibility with existing crops, inadequate setbacks, potential spray drift liability issues for existing crops, etc. The existing crop rotation along with permanent vineyards provide a homogeneous atmosphere for the residents in Edna Valley. Second the odor emitting from the hemp is very noticeable and pungent which will have a negative effect on residents and wine tasting venues. While there are numerous other issues with the hemp ordinance, our opposition deserves your support. There are many other areas within the county that could support hemp cultivation, Edna Valley is not one of them. We are requesting your support to prohibit the cultivation of hemp in the Edna Valley.

Andy & Laurie Mangano

pl_longrangeshared @co.slo.ca.us

jpeschong@co.slo.ca.us

bgibson@co.slo.ca.us

ahill@co.slo.ca.us

lcompton@co.slo.ca.us

darnold@co.slo.ca.us

George@pacificcoastfarming.com

FW: [EXT]Proposed Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:30 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (252 KB)

Opposition Proposed Hemp Ordinance.pdf;

Public Comment on Item 22.

-----Original Message-----

From: klausstrobels@mac.com <klausstrobels@mac.com>

Sent: Sunday, May 3, 2020 10:31 AM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Proposed Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 3, 2020

FROM: Sabine & Klaus Strobel

ADDRESS: San Luis Obispo, CA 93401

Live in Edna Valley since: 2007

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

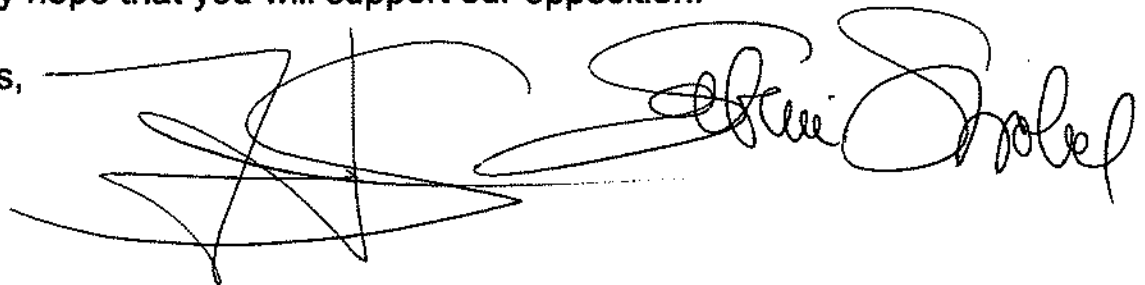
- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- "Terpene drift" coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article "Cannabis: The land use concerns of cultivation" stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.

- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

We made San Luis Obispo our hometown because of its beautiful scenery and charming community feeling, where people can live in quiet, yet still feel connected to each other. Where people respect and support each other, and where clean water and fresh air are guaranteed. Let's keep it that way.

We sincerely hope that you will support our opposition.

Best regards,

A handwritten signature in black ink, appearing to read "Steve Dole", written over a horizontal line. The signature is highly stylized and cursive.

FW: [EXT]Edna Ranch - Weed ordinance concerns

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:30 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Public Comment on Item 22.

From: Monica Racz <monica@slocoastestates.com>

Sent: Friday, May 1, 2020 10:08 PM

To: Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Edna Ranch - Weed ordinance concerns

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello,

I'm writing to you as a resident of Edna Ranch with concerns about the weed ordinance. First and foremost I have 4 young children, as do other families at the ranch, and keeping our neighborhood safe and drug free is our first priority. The crime that is associated with grow operations like these is not something I welcome into our community. We moved out of the city limits to be among the vineyards not among marijuana/hemp. The short distance that is being proposed in this windy area is not acceptable. I don't want to have to explain what that smell drifting in is to my 2, 7, 10, or 12 year old.

I can't stress this enough, this is not the place for marijuana or hemp grow operations.

Thank you for considering my plea. If there is anything else I need to do to express my concerns please let me know.

--

[REDACTED]

[Find Out What Your Home is Worth - Click Here!](#)

Or if you're looking for your next home...
[Download My Home Search App](#)

FW: [EXT]Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:30 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (16 KB)

Facts.RKS.12.9.19.docx;

Public Comment on Item 22.

From: Bob Schiebelhut <bob@tolosawinery.com>

Sent: Saturday, May 2, 2020 4:03 PM

To: Lynn Compton <lcompton@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Cc: PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>

Subject: [EXT]Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Last summer the Edna Valley community supported the moratorium based on the adverse experiences and complaints of the ag communities and residents in other counties, primarily Santa Barbara. From the beginning, the group of Edna Valley residents and ag business owners stressed the unique Facts and qualities of the Edna Valley (see attached) and asked for a carve-out. See also two emails I forwarded to the Planning Commission on Dec 19,2019 on behalf of the Edna Valley Growers Mutual Water Company and myself.

Last fall, we experienced first hand the adverse effects of a "research" hemp grow in the heart of the Edna Valley, which not only confirmed the concerns expressed earlier., but resulted in many emphatic complaints and grievances by the Edna Valley community, to the Ag and Planning Departments, APCD, the Planning Commission and the BOS. These documented complaints include:

(1) Adverse health effects on neighbors. With the changing wind patterns in the Valley, the noxious "skunk" smell and terpenes spread throughout the Valley up to 1 mile from the "research" grow in all directions causing significant respiratory and allergic reactions to neighbors;

(2) field workers near the hemp grow similarly suffered and expressed concerns about unsafe working conditions;

(3) event centers received complaints from their customers concerning the skunk smell, resulting in a loss of good will and reputation;

(4) wine tasting rooms also received complaints from customers (and employees) concerning the skunk smell.

(5) neighboring farm operators received threats from the hemp grower of lawsuits for engaging in standard farming practices, such as tilling the soil which creates "dust".

The Edna Valley is small, unique and blessed with a high concentration of vineyards, orchards, row crops, wine tasting rooms and event centers. And we have been consistent and vocal for almost one year--we need a carve out.

Bob Schiebelhut

San Luis Obispo, CA 93401

Facts re: the Edna Valley Appellation and Hemp

1. There are 3 federally approved appellations in the County: Paso Robles (660,000 acres); Arroyo Grande (39,646 acres) and Edna Valley (18,970 acres excluding the City of SLO)
2. The County land mass is 2,111,360 acres. The Edna Valley is a small valley--it represents just 0.008 of the total acreage in the County. It has a high concentration of vineyards, wineries, tasting rooms, and event centers. Also, Los Ranchos School and several dense neighborhoods and ranchettes throughout the Valley.
3. The Edna Valley is unique in California: (a) it is the coldest appellation in California; (b) it is the only appellation with 2 transverse valleys open to the ocean (Morro Bay-Los Osos and Pismo Beach) and (c) it has the longest grape growing season in California with bud break in Feb and harvest to Nov.
4. Because the Edna Valley is truly a valley, surrounded by hills, its climatic characteristics are generally uniform throughout the Valley. This differs from the "open" Paso Robles and Arroyo Grande appellations where the western and eastern portions have dramatically different temperatures. For example, Growing Degree Days ("GDD") for Paso Robles west and east range from 3117 to 3342 (F). For Edna Valley, the GDD is relatively constant 2371 (F). (Note: The GDD numbers were provided by UC Ag Extension, based on 24-hour monitoring. With only one monitoring station in the Arroyo Grande appellation, no GDD range is available).
5. With marine air from 2 sources, the Edna Valley experiences relatively high amounts of fog and wind from March to November. Wind records from the SLO County Airport show windy conditions 2/3's of the time—average 7-8 MPH—and 20-30 MPH peak all year. Also, the winds predominately come from 2 directions, thereby creating a mix of wind influence, which is a recipe for broad distribution of hemp terpenes over large distances.
6. The predominant terpene in cannabis (marijuana or hemp) is myrcene which emit the strongly noxious "skunk" odor. According to complaints by Edna Valley residents to the County, the skunk odors from a hemp grow in the Valley last fall was detected over 1 mile in several directions from the grow and caused respiratory problems and insomnia for many residents up to 1 mile from the grow.
7. "Smoke" taint from wildfires unfortunately is a reality. The 'smoke" taint from wildfires in No Calif has caused immense monetary losses to the wine industry, due to cancellation of contracts and rejection of grape after the wildfires.
8. Research by Prof. Oberholtser, U.C.Davis, has demonstrated the deleterious effect of smoke volatiles and eucalyptus terpenes have had on grapes and the resulting end product—wine. She has opined that cannabis terpenes may have the same adverse effect on grapes, and wine. With the morning foggy conditions in Edna Valley—near stagnant air mass—and the later windy conditions in Edna Valley, the risk of terpene drift is higher than any other location in the County.
9. Cannabis growers in Santa Barbara County have threatened and sued over spray drift—cannabis is very sensitive to pesticides, insecticides and fungicides. In fact, this issue of spray drift is even greater in the Edna Valley due to its foggy and windy conditions. The best conditions for spraying are in the morning before the wind picks up. But on foggy mornings the sprays can be suspended in the fog and then distributed when the wind picks up.
10. The Edna Valley is extremely susceptible to Powdery Mildew. Combined with a very long growing season, the amount of spraying to prevent Powdery Mildew is more than triple the number of sprays a vineyard in the North County receives. This means the Edna Valley grape growers will face far greater risk of spray drift than other growers in the County.

[EXT]May 4 agenda item No. 22

Gwen Othman <gwen@kynsi.com>

Mon 5/4/2020 03:38 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (13 KB)

May 3 Letter to SLO Supervisors.docx;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear SLO County Supervisor Clerk,

I have attached a letter of support for the carve out of the Edna Valley on hemp cultivation. Could you please place the letter in the administrative record of the meeting and forward to each supervisor?

Thank you,

Gwen Othman | Kynsi Winery | (805)

www.kynsi.com



May 3, 2020

Agenda Item No. 22 for May 4, 2020

My name is Gwen Othman. My husband Don Othman and I support the carve out of the Edna and Arroyo Grande Valleys from hemp cultivation. We own and operate Kynsi Winery on Corbett Canyon Road in the Edna Valley. In addition to the winery, we have a tasting room that is open daily and a 10 acre Pinot Noir vineyard. We also purchase grapes from Bien Nacido Vineyards in the Santa Maria Valley and that is where we have experience with a hemp farm growing a half mile away from a vineyard. Last year, we were in a meeting in the vineyard office when an overpowering cannabis smell surrounded us. We asked "where is that coming from"? The vineyard manager said it was the pot farm up the valley and that it smells like that regularly. The smell was so heavy it felt like there was cannabis oil in the air and it was lining our nostrils. We asked if he was concerned that it could settle on the thin porous skins of the ripening grapes and he said that he was. I thought if there was a winery and tasting room at this vineyard, customer's senses would be so overwhelmed they would not be able to smell and taste wine.

The Santa Maria Valley is a large, open valley with lots of agriculture acreage, a few wineries with tasting rooms that are very spread out and very few homes. In comparison, the Edna Valley is small and narrow with many acres of vineyards, several wineries with tasting rooms in closer proximity and many high end homes. The beautiful Edna Valley is unique among wine growing regions in that so many accommodation destinations are nearby. It would be such a travesty if hemp farms were allowed to impact the residents and the memorable experience many, many visitors have along with the possibility of impacting the sought after grape crop. The cannabis lobby is strong and well-funded. I hope your decision will be based on preserving the charm, appeal, wine quality and experience of San Luis Obispo. Allow the hemp farms in more wide open, rural spaces where their impact won't be so damaging to our economy.

Thank you for your consideration,

Gwen Othman

Kynsi Winery

[EXT]Letter re: Industrial Hemp Ordinance

Patrick Goggin <patrick@hoban.law>

Mon 5/4/2020 03:38 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Eddie Bernacchi <bernacchi@politicogroup.com>; Kiana Valentine <kiana@politicogroup.com>; Bret Barrow <bret@politicogroup.com>; <jean@votehemp.com> <jean@votehemp.com>

📎 1 attachments (139 KB)

SLO_CHC_Hemp_Comments_050520.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please see attached. Thank you.

--

Patrick Goggin, Esq.

Senior Attorney

Hoban Law Group

870 Market Street, Suite 1148

San Francisco, CA 94102

Office: (844)

Direct: (415)

Fax:

Email: Patrick@hoban.law

Web: Hoban.law



The Premier Cannabusiness Firm

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May 5, 2020

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STAFF

Bret Barrow
Kiana Valentine

SENT VIA EMAIL ONLY

Board of Supervisors
San Luis Obispo County
ad_Board_clerk@co.slo.ca.us

Re: Industrial Hemp Ordinance

Dear Supervisors Peschong, Arnold, Hill, Gibson and Compton;

I am writing chief counsel of the primary California state advocacy organization for hemp - the California Hemp Council.

We urge you to approve the balanced and reasonable hemp cultivation ordinance as originally drafted with 300’ buffers from “sensitive sites” and urban and village reserve lines. To significantly extend those distances will greatly hamper the industry, supply chain, and discourage investment by downstream processors and other job-creating enterprises who will instead migrate to more hemp-friendly locations in California. In less than a year, the state of California has already become a major hemp industry player nationwide due to its climate, soil, and farming expertise. Hemp is a fast growing industry, it creates sustainable products, and it uses relatively little water compared to other crops. Especially in this time of economic stress, it would be inadvisable to hamper growth of this industry in San Luis Obispo county which has a very attractive climate for this crop.

We note that there have been calls by the Edna Valley wine region to carve out this location and disallow hemp cultivation. We urge that you not consider that direction as this would be a clear violation of California’s “right to farm” law and a slippery slope that could be applied to other crops in the future. However, it may be a good compromise to have larger buffers from cultivation in the Edna Valley region at, say, 1000’. There has not been any significant opposition from wineries elsewhere in the county and, thus, the 300’ buffer would be quite adequate in the rest of the County.

We also recommend against the Planning Commission’s recommendation to mandate a minor use permit for 300-1000’ distances – or even up to a mile - for flowering hemp from Urban Village Rural lands. Such a requirement will be sufficiently time-consuming and costly to discourage growers from doing so. An over the counter administrative permit is a reasonable alternative. Otherwise, this will have the unintended consequence of excluding such a large part of your available cropland, a severe disincentive to investment in the County. Note that the proposed introduction of restrictions of 1000’ buffers in Ventura county have

California Hemp Council

Sacramento, CA 95814
Phone
Fax (9916)

www.calhempcouncil.com

caused those local hemp growers and Farm Bureau to pursue litigation, as a violation of the “right to farm.”

I also note that Sonoma County just implemented its hemp ordinance a few months ago in which they established buffers of 600’ from occupied structures; 200’ from property lines and a recommended 200’ from vineyards and orchards. With a wine industry valued at \$750 million, that county determined after significant research that there was no potential harm to the industry as a result of hemp cultivation, either through potential terpene transfer or a negative impact on tourism. I believe Sonoma County understands that it is important to diversify its agricultural base in order to sustain a robust agricultural sector – and that hemp had an important role to play in that diversification. The California Hemp Council believes that having a balanced, sensible policy for hemp cultivation would be an important part of ensuring a continued, healthy agricultural industry in SLO county.

Thank you for your time and consideration.

Sincerely,

/s/

Patrick Goggin

[EXT]Comments on Item #22 Hemp Ordinance Hearing on May 5, 2020 Board of Supervisors Meeting

jean@votehemp.com <jean@votehemp.com>

Mon 5/4/2020 03:51 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Supervisors Gibson, Peschong, Arnold, Hill, and Compton;

I am writing regarding the proposed SLO county hemp ordinance (Item #22 on May 5, 2020) both as a resident of SLO county, as well as a representative of a national non-profit, Vote Hemp, that educates and networks on behalf of the US hemp industry. I cover the state of California and have a detailed understanding of what is going on in California counties – and across the US - regarding hemp, as well as with development of the state industry. The key issue before the board is whether: a) you wish to develop a viable, growing hemp industry – and the resultant jobs - in this county through reasonable regulations; or b) want to discourage the hemp industry here due to neighbor and wine industry complaints.

The original ordinance drafted by the Planning Department with 300 foot buffers for outdoor cultivation and a 10 acre minimum site, is a reasonable regulation that will not deter investment in the industry. The Planning Commission optional options regarding extending the buffers to 1000' – or even a mile; the potential requirement of minor use permits for waiving these buffers; and a carve-out for Edna Valley are unreasonable restrictions. They go against “right to farm” provisions and are a slippery slope that could too easily be used as a precedent to restrict other future agriculture.

If you were to take the path of mandating having large buffers from neighbors and/or requiring permitting processes for certain locations, you could not still expect there to be development of a SLO hemp industry. There are over 30 counties in California – as well as most US states – that are actively growing hemp and seeking investment in this area. There were over 46,000 acres of hemp registered in California and over half a million acres nationwide – although not all of that was grown. (That amount was up from 78,000 in 2018 and was due to the crop becoming federally legal in December 2018 and the entry of many new states into cultivation. The hemp industry is growing rapidly with the nutraceutical CBD gaining a lot of traction in the past couple years. There are also many other applications such as sustainable textiles, animal feed, a human food (hemp is nutritious protein source), a replacement for plastic, biocomposites, and many other areas that are just starting to be implemented. This is an area that will be increasingly critical to national security during this time of the COVID 19 pandemic. Those regions that get in the ground floor will benefit most in attracting hemp industry investment and creating new jobs.

I should note that SLO county is uniquely attractive for CBD and other cannabinoid production, due to the same wonderful terroir here that makes it a great location for wine. It would be a great shame if that natural advantage could not be leveraged to create a thriving hemp industry here. You do not want SLO to follow the example of Monterey county which greatly restricted the areas where hemp can be grown in their 2019 pilot program. As a result of their restrictive policies (that were the result of cannabis industry opposition), Monterey had only 10 acres harvested last season (although 720 acres were registered). At this time, Fresno, Kern and Imperial counties are the state leaders in hemp and they have minimal regulation. Also, almost all of the top 20 agricultural counties in California allow hemp cultivation as they see the great economic potential.

There has been much discussion from the wine industry that their industry may suffer due to hemp. However, in February this year, Sonoma passed an ordinance allowing hemp cultivation with reasonable regulations with buffers of 600' from occupied structures; 200' from property lines and a recommended 200' from vineyards and orchards. After much research, including a study by Santa Rosa Junior College, Sonoma supervisors and the county agricultural commissioner's office came to the conclusion that there would be no negative impact to their huge wine industry from hemp cultivation. They felt that agricultural diversification with hemp was an important component to maintaining a robust agricultural sector in their high-cost region. I should also note that Santa Barbara county had over 250 acres of hemp cultivation under research MOUs last year and is getting ready to allow cultivation formally, once the California state plan is approved. In preliminary hearings on the topic of hemp, Santa Barbara supervisors have stated that hemp is an agricultural commodity and should have minimal barriers for cultivation. I believe the cases of Sonoma and Santa Barbara are relevant precedents for SLO county.

Regards,
Jean Johnson
California Outreach Director



[EXT]Hemp Production in the Arroyo Grande Valley

Brian Talley <brian@talleyvineyards.com>

Mon 5/4/2020 03:51 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>;

BOS_District 5_Web Contact <district5@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

 1 attachments (106 KB)

Hemp Production, Arroyo Grande Valley.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Here's a new comment letter regarding the hemp ordinance. This supersedes the letter I sent earlier.

Brian Talley

www.TalleyVineyards.com

www.TalleyFarms.com



TALLEY

May 4, 2020

Clerk of the San Luis Obispo County Board of Supervisors

Proposed Hemp Ordinance

Sent via email

As you consider adoption of an ordinance allowing industrial hemp production in San Luis Obispo County, it's my understanding that you are considering a "carve out" of the Edna Valley American Viticultural Area (AVA) that would be excluded from hemp production. AVAs are regions with legally defined boundaries that are recognized by the Federal Government to have unique soil and climatic conditions that result in distinctive wines. Because of its immediate proximity to, and climatic similarity with the Edna Valley, I urge you to include the Arroyo Grande Valley AVA in any such carve out scheme. Because the boundaries of the Edna Valley and Arroyo Grande Valleys AVAs are known, this would allow enforcement of an exclusion of hemp production in these areas.

The Arroyo Grande Valley is one of the four federally approved AVAs in San Luis Obispo County: Arroyo Grande Valley, Edna Valley, York Mountain and Paso Robles (including 11 "sub AVAs"). While it is nearly identical to the Edna Valley in many respects, it also has unique characteristics.

1. Like the Edna Valley, the Arroyo Grande Valley is a very cool region with a long wine grape growing season, from February through November. This means that intensive farming activities, including spraying, canopy management and harvest occur over an extremely long period of time. Powdery mildew is the most significant pest for wine grapes in both valleys, and frequent fungicide spray applications are required. This creates potential conflict with hemp growers concerned about spray drift.
2. The Arroyo Grande Valley has enjoyed a long history of diverse farming practices and commodities. With more moderate winter weather and better water availability, farming occurs virtually year-round in the Arroyo Grande Valley. Historically this has focused primarily on vegetables, but also includes wine grapes, lemons and avocados, extending from the southwestern end of the valley, east to the foot of the Lopez Dam. As with wine grapes, these crops require frequent pesticide applications, with the potential of conflict with hemp producers, who have routinely threatened their neighbors with legal action for normal farming practices, including spraying and tillage activities.
3. Wind and fog conditions are similar in the valleys. In the Arroyo Grande Valley, winds originate from both the northwest (Los Osos Valley/Edna Valley) and Southwest (Oceano Dunes). As with the Edna Valley, this increases the likelihood of nuisance terpenes impacting people and wine grape quality. Foggy conditions persist throughout the summer, creating stagnant conditions overnight and in the morning that exacerbate potential terpene drift, which is both a nuisance and may adversely affect wine quality.
4. As with the Edna Valley, the Arroyo Grande Valley has a mixture of land use, including agriculture, rural residential and schools. The terpene production associated with hemp

would likely result in complaints similar to those received in the Edna Valley over the past two years.

To date, we have not had commercial hemp production in the Arroyo Grande Valley. Because we also farm in the Edna Valley, adjacent a large hemp and cannabis operation, I've experienced first hand the conflicts between traditional farming operations and hemp. My concern is that if the Edna Valley carve out occurs, but the Arroyo Grande Valley is excluded, we could face those conflicts in the future.

My family has farmed in the Arroyo Grande Valley for four generations next to people growing many different commodities, but we've never experienced the conflicts we've had farming next to hemp. I hope you respect the unique climatic conditions of the Arroyo Grande and Edna Valleys, while also preserving our traditional agricultural integrity by excluding the production of hemp in these areas.

Sincerely



Brian Talley
President, CEO Talley Farms and Talley Vineyards

Fw: [EXT]Public Comment

AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Mon 5/4/2020 04:49 PM

To: BOS_Legislative Assistants <BOS_Legislative-Assistants@co.slo.ca.us>

Sincerely,

Clerk of the Board Team

Administrative Office, County of San Luis Obispo

1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408

Tel: (805) | Fax: (805)

From: Conner Luckey <connerluckeyltd@gmail.com>

Sent: Monday, May 4, 2020 04:02 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Subject: [EXT]Public Comment

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Attached is a very short educational video on the versatility of hemp for FIBER as well as an explanation of the differences between cannabis sativa varieties for THC, CBD, and Fiber/Grain crops. We would like the board to watch the video to help inform the Board of Supervisors about the differences as well as the valuable benefits of growing for Fiber as opposed to CBD.

Thank you.

 [Cannabis-explained.mp4](#)

[EXT]May 5_2020 - Board of Supervisors Meeting - Comment on Agenda Item 22

Brent Burchett <bburchett@slofarmbureau.org>

Mon 5/4/2020 04:02 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (180 KB)

2020 May 5 - Item Number 22 - Hemp Ordinance - SLO County Farm Bureau.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please find comments from San Luis Obispo County Farm Bureau attached regarding Item 22 (Industrial Hemp) on the May 5, 2020 Board of Supervisors meeting.

Thank you - Brent

Brent Burchett
Executive Director
San Luis Obispo County Farm Bureau
an Luis Obispo, CA 93401
| bburchett@slofarmbureau.org



SAN LUIS OBISPO COUNTY FARM BUREAU

May 4, 2020

San Luis Obispo County Board of Supervisors
1055 Monterey Street Suite D430
San Luis Obispo, CA 93408

Submitted by email to: ad_board_clerk@co.slo.ca.us

Re: May 5, 2020 Agenda Item 22: Industrial Hemp Ordinance

Supervisors:

Industrial hemp remains a challenging issue for SLO County Farm Bureau, as we have members who grow hemp and those who want hemp banned or regulated differently than other crops. The hemp market nationally is down considerably relative to when the Urgency Ordinance was passed in 2019, but regulatory changes at the federal level regarding cannabidiol could raise hemp prices in 2021. We want to find a path forward for hemp that works for SLO County. This ordinance is far from perfect, but we hope the Board will not delay adoption of a permanent ordinance. Agriculture and community stakeholders have attempted to find compromises over many months, and further debate seems unlikely to change conflicting perspectives.

We believe the ordinance should prioritize the need to protect our existing top commodities like wine grapes and produce. If contamination of grapes by hemp is actually proven at some point in the future, then this ordinance may need to be revised to ensure wine grapes are further protected.

We support previous efforts by the County to mitigate pesticide drift liability issues as part of the hemp and cannabis registration process. Those efforts, coupled with new proposed setbacks between hemp and existing crop production in this ordinance, will hopefully limit neighbor-to-neighbor pesticide application conflicts in the future.

The vast majority of our members in Edna Valley believe hemp is incompatible for their community. We do not oppose adding an Exclusion Area for Edna Valley. Allowing hemp only by a discretionary permit in certain areas is preferable from an outright ban, but the criteria to grant a Minor Use Permit application to grow hemp is somewhat unclear. Specifically, the “neighborhood compatibility plan” component should include more detail.

Our membership has diverse opinions on what an appropriate setback distance should be, but we hope the Board will consider the precedential nature of instituting the first ever odor-based setback on a federally legal agriculture crop in SLO County. A setback of 300 feet from sensitive receptors is more reasonable than a 1000 feet setback. A one-mile setback from Urban or Village Reserve Lines as contemplated by the Planning Commission seems excessive.

We oppose the minimum parcel size requirement. Other setback requirements and zoning restrictions better achieve the goal of decreasing neighbor-to-neighbor conflicts.

We believe the riparian and wetland setback should be removed. This requirement seems unnecessary, as hemp cultivation should not have impacts to water different from other crops.

We support the ordinance’s allowance for non-flowering hemp production in the Residential Rural land use category instead of a complete prohibition. To disallow hemp

transplants in Residential Rural areas would be especially problematic for our local greenhouse industry.

Thank you to the Board, County staff and all of our agricultural stakeholders who have spent considerable time over the past year trying to find a path forward for hemp in SLO County.

Sincerely,

A handwritten signature in black ink, appearing to read "BEB", is written over a light blue rectangular background.

Brent Burchett, Executive Director
San Luis Obispo County Farm Bureau

[EXT]Hemp Ordinance

frank brown <frbrown2010@gmail.com>

Mon 5/4/2020 04:09 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors,

Last June the Board of Supervisors passed an urgency ordinance placing a temporary Moratorium on the cultivation of Industrial Hemp in this county, shortly after the San Luis Obispo County Agricultural Commissioners office started processing applications in our county. The stated reason for the Urgency Ordinance was the “immediate preservation of the public peace, health, safety and welfare” of the county’s citizens. The Board further directed staff to draft an ordinance that would address the concerns of all parties, pro and con.

Through ALAB and it’s sub-committees exhaustive efforts, recommendations were provided to County Staff who prepared an Hemp Ordinance and presented it to the Planning Commission. On November 19, 2019, the Planning Commission voted to send the Ordinance to the Board of Supervisors.

I believe the Ordinance as written, is a fair compromise that addresses the concerns of all parties. It may not be perfect and may have to be revisited in the future, but it needs to be adopted for immediate implementation.

I, and many involved in this new agricultural industry urged for immediate adoption of this Industrial Hemp Ordinance proposal as currently written on May 5, 2020. Last years 11th hour moratorium placed an economic hardship on many farmers who had already spent money and time preparing to enter the market. This year, farmers will need as much time as the Board of Supervisors can give them to prepare to grow successfully this 2020 season. With the extraordinary steps being taken to contain the spread of COVID-19, San Luis Obispo County’s economy will sustain an economic blow that will possibly take years for recovery. Allowing the cultivation of Industrial Hemp will create jobs and opportunities that will be relatively safe from this virus threat as most of the cultivation practices allow worker exposure to fresh air, sunlight and the ability to keep a safe distance from other workers.

Our county, like the rest of our great Nation will need any and all opportunities to recover from this worldwide disaster. Many manufacturers of CBD Oil (cannabidiol) products claim CBD is effective at relieving anxiety, stress, depression, pain, inflammation, improving sleep, and other health benefits including improving the bodies immune system to fight disease. A CBD product (Epidolex) has been FDA approved to treat epilepsy.

FDA Commissioner Stephen Hahn, M.D., recently said that the agency is working towards regulating hemp-derived CBD (Hemp CBD) products and admitted that the agency's approach to Hemp CBD is not sustainable:

"We're not going to be able to say you can't use these products. It's a fools errand to even approach that. We have to be open to the fact that there might be some value to these products and certainly Americans think that's the case. But we want to get them information to make the right decisions".(Dr. Stephen Hahn)

There is a new bipartisan bill in Congress, [H.R. 5587](#), which would amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to give the Food and Drug Administration (FDA) flexibility to regulate hemp-derived CBD as a dietary supplement without going through a time-intensive rulemaking process. This much needed action will provide hemp farmers and consumers with certainty as to how FDA will regulate this portfolio of products.

Farmers need time to prepare ground, buy seed and make other decisions concerning cultivation as early in the 2020 season as possible, not once the growing season starts.

When the executive order for sheltering in place was announced for this county on March 19, Wade Horton stated;

"The health and safety of our community is our top priority. The actions we take today will help us get back to normal as soon as possible,"

Indeed, the actions The Board of Supervisors take on this important ordinance will affect the county's future economic vitality. Farmers will need every possible opportunity in San Luis Obispo County to help our local economy recover from this unprecedented world crisis, and we need your leadership to help make this happen as soon as possible.

Respectfully,

Frank Brown, CEO

FW: [EXT]May 5 BOS Agenda Item 22

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 04:20 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold

(p)

(f)

molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Nancy Greenough <nancy@saucelitocanyon.com>

Sent: Monday, May 4, 2020 3:18 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Cc: Bill Greenough <bill@saucelitocanyon.com>

Subject: [EXT]May 5 BOS Agenda Item 22

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Debbie,

I am writing to request your support on Agenda Item 22 on tomorrow's BOS schedule to Carve Out Edna Valley for hemp and cannabis farming.

We have operated our family business for 38 years here in southern SLO County. We live and conduct our winery tasting room here on Biddle Ranch Road. The effects of the hemp odors are insurmountable.

We have many types of agriculture here in Edna Valley and not one deters the well being or livelihood of another. This cannot be said of hemp and cannabis cultivation.

Please protect this heritage family farming area. It is a jewel to our city and county.

Thank you for your consideration and thank you for your service.

Nancy and Bill Greenough

--

Nancy Greenough
Saucelito Canyon Vineyard and Winery

x12

[EXT]Hemp ordinance needs to pass

hugh@calbioag.com <hugh@calbioag.com>

Mon 5/4/2020 04:31 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Supervisors,

Our County needs to approve the Hemp ordinance and let this crop be grown so we can have jobs and economic activity that will stimulate our County.

There is a small vocal group (with money) that is trying to hurt this new industry and they seem to be operating from fear and not facts.

Other Counties are passing Hemp ordinances without all of this drama and this County needs to move forward and make this crop what it now is. A Federal and State approved crop that can help our County in many ways. Don't let the voices of the few dictate what the silent majority would clearly want if they were aware of the facts and this last minute push back by a small group that feels entitled to control what they want.

Approve the ordinance that has been drafted at let this County participate in this new industry. We need the jobs and the revenue here in our County.

Regards,
Hugh Dugan

[EXT]Removing the Ban of Hemp Cultivation in SLO County

Sheila <meyers234@yahoo.com>

Mon 5/4/2020 04:35 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors,

I strongly urge adopting new hemp ordinance as written for immediate implementation.

My name is Sheila Meyers and I would like to express my views on the emerging hemp industry and the tremendous benefits it brings to our county and our economy as far as jobs and revenue that will help us recover from recent events.

The hemp industry is a rapidly growing and a major source of potential jobs in the county in both cultivation and downstream processing infrastructure.

California farmers registered over 45,000 acres for hemp cultivation in 2019, the 4th largest in the US – and that was only in its first year. The state is poised to be an industry leader due to favorable climate, soil, depth of expertise, and consumer demand.

The imposition of very large buffers will hinder development of this fast-growing industry and all the jobs it might create, as farmers, investors and processors will migrate to the many counties in California that are hemp-friendly. For example, Monterey implemented strong restrictions on hemp cultivation due to the strong opposition of its large cannabis industry and, as a result, only 10 acres were harvested in the 2019 season. On the other hand, Kern, Fresno, Imperial and Riverside, which had minimal restrictions, each had over 5000 acres of hemp registered.

Santa Barbara has indicated it will allow hemp cultivation following USDA approval of the California state hemp plan this year. In 2019, their board of supervisors had discussions in which they emphasize that hemp is an agricultural commodity and should not face excessive restriction.

Hemp does not have to have a negative impact on neighboring vineyards, as some grape growers falsely claim. Sonoma county's recent adoption of a hemp ordinance that recommended 300' buffers with neighbors. Sonoma's wine industry is three times the size of SLO county.

Hemp is a crop with a low water intake – estimated at between 1 and 1.5 acre feet - and therefore a good fit for drought-prone regions.

It is imperative that the draft ordinance be passed as written without the addition of significant other restrictions. The County needs jobs.

Sincerely,
Sheila Meyers

Sent from my iPhone

FW: [EXT]Carve Out Edna Valley Support

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 04:41 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see below correspondence. Thank you.

Hallie Scott

Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Nancy Greenough <nancy@saucelitocanyon.com>

Sent: Monday, May 4, 2020 3:26 PM

To: Trevor Keith <tkeith@co.slo.ca.us>

Subject: [EXT]Carve Out Edna Valley Support

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

am writing to request your support on Agenda Item 22 on tomorrow's BOS schedule to Carve Out Edna Valley for hemp and cannabis farming.

We have operated our family business for 38 years here in southern SLO County. We live and conduct our winery tasting room here on Biddle Ranch Road. The effects of the hemp odors are insurmountable.

We have many types of agriculture here in Edna Valley and not one deters the well being or livelihood of another. This cannot be said of hemp and cannabis cultivation.

Please protect this heritage family farming area. It is a jewel to our city and county.

Thank you for your consideration and thank you for your service.

Nancy and Bill Greenough

--

[EXT]Hemp in SLO County

Hugh Dugan <hdugan93@gmail.com>

Mon 5/4/2020 04:41 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Supervisors,

There is a small vocal group (with money) that is trying to hurt this new industry and they seem to be operating from fear and not facts.

Other Counties have passed Hemp ordinances without all of this drama and this County needs to move forward and make this crop part of the Ag crops in our county. Don't let the voices of the few dictate what the silent majority would clearly want if they were aware of the facts and this last minute push back by a small group that feels entitled to control what they want.

Our County needs to approve the Hemp ordinance and let this crop be grown so we can have jobs and economic activity that will stimulate our County.

Approve the ordinance that has been drafted at let this County participate in this new industry. We need the jobs and the revenue here in our County.

Regards,
Hugh W Dugan

[EXT]Hemp Moratorium

Sheila <meyers234@yahoo.com>

Mon 5/4/2020 05:00 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

My name is Kim Harrison and I own a vacation rental home in the Paso Robles area. I have been hit dramatically hit in this Covid-19 shut-down and it is going to be a difficult and may take a while to recover.

I also have been an investor in the hemp industry in SLO. I lost a significant amount of money last year after much time and money was spent in preparation of growing when we had applied for our permit and was assured it would be forthcoming

Please lift this moratorium so that we can recover from the social shutdown and from the limitations from not being able to grow last year.

Regards

Kim Harrison

Sent from my iPhone

[EXT]RE: Proposed Hemp Ordinance

Brian Talley <brian@talleyvineyards.com>

Sat 5/2/2020 09:53 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Lynn Compton <lcompton@co.slo.ca.us>; BOS_District 5_Web Contact <district5@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

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Dear Clerk of the Board of Supervisors: I reviewed the documents associated with the hemp hearing for Tuesday's meeting and noticed that my comment letter isn't displaying properly. When I checked my sent email, the PDF I attached is displayed correctly. Please tell me if I need to resubmit my letter.

Thank you,

Brian Talley

From: Brian Talley

Sent: Thursday, April 30, 2020 3:14 PM

To: ad_board_clerk@co.slo.ca.us

Cc: Lynn Compton (lcompton@co.slo.ca.us) <lcompton@co.slo.ca.us>; district5@co.slo.ca.us; bgibson@co.slo.ca.us; Adam Hill <ahill@co.slo.ca.us>; jpeschong@co.slo.ca.us

Subject: Proposed Hemp Ordinance

Please find attached my comments regarding the proposed hemp ordinance.

Sincerely,

Brian Talley

www.TalleyVineyards.com

www.TalleyFarms.com

FW: [EXT]Edna Ranch Weed Ordinance Concerns.

John Peschong <jpeschong@co.slo.ca.us>

Sat 5/2/2020 11:42 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Item #22

VICKI JANSSEN, Legislative Assistant
First District Supervisor John Peschong
1055 Monterey St., D430
San Luis Obispo, CA 93408
(805)781-4491/Fax (805) 781-1350
vjanssen@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: Monica Racz <monica@slocoastestates.com>

Sent: Friday, May 1, 2020 10:09 PM

To: John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Edna Ranch Weed Ordinance Concerns.

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello,

I'm writing to you as a resident of Edna Ranch with concerns about the weed ordinance. First and foremost I have 4 young children, as do other families at the ranch, and keeping our neighborhood safe and drug free is our first priority. The crime that is associated with grow operations like these is not something I welcome into our community. We moved out of the city limits to be among the vineyards not among marijuana/hemp.

The short distance that is being proposed in this windy area is not acceptable. I don't want to have to explain what that smell drifting in is to my 2, 7, 10, or 12 year old.

I can't stress this enough, this is not the place for marijuana or hemp grow operations.

Thank you for considering my plea. If there is anything else I need to do to express my concerns please let me know.

Best,
Monica Racz
SLO Coast Estates, Realtor
CalBRE#01999127

www.SloCoastEstates.com

Sent from my iPhone

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[EXT]HEMP HEARING IN EDNA VALLEY

Phyllis Hischier <asmatartifacts@gmail.com>

Sun 5/3/2020 06:37 AM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

Cc: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

As 30 year residents of Edna Valley, we implore all supervisors to support a “carve-out” so that no hemp is grown in Edna Valley.

Respectfully ,

Phyllis and Mike Hischier

San Luis Obispo, California
93401

[EXT]Comments for Public Record on SLO County Board of Supervisors Meeting May 5, 2020 Agenda Item 22 - Industrial Hemp Ordinance

Jim Wortner <jawortner@gmail.com>

Sun 5/3/2020 09:45 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Cc: Michelle Wortner <michellewortner@gmail.com>; Vicki Janssen <vjanssen@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Micki Olinger <molinger@co.slo.ca.us>; Wade Horton <whorton@co.slo.ca.us>; Rita L. Neal <rneal@co.slo.ca.us>; salyons1951_gmail.com <salyons1951@gmail.com>; Roy Barba <farmerrjb@aol.com>; Steve Almond <steve.almond52@gmail.com>; Tom Edel <edel15@att.net>; Kurt Almond <KSAlmond@sbcglobal.net>; Geraldine May <huerhuero@me.com>; souzan7_yahoo.com <souzan7@yahoo.com>; Mike Aarons <mtaarons@gmail.com>; Jan Morris <jansmorris@gmail.com>; Don Clark <dclarktrucking002@gmail.com>; Murray J. Powell <murray@dfrios.com>; Susan Huls <s.hulsangelsfan27@gmail.com>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

SLO County Board of Supervisors Meeting May 5, 2020 Item 22: Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp; exempt from CEQA. All Districts.

San Luis Obispo Supervisors Peschong, Gibson, Hill, Compton and Arnold:

Thank you for the opportunity to address you with this letter regarding the May 5, 2020 San Luis Obispo Board of Supervisors Meeting decision on the Industrial Hemp Ordinance. I am a SLO County farmer, property owner, taxpayer and voter. My wife and I operate our small family farm business about a mile outside of the town of Creston.

The cultivation of industrial hemp ("Hemp") is not the same as traditional agriculture - Hemp cultivation is in direct conflict with traditional agriculture and small family farm businesses and our quality of life here in San Luis Obispo County ("County").

The purpose of my letter to you is to provide you with facts and data that hopefully helps to inform you on this point. I will ask you to approve a Hemp ordinance that will acknowledge these facts and protect our County's existing small farm businesses, traditional agriculture, tasting rooms, vineyards, event centers, and residential agriculture neighborhoods from the negative effects of Hemp/Marijuana cultivation.

Here are the 3 key facts and data that I will ask you to consider as you finalize your decisions on the County's Hemp ordinance....

1. Hemp and Marijuana are the same plant - Cannabis. The County should have ONE restricted land use ordinance for Cannabis. What is the difference between Hemp and Marijuana? In a word, semantics. From a practical standpoint, it's the THC concentration. Hemp and Marijuana are, scientifically the same plant. They are the same genus -Cannabis - and the same species - Sativa.

From a scientific perspective, a cannabis sativa plant that is CBD dominant, as opposed to THC dominant, is a Hemp plant. Legal definitions focus on the THC to a percentage point. In the 2014 US Farm bill Congress defined Hemp as “the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight basis.” The state of California and SLO County use this definition.

From the County’s land use and agriculture ordinance perspective, a Hemp plant is no different than a cannabis plant. **Same** skunk smells/air pollution, **same** industrial chemical manufacturing/extraction processes, **same** environmental/water use issues, **same** fire hazard risks and **same** public safety/crime issues and **same** land use issues.

It’s all about compatible land use, not Hemp/Marijuana use. Therefore, the Hemp ordinance like the Marijuana ordinances should include the following land use common sense restrictions...

- Include residential dwelling units in the “sensitive receptor” definition with at least a 1,000 foot setback. Residential dwellings need at least a 1,000 foot set back from Hemp/Marijuana grows in the county ordinance. The current County ig farm/cattle feed lot ordinance has 1,000 foot residential dwelling setback and 1 mile setback from residential areas.
- Eliminate industrial chemical Hemp/Marijuana manufacturing on Agricultural Zoned land. No use of chemical extraction processing of the Hemp/Marijuana biomass including use of liquid carbon dioxide or ethanol extraction processes where there are significant risks of fire/explosion hazards as well as untested environmental impacts to land, air and water/aquifer. Put manufacturing like this where it belongs in Industrial or Commercial Zoned land.
- Keep the cultivation of Hemp/Marijuana indoors and limited to sealed greenhouses that do not vent to the atmosphere. This will limit the impact of air pollution/skunk odor to surrounding neighbors. Outdoor grows can not mitigate the resulting air pollution/skunk odors. Put outdoor grows at least 1 mile away from residential neighborhoods just like the pig farm setback ordinance. (County Hog Ranch Ordinance 22.30.100 - Animal Facilities - Specialized "E. Hog ranches. The raising or keeping of more than three sows, a boar and their unweaned litter is subject to the same standards that are required of beef and dairy feedlots by Subsection C. A hog ranch shall be located no closer than one mile from any residential category; and no closer than 1000 feet from any school, or dwelling.)
- Require compliance with the California Environmental Quality Act (CEQA). Do not allow for Hemp/Marijuana exemptions to CEQA. Protect our County environment as well as the health and wellbeing of your constituents from unknown and unstudied Hemp/Marijuana grow environmental operational impacts.
- Implement strict density limitations for the number of Hemp/Marijuana cultivation sites that may be near each other. Restrict the number of Hemp/Marijuana farms in a given residential agriculture/local neighborhood area. Do not replicate massive hoop house grows and concentration of indoor/outdoor grows disaster in Santa Barbara County!
- Allow SLO County Community Advisory Committee (CACs) and the Planning Commission to review and make local community recommendations on any and all future Hemp/Marijuana applications for proposed projects. Same plant same issues, our communities need to provide the same local inputs into the Planning Department land use reviews despite the agriculture designation for Hemp.

2. Hemp/Marijuana operations are in direct conflict with local established traditional agriculture small farm businesses. Protections need to be put in the Hemp/Marijuana ordinance that safeguard the County’s existing \$2.5 billion traditional agriculture businesses. Hemp/Marijuana is a nuisance crop and

in direct conflict with traditional agriculture in our County. Existing owned and operated small family farm businesses are at risk from up to 3 miles in proximity to a Hemp/Marijuana operation.

The California Department of Food and Agriculture has a 37 page document detailing the rules and regulations for the cultivation of Hemp (<https://www.cdfa.ca.gov/plant/industrialhemp/docs/registration/IH-RegistrationApplicationPacket-SeedBreeders.pdf>) but not one page of regulations for the cultivation of any traditional agriculture crop. The cultivation of Hemp/Marijuana IS NOT THE SAME as growing wine grapes, fruit trees, vegetables or forage as evidenced by the CDFA documentation.

Traditional agriculture and small farm businesses can not use pesticide sprays (herbicide, fungicide, insecticides etc) on their farm crops within 3 miles of a Hemp/Marijuana grow because these sprays could "pesticide drift" to the cannabis grow. This "pesticide drift" could contaminate the Hemp/Marijuana end product which is required to undergo extensive testing for pesticide content. In the Creston area, aerial pesticide spraying of the alfalfa and forage fields are common along with boom, blast and venturi spraying of pesticides for the fruit, olive orchards, vegetable crops and vineyards. This is the same conflict to traditional agriculture businesses that has been a disaster in Santa Barbara County. Legal battles are on going in Santa Barbara and Napa counties due to this "pesticide drift" conflict brought on by cannabis grows versus traditional agriculture. See referenced articles below:

- May 1, 2020: Santa Barbara Independent. "Lawsuit Seeks to Shut Down Busy Bee's Organics in Wine Country. County Must Rein In Booming Cannabis Industry, Coalition Says." <https://www.independent.com/2020/04/30/lawsuit-seeks-to-shut-down-busy-bees-organics-in-wine-country/>
- March 30, 2020: Santa Maria Times. "Santa Barbara County Planning Commission to recommend more rigorous permit for all cannabis cultivation" https://santamariatimes.com/news/local/govt-and-politics/santa-barbara-county-planning-commission-to-recommend-more-rigorous-permit/article_93a77c65-d3fd-5e4a-8122-c92a5f2892fd.html
- February 18, 2020: Politico. "Wine vs. weed in Napa Valley" <https://www.politico.com/news/2020/02/18/wine-vs-weed-in-napa-valley-115322>
- October 17, 2019: Wine [Business.com](https://www.winebusiness.com). "Napa County Takes First Step To Ban Commercial Cannabis Cultivation." <https://www.winebusiness.com/news/?go=getArticle&dataId=221115>
- September 18, 2019: Wine Business Daily News "Napa supervisors prepare to ban cultivation, manufacturing, and sale of commercial cannabis in unincorporated Napa County" <https://www.winebusiness.com/news/?go=getArticle&dataId=219744>
- August 9, 2019: Cal Coast News. "Proposed Buellton pot grows pit a vintner against weed farms" <https://calcoastnews.com/2019/08/proposed-buellton-pot-grows-pit-a-vintner-against-weed-farms/>
- July 19, 2019: Edhat Santa Barbara. "Supervisors agree to added restriction for local cannabis growers" <https://www.edhat.com/news/supervisors-agree-to-added-restriction-for-local-cannabis-growers>
- June 21, 2019: Time Magazine. "The Environmental Downside of Cannabis Cultivation" <https://time.com/tag/cannabis/>
- June 18, 2019: Santa Barbara Independent. "Santa Barbara County in an Uproar Over Cannabis Odors" From Carpinteria to Santa Ynez Valley Lawsuits, Public Hearings and Civil Protests Complain About Smells Emitting from Green Houses and Fields. <https://www.independent.com/2019/06/05/santa-barbara-countyin-an-uproar-over-cannabis-odors>
- June 15, 2019: LA Times. "The World's Largest Pot Farms, and How Santa Barbara Opened the Door" <https://www.latimes.com/local/california/la-me-santa-barbara-pot-grows-20190612-htmlstory.html>
- May 22, 2019: Los Angeles Magazine. "In Santa Barbara, the War Between Weed Growers and Their Neighbors Is Getting Nasty" <https://www.lamag.com/citythinkblog/santa-barbara-weed-war/>

Conversely, the Hemp/Marijuana grows drift terpenes that could negatively impact the quality of the local vineyards and fruit orchards. Terpenes are a large and diverse class of organic compounds, produced by a variety of plants, including Hemp/Marijuana. Terpenes often have a strong odor. These Hemp/Marijuana terpenes could negatively impact vineyard fruit quality - UC Davis is currently studying this impact. In November 2019, UC Davis provided Santa Barbara County a letter that outlined the potential negative impacts of terpenes on vineyard and grape quality. In Napa Valley vineyard/winery grape contracts have been cancelled due to cannabis terpene contamination and the traditional agriculture vineyards have had to go to court versus the cannabis grows in the area.

The following language needs to be included in the County Hemp/Marijuana ordinances to protect and prevent undo pesticide drift litigation for existing local small business farmers in the County...

"Throughout the life of the project, the applicant, and their representatives, agents, officers, employees, successors, landlords, tenants, insurers, assigns and any other party claiming a direct or indirect financial, ownership or commercial interest in the project or the cannabis or cannabis products produced or located on the site, shall, as a condition of approval of this land use permit, release, waive, discharge, hold harmless and covenant not to sue any property owner, property operator/tenant or pest control business, pest control advisor or qualified applicator, including their agents, officers, employees and authorized representatives ("Released Parties"), for any claim, loss or damage to cannabis or cannabis products located on the project site arising out of the recommendation or application of a registered pesticide on an agricultural commodity located outside the project site by a person or business who holds the required state license or certificate and local Operator Identification Number and, if applicable, Restricted Materials Permit, and who follows required state and local pesticide use reporting and does not grossly depart from industry norms, standards and practices regarding the application of said pesticide. This condition does not extend to any loss or damage caused by the gross negligence or willful misconduct of a Released Party. This condition expressly extends to any statutory violations, including but not limited to actual or alleged violations of Food and Agricultural Code Section 12972 or 12973, so long as the violations are not caused by the gross negligence or willful misconduct of a Released Party. Approval of this land use permit, as a land use decision, is a quasi-judicial action regulatory in nature involving the application of preexisting laws or standards to a specific project and does not involve negotiated consideration by both the County and the application, unlike a development agreement, and therefore is not subject to the limitations of Civil Code section 1668 because this land use decision is not contractual in nature. This condition of approval shall have no impact on the enforcement or application of State pesticide laws and regulations by state or local agencies, including but not limited to licensing and certification requirements, pesticide use reporting and operator identification numbers, pesticide use enforcement inspections and investigations, issuance of cease and desist orders, initiation of administrative or criminal enforcement actions, and imposition of administrative, civil and criminal penalties."

Hemp/Marijuana projects are NOT traditional agriculture for SLO County - these are nuisance crops. As a Supervisor and as the County Board of Supervisors, we need you to protect an existing and thriving \$2.5 billion traditional agriculture, small farm businesses and the wine tourism industry.

3. The Creston Advisory Body (CAB) and Creston Community DO NOT want Hemp/Marijuana grows near our farms, residential agriculture neighborhoods, homes and families. A CAB letter on the Hemp ordinance was sent to the County earlier this year where CAB stated our community concerns and position on Hemp/Marijuana. Please listen to your County CACs and constituents on this conflict of issues regarding

Hemp/Marijuana grows and our rural country quality of life. Our CAC voice is one - we do not want these operations in our communities.

In summary...

Hemp/Marijuana projects are NOT traditional agriculture for SLO County - these are nuisance crops.

1. Hemp and Marijuana are the same plant - Cannabis. The County should have ONE restricted land use ordinance for Cannabis.
2. Hemp/Marijuana operations are in direct conflict with local established traditional agriculture small farm businesses. Protections need to be put in the Hemp/Marijuana ordinance that safeguard the County's existing \$2.5 billion traditional agriculture businesses.
3. The Creston Advisory Body (CAB) and Creston Community DO NOT want Hemp/Marijuana grows near our farms, residential agriculture neighborhoods, homes and families.

Do not force the Santa Barbara County's cannabis un-restricted grows on to San Luis Obispo County traditional agriculture businesses, residential agriculture neighborhoods, homes and families. These Hemp/Marijuana operations are in direct conflict to our rural/country quality of life.

Please consider in the County Hemp/Marijuana ordinance a set of restrictions to Hemp/Marijuana operations that acknowledges the facts and data as I have outlined in my letter to you. The cultivation of Hemp/Marijuana is not the same as traditional agriculture. Cannabis - Hemp and Marijuana - requires a set of ordinances to protect existing agriculture and small farm businesses as well as the neighboring homes and families in San Luis Obispo County.

Thank you.

Jim Wortner

Jim Wortner

Golden Pheasant Farm & Vineyards

P.O. Box 609

Creston, CA 93432

jawortner@gmail.com

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[EXT]Agenda Item 22--Comments on hemp ordinance

Stephanie Shakofsky <shakofsky@gmail.com>

Sun 5/3/2020 10:57 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (19 KB)

BOS Hemp Ordinance Comments.docx;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Attached is a comment letter regarding Agenda Item 22 (hemp ordinance) scheduled for hearing on May 5, 2020. Please forward my letter to all Supervisors and please include my letter as part of the administrative record. Thank you

Stephanie Shakofsky
Saint Marie Vineyard
www.saintmarie.org

DATE: May 3, 2020
TO: San Luis Obispo Board of Supervisors
FROM: Stephanie Shakofsky, District 1 Resident

RE: Comments on the County Draft Hemp Ordinance, Agenda Item 22

On Tuesday, June 18, 2019, the San Luis Obispo County Board of Supervisors passed an Urgency Ordinance placing a temporary moratorium on the cultivation of industrial hemp. On July 16, 2019, the Board extended that urgency ordinance through June 2020. At that same meeting, the Board directed the County Planning Department, with input and assistance from the Agricultural Liaison Advisory Board (ALAB) hemp industry representatives, and concerned citizens, to develop a permanent ordinance governing hemp cultivation.

On December 18, 2019, ALAB sent a letter to the County making five recommendations, which were generally supportive of hemp cultivation, but clearly lacking in any definitive policy recommendations. The strongest recommendation made by ALAB states:

“ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.”

This comment clearly reflects the concerns expressed by ALAB members, and “concerned citizens” who attended the policy meetings, that there simply is not enough reliable or scientific information to assess the environmental and human health impacts of hemp cultivation.

The San Luis Obispo County Farm Bureau in their comment letter to the County, dated December 19, 2019, regarding the proposed hemp ordinance states:

- “Our members have identified three primary issues of concern with industrial hemp, including:
- Odors from hemp cultivation being a nuisance to neighboring residences or businesses;
 - Possible contamination of wine grapes by compounds present in the odor emitted by hemp and cannabis (compounds known as terpenes); and
 - Legal liability from contaminating hemp and cannabis with pesticides used in neighboring crop fields for non-hemp or cannabis crops.”

The issues raised by ALAB and the Farm Bureau reflect the agricultural and farming community’s concerns about the incompatibility of hemp and existing agriculture in the County, as well as the environmental impacts caused by the cultivation of hemp.

Further, the County’s Urgency Ordinance #3393, which declared a moratorium on hemp cultivation, the County states in Sec 2 (N):

“As cannabis cultivation permits have been processed, the County has received substantial amounts of public testimony regarding the potential harmful effects of cultivating cannabis, specifically, odor nuisance and public safety concerns. Individuals opposing either existing or proposed cannabis cultivations, cite foul “skunk-like” smells emanating from the operation, the need to close windows, people unable to go outside due to the noxious skunklike odor, and people experiencing irritated eyes because of the odor. Cannabis cultivation projects are therefore individually reviewed to look at setbacks and locations of sensitive receptors in order to minimize odor nuisance. Individuals also cite similar odor complaints regarding certain odor “masking” systems which are often used in the growing of cannabis identifying an “overwhelming Febreze like smell” which is similarly annoying and causing eye irritation. At this point, it is unclear if industrial hemp has similar odors thus implicating these same potential impacts and further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed.”

It is clear that the County must conduct the appropriate studies to determine the potential risks to the environment and human health raised by ALAB, the Farm Bureau, and your own ordinance (#3393, Sec 2(N)). Further environmental concerns raised by the industrial production of hemp that have not been properly addressed or studied include impacts on the existing and declining groundwater basins, light and noise pollution, natural habitat loss, and loss of prime farmland. CEQA’s statutory goals, including environmental protection, informed decision-making, and informed public participation have been seemingly ignored by the County in preparation of this ordinance. This proposed ordinance is clearly not exempt from CEQA under the Common Sense Exemption, as referenced in the staff report [Reference: State CEQA Guidelines sec. 15061(b)(3)]. Further, this ordinance is clearly not exempt under any CEQA exemption.

I strongly urge the Board to reject the CEQA exemption for this ordinance and send the proposal back to staff to conduct the proper environmental review.

Lastly, I would remind the Board that carve outs to prohibit hemp production in special areas is a potential violation of state law, specifically, California Constitution Article IV, Section 16 which states:

- (a) All laws of a general nature have uniform operation.
- (b) A local or special statute is invalid in any case if a general statute can be made applicable.

Thank you for opportunity to express my opinions on this impactful pending ordinance, I appreciate your time and consideration.

FW: [EXT]Proposed hemp ordinance

John Peschong <jpeschong@co.slo.ca.us>

Sun 5/3/2020 05:09 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Item #22

VICKI JANSEN, Legislative Assistant
First District Supervisor John Peschong
1055 Monterey St., D430
San Luis Obispo, CA 93408
(805)781-4491/Fax (805) 781-1350
vjanssen@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: Max Riedlsperger <mriedlsp@calpoly.edu>

Sent: Sunday, May 3, 2020 1:47 PM

To: John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Proposed hemp ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Supervisor Peschong:

We are emailing you to express our opposition to the proposed hemp ordinance which you will soon be considering. We have lived in Edna Valley since 2002 and are concerned that the ordinance would permit the growing of hemp within 300 feet of our property. These are just some of our concerns:

- • Hemp is known to emit noxious odors while being grown. This would be exacerbated during harvest, which occurs several times a year and would make any outside activity on our property extremely unpleasant.
- • Hemp pollen exacerbates allergies and would have a strongly negative impact upon the health of allergy sufferers in Edna Valley.
- • “Terpene drift” could have an extremely deleterious impact on the extensive plantings of wine grapes and citrus in the Edna valley.
- • The enjoyment of wine is at least in part related to aroma and bouquet and the wafting of cannabis odors would adversely affect the experience at the many wine tasting rooms throughout the valley.
- • Since the Edna Valley is already in the process of drafting measures to insure compliance with the new state mandates on water consumption being

developed, it seems irresponsible to adopt a measure to permit the planting of cannabis which is known to require extensive irrigation.

'We hope that you will find a way to protect the Edna Valley from hemp cultivation and confine it to areas where the negative impacts would be less drastic.

Thank you for consideration of our concerns,

Max and Deanna Riedlsperger

--

Max Riedlsperger

San Luis Obispo, CA 93401

5/5 BOS Corres rcv'd -FW: [EXT]BOS May 5th Hemp Ordinance Hearing Agenda #22 document attachment No. 11

Ramona Hedges <rhedges@co.slo.ca.us>

Mon 5/4/2020 08:00 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

FYI below. Thank you!

From: Murray J. Powell <murray@dfrios.com>

Sent: Saturday, May 2, 2020 3:36 PM

To: Trevor Keith <tkeith@co.slo.ca.us>; Ramona Hedges <rhedges@co.slo.ca.us>

Subject: [EXT]BOS May 5th Hemp Ordinance Hearing Agenda #22 document attachment No. 11

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

I believe that Agenda attachment #11 of the May 5th BOS hearing agenda item #22 is mislabeled as the Staff Report issued for the January 23, 2020 Planning Commission Hearing. Beginning on page 47 of 259 pages, is correspondence received as of January 23rd. It was difficult to find these approximately 110 pages of letters and emails. It would be helpful to the public and to the BOS members to separate the January 23rd PC hearing correspondence into its own clearly labeled attachment to the May 5th agenda items page. Searching through the first 47 pages of the attachment to discover a substantial amount of correspondence is a problem.

Murray Powell
Templeton Resident

[EXT]Agenda Item #22

Diane Adam <diane@adambros.com>

Mon 5/4/2020 08:20 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Kerry Adam (kerry@adambros.com) <kerry@adambros.com>

 1 attachments (14 KB)

Comment to Supervisors May 4, 2020.docx;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Attached please find my comments for the SLO County Board of Supervisors on their item number 22 for May 5 agenda.

San Luis Obispo County Board of Supervisors
Attn: Clerk via e-mail
1055 Monterey D430
San Luis Obispo, CA
93408

Dear Supervisors

May 4, 2020

I am writing today as comment for your May 5 meeting and regarding item number 22, the industrial hemp ordinance coming before you. In my opinion there is no way to vote on a matter that cannot be decided by the many people, officials, citizen groups and task forces that have gathered over the last few years. The Ag community says one thing and the Hemp growers say another.

I oppose the cultivation of Hemp of any kind in proximity to working Ag crop lands or populated areas. My main opposition is the odor factor and until there are proven methods to eliminate the odors we should not be entertaining Hemp cultivation in any but the most rural area where people and animals will not be affected by the terpenes released by this crop.

My second reason for opposition is the turmoil and questions around the possibility of litigation as has been seen in other counties. Until the Ag communities (including Hemp growers) can come to agreements on use of additives and pesticides in order to eliminate the fear of litigations we should not be coming to any resolution on Land Use Ordinances.

I am part of the south county and have been for many generations.

Again – I oppose cultivation of Hemp in areas with people, animals and crops already in production.

Thank you.

Diane Adam

Nipomo, CA
93444

FW: [EXT]Edna Ranch weed ordinance concerns.

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 09:58 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item 322. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Monica Racz <monica@slocoastestates.com>

Sent: Friday, May 1, 2020 10:09 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Edna Ranch weed ordinance concerns.

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello,

I'm writing to you as a resident of Edna Ranch with concerns about the weed ordinance. First and foremost I have 4 young children, as do other families at the ranch, and keeping our neighborhood safe and drug free is our first priority. The crime that is associated with grow operations like these is not something I welcome into our community. We moved out of the city limits to be among the vineyards not among marijuana/hemp. The short distance that is being proposed in this windy area is not acceptable. I don't want to have to explain what that smell drifting in is to my 2, 7, 10, or 12 year old.

I can't stress this enough, this is not the place for marijuana or hemp grow operations.

Thank you for considering my plea. If there is anything else I need to do to express my concerns please let me know.

--

kw
KELLERWILLIAMS

MONICA RACZ
REALTOR
CALIFORNIA 01999127

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w: SloCoastEstates.com m: 805.720.0471 | e: Monica@SloCoastEstates.com

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FW: [EXT]Hemp Ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:24 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (16 KB)

Facts.RKS.12.9.19.docx;

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Bob Schiebelhut <bob@tolosawinery.com>

Sent: Saturday, May 2, 2020 4:03 PM

To: Lynn Compton <lcompton@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Cc: PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>

Subject: [EXT]Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Last summer the Edna Valley community supported the moratorium based on the adverse experiences and complaints of the ag communities and residents in other counties, primarily Santa Barbara. From the beginning, the group of Edna Valley residents and ag business owners stressed the unique Facts and qualities of the Edna Valley (see attached) and asked for a carve-out. See also two emails I forwarded to the Planning Commission on Dec 19, 2019 on behalf of the Edna Valley Growers Mutual Water Company and myself.

Last fall, we experienced first hand the adverse effects of a "research" hemp grow in the heart of the Edna Valley, which not only confirmed the concerns expressed earlier., but resulted in many emphatic complaints and grievances by the Edna Valley community, to the Ag and Planning Departments, APCD, the Planning Commission and the BOS. These documented complaints include:

(1) Adverse health effects on neighbors. With the changing wind patterns in the Valley, the noxious "skunk" smell and terpenes spread throughout the Valley up to 1 mile from the "research" grow in all directions causing significant respiratory and allergic reactions to neighbors;

(2) field workers near the hemp grow similarly suffered and expressed concerns about unsafe working conditions;

(3) event centers received complaints from their customers concerning the skunk smell, resulting in a loss of good will and reputation;

(4) wine tasting rooms also received complaints from customers (and employees) concerning the skunk smell.

(5) neighboring farm operators received threats from the hemp grower of lawsuits for engaging in standard farming practices, such as tilling the soil which creates "dust".

The Edna Valley is small, unique and blessed with a high concentration of vineyards, orchards, row crops, wine tasting rooms and event centers. And we have been consistent and vocal for almost one year--we need a carve out.

Bob Schiebelhut

San Luis Obispo, CA 93401

Facts re: the Edna Valley Appellation and Hemp

1. There are 3 federally approved appellations in the County: Paso Robles (660,000 acres); Arroyo Grande (39,646 acres) and Edna Valley (18,970 acres excluding the City of SLO)
2. The County land mass is 2,111,360 acres. The Edna Valley is a small valley--it represents just 0.008 of the total acreage in the County. It has a high concentration of vineyards, wineries, tasting rooms, and event centers. Also, Los Ranchos School and several dense neighborhoods and ranchettes throughout the Valley.
3. The Edna Valley is unique in California: (a) it is the coldest appellation in California; (b) it is the only appellation with 2 transverse valleys open to the ocean (Morro Bay-Los Osos and Pismo Beach) and (c) it has the longest grape growing season in California with bud break in Feb and harvest to Nov.
4. Because the Edna Valley is truly a valley, surrounded by hills, its climatic characteristics are generally uniform throughout the Valley. This differs from the "open" Paso Robles and Arroyo Grande appellations where the western and eastern portions have dramatically different temperatures. For example, Growing Degree Days ("GDD") for Paso Robles west and east range from 3117 to 3342 (F). For Edna Valley, the GDD is relatively constant 2371 (F). (Note: The GDD numbers were provided by UC Ag Extension, based on 24-hour monitoring. With only one monitoring station in the Arroyo Grande appellation, no GDD range is available).
5. With marine air from 2 sources, the Edna Valley experiences relatively high amounts of fog and wind from March to November. Wind records from the SLO County Airport show windy conditions 2/3's of the time—average 7-8 MPH—and 20-30 MPH peak all year. Also, the winds predominately come from 2 directions, thereby creating a mix of wind influence, which is a recipe for broad distribution of hemp terpenes over large distances.
6. The predominant terpene in cannabis (marijuana or hemp) is myrcene which emit the strongly noxious "skunk" odor. According to complaints by Edna Valley residents to the County, the skunk odors from a hemp grow in the Valley last fall was detected over 1 mile in several directions from the grow and caused respiratory problems and insomnia for many residents up to 1 mile from the grow.
7. "Smoke" taint from wildfires unfortunately is a reality. The 'smoke" taint from wildfires in No Calif has caused immense monetary losses to the wine industry, due to cancellation of contracts and rejection of grape after the wildfires.
8. Research by Prof. Oberholtser, U.C.Davis, has demonstrated the deleterious effect of smoke volatiles and eucalyptus terpenes have had on grapes and the resulting end product—wine. She has opined that cannabis terpenes may have the same adverse effect on grapes, and wine. With the morning foggy conditions in Edna Valley—near stagnant air mass—and the later windy conditions in Edna Valley, the risk of terpene drift is higher than any other location in the County.
9. Cannabis growers in Santa Barbara County have threatened and sued over spray drift—cannabis is very sensitive to pesticides, insecticides and fungicides. In fact, this issue of spray drift is even greater in the Edna Valley due to its foggy and windy conditions. The best conditions for spraying are in the morning before the wind picks up. But on foggy mornings the sprays can be suspended in the fog and then distributed when the wind picks up.
10. The Edna Valley is extremely susceptible to Powdery Mildew. Combined with a very long growing season, the amount of spraying to prevent Powdery Mildew is more than triple the number of sprays a vineyard in the North County receives. This means the Edna Valley grape growers will face far greater risk of spray drift than other growers in the County.

FW: [EXT]Public Comment 5/5/2020 hemp Moratorium

John Peschong <jpeschong@co.slo.ca.us>

Sun 5/3/2020 09:28 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (327 KB)

Scan.pdf;

Item # 22

VICKI JANSSEN, Legislative Assistant
First District Supervisor John Peschong
1055 Monterey St., D430
San Luis Obispo, CA 93408
(805)781-4491/Fax (805) 781-1350
vjanssen@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: JP Wolff <jp.wolff@wolffvineyards.com>

Sent: Saturday, May 2, 2020 5:22 PM

To: John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Public Comment 5/5/2020 hemp Moratorium

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Supervisor Peschong,

Attached please find a public comment letter on behalf of Wolff Vineyards regarding the May 5th 2020 hearing on the County hemp Moratorium.

Thank you in advance for your consideration.

Sincerely yours,

Jean-Pierre Wolff Ph.D.
Owner & Vintner
Wolff Vineyards



Wolff Vineyards

San Luis Obispo, CA 93401

To: The Honorable San Luis Obispo County Board of Supervisors

May 2, 2020

Subject: May 5, 2020 Board of Supervisors Hearing on Hemp Moratorium
Public comment letter

Dear Board Members,

This letter is to express our concerns regarding hemp cultivation in the Edna Valley. During the 2019 hemp growing season many of our tasting room customers expressed dissatisfaction over the odor drift generated from the nearby hemp growing field. Comments ranged from alleging that some of our customers were smoking cannabis on our property to skunky unpleasant smells in our wine tasting outdoor garden.

Our property is 125 acres with the vineyard established 45 years ago, this year we are celebrating our 20th anniversary as a winery. Several row-crop farms directly in vicinity of our property boundaries have expressed interest in growing hemp once a permanent ruling has been established.

Our 2019 negative experience with odor drifts generated by a local hemp grower points out to the incompatibility of this type of agriculture crop within the Edna Valley and the ability to economically sustain tourism, tasting rooms, event centers and short-term rentals.

We therefore urge you to establish a carve out for the Edna Valley such that hemp crops cannot be grown in our valley.

We appreciate your public service particularly during these additional challenging times generated by COVID-19.

Sincerely yours,

Jean-Pierre Wolff Ph.D.
Owner and Vintner
Wolff Vineyards

FW: [EXT]Public Comment 5/5/2020 hemp Moratorium

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:26 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (327 KB)

Scan.pdf;

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: JP Wolff <jp.wolff@wolffvineyards.com>

Sent: Saturday, May 2, 2020 5:21 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Public Comment 5/5/2020 hemp Moratorium

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Supervisor Arnold,

Attached please find a public comment letter on behalf of Wolff Vineyards regarding the May 5th 2020 hearing on the County hemp Moratorium.

Thank you in advance for your consideration.

Sincerely yours,

Jean-Pierre Wolff Ph.D.
Owner & Vintner
Wolff Vineyards



Wolff Vineyards

San Luis Obispo, CA 93401

To: The Honorable San Luis Obispo County Board of Supervisors

May 2, 2020

Subject: May 5, 2020 Board of Supervisors Hearing on Hemp Moratorium
Public comment letter

Dear Board Members,

This letter is to express our concerns regarding hemp cultivation in the Edna Valley. During the 2019 hemp growing season many of our tasting room customers expressed dissatisfaction over the odor drift generated from the nearby hemp growing field. Comments ranged from alleging that some of our customers were smoking cannabis on our property to skunky unpleasant smells in our wine tasting outdoor garden.

Our property is 125 acres with the vineyard established 45 years ago, this year we are celebrating our 20th anniversary as a winery. Several row-crop farms directly in vicinity of our property boundaries have expressed interest in growing hemp once a permanent ruling has been established.

Our 2019 negative experience with odor drifts generated by a local hemp grower points out to the incompatibility of this type of agriculture crop within the Edna Valley and the ability to economically sustain tourism, tasting rooms, event centers and short-term rentals.

We therefore urge you to establish a carve out for the Edna Valley such that hemp crops cannot be grown in our valley.

We appreciate your public service particularly during these additional challenging times generated by COVID-19.

Sincerely yours,

Jean-Pierre Wolff Ph.D.
Owner and Vintner
Wolff Vineyards

Fw: [EXT]Tuesday's BOS Item 22

Tessa Cornejo <tcornejo@co.slo.ca.us>

Mon 5/4/2020 07:27 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (221 KB)

Julie's comments on Hemp Ordinance.pdf;

Sincerely,

Tessa Cornejo
Administrative Services Officer
San Luis Obispo County, Administrative Office
www.slocounty.ca.gov
Direct Line (805) 781-4691

Connect with us:

www.facebook.com/SLOCountyGov

www.twitter.com/SLO_CountyGov

www.linkedin.com/company/county-of-san-luis-obispo

www.youtube.com/user/slocountygov

From: Julie Tacker <julietacker@charter.net>

Sent: Sunday, May 3, 2020 10:08 AM

To: Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Tessa Cornejo <tcornejo@co.slo.ca.us>

Subject: [EXT]Tuesday's BOS Item 22

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Good day Board of Supervisors,

I wanted to let you know that the Los Osos Community Advisory Council was never invited to review the draft Industrial Hemp ordinance, if it was referred to LOCAC -- it was sent to the wrong email addresses (same for past iterations of the Cannabis ordinance).

LOCAC did send in community comments that were gathered from people who had shared them and they should be included for consideration in your deliberations Tuesday.

Additionally, I made comment prior to the Planning Commission hearing on this matter and do not feel as though my concerns were considered, none have been addressed. I am including them again, attached herein.

My personal concerns on this crop focus on its visual impacts (hoop houses, windscreens, etc.), water use and offsets in compromised basins, odor mitigation, setbacks and greenhouse gas/carbon footprint -- (literally) tons of single use plastic (drip irrigation, hoop house and ground coverings).

Examples of visual impacts and tons of one-time use plastic are captured in the photos below.





I support the 1 mile distance from URL/VRL's.

Please feel free to contact me with any questions you may have.

Julie



Virus-free. www.avg.com

December 18, 2019

San Luis Obispo County Planning and Building

Attn: Kip Morais, Brian Pedrotti

Submitted by e-mail pl.LongRangeShared@co.slo.ca.us

RE: COUNTY OF SAN LUIS OBISPO INDUSTRIAL HEMP ORDINANCE PUBLIC REVIEW
DRAFT

Dear Sirs,

Thank you for this opportunity to make comment on the Industrial Hemp Ordinance Public Review Draft.

On a general note, whatever form the ordinance ultimately takes, it should be harmonized with the Cannabis Ordinance given virtually all of the impacts are identical.

My comments here are inspired by the recent hemp grows in the Los Osos Valley and the deleterious impacts they presented in the valley over these past six (6) months.

1. Water – all hemp farms, inland or coastal, should be required to offset their water use. Hemp grows in adjudicated basins (i.e. Los Osos, etc.) and in impaired basins (i.e. San Luis Obispo Basin, etc.) should be required to offset their use on a 2:1 ratio to actually help improve the management of the basins. These offsets should be accomplished through exchanges with other agricultural activity.
2. Watercourse – setbacks from watercourses should be no less than 100 feet. The operations associated with cultivation trigger soil disturbance that runs off into these waterways. Drainage plans including best management practices and mitigations should be put in place as part of the conditions of approval for each project.
3. Watershed – Hemp farm equipment and vehicles tracked out soil and mud during the entire operation, especially when the rains began. This track out gets carried down the road by passing traffic only to end up as dust in the air and/or silt in the watershed.
4. Visual – acres of plastic on the ground, hoop houses, security screening and windscreens obstruct the views from the passersby. Screening should be natural (trees/shrubs) and grow structures (hoop houses or green houses) should be agrarian in architectural style.

5. Odors – no offsite odors should be detected, as with the Cannabis Ordinance.
6. Greenhouse Gas (AB 32) – “Plasticulture” or ag plastics include soil fumigation film, irrigation drip tape/tubing, nursery pots and silage bags, this term is most often used to describe all kinds of plastic plant/soil coverings. The appearance is the various plastic materials are being used one time. These plastics are prevalent in the operation of hemp and cannabis; including on the ground, hoop houses, drip irrigation, potted seedlings, windscreens and more. Tons of plastic exposed to the elements break down in the sun and wind where its particles enter the air and watercourses. These tons of plastic are not recycled and are hauled and dumped at the local landfill. These impacts should be calculated and offset with mitigations in connection with Green House Gases and the respective carbon foot print.

Again, thank you for the opportunity to comment.

Please feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Julie Tacker".

Julie Tacker

FW: [EXT]Proposed Hemp Ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:37 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (252 KB)

Opposition Proposed Hemp Ordinance.pdf;

Please add to correspondence for item #22.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO

BOARD OF SUPERVISORS

-----Original Message-----

From: klausstrob@mac.com <klausstrob@mac.com>

Sent: Sunday, May 3, 2020 10:31 AM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Proposed Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 3, 2020

FROM: Sabine & Klaus Strobel

Live in Edna Valley since: 2007

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

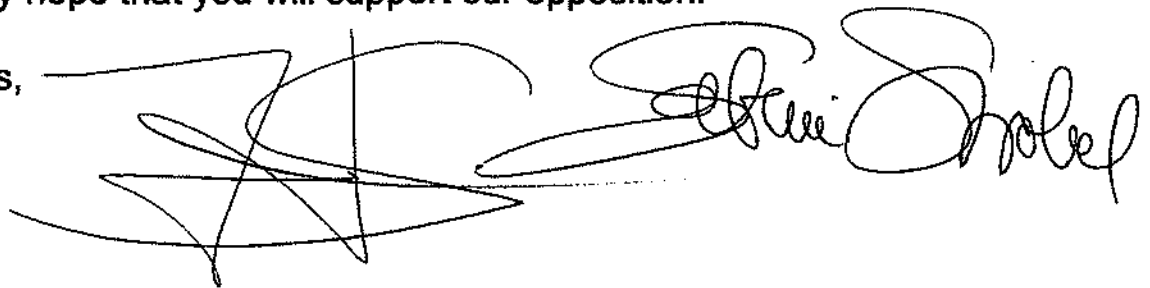
- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- "Terpene drift" coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article "Cannabis: The land use concerns of cultivation" stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.

- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

We made San Luis Obispo our hometown because of its beautiful scenery and charming community feeling, where people can live in quiet, yet still feel connected to each other. Where people respect and support each other, and where clean water and fresh air are guaranteed. Let's keep it that way.

We sincerely hope that you will support our opposition.

Best regards,

A handwritten signature in black ink, appearing to read "Steve Dole", written over a horizontal line. The signature is highly stylized and cursive.

FW: [EXT]Hemp Growing Ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:40 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO

BOARD OF SUPERVISORS

-----Original Message-----

From: Marianne Palmer <mariannelesliepalmer@gmail.com>

Sent: Sunday, May 3, 2020 12:56 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Cc: George@pacificcoastfarming.com

Subject: [EXT]Hemp Growing Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please exclude Edna Valley from allowing hemp cultivation as proposed when you vote on this.

As a resident of Edna Valley since 1998, I am concerned for our local environment. It is my understanding current crops consistently deplete our local aquifer. As someone who hand waters my garden with my shower water, this concerns me.

As an asthma sufferer, I am concerned for my welfare.

As someone who understands the economic role of our Edna Valley wineries in both agriculture and tourism, both foreseeable and unforeseeable collateral damages concern me.

Please, please consider the long term consequences of degrading the resources entrusted to your care,

Marianne Palmer

San Luis Obispo, Ca 93401

FW: [EXT]Fwd: May 5th Hemp Ordinance/ e mail in lieu of public hearing

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:43 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: mgfrms@aol.com <mgfrms@aol.com>

Sent: Sunday, May 3, 2020 1:44 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Fwd: May 5th Hemp Ordinance/ e mail in lieu of public hearing

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

QMichael E. Gagnani

Begin forwarded message:

From: "mgfrms@aol.com" <mgfrms@aol.com>

Date: May 3, 2020 at 11:41:07

C Ordinance/ e in lieu of public hearing

Dear Slo Council Members,

In review of the proposed "Hemp Ordinance Options" to be considered, "Option 3" in my opinion is the best of the three options if an altogether ban of hemp cultivation in Edna Valley whether it be indoors or outdoors is not an option. Assuming we all know it gives off a noxious skunk odor I fill it would result in a steep devaluation of our properties in addition to the relentless odor. I have observed activities of the cultivation of hemp in the San Joaquin Valley and the odor can be observed well beyond a mile of a hemp field. The odor obviously follows it wherever it goes. At harvest and transportation of product the smell is far reaching, (1/2 mile or more) e.g. passing transported product, product sitting roadside, product being dried after harvest. I would encourage any resident in Edna Ranch to contact city council members prior to the May 5th meeting who have not done so. I hope this has been of some help, we need to preserve our property values and the way of life we all cherish in Edna Ranch.

Regards,

QMichael E. Gragnani

From: Andrew Mangano <andymangano7@gmail.com>
Sent: Friday, May 1, 2020 10:14 AM
To: cheryl Fernandez <cheryl.fernandez63@gmail.com>
Cc: Andy Mangano <andy@manganold.com>
Subject: RE: May 5th Hemp Ordinance/ e mail in lieu of public hearing

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/file/getfile/121905>

Cheryl,

Please send to the neighborhood. The county will entertain adopting a hemp ordinance on may 5th. It appears SLO county staff's recommendation is to allow hemp production within 300 feet of residential properties. With what we know about noxious odors regarding hemp production along with windy conditions in Edna Valley, this ordinance as drafted could have a negative impact on our way of life here in Edna Ranch. I would encourage homeowners to write the Board of Supervisors or attend the meeting and express your concerns.

ahill@co.slo.ca.us
lcompton@co.slo.ca.us
bgibson@co.slo.ca.us
darnold@co.slo.ca.us
Jpeschong@co.slo.ca.us

<WebPage.pdf>

<Untitled attachment 01108.html>

FW: [EXT]Proposed hemp ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:50 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Max Riedlsperger <mriedlsp@calpoly.edu>

Sent: Sunday, May 3, 2020 1:52 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Proposed hemp ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Supervisor Arnold:

We are emailing you to express our opposition to the proposed hemp ordinance which you will soon be considering. We have lived in Edna Valley since 2002 and are concerned that the ordinance would permit the growing of hemp within 300 feet of our property. These are just some of our concerns:

- • Hemp is known to emit noxious odors while being grown. This would be exacerbated during harvest, which occurs several times a year and would make any outside activity on our property extremely unpleasant.
- • Hemp pollen exacerbates allergies and would have a strongly negative impact upon the health of allergy sufferers in Edna Valley.
- • “Terpene drift” could have an extremely deleterious impact on the extensive plantings of wine grapes and citrus in the Edna valley.
- • The enjoyment of wine is at least in part related to aroma and bouquet and the wafting of cannabis odors would adversely affect the experience at the many wine tasting rooms throughout the valley.
- • Since the Edna Valley is already in the process of drafting measures to insure compliance with the new state mandates on water consumption being

developed, it seems irresponsible to adopt a measure to permit the planting of cannabis which is known to require extensive irrigation.

'We hope that you will find a way to protect the Edna Valley from hemp cultivation and confine it to areas where the negative impacts would be less drastic.

Thank you for consideration of our concerns,

Max and Deanna Riedlsperger

--

Max Riedlsperger

San Luis Obispo, CA 93401

Item 22 - FW: Contact Form Topic: Board of Supervisors meetings/business

Board of Supervisors <Boardofsups@co.slo.ca.us>

Mon 5/4/2020 10:53 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; District 4 <district4@co.slo.ca.us>; **BOS_District 5_Web Contact** <district5@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Vicki Janssen <vjanssen@co.slo.ca.us>

For your review. This has been forwarded to the Clerk. Thank you.

Sincerely,
Crystal Tompkins
Secretary-Confidential
Board of Supervisors
www.slocounty.ca.gov
Direct Line: (805)781-4335

From: Web Notifications <webnotifications@co.slo.ca.us>
Sent: Sunday, May 3, 2020 4:06 PM
To: Board of Supervisors <Boardofsups@co.slo.ca.us>
Subject: Contact Form Topic: Board of Supervisors meetings/business

Topic: Board of Supervisors meetings/business

Your Name: John Loveman-Krelle

Your Email: j.krelle@sbcglobal.net

Message: Dear Board of Supervisors, I am writing to express my objection to allowing the planting and cultivation of Hemp in the Edna Valley. As well as the effects on our thriving wine and tourism businesses, I would like to point out that no medicinal benefits have been proven for CBD according to FDA. Under the FD and C act, any product intended to have a therapeutic or medical use is a drug. Selling or promoting unapproved products with unsubstantiated claims is a violation of the law and may put patients at risk. In addition, THC or CBD products cannot be sold as dietary supplements. Former FDA Commissioner Dr Scott Gottlieb had this to say, 'Just because Industrial hemp is legal, doesn't mean that you can put it in food or call it a medicine'. So why would we want to introduce a crop into the beautiful Edna Valley that has no benefit, produces a really bad odor and taints the Edna Valleys most vital crop-Grapes? Does the board think that the awful smell would attract more visitors to the Valley? I sincerely hope the answer is a resounding NO! So please don't bow to the the farmers who want to enrich their pockets with this useless crop. I implore you not to allow this blight on our beautiful landscape. Yours Sincerely, John Loveman-Krelle, MBA

Public Records Notice: True

Security code: 275980

BoardOfSupervisorsID: 939

Form inserted: 5/3/2020 4:05:23 PM

Form updated: 5/3/2020 4:05:23 PM

Item 22- FW: Contact Form Topic: Board of Supervisors meetings/business

Board of Supervisors <Boardofsups@co.slo.ca.us>

Mon 5/4/2020 10:54 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; District 4 <district4@co.slo.ca.us>; **BOS_District 5_Web Contact** <district5@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Vicki Janssen <vjanssen@co.slo.ca.us>

For your review. This has been forwarded to the Clerk. This is a District 4 constituent. Thank you.

Sincerely,
Crystal Tompkins
Secretary-Confidential
Board of Supervisors
www.slocounty.ca.gov
Direct Line: (805)781-4335

From: Web Notifications <webnotifications@co.slo.ca.us>
Sent: Monday, May 4, 2020 9:34 AM
To: Board of Supervisors <Boardofsups@co.slo.ca.us>
Subject: Contact Form Topic: Board of Supervisors meetings/business

Topic: Board of Supervisors meetings/business

Your Name: Kieran Adam

Your Email: kerry@adambros.com

San Luis Obispo County Board
of Supervisors Attn: Clerk 1055 Monterey D430 San Luis Obispo, CA 93408 Sent Via e-Mail Only Dear Supervisors, I am writing today as comment for your May 5 meeting and regarding item number 22, the industrial hemp ordinance coming before you. I oppose the cultivation of Hemp of any kind in proximity (within 1 mile at minimum) to any residential homes including those in rural areas. My main opposition is the odor factor. The odor is a nuisance that decreases the quality of life in San Luis Obispo county. Again – I oppose cultivation of Hemp in even sparsely populated regions of the county. Sincerely, Kieran Adam

Public Records Notice: True

Security code: 583225

BoardOfSupervisorsID: 940

Form inserted: 5/4/2020 9:32:57 AM

Form updated: 5/4/2020 9:32:57 AM

Item 22- FW: Contact Form Topic: Board of Supervisors meetings/business

Board of Supervisors <Boardofsups@co.slo.ca.us>

Mon 5/4/2020 10:54 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; District 4 <district4@co.slo.ca.us>; **BOS_District 5_Web Contact** <district5@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Vicki Janssen <vjanssen@co.slo.ca.us>

For your review. This has been forwarded to the Clerk. This is a District 4 constituent. Thank you.

Sincerely,

Crystal Tompkins

Secretary-Confidential

Board of Supervisors

www.slocounty.ca.gov

Direct Line: (805)781-4335

From: Web Notifications <webnotifications@co.slo.ca.us>

Sent: Monday, May 4, 2020 9:53 AM

To: Board of Supervisors <Boardofsups@co.slo.ca.us>

Subject: Contact Form Topic: Board of Supervisors meetings/business

Topic: Board of Supervisors meetings/business

Your Name: Diane Adam

Your Email: diane@adambros.com

Message: Dear Supervisors May 4, 2020 I am writing today as comment for your May 5 meeting and regarding item number 22, the industrial hemp ordinance coming before you. In my opinion there is no way to vote on a matter that cannot be decided by the many people, officials, citizen groups and task forces that have gathered over the last few years. The Ag community says one thing and the Hemp growers say another. I oppose the cultivation of Hemp of any kind in proximity to working Ag crop lands or populated areas. My main opposition is the odor factor and until there are proven methods to eliminate the odors we should not be entertaining Hemp cultivation in any but the most rural area where people and animals will not be affected by the terpenes released by this crop. My second reason for opposition is the turmoil and questions around the possibility of litigation as has been seen in other counties. Until the Ag communities (including Hemp growers) can come to agreements on use of additives and pesticides in order to eliminate the fear of litigations we should not be coming to any resolution on Land Use Ordinances. I am part of the south county and have been for many generations. Again – I oppose cultivation of Hemp in areas with people, animals and crops already in production. Thank you. Diane

Public Records Notice: True

Security code: 420205

BoardOfSupervisorsID: 941

Form inserted: 5/4/2020 9:53:19 AM

Form updated: 5/4/2020 9:53:19 AM

FW: [EXT]Hemp cultivation

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 11:20 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO

BOARD OF SUPERVISORS

-----Original Message-----

From: Larry <lcandsons@yahoo.com>

Sent: Sunday, May 3, 2020 4:16 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp cultivation

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Greetings, As a new home owner in this beautiful Edna Valley, please think of the long range effects this could have, We moved here because of the air quality, The wineries, the youthfulness of our college community, Our friends and children and tourists, express the same things, they too dream of being able to live here one day, I have personally spoken to many that attended college here and never left.

Why ? would we want to turn this into a stench hole, where the skunk weed is what we will be known for?The wine industry becomes tainted, If you've ever driven by the feed lots of Harris ranch and the manure smell was so strong you rolled up your windows, had to put A/C on recycle, Is that some place you would want to raise your family? Spend some days or move to?

Please, Please Please, keep SLO as a no Hemp Grow area.

Thank you Lawrence Piekarczyk

Thank you

FW: [EXT]Hemp Carve out for Edna and Arroyo Grande AVA

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 11:23 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (303 KB)

Hemp Letter.pdf;

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: anne@slocoastwine.com <anne@slocoastwine.com>

Sent: Monday, May 4, 2020 10:01 AM

To: Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Subject: [EXT]Hemp Carve out for Edna and Arroyo Grande AVA

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Members of the San Luis Obispo County Board of Supervisors,

Attached, please find a letter in support of a carve out for Edna and Arroyo Grande's AVA from hemp cultivation.

Should you have any questions, please do not hesitate to reach out.

Thank you,

Anne Steinhauer
Executive Director
San Luis Obispo Coast Wine Collective

www.slocoastwine.com





May 1, 2020

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

To the Members of the San Luis Obispo County Board of Supervisors,

The San Luis Obispo Coast Wine Collective (formerly known as the SLO Wine County Association) respectfully requests your support to ban all hemp cultivation in the Edna and Arroyo Grande Valley American Viticultural Areas (AVA). For the last 30 years, SLO Coast Wine has represented the wineries located in the Edna and Arroyo Grande Valley AVA, which generated ~\$16 million in wine sales in 2019.

Allowing hemp cultivation in the Edna and Arroyo Grande AVA will significantly impact the economic value of winegrapes by increasing exposure to terpene drift and smell taint, negatively changing the flavors and smells of our local wines. In addition, with a preponderance of wineries located in the region, the smell of hemp drifting into our tasting rooms negatively impacts our guest's experience with our businesses.

Therefore, SLO Coast Wine requests your support that the Edna and Arroyo Grande Valley AVA be carved out of the hemp cultivation ordinance. If you have any questions, please let me know.

Thank you,

A handwritten signature in blue ink, appearing to read "Anne Steinhauer".

Anne Steinhauer
Executive Director
SLO Coast Wine Collective

A handwritten signature in blue ink, appearing to read "Stephen R. Dooley".

Stephen R. Dooley
President
SLO Coast Wine Collective

www.slocoastwine.com

FW: [EXT]Hemp and Marijuana

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 11:24 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Brad Parkinson <bradp@stanford.edu>

Sent: Sunday, May 3, 2020 4:21 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp and Marijuana

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

2 May 2020

Dear Debbie,

I am writing to you to strongly request that you permanently ban Marijuana and Hemp growing from the productive, yet fragile Edna Valley.

The main arguments to prohibit such crops:

1. This valley is home to dozens of vineyards and tasting rooms. They produce some of the finest Pinot Noir and other varietals in the US. The volatiles given off by Hemp and Marijuana will seriously jeopardize the quality - both by measurement and by reputation. At times, the valley is relatively calm and windless; the nauseous odor settles in over very wide and uncontrolled areas. It is both perceptions and measurements that are the problem.
2. Venues have become a major activity for the Valley. We have many weddings and similar celebrations throughout the year. These are great advertisement for our county - enhancing reputation, adding to tourism and increasing business for the whole tourist industry. The threat of the Hemp and Marijuana smell permeating such events would be disastrous. Just a few very bad web reviews could seriously

erode these businesses. Our county must avoid such negativity, particularly in the coming economically challenging environment.

3. The Edna Valley has many fine homes that contribute well to the county tax base. Taxes are based on value, that can be a subjective judgement, tempered by the sale prices. A reputation for "bad air" would be harmful. In addition, experiences by Oregon Schools and others attest to lung-choking episodes. This is not the environment we should tolerate. The Edna Valley, with its frequent, very calm, evenings would be a concentrator of these problems, amplifying both intensity and geographic extent.

I strongly believe any significant risk to our valley for Grape Production, for delightful venues and for property values must be avoided.

I am hoping you will do the right thing and ensure such crops are not allowed in Edna Valley.

Very Best Regards

Brad and Ginny Parkinson
Hunkered down at home in the Edna Valley

Bradford W. Parkinson
Edward Wells Professor, Emeritus, Aeronautics and Astronautics (Recalled)
Co-Director Stanford Center for Position, Navigation and Time
Stanford University,
thegpsbrad@gmail.com

FW: [EXT]Hemp Ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 11:25 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (26 KB)

Hemp growing opposition.docx;

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Dennis Fernandez <djfern33@gmail.com>

Sent: Sunday, May 3, 2020 4:37 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors,

My wife and I live in Edna Valley and are very concerned about the stringent odors that will invade our area should you pass an ordinance that would allow the cultivation of Hemp in Edna Valley.

Edna Valley is a special place with many residents who enjoy the pastoral setting of rolling hills of vineyards and other food crops. For certain the odor from Hemp will have a negative effect on these crops as well.

We implore you to preserve this area the way it is today. Hemp should be grown in remote areas where it does not have a negative effect on people and our precious food crops.

We have attached a detailed letter which outlines the further reasons for denying the planting of Hemp in Edna Valley.

We hope that you will support our position and vote accordingly.

Stay Safe!!

Dennis & Cheryl Fernandez

SLO – Edna Valley

May 3, 2020

FROM:

Dennis & Cheryl Fernandez

Live in Edna Valley since 2006:

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice my/our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will be a significant nuisance and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- "Terpene drift" coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article "Cannabis: The land use concerns of cultivation" stated M-Lab by the M Group. This could again have a major impact on our long-established local economy.

- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.
- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

I/We sincerely hope that you will support our opposition.

Best regards,

Dennis & Cheryl Fernandez

FW: [EXT]Hemp

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 11:27 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (148 KB)

Hemp growing opposition.docx;

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Carol Paquet <carolpaquet@me.com>

Sent: Sunday, May 3, 2020 5:41 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Cc: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

This is an issue that is very important to me. Please read the attached document. Thank you.

kind regards,

Carol Paquet

CarolPaquet
contemporary fine art

www.CarolPaquet.com
info@CorkStopStudios.com

May 3, 2020

FROM:

ADDRESS:

Live in Edna Valley since:

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice my/our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- "Terpene drift" coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article "Cannabis: The land use concerns of cultivation" stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.

- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

I/We sincerely hope that you will support our opposition.

Best regards,

ATTACHMENT G

**Letters and Other Correspondence
Available on website:**

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/11765>

Fwd: [EXT]FW: Hemp Moratorium - Edna Valley AVA

Nicole Nix <nnix@co.slo.ca.us>

Mon 4/27/2020 03:55 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>

From: Nathan Carlson

Sent: Monday, April 27, 2020 2:50 PM

To: ahill@co.slo.ca.us

Subject: Hemp Moratorium - Edna Valley AVA

Supervisor Hill –

As an employer and the General Manager of an agricultural business within the Edna Valley AVA, I am reaching out to ask for your support in prohibiting Hemp and Cannabis from being established in our area. I have witnessed the damage and economic loss that this crop has caused for many of my counterparts in Santa Barbara County, and believe that we owe it to ourselves to go very slowly and assess the risks, and learn from the hard lessons that our neighbors to the south have encountered.

Thanks for your consideration and support in this matter.

Nathan R. Carlson

Direct: [REDACTED]

Email: nathan@centerofeffortwine.com

CENTER OF EFFORT

[REDACTED]
www.centerofeffortwine.com

[EXT]Hemp Moratorium

George Donati <george@pacificcoastfarming.com>

Mon 4/27/2020 04:28 PM

To: Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Cc: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Supervisors of San Luis Obispo County,

I am asking you to **Carve Out the Edna Valley AVA** when you vote on the Hemp Moratorium. The Edna Valley is the one very small area in our County that has over \$100,000,000 invested in permanent crops, tasting rooms, Event Centers and multiple residences. Hemp and Marijuana crops are not compatible with tourism, residences, and tasting rooms due to the skunky odors and allergic reactions many of us experience when these Cannabis crops are grown.

Please do not allow this new crop to be grown in the Edna Valley region.

Thank you,

George Donati
Pacific Coast Farming

Fwd: [EXT]Fwd: Hemp Hearing - email in lieu of public comment

Nicole Nix <nnix@co.slo.ca.us>

Mon 4/27/2020 03:53 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Nicole Nix

Legislative Assistant - District 3

805.781.4336

From: Paula Dooley <paula@stephenrosswine.com>

Sent: Monday, April 27, 2020 2:55:46 PM

To: Nicole Nix <nnix@co.slo.ca.us>

Subject: [EXT]Fwd: Hemp Hearing - email in lieu of public comment

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

----- Forwarded message -----

From: **Paula Dooley** <paula@stephenrosswine.com>

Date: Mon, Apr 27, 2020 at 2:37 PM

Subject: Hemp Hearing - email in lieu of public comment

To: <ahill@co.slo.ca.us>, <lcompton@co.slo.ca.us>, <bgibson@co.slo.ca.us>, <darnold@co.slo.ca.us>, <jpeschong@co.slo.ca.us>

SLO County Board of Supervisors:

I am writing to request a Carve Out of the Edna Valley AVA so that no hemp is grown in our wine region. My husband, Stephen Ross Dooley and I, and many others have invested our lives in the wine industry of the Edna Valley AVA and surrounding area. We have a vineyard of our own in the Edna Valley AVA, and also buy grapes from other vineyards in the area on which we have based our winery, Stephen Ross. We celebrated our 25th vintage in 2019.

Our concern is that decades-long investment in the \$100 million range in the wine industry, farming, production and tourism sectors, will undeniably be undermined and greatly devalued if hemp is permitted within the AVA or in close proximity to wine grape vineyards. Terpene drift is proven. Smoke taint is proven. Malodorous conditions are proven. Why would you undermine your own county by permitting conditions that will wreak havoc on the existing farming, production and tourism that supports the local economy?

Neither the setbacks nor the site specification in the Hemp ordinance are based on science, or any specific conditions within our valley. They seem to mimic the cannabis ordinance, but cannabis relies on the discretionary permit process as a check and balance. This is not the case in the proposed Hemp ordinance. Please, carve out this world renowned area of premium wine grape growing and production, and protect it from the adverse effects of hemp grown nearby.

Please. Protect your ag community, your local wine economy, and your constituents.

I would appreciate a simple confirmation from each of you that you have received my letter.

--

Paula

Paula Dooley
Stephen Ross Wine Cellars
Flying Cloud Wines
Jackhammer Wines
[REDACTED]

--

Paula

Paula Dooley
Stephen Ross Wine Cellars
Flying Cloud Wines
Jackhammer Wines
[REDACTED]

Correspondence for item #22 5.5.2020

Micki Olinger <molinger@co.slo.ca.us>

Tue 4/28/2020 01:48 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 9 attachments (645 KB)

[EXT]Hemp Moratorium; [EXT]Hemp in the Edna Valley; [EXT]Hemp Moratorium Meeting 5-5-20; [EXT]Hemp Ordinance; [EXT]Hemp Moratorium; [EXT]Hemp Moratorium - Edna Valley AVA; [EXT]Hemp Hearing - email in lieu of public comment; [EXT]; [EXT]Industrial Hemp;

Good Afternoon,

Attached is correspondence for item #22 on the 5.5.2020 Agenda. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

[EXT]Hemp Moratorium

LED FORTINI <led14e@gmail.com>

Tue 4/28/2020 01:41 PM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

 1 attachments (260 KB)

Scan 2020-4-28 13.36.34.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

TO: SLO COUNTY BOARD OF SUPERVISORS
FROM : LED & ANNE FORTINI, 765 VIA ROBLES, SLO 93401

Re: Proposed Industrial Hemp Ordinance for SLO County.

This is a letter to notify the county of our opposition to the county proposed Hemp Ordinance. I, Led Fortini, was born and raised in this county. I am involved with agricultural crops such as grapes in the Edna Valley. We are surrounded with truck (vegetable) crops which have the potential of being affected by the properties of hemp. I believe our edible crops could be put into danger. The odors of hemp can affect our nearby schools, tasting rooms, event centers. This problem will affect our tourism, our wineries and have the possibility of driving away the people that want to have their weddings here. it has the potential of affecting our local economy, not to mention the potential health issues such as allergies, etc.

We need to encourage hemp growers to plant their crops in very rural, low populated areas were regular Ag. crops are not affected.

Thank You for your considerations.

A handwritten signature in cursive script that reads "L. Fortini". The signature is written in black ink and is positioned below the typed text of the letter.

[EXT]Hemp in the Edna Valley

Margaret Zuech <margaret@piedracreek.com>

Tue 4/28/2020 11:06 AM

To: Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

I am an 87 year old woman living in the Edna Valley for 37 years. In the last few years the tranquility of my life has been turned upside down because of the hemp grown 2016 feet from my home. I have suffered respiratory ailments and near choking when it is being processed especially during the early hours of the morning, the stench so pungent that it wakes me from a sound sleep gasping for air and choking.

I beg you to please put a stop to this putridness by declaring the **Edna Valley a Carve Out Zone** and returning what's left of my life to a semblance of health and serenity.

Respectfully,

Margaret Zuech


[EXT]Hemp Moratorium Meeting 5-5-20

Howard Carroll <howardecarroll@icloud.com>

Tue 4/28/2020 09:32 AM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

San Luis Obispo Supervisors:

Re:

Hemp Moratorium

The Edna Valley has 1,000's of residences, dozens of vineyards, wineries and tasting rooms, a dozen small and large event venues and a private golf course and clubhouse. We have worked together to create the harmony of the Edna Valley that is the essence of our county. Now, hemp and cannabis grows are impacting all of these entities with noxious smells and elements that disrupt our community. As a farmer, resident and family of the Edna Valley since 1874, I urge you to "carve out" the Edna Valley from growing these products that have a significant impact to our residences and business.

Thank you,

Howard Carroll



hecarroll@sbcglobal.net

howardecarroll@icloud.com

[EXT]Hemp Ordinance

bill@whscks.com <bill@whscks.com>

Mon 4/27/2020 05:50 PM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

Cc: Nicole Nix <nnix@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Board of Supervisors

Below is email I sent last December 2019 to the Board:

The Board of Supervisors is to be thanked for the current moratorium on approving new plantings of hemp in San Luis Obispo County. As I stated in my first note to the Board this summer there isn't a lot of scientific study on this crop as there is for produce, fruit, or grapes so we really don't know the short and long-term effects.

As a business owner in San Luis Obispo Country since 2008 with employees in the Edna Valley where we farm our vineyards, have winery operations, along with tasting rooms and event areas we are concerned with the proposed Country of San Luis Obispo Industrial Hemp Ordinance as drafted. This response is being sent to you and the staff planning staff to make sure all parties know our concerns.

Currently conversation in our area is about what is happening in other areas around the country as they granted approval without drafting the proper regulations for insuring the Health and Environmental Concerns, Noise Pollution, Air Quality Degradation and side effects on sustainable Farming. The Board of Supervisors thoughtfully asked for this to be addressed by the planning staff.

Having read the draft legislation what is particularly troubling to me is forth the ordinance to be effective it must be enforceable along with the responsible organization or organizations having the proper equipment and authority to hold violators accountable in a timely manner. This was not addressed in the planned ordinance. It is no secret that the valley has those that don't follow the rules and frustration exists with the lack of enforceability. It encourages some to operate outside the rules.

Which ties to the biggest concern is that of sustainable farming. Established crops in the valley spray for conditions we all understand like mildew for example. It's a given that we experience this condition in the Edna Valley at various times. Given our transverse valley with various wind patterns the set back is inadequate for those of us that have been doing business in the area. A set back of 300 feet is inadequate. I have been looking for the scientific proof why this is the right distance. Which is back to my initial point it doesn't exist. So why wouldn't you make this a larger number or restrict plantings until you have facts and data. The county puts itself at risk and other at risk with lax standards.

Finally, direction was provided to the staff to address the following issues that the draft ordinance does not address adequately which are the health issues, event centers, churches, schools, and residences that are in AG zoned properties.

Again, thank you for your attention to this issue and willingness to listen to the citizens of San Luis Obispo County.

Respectfully,

William H Swanson

Center of Effort
Edna Valley

I have not seen any revisions to the draft and ask that since you will be meeting next week to discuss the issue could you ask the group tasked to do the ordinance to please answer the questions or concerns that have been raised by residents and business owners in the Edna Valley. As a home owner and business man in the Edna Valley I would request that if changes are not going to be made for the county at a minimum would request our area be **"excluded"** or deemed an **"exclusionary zone"** from allowing Hemp to be grown in our valley. We have friends and neighbors in the Santa Barbara County who have suffered economically and are very unhappy with what their leaders have done to them and their businesses. Please don't let that happen in our special area.

Thanks for listening to a concerned individual,

William H Swanson

As an employer and the General Manager of an agricultural business within the Edna Valley AVA, I am reaching out to ask for your support in prohibiting Hemp and Cannabis from being established in our area. I have witnessed the damage and economic loss that this crop has caused for many of my counterparts in Santa Barbara County, and believe that we owe it to ourselves to go very slowly and assess the risks, and learn from the hard lessons that our neighbors to the south have encountered.

[EXT]Hemp Moratorium

George Donati <george@pacificcoastfarming.com>

Mon 4/27/2020 04:28 PM

To: Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Cc: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Supervisors of San Luis Obispo County,

I am asking you to **Carve Out the Edna Valley AVA** when you vote on the Hemp Moratorium. The Edna Valley is the one very small area in our County that has over \$100,000,000 invested in permanent crops, tasting rooms, Event Centers and multiple residences. Hemp and Marijuana crops are not compatible with tourism, residences, and tasting rooms due to the skunky odors and allergic reactions many of us experience when these Cannabis crops are grown.

Please do not allow this new crop to be grown in the Edna Valley region.

Thank you,

George Donati
Pacific Coast Farming

[EXT]Hemp Moratorium - Edna Valley AVA

Nathan Carlson <nathan@centerofeffortwine.com>

Mon 4/27/2020 02:52 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Supervisor Arnold –

As an employer and the General Manager of an agricultural business within the Edna Valley AVA, I am reaching out to ask for your support in prohibiting Hemp and Cannabis from being established in our area. I have witnessed the damage and economic loss that this crop has caused for many of my counterparts in Santa Barbara County, and believe that we owe it to ourselves to go very slowly and assess the risks, and learn from the hard lessons that our neighbors to the south have encountered.

Thanks for your consideration in this matter.

Nathan R. Carlson

[REDACTED]

Email: nathan@centerofeffortwine.com

CENTER OF EFFORT

[REDACTED]

www.centerofeffortwine.com

[EXT]Hemp Hearing - email in lieu of public comment

Paula Dooley <paula@stephenrosswine.com>

Mon 4/27/2020 02:37 PM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

SLO County Board of Supervisors:

I am writing to request a Carve Out of the Edna Valley AVA so that no hemp is grown in our wine region. My husband, Stephen Ross Dooley and I, and many others have invested our lives in the wine industry of the Edna Valley AVA and surrounding area. We have a vineyard of our own in the Edna Valley AVA, and also buy grapes from other vineyards in the area on which we have based our winery, Stephen Ross. We celebrated our 25th vintage in 2019.

Our concern is that decades-long investment in the \$100 million range in the wine industry, farming, production and tourism sectors, will undeniably be undermined and greatly devalued if hemp is permitted within the AVA or in close proximity to wine grape vineyards. Terpene drift is proven. Smoke taint is proven. Malodorous conditions are proven. Why would you undermine your own county by permitting conditions that will wreak havoc on the existing farming, production and tourism that supports the local economy?

Neither the setbacks nor the site specification in the Hemp ordinance are based on science, or any specific conditions within our valley. They seem to mimic the cannabis ordinance, but cannabis relies on the discretionary permit process as a check and balance. This is not the case in the proposed Hemp ordinance. Please, carve out this world renowned area of premium wine grape growing and production, and protect it from the adverse effects of hemp grown nearby.

Please. Protect your ag community, your local wine economy, and your constituents.

I would appreciate a simple confirmation from each of you that you have received my letter.

--

Paula

Paula Dooley
Stephen Ross Wine Cellars
Flying Cloud Wines
Jackhammer Wines
[REDACTED]

[EXT]

Frank Brown <frbrown2010@gmail.com>

Mon 3/30/2020 12:36 PM

To: Debbie Arnold <darnold@co.slo.ca.us>; Micki Olinger <molinger@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

March 30, 2020

Ms. Debbie Aenold

Supervisor, District 5

San Luis Obispo County

Debbie,

As you are aware, last June the Board of Supervisors passed an urgency ordinance placing a temporary Moratorium on the cultivation of Industrial Hemp in this county, shortly after the San Luis Obispo County Agricultural Commissioners office started processing applications in our county. The stated reason for the Urgency Ordinance was the “immediate preservation of the public peace, health, safety and welfare” of the county’s citizens. The Board further directed staff to draft an ordinance that would address the concerns of all parties, pro and con.

Through ALAB and it’s sub-committees exhaustive efforts, recommendations were provided to County Staff who prepared an Hemp Ordinance and presented it to the Planning Commission. On November 19, 2019, the Planning Commission voted to send the Ordinance to the Board of Supervisors.

I believe the Ordinance as written, is a fair compromise that addresses the concerns of all parties. It may not be perfect and may have to be revisited in the future, but it needs to be adopted for immediate implementation.

I, and many involved in this new agricultural industry urged for immediate adoption of this Industrial Hemp Ordinance proposal as currently written on April 7, 2020. Last years 11th hour moratorium placed an economic hardship on many farmers who had already spent money and time preparing to enter the market. This year, farmers will need as much time as the Board of Supervisors can give them to prepare to grow successfully this 2020 season. With the extraordinary steps being taken to contain the spread of COVID-19, San Luis Obispo County’s economy will sustain an economic blow that will possibly take years for recovery. Allowing the cultivation of Industrial Hemp will create jobs and opportunities that will be relatively safe from this virus threat as most of the cultivation practices allow worker exposure to fresh air, sunlight and the ability to keep a safe distance from other workers.

Now that the proposed Industrial Hemp Ordinance has been moved off the agenda and possibly on April 21, 2020 agenda there is much concern that it may again be moved off calendar and not addressed. The urgency ordinance is eligible to be extended for up to one more year, but that would require another vote by the Board of Supervisors at an official meeting of the BOS. If no action is taken by the Board of Supervisors by June 18, 2020, then the Urgency Ordinance “dies” and we are back to where we were before. If the urgency ordinance expires, then there won't be any additional local restrictions on hemp cultivation beyond what already exists for all other crops.

Our county, like the rest of our great Nation will need any and all opportunities to recover financially from this worldwide disaster. Many manufacturers of CBD Oil (cannabidiol) products claim CBD is effective at relieving anxiety, stress, depression, pain, inflammation, improving sleep, and other health benefits including improving the bodies immune system to fight disease. A CBD product (Epidolex) has been FDA approved to treat epilepsy.

FDA Commissioner Stephen Hahn, M.D., recently said that the agency is working towards regulating hemp-derived CBD (Hemp CBD) products and admitted that the agency's approach to Hemp CBD is not sustainable:

“We're not going to be able to say you can't use these products. It's a fools errand to even approach that. We have to be open to the fact that there might be some value to these products and certainly Americans think that's the case. But we want to get them information to make the right decisions”.(Dr. Stephen Hahn)

There is a new bipartisan bill in Congress, [H.R. 5587](#), which would amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to give the Food and Drug Administration (FDA) flexibility to regulate hemp-derived CBD as a dietary supplement without going through a time-intensive rulemaking process. This much needed action will provide hemp farmers and consumers with certainty as to how FDA will regulate this portfolio of products.

Farmers need time to prepare ground, buy seed and make other decisions concerning cultivation as early in the 2020 season as possible, not once the growing season starts.

When the executive order for sheltering in place for this county was announced on March 19, Wade Horton stated;

“The health and safety of our community is our top priority. The actions we take today will help us get back to normal as soon as possible,”

Indeed, the actions you as an elected official take on this important ordinance will affect the county's future economic vitality. Farmers will need every possible opportunity in San Luis Obispo County to help our local economy recover from this unprecedented world crisis, and we need your leadership to help make this happen as soon as possible.

Respectfully,

Frank Brown, CEO

Cal Bio-ag Diversified



[EXT]Industrial Hemp

Frank Brown <frbrown2010@gmail.com>

Wed 3/18/2020 10:21 AM

To: Debbie Arnold <darnold@co.slo.ca.us>

Cc: Micki Olinger <molinger@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

March 18, 2020

Honorable Members of the SLOCO Board of Supervisors,

Last June the Board of Supervisors passed an urgency ordinance placing a temporary Moratorium on the cultivation of Industrial Hemp in this county, shortly after the San Luis Obispo County Agricultural Commissioners office started processing applications in our county. The Board further directed staff to draft an ordinance that would address the concerns of all parties, pro and con. I believe the Ordinance as written, is a fair compromise that addresses the concerns of all parties. It may not be perfect and may have to be revisited in the future, but it needs to be adopted for immediate implementation.

Through ALAB and it's sub-committees exhaustive efforts, recommendations were provided to County Staff who prepared an Hemp Ordinance and presented it to the Planning Commission. On November 19, 2019, the Planning Commission voted to send the Ordinance to the Board of Supervisors.

I, and many involved in this new agricultural industry urge immediate adoption of this Industrial Hemp Ordinance proposal as currently written on April 7, 2020. Last years 11th hour moratorium placed an economic hardship on many farmers who had already spent money and time preparing to enter the market. This year, farmers will need as much time as the Board of Supervisors can give them to prepare to grow successfully this 2020 season. With the extraordinary steps being taken to contain the spread of COVID-19, San Luis Obispo County's economy will sustain an economic blow that will possibly take years for recovery. Allowing the growth of Industrial Hemp will create jobs and opportunities that will be relatively safe from this virus threat as most of the cultivation practices allow worker exposure to fresh air, sunlight and the ability to keep a safe distance from other workers.

This county, like the rest of our great Nation will need any and all opportunities to recover from this worldwide disaster. Many manufacturers of CBD Oil (cannabidiol) products claim CBD is effective at relieving anxiety, stress, depression, pain, inflammation, improving sleep, and other health benefits including improving the bodies immune system to fight disease. A CBD product (Epidolex) has been FDA approved to treat epilepsy.

FDA Commissioner Stephen Hahn, M.D., recently said that the agency is working towards regulating hemp-derived CBD (Hemp CBD) products and admitted that the agency's approach to Hemp CBD is not sustainable:

"We're not going to be able to say you can't use these products. It's a fools errand to even approach that. We have to be open to the fact that there might be some value to these products and certainly Americans think that's the case. But we want to get them information to make the right decisions". (Dr. Stephen Hahn)

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We will need every possible opportunity in San Luis Obispo County to help our local economies recover from this unprecedented world crisis, and we need your leadership to make this happen on April 7, 2020, effective immediately.

Respectfully,

Frank Brown, CEO

Cal Bio-ag Diversified



FW: [EXT]Hemp Ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Wed 4/29/2020 02:38 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (890 KB)

UC Davis letter .pdf;

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Susan Huls <s.hulsangelsfan27@gmail.com>

Sent: Wednesday, April 29, 2020 2:35 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please include the following letters with the documentation for agenda #22 for May 5, 2020

 [BofS Hemp Ordinance letter](#)

Submitted by Courtney Taylor

UNIVERSITY OF CALIFORNIA, DAVIS

BERKELEY • DAVIS • DRYDEN • LOS ANGELES • MERCED • OROVILLE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • STANFORD

SCHOOL OF AGRICULTURAL AND ENVIRONMENTAL SCIENCES
AGRICULTURAL EXPERIMENT STATION
2000 RIVERSIDE EXTENSION
DEPARTMENT OF VITICULTURE AND ENOLOGY
TELEPHONE (530) 752-0252
FAX (530) 752-0250

ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8709

RECEIVED

NOV 04 2019

S.B. COUNTY

PLANNING & DEVELOPMENT
HEARING SUPPORT

132
11/6/19

October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effect that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or odor abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kennison et al., 2009; Krstic et al., 2015) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Capone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtray-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 30% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or Eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, freshness/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (materials other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/l. Herve et al., (2003) reported a recognition threshold of 3.2 µg/l. in red wine. Irrespective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 35.5 µg/l.). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kenarova et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Canone also found that *Eucalyptus* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with an MOC included, including no *Eucalyptus* leaves and/or bark, produced wines with above aroma threshold levels of 1,8- cineole if made from winegrapes grown within the first 50 meters from *Eucalyptus* trees. Including grape stems and some grape leaves as will be normal during most fermentations, will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Aizpurua-Olazola et al., 2016). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The genotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Aizpurua-Olazola et al., 2016). This is a 10³ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 3.7 µgC g⁻¹ hr⁻¹ depending on the strain of *Cannabis spp* (Wang et al., 2019). Additionally, β-myrcene, cineolol and δ-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, limonol, α-terpineol, β- caryophyllene, hashishene, α-linulene and more. New terpenes are continually being identified in cannabis plants.

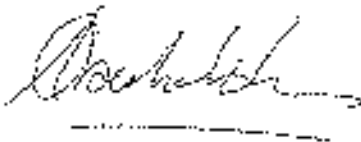
Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Carrau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, absorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by:



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616

[EXT]Proposed Hemp Ordinance

Brian Talley <brian@talleyvineyards.com>

Thu 4/30/2020 03:14 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Lynn Compton <lcompton@co.slo.ca.us>; BOS_District 5_Web Contact <district5@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

 1 attachments (68 KB)

Hemp Production SLO County.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please find attached my comments regarding the proposed hemp ordinance.

Sincerely,

Brian Talley

www.TalleyVineyards.com

www.TalleyFarms.com





ESTEE



FW: More Correspondence for the BOS Industrial Hemp

Hallie E. Scott <hscott@co.slo.ca.us>

Thu 4/30/2020 03:15 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see the below correspondence for Industrial Hemp, going before BOS 5/5. Thank you.

Hallie Scott

Supervising Administrative Clerk II

(p) 805-781-5718

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Thursday, April 30, 2020 3:00 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Cc: Brian Pedrotti <bpedrotti@co.slo.ca.us>; Robert Fitzroy <rfitzroy@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>

Subject: More Correspondence for the BOS Industrial Hemp

Importance: High

Hello Hallie,

I am forwarding the below email as official correspondence for the Board for Industrial Hemp for this Tuesday, May 5. Please let me know if you have any questions.

Thank you,
Kip Morais

March 28, 2020

Mr. Kip Morais, Project Manager
Mr. Brian Pedrotti, Supervising Planner

San Luis Obispo County

Dear Sirs,

Last June the Board of Supervisors passed an urgency ordinance placing a temporary Moratorium on the cultivation of Industrial Hemp in this county, shortly after the San Luis Obispo County Agricultural Commissioners office started processing applications in our county. The stated reason for the Urgency Ordinance was the "immediate preservation of the public peace, health, safety and welfare" of the county's citizens. The Board further directed staff to draft an ordinance that would address the concerns of all parties, pro and con.

Through ALAB and its sub-committees exhaustive efforts, recommendations were provided to County Staff who prepared an Hemp Ordinance and presented it to the Planning Commission. On November 19, 2019, the Planning Commission voted to send the Ordinance to the Board of Supervisors.

I believe the Ordinance as written, is a fair compromise that addresses the concerns of all parties. It may not be perfect and may have to be revisited in the future, but it needs to be adopted for immediate implementation.

I, and many involved in this new agricultural industry urged for immediate adoption of this Industrial Hemp Ordinance proposal as currently written on April 7, 2020, now off calendar. Last years 11th hour moratorium placed an economic hardship on many farmers who had already spent money and time preparing to enter the market. This year, farmers will need as much time as the Board of Supervisors can give them to prepare to grow successfully this 2020 season. With the extraordinary steps being taken to contain the spread of COVID-19, San Luis Obispo County's economy will sustain an economic blow that will possibly take years for recovery. Allowing the cultivation of Industrial Hemp will create jobs and opportunities that will be relatively safe from this virus threat as most of the cultivation practices allow worker exposure to fresh air, sunlight and the ability to keep a safe distance from other workers.

Now that the proposed Industrial Hemp Ordinance has been moved off the agenda and possibly on April 21, 2020 agenda there is much concern that it may again be moved off calendar and not addressed. The urgency ordinance is eligible to be extended for up to one more year, but that would require another vote by the Board of Supervisors at an official meeting of the BOS. If no action is taken by the Board of Supervisors before June 18, 2020, then the Urgency Ordinance "dies" and we are back to where we were before. If the urgency ordinance expires, then there won't be any additional local restrictions on hemp cultivation beyond what already exists for all other crops.

Our county, like the rest of our great Nation will need any and all opportunities to recover from this worldwide disaster. Many manufacturers of CBD Oil (cannabidiol) products claim CBD is effective at relieving anxiety, stress, depression, pain, inflammation, improving sleep, and other health benefits including improving the bodies immune system to fight disease. A CBD product (Epidolex) has been FDA approved to treat epilepsy.

FDA Commissioner Stephen Hahn, M.D., recently said that the agency is working towards regulating hemp-derived CBD (Hemp CBD) products and admitted that the agency's approach to Hemp CBD is not sustainable:

"We're not going to be able to say you can't use these products. It's a fools errand to even approach that. We have to be open to the fact that there might be some value to these products and certainly Americans think that's the case. But we want to get them information to make the right decisions".(Dr. Stephen Hahn)

There is a new bipartisan bill in Congress, [H.R. 5587](#), which would amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to give the Food and Drug Administration (FDA) flexibility to regulate hemp-derived CBD as a dietary supplement without going through a time-intensive rulemaking process. This much needed action will provide hemp farmers and consumers with certainty as to how FDA will regulate this portfolio of products.

Farmers need time to prepare ground, buy seed and make other decisions concerning cultivation as early in the 2020 season as possible, not once the growing season starts.

When Wade Horton announced the executive order for sheltering in place for this county on March 19, he stated;

"The health and safety of our community is our top priority. The actions we take today will help us get back to normal as soon as possible,"

Indeed, the actions you take on this important ordinance will affect the county's future economic vitality. Farmers will need every possible opportunity in San Luis Obispo County to help our local economy recover from this unprecedented world crisis, and we need your leadership to help make this happen as soon as possible.

Respectfully,

Frank Brown, CEO
Cal Bio-ag Diversified



**KIP MORAIS
PLANNER**

Planning and Building
County of San Luis Obispo
Tel: (805) 781-5136
kmorais@co.slo.ca.us

FW: More Correspondence for the BOS Industrial Hemp

Hallie E. Scott <hscott@co.slo.ca.us>

Thu 4/30/2020 03:16 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see the below correspondence for Industrial Hemp. Thank you.

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(p) 805-781-5718

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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Frank Brown, CEO
Cal Bio-ag Diversified



**KIP MORAIS
PLANNER**

Planning and Building
County of San Luis Obispo
Tel: (805) 781-5136
kmorais@co.slo.ca.us

FW: [EXT]Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Thu 4/30/2020 03:28 PM

To: BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>; AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (890 KB)

UC Davis letter .pdf;

Public Comment on item 22 on next week's agenda.

- **Caleb Mott**

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

(805) 781-4337

(800) 834-4636 ext 4337

District4@co.slo.ca.us

1055 Monterey St D430

San Luis Obispo CA 93408

[Visit our Website](#)

From: Susan Huls <s.hulsangelsfan27@gmail.com>

Sent: Wednesday, April 29, 2020 2:31 PM

To: Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please include the following letters with the documentation for agenda #22 for May 5, 2020

[BofS Hemp Ordinance letter](#)

Submitted by Courtney Taylor

UNIVERSITY OF CALIFORNIA, DAVIS

BERKELEY • DAVIS • DRYDEN • LOS ANGELES • MERCED • OAKLAND • SAN DIEGO • SAN FRANCISCO



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SCHOOL OF AGRICULTURAL AND ENVIRONMENTAL SCIENCES
AGRICULTURAL EXPERIMENT STATION
2015 RIVERSIDE EXTENSION
DEPARTMENT OF VITICULTURE AND ENOLOGY
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FAX 530.752.0250

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S.B. COUNTY

PLANNING & DEVELOPMENT
HEARING SUPPORT

132
11/6/19

October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effect that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or odor abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kennison et al., 2009; Krstic et al., 2015) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Capone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtray-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 30% depending on the county).

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Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/l. Herve et al., (2003) reported a recognition threshold of 3.2 µg/l. in red wine. Irrespective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 35.5 µg/l.). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kenarova et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Canone also found that *Eucalyptus* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with an MOC included, including no *Eucalyptus* leaves and/or bark, produced wines with above aroma threshold levels of 1,8- cineole if made from winegrapes grown within the first 50 meters from *Eucalyptus* trees. Including grape stems and some grape leaves as will be normal during most fermentations, will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Aizpurua-Olazola et al., 2016). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The genotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Aizpurua-Olazola et al., 2016). This is a 10³ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 3.7 µgC g⁻¹ hr⁻¹ depending on the strain of *Cannabis spp* (Wang et al., 2019). Additionally, β-myrcene, cineolol and δ-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, limonol, α-terpineol, β- caryophyllene, hashishene, α-limonene and more. New terpenes are continually being identified in cannabis plants.

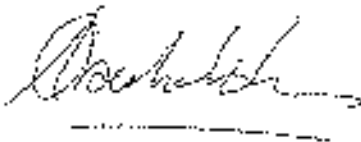
Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Carrau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, absorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by:



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616

FW: [EXT]Fwd: Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Thu 4/30/2020 03:28 PM

To: BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>; AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (890 KB)

UC Davis letter .pdf;

Public Comment on item 22 on next week's agenda.

- **Caleb Mott**

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

(805) 781-4337

(800) 834-4636 ext 4337

District4@co.slo.ca.us

1055 Monterey St D430

San Luis Obispo CA 93408

[Visit our Website](#)

From: Susan Huls <s.hulsangelsfan27@gmail.com>

Sent: Wednesday, April 29, 2020 2:33 PM

To: Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Fwd: Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please disregard previous email.

Please include the following letters with the documentation for agenda #22 for May 5, 2020

[BofS Hemp Ordinance letter](#)

Submitted by Courtney Taylor

UNIVERSITY OF CALIFORNIA, DAVIS

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SCHOOL OF AGRICULTURAL AND ENVIRONMENTAL SCIENCES
AGRICULTURAL EXPERIMENT STATION
200 LAUREL AVENUE
DEPARTMENT OF VITICULTURE AND ENOLOGY
TELEPHONE (530) 752-0252
FAX (530) 752-0250

100 SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8709

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S.B. COUNTY

PLANNING & DEVELOPMENT
HEARING SUPPORT

132
11/6/19

October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effect that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or odor abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kennison et al., 2009; Krstic et al., 2015) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Capone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtray-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 30% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or Eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, freshness/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (materials other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/l. Herve et al., (2003) reported a recognition threshold of 3.2 µg/l. in red wine. Irrespective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 35.5 µg/l.). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kenarova et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Canone also found that *Eucalyptus* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with an MOC included, including no *Eucalyptus* leaves and/or bark, produced wines with above aroma threshold levels of 1,8- cineole if made from winegrapes grown within the first 50 meters from *Eucalyptus* trees. Including grape stems and some grape leaves as will be normal during most fermentations, will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Aizpurua-Olazola et al., 2016). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

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Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The genotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Aizpurua-Olazola et al., 2016). This is a 10³ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 3.7 µgC g⁻¹ hr⁻¹ depending on the strain of *Cannabis spp* (Wang et al., 2019). Additionally, β-myrcene, cineolol and δ-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, limonol, α-terpineol, β- caryophyllene, hashishene, α-limonene and more. New terpenes are continually being identified in cannabis plants.

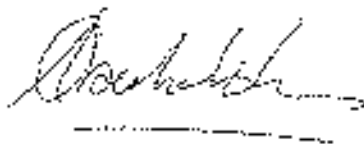
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Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by:



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616

FW: [EXT]Hemp in Edna Valley

John Peschong <jpeschong@co.slo.ca.us>

Fri 5/1/2020 08:50 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Item 22

VICKI JANSSEN, Legislative Assistant
First District Supervisor John Peschong
1055 Monterey St., D430
San Luis Obispo, CA 93408
(805)781-4491/Fax (805) 781-1350
vjanssen@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: Judy Darway <judekidsnhorses@gmail.com>

Sent: Friday, May 1, 2020 8:49 AM

To: John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Hemp in Edna Valley

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Mr. Peschong,

I don't want to take up a lot of time, but just want to remind you the special issues we had in the Edna Valley with hemp last year. We live in the heart of Edna Valley and my husband is a 3rd generation farmer and property owner here.

Plain and simple, we are asking for a carve out that allows hemp and cannabis to be grown in San Luis County, but not in the Edna Valley.

Edna Valley has many unique properties that make it the special place that it is--one of the few places in the world that certain varieties of wine grapes can be grown--a climate that allows vegetables and fruits to be grown year round--weather that encourages visitors to come to our area 365 days a year (supporting our thriving economy)--and air quality that makes it a healthy place to live and visit.

These same things that make it good for many industries make it unacceptable for hemp and cannabis. The dual air currents that come in through Los Osos Valley and Price Canyon meet the currents that come over the mountains from the central valley and trap the air. There is no way for the heavy fumes to be cleared and they are locked in to be absorbed by grapes, citrus and avocado trees, and human bodies. They have a seriously negative affect on our health, our crops, and the desire for visitors to come. Schools reported teachers and students with headaches and allergy problems associated with the odors. There are many areas in our county where free-flowing air currents make hemp and cannabis worthy crops (Los Osos, Paso Robles, Atascadero, California Valley) as was brought up in our meetings. Growers and residents in those areas were able to live side by side with the hemp fields with no negative affects to health, comfort, or adjoining crops. That was not the case in the Edna Valley.

As life long residents and farmers in Edna Valley, we are not asking you to take away the rights of hemp and cannabis growers, but only to protect the rights of existing schools, farmers, residents, and businesses in the valley and carve out a no hemp/cannabis area that covers only the Edna Valley region. This carve out would mean no growing of any kind (nursery, seed plants, medical, industrial, experimental, educational, or any other classification currently in existence or future nomenclature used to describe growing hemp/cannabis of any nature for any purpose.)

Please help us keep our special features of the Edna Valley intact while allowing growers in other parts of the county to grow and produce their crops.

Please vote for an Edna Valley carve out.

Thank you.

Chuck & Judy Darway



FW: [EXT]Make Edna Valley a NO HEMP zone

Debbie Arnold <darnold@co.slo.ca.us>

Fri 5/1/2020 09:09 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: Hoss Christensen <hossch@gmail.com>

Sent: Thursday, April 30, 2020 9:26 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Make Edna Valley a NO HEMP zone

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

April 29, 2020

Dear Supervisor Arnold,

I understand that the Board of Supervisors will be voting on the Hemp Moratorium at the Tuesday, May 5th, 2020 regularly scheduled meeting.

As a resident and 3rd generation Edna Valley farmer, I request and strongly urge you to consider a special "carve-out" and not allow any industrial hemp growth or processing in the Edna Valley.

I am very concerned about the possible negative impact to our prolific agriculture, our hospitality industry and our overall quality of life. The county's current plan does not provide details on funding for inspection, enforcement and regulation. Other counties with poorly managed industrial hemp programs have run into significant problems as reported by the Bakersfield Californian newspaper in October 2019. [100s of Acres of "Hemp" bulldozed by Federal Authorities.](#)

Additionally, there is no denying the strong "unique" odor or smell associated with an industrial hemp crop. This issue of strong smell has been presented and discussed in Santa Barbara and Ventura counties as shown by this TV newsclip. [10s of Camarillo citizens complain about "Hemp Stench".](#)

I do not want these problems near my home, near my vegetables and hay or near our wineries with the potential to affect my family and my grandchildren.

Again, I strongly urge you to approve a "NO HEMP" carve-out for the Edna Valley. My grandfather and my father spent their entire lives farming here and helped make Edna Valley one the most desirable places to live and farm in California. Let's not tarnish the work by previous generations.

Thank you for your time and consideration.

Respectfully,

George "Hoss" Christensen
Biddle Ranch Road
Edna Valley

FW: [EXT]Hemp in Edna Valley

Debbie Arnold <darnold@co.slo.ca.us>

Fri 5/1/2020 09:14 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: Judy Darway <judekidsnhorses@gmail.com>

Sent: Friday, May 1, 2020 8:48 AM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp in Edna Valley

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Debbie,

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Please help us keep our special features of the Edna Valley intact while allowing growers in other parts of the county to grow and produce their crops.

Please vote for an Edna Valley carve out.

Thank you.

Chuck & Judy Darway



Agenda Item #22- Hemp Ordinance

Vicki Janssen <vjanssen@co.slo.ca.us>

Thu 4/30/2020 09:09 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 4 attachments (1 MB)

[EXT]Hemp Ordinance; [EXT]Letter of Concern for 5.5.20 BOS Meeting | The Barn; [EXT]Fwd: Hemp in Edna Valley; [EXT]Hemp Moratorium - Edna Valley AVA;

[EXT]Hemp Ordinance

Susan Huls <s.hulsangelsfan27@gmail.com>

Wed 4/29/2020 02:24 PM

To: John Peschong <jpeschong@co.slo.ca.us>

 1 attachments (890 KB)

UC Davis letter .pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please include the following letters with the documentation for agenda #22 for May 5, 2020

[BofS Hemp Ordinance letter](#)

Submitted by Courtney Taylor

UNIVERSITY OF CALIFORNIA, DAVIS

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • OAKLAND • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • STANFORD

SCHOOL OF AGRICULTURAL AND ENVIRONMENTAL SCIENCES
AGRICULTURAL EXPERIMENT STATION
2000 RIVERSIDE AVENUE
DEPARTMENT OF VITICULTURE AND ENOLOGY
TELEPHONE (530) 752-0252
FAX (530) 752-0250

100 SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8709

RECEIVED

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SB COUNTY

PLANNING & DEVELOPMENT
HEARING SUPPORT

132
11/6/19

October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effect that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or odor abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kennison et al., 2009; Krstic et al., 2015) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Capone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtray-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 30% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or Eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, freshness/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (materials other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/l. Herve et al., (2003) reported a recognition threshold of 3.2 µg/l. in red wine. Irrespective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 35.5 µg/l.). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kenarova et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Canone also found that *Eucalyptus* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with an MOC included, including no *Eucalyptus* leaves and/or bark, produced wines with above aroma threshold levels of 1,8- cineole if made from winegrapes grown within the first 50 meters from *Eucalyptus* trees. Including grape stems and some grape leaves as will be normal during most fermentations, will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Aizpurua-Olazola et al., 2016). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The genotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Aizpurua-Olazola et al., 2016). This is a 10³ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 3.7 µgC g⁻¹ hr⁻¹ depending on the strain of *Cannabis spp* (Wang et al., 2019). Additionally, β-myrcene, cineolylol and δ-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, limonol, α-terpineol, β- caryophyllene, hashishene, α-limonene and more. New terpenes are continually being identified in cannabis plants.

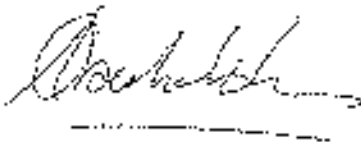
Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Carrau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, absorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by:



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616

[EXT]Letter of Concern for 5.5.20 BOS Meeting | The Barn

Alicia Cocks <alicia@whitebarnslo.com>

Wed 4/29/2020 02:22 PM

To: Adam Hill <ahill@co.slo.ca.us>

📎 1 attachments (83 KB)

Hemp_White_Barn_Request.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

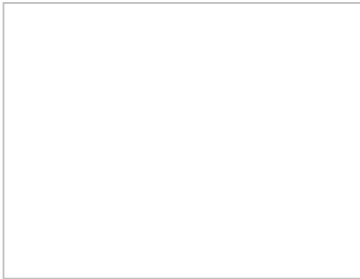
Hello Mr. Hill,

I hope this email finds you well and that you are staying safe during these unprecedented times. I wanted to reach out and pass along a letter of concern regarding the operations of hemp and cannabis in the Edna Valley. I understand that this is going to be addressed in the meeting this Tuesday so if you would please take a few moments to read our letter of concern that would be much appreciated. We look forward to finding out more on Tuesday!

Thank you.

--

WWW.EDNAVALLEYWHITEBARN.COM



April 29th, 2020

Dear District 3 Supervisor Mr. Hill,

We are reaching out to graciously request your continued support in prohibiting the use of hemp and cannabis in the Edna Valley and to inform you of our concerns surrounding any existing or potential future hemp and cannabis operations in this area. Some of the main concerns include increased criminal activity, nuisance of strong odors, nuisance of bright lights at night and the general public's health due to the odors.

Hemp and cannabis operations not only negatively affect the community in the Edna Valley, but as well as our small business operations at the White Barn. In the past two and half years during our business operations we have had numerous guests complaining of the odor and even becoming ill. In addition, we have received a guest complaint about marijuana plants being transported up and down Green Gate Road on their daughter's wedding weekend. Hemp and cannabis operations begin effecting our business when we are inviting potential clients out to the White Barn for a site tour. We had numerous potential clients, including a public figure who would have brought a significant amount of attention to the Central Coast, not move forward with booking our venue due to the odor that they inhaled during their site tour. With the nature of the times that we are in, now is the time more so than ever to stand by the community of the Edna Valley and support our residents comfortability in their own homes and small businesses, such as the White Barn, who contribute immensely to the tourism industry of this county.

We are looking to you as our County Board of Supervisors to help us protect our community and neighborhoods. We understand that the County is trying to move hemp into agricultural areas, but please understand that the Edna Valley is just as much a residential area as it is an agricultural area. We are lucky to work and live in the peaceful and safe Edna Valley that it is. Please consider prohibiting the use of hemp or cannabis operations in the Edna Valley as this area is very important to us and near and dear to our hearts.

Sincerely,

Alicia Cocks
The White Barn - Edna Valley
Director of Operations & Events

[EXT]Hemp Moratorium - Edna Valley AVA

Nathan Carlson <nathan@centerofeffortwine.com>

Mon 4/27/2020 02:52 PM

To: John Peschong <jpeschong@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Supervisor Peschong –

As an employer and the General Manager of an agricultural business within the Edna Valley AVA, I am reaching out to ask for your support in prohibiting Hemp and Cannabis from being established in our area. I have witnessed the damage and economic loss that this crop has caused for many of my counterparts in Santa Barbara County, and believe that we owe it to ourselves to go very slowly and assess the risks, and learn from the hard lessons that our neighbors to the south have encountered.

Thanks for your consideration in this matter.

Nathan R. Carlson

Direct: [REDACTED]

Cell: [REDACTED]

Email: nathan@centerofeffortwine.com

CENTER OF EFFORT

[REDACTED]

www.centerofeffortwine.com

[EXT]Fwd: Hemp in Edna Valley

Lynda Ziegler <zieglell@gmail.com>

Tue 4/28/2020 12:38 PM

To: John Peschong <jpeschong@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

> Begin forwarded message:

>

>

>

> I am writing to you to urge you to carve out permanent moratorium on growing hemp in Edna Valley. I spoke at the public hearing regarding the hemp ordinance and the concern for Edna Valley as did several others.

>

> The Edna Valley is perfect for viniculture and we have a robust and valuable wine business here in growing and tasting rooms. In addition we have event venues which are harmed by the smell of the hemp plants, this has already happened. This economic engine could be severely damaged by allowing hemp growth in the valley. There are thousands of acres in San Luis Obispo county that are viable for growing hemp without interfering with other economic activity.

>

> Please preserve a vital and valuable economy in wine growing, tasting, and associated venues by carving out Edna Valley as a no hemp area. I appreciate your consideration.

>

>

> Lynda Ziegler

>

>

FW: [EXT]Hemp

Debbie Arnold <darnold@co.slo.ca.us>

Fri 5/1/2020 12:05 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

-----Original Message-----

From: Gerry <judgegerryb@yahoo.com>

Sent: Friday, May 1, 2020 11:25 AM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>;
Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Hemp

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

I am writing to encourage you to create a "carve out hemp prohibition" in the Edna Valley and environs. By now, I believe you have heard, ad nauseam, the adverse impacts of Hemp in close proximity to residential developments, wineries, tasting rooms and other business interests, so I will spare you the repetition.

As a grape grower I am cognizant of the right to grow, but there must be a balance and recognition of other interests, as well. It seems to me that over many years a great deal of energy and money has been devoted to development of a "wine tasting venue", wineries, vineyards and integrated residential developments. Just recall the efforts to grow the airport to bring tourism to our wine country. We should not jeopardize these efforts or the underlying wine infrastructure. Please protect the Edna valley by carving it out and prohibit the growing of hemp. Thank you for your efforts.

GBarry

Sent from my iPad

FW: [EXT]Hemp

Lynn Compton <lcompton@co.slo.ca.us>

Fri 5/1/2020 01:47 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

- Caleb Mott
Legislative Assistant District 4
San Luis Obispo County Supervisor Lynn Compton
(805) 781-4337
(800) 834-4636 ext 4337
District4@co.slo.ca.us
1055 Monterey St D430
San Luis Obispo CA 93408
Visit our Website

-----Original Message-----

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GBarry

Sent from my iPad

FW: [EXT]Make Edna Valley a NO HEMP zone

Lynn Compton <lcompton@co.slo.ca.us>

Fri 5/1/2020 01:49 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

- Caleb Mott

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

(805) 781-4337

(800) 834-4636 ext 4337

District4@co.slo.ca.us

1055 Monterey St D430

San Luis Obispo CA 93408

[Visit our Website](#)

From: Hoss Christensen <hossch@gmail.com>

Sent: Thursday, April 30, 2020 9:24 PM

To: Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Make Edna Valley a NO HEMP zone

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

April 29, 2020

Dear Supervisor Compton,

I understand that the Board of Supervisors will be voting on the Hemp Moratorium at the Tuesday, May 5th, 2020 regularly scheduled meeting.

As a resident and 3rd generation Edna Valley farmer, I request and strongly urge you to consider a special "carve-out" and not allow any industrial hemp growth or processing in the Edna Valley.

I am very concerned about the possible negative impact to our prolific agriculture, our hospitality industry and our overall quality of life. The county's current plan does not provide details on funding for inspection, enforcement and regulation. Other counties with poorly managed industrial hemp programs have run into significant problems as reported by the Bakersfield Californian newspaper in October 2019. [100s of Acres of "Hemp" bulldozed by Federal Authorities.](#)

Additionally, there is no denying the strong "unique" odor or smell associated with an industrial hemp crop. This issue of strong smell has been presented and discussed in Santa Barbara and Ventura counties as shown by this TV newsclip. [10s of Camarillo citizens complain about "Hemp Stench".](#)

I do not want these problems near my home, near my vegetables and hay or near our wineries with the potential to affect my family and my grandchildren.

Again, I strongly urge you to approve a "NO HEMP" carve-out for the Edna Valley. My grandfather and my father spent their entire lives farming here and helped make Edna Valley one the most desirable places to live and farm in California. Let's not tarnish the work by previous generations.

Thank you for your time and consideration.

Respectfully,

George "Hoss" Christensen

Biddle Ranch Road
Edna Valley

FW: [EXT]public comment

District 4 <district4@co.slo.ca.us>

Fri 5/1/2020 02:26 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>

 1 attachments (20 KB)

Letter to Supervisors hemp ordinance 2020.pdf;

Public Comment on Item 22.

- **Caleb Mott**

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

(805) 781-4337

(800) 834-4636 ext 4337

District4@co.slo.ca.us

1055 Monterey St D430

San Luis Obispo CA 93408

[Visit our Website](#)

From: John & LaNaya Sordelet <jlsordelet@gmail.com>

Sent: Friday, May 1, 2020 2:12 PM

To: Caleb Mott <cmott@co.slo.ca.us>

Subject: [EXT]public comment

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello Caleb,

I need to get this to the Supervisors, could you help please.

I was waiting to speak with Supervisor Compton and this meeting kept up on me.

thanks you,

John Sordelet

April 29, 2020

Hello Supervisors,

As the draft is, I will potentially have a huge problem for my family farm and business.

Early summer of 2019, I was granted a cultivation permit for Industrial Hemp here in SLO. I was told that the crop was going to look and smell just the same as cannabis. This is only partially true; the plant, in its vegetative state, if touched, smells exactly the same. However, during the flowering stage, cannabis becomes very fragrant as THC levels rise. Hemp, on the other hand, is missing the concentrated THC ingredient (chemical) that produces the pungent, familiar cannabis smell. The flowers of Hemp do not smell just like cannabis, they are much less odoriferous. The whole smell issue is not the same as cannabis. This info is based on the five different Hemp cultivators I registered and trialed this year.

Now that I have had a successful year 2019, and have committed full time to my hemp farm, any changes to my existing site could be detrimental to my family owned and operated business. There is no reason for that to happen. I have come together with two other local, small family-businesses. We are all going to be able to increase our revenue and stimulate the local economy. This is great news.

**After my years of experience working with County Building and Planning, I have the following idea I would very much like you to implement, especially with the current delays due to the covid-19 restrictions:

For the 17 of us registered hemp cultivators: Please allow (Grand Fathered-in) us to continue to operate on the original sites registered. (Only on the sites we have already used this last year.) Any new site would be held to the new standards.

I say this because when codes/regulations change, existing buildings/businesses are not made to start over and rebuild. They are always(Grand Fathered-in). Only new operations are held to the new standards. This has been my experience with building codes and ordinances.

For example, when I was working on a project during the Oak Woodland Urgency Ordinance, Megan Martin simply worked through the permitting process with me immediately and granted me a permit because I was mid-project, and already in compliance.

That is the case now with us registered hemp cultivators. I have committed a lot (everything) to my farm, nursery, and orchard and all has been done to the regulations of CA Dept. of Fish and Wildlife as well as the Ag. Department and Building and Planning. I have had no negative issues at all, only positive. I simply wish to carry on my business just like last year.

**My other issue is set backs. If a riparian setback goes into place, myself and many growers will lose ½ of our fields. This is why I say there is no reason for that standard. We farmers already pay the Central Coast Regional Water Control Board to monitor the creeks for environmental protection purposes. If there was a red flag, those issues would be sourced and dealt with by that established agency. Wolff Vineyards and all of Edna has their grapes 25 ft from the riparian watercourse because that is a Fish and Wildlife standard. You can see this is the case when driving through the apple orchards in See Canyon, as well.

I hope my thoughts make sense to all of you and will be helpful in the decision making process of this ordinance.

John Sordelet
Black Bear Springs Organic Farm

FW: [EXT]Hemp Hearing - my public comments

Lynn Compton <lcompton@co.slo.ca.us>

Fri 5/1/2020 01:47 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

- **Caleb Mott**

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

(805) 781-4337

(800) 834-4636 ext 4337

District4@co.slo.ca.us

1055 Monterey St D430

San Luis Obispo CA 93408

[Visit our Website](#)

From: oo7barb@aol.com <oo7barb@aol.com>

Sent: Friday, May 1, 2020 1:46 PM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Hemp Hearing - my public comments

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

SLO County Board Of Supervisors:

I have lived in the Edna Valley for 40 years.

I am writing to request a Carve Out of the Edna Valley AVA so that no hemp is grown in our wine region. I believe that the proposed industrial hemp ordinance, as currently drafted, will have a devastating impact on the Edna Valley wine industry - both vineyards and tasting rooms.

Please protect our wine and tourism industries.

Barbara Baggett
Moretti Canyon Vineyards
Edna Ranch Vineyards

FW: [EXT]Hemp Hearing - my public comments

Debbie Arnold <darnold@co.slo.ca.us>

Fri 5/1/2020 02:33 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: oo7barb@aol.com <oo7barb@aol.com>

Sent: Friday, May 1, 2020 1:46 PM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Hemp Hearing - my public comments

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

SLO County Board Of Supervisors:

I have lived in the Edna Valley for 40 years.

I am writing to request a Carve Out of the Edna Valley AVA so that no hemp is grown in our wine region. I believe that the proposed industrial hemp ordinance, as currently drafted, will have a devastating impact on the Edna Valley wine industry - both vineyards and tasting rooms.

Please protect our wine and tourism industries.

Barbara Baggett
Moretti Canyon Vineyards
Edna Ranch Vineyards

[EXT]5/5/2020 Item 22 Comments-Hemp Cultivation

Claire Wineman <claire.wineman@grower-shipper.com>

Fri 5/1/2020 04:31 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

 1 attachments (225 KB)

GSA SB SLO Comments on SLO Co Hemp Ord 5.5.20 Item 22.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Good afternoon,

Please see attached for comments on Tuesday's Item 22 regarding the cultivation of industrial hemp. Please confirm successful receipt of this message.

Thank you,
Claire

Claire Wineman
President
Grower-Shipper Association of
Santa Barbara and San Luis Obispo Counties

Phone: 

Cell: 

Fax: 805.343.6189

Email: claire.wineman@grower-shipper.com



May 1, 2020

County of San Luis Obispo
Board of Supervisors
ad_Board_clerk@co.slo.ca.us

Re: May 5, 2020 Agenda Item #22—County of San Luis Obispo Land Use Ordinance Amendments Regarding the Cultivation of Industrial Hemp

Dear Chair Compton and Board of Supervisors:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of amendments regarding the cultivation of industrial hemp.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing agricultural crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President

FW: 1 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:43 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (20 KB)

Facts.RKS.12.9.19.docx;

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:34 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 1 BOS CORRESPONDENCE FOR HEMP

Last summer the Edna Valley community supported the moratorium based on the adverse experiences and complaints of the ag communities and residents in other counties, primarily Santa Barbara. From the beginning, the group of Edna Valley residents and ag business owners stressed the unique Facts and qualities of the Edna Valley (see attached) and asked for a carve-out. See also two emails I forwarded to the Planning Commission on Dec 19,2019 on behalf of the Edna Valley Growers Mutual Water Company and myself.

Last fall, we experienced first-hand the adverse effects of a "research" hemp grow in the heart of the Edna Valley, which not only confirmed the concerns expressed earlier., but resulted in many emphatic complaints and grievances by the Edna Valley community, to the Ag and Planning Departments, APCD, the Planning Commission and the BOS. These documented complaints include:

(1) Adverse health effects on neighbors. With the changing wind patterns in the Valley, the noxious "skunk" smell and terpenes spread throughout the Valley up to 1 mile from the "research" grow in all directions causing significant respiratory and allergic reactions to neighbors;

(2) field workers near the hemp grow similarly suffered and expressed concerns about unsafe working conditions;

(3) event centers received complaints from their customers concerning the skunk smell, resulting in a loss of good will and reputation;

(4) wine tasting rooms also received complaints from customers (and employees) concerning the skunk smell.

(5) neighboring farm operators received threats from the hemp grower of lawsuits for engaging in standard farming practices, such as tilling the soil which creates "dust".

The Edna Valley is small, unique and blessed with a high concentration of vineyards, orchards, row crops, wine tasting rooms and event centers. And we have been consistent and vocal for almost one year--we need a carve out.

Bob Schiebelhut

San Luis Obispo, CA 93401



KIP MORAIS

PLANNER

Planning and Building

County of San Luis Obispo

Tel: (805)

kmorais@co.slo.ca.us

Facts re: the Edna Valley Appellation and Hemp

1. There are 3 federally approved appellations in the County: Paso Robles (660,000 acres); Arroyo Grande (39,646 acres) and Edna Valley (18,970 acres excluding the City of SLO)
2. The County land mass is 2,111,360 acres. The Edna Valley is a small valley--it represents just 0.008 of the total acreage in the County. It has a high concentration of vineyards, wineries, tasting rooms, and event centers. Also, Los Ranchos School and several dense neighborhoods and ranchettes throughout the Valley.
3. The Edna Valley is unique in California: (a) it is the coldest appellation in California; (b) it is the only appellation with 2 transverse valleys open to the ocean (Morro Bay-Los Osos and Pismo Beach) and (c) it has the longest grape growing season in California with bud break in Feb and harvest to Nov.
4. Because the Edna Valley is truly a valley, surrounded by hills, its climatic characteristics are generally uniform throughout the Valley. This differs from the "open" Paso Robles and Arroyo Grande appellations where the western and eastern portions have dramatically different temperatures. For example, Growing Degree Days ("GDD") for Paso Robles west and east range from 3117 to 3342 (F). For Edna Valley, the GDD is relatively constant 2371 (F). (Note: The GDD numbers were provided by UC Ag Extension, based on 24-hour monitoring. With only one monitoring station in the Arroyo Grande appellation, no GDD range is available).
5. With marine air from 2 sources, the Edna Valley experiences relatively high amounts of fog and wind from March to November. Wind records from the SLO County Airport show windy conditions 2/3's of the time—average 7-8 MPH—and 20-30 MPH peak all year. Also, the winds predominately come from 2 directions, thereby creating a mix of wind influence, which is a recipe for broad distribution of hemp terpenes over large distances.
6. The predominant terpene in cannabis (marijuana or hemp) is myrcene which emit the strongly noxious "skunk" odor. According to complaints by Edna Valley residents to the County, the skunk odors from a hemp grow in the Valley last fall was detected over 1 mile in several directions from the grow and caused respiratory problems and insomnia for many residents up to 1 mile from the grow.
7. "Smoke" taint from wildfires unfortunately is a reality. The 'smoke" taint from wildfires in No Calif has caused immense monetary losses to the wine industry, due to cancellation of contracts and rejection of grape after the wildfires.
8. Research by Prof. Oberholtser, U.C.Davis, has demonstrated the deleterious effect of smoke volatiles and eucalyptus terpenes have had on grapes and the resulting end product—wine. She has opined that cannabis terpenes may have the same adverse effect on grapes, and wine. With the morning foggy conditions in Edna Valley—near stagnant air mass—and the later windy conditions in Edna Valley, the risk of terpene drift is higher than any other location in the County.
9. Cannabis growers in Santa Barbara County have threatened and sued over spray drift—cannabis is very sensitive to pesticides, insecticides and fungicides. In fact, this issue of spray drift is even greater in the Edna Valley due to its foggy and windy conditions. The best conditions for spraying are in the morning before the wind picks up. But on foggy mornings the sprays can be suspended in the fog and then distributed when the wind picks up.
10. The Edna Valley is extremely susceptible to Powdery Mildew. Combined with a very long growing season, the amount of spraying to prevent Powdery Mildew is more than triple the number of sprays a vineyard in the North County receives. This means the Edna Valley grape growers will face far greater risk of spray drift than other growers in the County.

FW: 2 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:44 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Hallie Scott

Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:41 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 2 BOS CORRESPONDENCE FOR HEMP

In December, I sent the following email for your consideration. At the time, while opposed to hemp grows in Edna Valley, I was hoping that the Hemp Ordinance would, at a minimum, provide at least the same level of protection to existing residences and the agricultural industry as the Marijuana Ordinance. From what I understand, such is not the case with the proposal slated for discussion on May 5.

Since my December email, I have become more convinced that Hemp grows in Edna Valley should be prohibited. The protections afforded in the current recommendations are grossly inadequate, especially with respect to distancing. Edna Valley is simply too densely populated to provide any degree of protection from the release of terpenes from hemp grows. I am not opposed to hemp grows in appropriate locations, meaning areas of the county that are not heavily populated or farmed with crops that can be adversely impacted.

Of further concern is the lack of ability to enforce any ordinance given available resources.

The potential negative impact to the residents, farmers, and workers in Edna Valley is huge and should not be jeopardized by a hastily prepared ordinance that has not had the benefit of scientific research to establish reasonable protections.

I urge you to error on the side of caution to protect the existing quality of life and economic vitality of Edna Valley. Prohibit hemp farming in Edna Valley.

Respectively submitted,

Richard Pescatore



KIP MORAIS

PLANNER

Planning and Building

County of San Luis Obispo

Tel: (805)

kmorais@co.slo.ca.us

FW: 3 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:45 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (18 KB)

HempLetter (003).docx;

Please see correspondence via attachment, thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:43 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 3 BOS CORRESPONDENCE FOR HEMP



KIP MORAIS
PLANNER
Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

TO: SLO County Board of Supervisors

FROM: Andy & Laurie Mangano,

SLO 93401

RE: Proposed Hemp Ordinance

Back in December we sent you correspondence requesting your consideration to prohibit the cultivation of hemp in Edna Valley (attached letter below, pg2). Since then staff has prepared a draft ordinance for your consideration on May 5th.

We still are registering our opposition to the ordinance as drafted. While the cultivation of hemp may be better suited in other areas in the county that are less dense any hemp cultivation in Edna Valley will have significant conflicts with both existing permanent crops and rural residences.

I would hope and trust the BOS would look to other California counties that experience issues related to implementing a hemp ordinance (lessons learned). Mendocino County has responded by imposing strict zoning regulations to keep Hemp farms away from residential areas. And in Sonoma County, lawsuits have been launched by residences who want cultivation banned entirely.

The conflicts are real and the prospect of Hemp cultivation in Edna Valley will have a negative impact on our quality of life. The prevailing winds in the valley are significant and so will be the Hemp odor.

We respectfully request while considering the draft ordinance, the BOS take into consideration carving out or prohibiting the cultivation of Hemp in Edna Valley. While we are not opposed to Hemp grows elsewhere in the county that may be more appropriate, we are opposed to Hemp in Edna Valley

Typically, you will not find me opposing county projects/business opportunities, as I'm usually the recipient of opposition regarding my project proposals. In this instance however I need to register my opposition to the county proposed hemp ordinance. We oppose for several reasons: One is a concern of compatibility with existing crops, inadequate setbacks, potential spray drift liability issues for existing crops, etc. The existing crop rotation along with permanent vineyards provide a homogeneous atmosphere for the residents in Edna Valley. Second the odor emitting from the hemp is very noticeable and pungent which will have a negative effect on residents and wine tasting venues. While there are numerous other issues with the hemp ordinance, our opposition deserves your support. There are many other areas within the county that could support hemp cultivation, Edna Valley is not one of them. We are requesting your support to prohibit the cultivation of hemp in the Edna Valley.

Andy & Laurie Mangano

pl_longrangeshared @co.slo.ca.us

jpeschong@co.slo.ca.us

bgibson@co.slo.ca.us

ahill@co.slo.ca.us

lcompton@co.slo.ca.us

darnold@co.slo.ca.us

George@pacificcoastfarming.com

FW: 4 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:45 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:43 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 4 BOS CORRESPONDENCE FOR HEMP

May 3, 2020

FROM: Misha and Stephen Freyaldenhoven

ADDRESS:

San Luis Obispo, CA 93401

Live in Edna Valley since: 2/2011

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp crop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- "Terpene drift" coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article "Cannabis: The land use concerns of cultivation" stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.
- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

We sincerely hope that you will support our opposition.

Best regards,

Misha and Stephen Freyaldenhoven

Sent from my iPhone



KIP MORAIS
PLANNER
Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

FW: 5 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:45 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>
Sent: Monday, May 4, 2020 12:44 PM
To: Hallie E. Scott <hscott@co.slo.ca.us>
Subject: 5 BOS CORRESPONDENCE FOR HEMP

Marty and Nancy Plaskett
- Edna Valley Ranch property
San Luis Obispo, CA 93401

SLO County Board of Supervisors:

Please accept this letter of opposition to Hemp Production in Edna Valley. As relative new comers to the Edna Ranch community, we bought the property based on pristine valley views, comforting breezes from the Ocean and the aesthetically pleasing grape cultivation that supports a thriving Wine industry in the valley.

Coming from a farming background, the sustainable farming practices in Edna Valley have not come by chance, it requires a delicate balance of man and nature. The "Hemp Ordinance options" are the tools that County Supervisors have to be a part of this sustainability balance. Weighing the influence one industry has on another is no easy task, but risk assessment must be a large portion of the decision when a new

industry can affect established industry and the public as it relates to their personal property, health, lifestyle and property values.

Please carefully consider all consequences, unintentional or otherwise, that would be associated with allowing Hemp Production in Edna Valley and choose "Option 3", as a ban on Hemp Production based on undeniable risk to existing Industry and Residents.

Respectfully,
Marty and Nancy Plaskett.



KIP MORAIS
PLANNER
Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

FW: 6 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:46 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:46 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 6 BOS CORRESPONDENCE FOR HEMP

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Greetings

We have just recently moved to this area and we truly love it here. We feel that hemp fields would ruin the beauty and change the feel and smell that make this area so special.

This is a unique area please let us enjoy the clean fresh air.

A very concerned neighbor
Sent from my iPad

KIP MORAIS
PLANNER



Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

Revision - FW: 6 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:59 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

REVISION to correspondence #6 – Please include the name: Janice Piekarczyk <nelsonjanice@icloud.com>

Hallie Scott

Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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Sent: Monday, May 4, 2020 12:46 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

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This is a unique area please let us enjoy the clean fresh air.

A very concerned neighbor

Sent from my iPad

KIP MORAIS

PLANNER

Planning and Building



County of San Luis Obispo

Tel: (805)

kmorais@co.slo.ca.us

FW: 7 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:48 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:48 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 7 BOS CORRESPONDENCE FOR HEMP

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Greetings, As a new home owner in this beautiful Edna Valley, please think of the long range effects this could have, We moved here because of the air quality, The wineries, the youthfulness of our college community, Our friends and children and tourists, express the same things, they too dream of being able to live here one day, I have personally spoken to many that attended college here and never left. Why ? would we want to turn this into a stench hole, where the skunk weed is what we will be known for?The wine industry becomes tainted, If you've ever driven by the feed lots of Harris ranch and the manure smell was so strong you rolled up your windows, had to put A/C on recycle, Is that some place you would want to raise your family? Spend some days or move to? Please, Please Please, keep SLO as a no Hemp Grow area.

Thank you Lawrence Piekarczyk

Thank you



KIP MORAIS

PLANNER

Planning and Building
County of San Luis Obispo

Tel: (805)

kmorais@co.slo.ca.us

FW: 8 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:50 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:50 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 8 BOS CORRESPONDENCE FOR HEMP

May 3, 2020

FROM: Kirsten hind

ADDRESS: e San Luis Obispo, CA 93401

Live in Edna Valley since:2013

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice my opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- “Terpene drift” coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article “Cannabis: The land use concerns of cultivation” stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.
- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

I sincerely hope that you will support our opposition.

Best regards,

--

Kind Regards,

Kirsten Hind
Circa Company, LLC
President



KIP MORAIS

PLANNER

Planning and Building

County of San Luis Obispo

Tel: (805)

kmorais@co.slo.ca.us

FW: 9 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:52 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (635 KB)

Opposition of the Proposed Hemp Ordinance.pdf;

Please see the attached correspondence.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>
Sent: Monday, May 4, 2020 12:51 PM
To: Hallie E. Scott <hscott@co.slo.ca.us>
Subject: 8 BOS CORRESPONDENCE FOR HEMP

Supervisors of SLO County,

Please consider letter attached.

Kind regards,
Kimberlee Pompeo

<https://www.linkedin.com/in/kimberleepompeodukemarshall>

KIP MORAIS
PLANNER



Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

FW: 10 BOS CORRESPONDENCE FOR HEMP

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 12:53 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see correspondence below.

Thank you.

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 12:53 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Subject: 9 BOS CORRESPONDENCE FOR HEMP

To: Kip Morais, Project Manager; Brian Pedrotti, Senior Planner; Department of Planning and Building

Copy: San Luis Obispo Board of Supervisors: Debbie Arnold, Lynn Compton, Bruce Gibson, Adam Hill, John Peschong

From: Don & Kim Spare

RE: Proposed Industrial Hemp Ordinance

This letter is to express our opposition to the proposed countywide industrial hemp ordinance currently under your consideration for Edna Valley.

First, from an economic standpoint, it makes little sense to introduce a new industry into a currently thriving economy when that new industry could have significant deleterious effects on the existing economy – consider:

- Hemp growing/harvesting creates a strong odor requiring odor abatement remedies that are not 100% effective and whose long-term effects on the other crops have not been thoroughly studied – the result is a potentially significant economic impact

- Wine tasting rooms in Edna Valley are a tourist draw and significant source of revenue to the county – given the choice of wine tasting in Edna Valley with the obnoxious odor of hemp or wine tasting in clear air in Paso Robles, it is illogical to think that someone wouldn't rather drive a bit further north to avoid the smell – the result is a potentially significant loss of tax dollars to the county
- Hemp growing is a water-intensive crop – given that representatives of Edna Valley are participating in a years-long planning process required by the state Sustainable Groundwater Management Act, it make little sense to add another significant variable in the planning process now – the result is potentially significant additional costs to Edna Valley to secure more water

Secondly, it seems a bit illogical to have not seriously considered a more sparsely-populated area in the county that would be far much suitable to host a crop that no one would consider emits a pleasant smell – the goal of additional tax revenue could be achieved without jeopardizing tax revenue and the economy of Edna Valley.

Finally, it seem that protections to existing residences and the agricultural industry appear to be inadequate, and the resources necessary to enforce the inevitable infractions that will occur are not guaranteed.

For these reasons, we respectfully request your thoughtful consideration to prohibit hemp farming in Edna Valley.

Don & Kim Spare

San Luis Obispo, CA 93401



**KIP MORAIS
PLANNER**

Planning and Building
County of San Luis Obispo
Tel: (805)
kmorais@co.slo.ca.us

[EXT]SLO County Board of Supervisors Meeting May 5, 2020 Item 22

Stephen W Almond <steve.almond52@gmail.com>

Mon 5/4/2020 12:49 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Cc: jawortner_gmail.com <jawortner@gmail.com>; ICE1 Jill - Wife <jill.almond58@gmail.com>; Steve Almond <steve.almond52@gmail.com>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

SLO County Board of Supervisors Meeting May 5, 2020 Item 22: Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp; exempt from CEQA. All Districts.

San Luis Obispo Supervisors Peschong, Gibson, Hill, Compton and Arnold:

Thank you for the opportunity to address you with this letter regarding the May 5, 2020 San Luis Obispo Board of Supervisors Meeting decision on the Industrial Hemp Ordinance. I am a SLO County rancher, property owner, taxpayer and voter. My wife and I operate our small family ranch business about three miles outside of the town of Creston.

The cultivation of industrial hemp ("Hemp") is not the same as traditional agriculture - Hemp cultivation is in direct conflict with traditional agriculture and small family farm businesses and our quality of life here in San Luis Obispo County ("County").

The purpose of my letter to you is to provide you with facts and data that hopefully helps to inform you on this point. I will ask you to approve a Hemp ordinance that will acknowledge these facts and protect our County's existing small farm businesses, traditional agriculture, tasting rooms, vineyards, event centers, and residential agriculture neighborhoods from the negative effects of Hemp/Marijuana cultivation.

Here are the 3 key facts and data that I will ask you to consider as you finalize your decisions on the County's Hemp ordinance....

1. Hemp and Marijuana are the same plant - Cannabis. The County should have ONE restricted land use ordinance for Cannabis. What is the difference between Hemp and Marijuana? In a word, semantics. From a practical standpoint, it's the THC concentration. Hemp and Marijuana are, scientifically the same plant. They are the same genus -Cannabis - and the same species - Sativa.

From a scientific perspective, a cannabis sativa plant that is CBD dominant, as opposed to THC dominant, is a Hemp plant. Legal definitions focus on the THC to a percentage point. In the 2014 US Farm bill Congress defined Hemp as "the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight basis." The state of California and SLO County use this definition.

From the County's land use and agriculture ordinance perspective, a Hemp plant is no different than a cannabis plant. **Same** skunk smells/air pollution, **same** industrial chemical manufacturing/extraction processes, **same** environmental/water use issues, **same** fire hazard risks and **same** public safety/crime issues and **same** land use issues.

It's all about compatible land use, not Hemp/Marijuana use. Therefore, the Hemp ordinance like the Marijuana ordinances should include the following land use common sense restrictions...

- Include residential dwelling units in the "sensitive receptor" definition with at least a 1,000 foot setback. Residential dwellings need at least a 1,000 foot set back from Hemp/Marijuana grows in the county ordinance. The current County ig farm/cattle feed lot ordinance has 1,000 foot residential dwelling setback and 1 mile setback from residential areas.
- Eliminate industrial chemical Hemp/Marijuana manufacturing on Agricultural Zoned land. No use of chemical extraction processing of the Hemp/Marijuana biomass including use of liquid carbon dioxide or ethanol extraction processes where there are significant risks of fire/explosion hazards as well as untested environmental impacts to land, air and water/aquifer. Put manufacturing like this where it belongs in Industrial or Commercial Zoned land.
- Keep the cultivation of Hemp/Marijuana indoors and limited to sealed greenhouses that do not vent to the atmosphere. This will limit the impact of air pollution/skunk odor to surrounding neighbors. Outdoor grows can not mitigate the resulting air pollution/skunk odors. Put outdoor grows at least 1 mile away from residential neighborhoods just like the pig farm setback ordinance. (County Hog Ranch Ordinance 22.30.100 - Animal Facilities - Specialized "E. Hog ranches. The raising or keeping of more than three sows, a boar and their unweaned litter is subject to the same standards that are required of beef and dairy feedlots by Subsection C. A hog ranch shall be located no closer than one mile from any residential category; and no closer than 1000 feet from any school, or dwelling.)
- Require compliance with the California Environmental Quality Act (CEQA). Do not allow for Hemp/Marijuana exemptions to CEQA. Protect our County environment as well as the health and wellbeing of your constituents from unknown and unstudied Hemp/Marijuana grow environmental operational impacts.
- Implement strict density limitations for the number of Hemp/Marijuana cultivation sites that may be near each other. Restrict the number of Hemp/Marijuana farms in a given residential agriculture/local neighborhood area. Do not replicate massive hoop house grows and concentration of indoor/outdoor grows disaster in Santa Barbara County!
- Allow SLO County Community Advisory Committee (CACs) and the Planning Commission to review and make local community recommendations on any and all future Hemp/Marijuana applications for proposed projects. Same plant same issues, our communities need to provide the same local inputs into the Planning Department land use reviews despite the agriculture designation for Hemp.

2. Hemp/Marijuana operations are in direct conflict with local established traditional agriculture small farm businesses. Protections need to be put in the Hemp/Marijuana ordinance that safeguard the County's existing \$2.5 billion traditional agriculture businesses. Hemp/Marijuana is a nuisance crop and in direct conflict with traditional agriculture in our County. Existing owned and operated small family farm businesses are at risk from up to 3 miles in proximity to a Hemp/Marijuana operation.

The California Department of Food and Agriculture has a 37 page document detailing the rules and regulations for the cultivation of Hemp (<https://www.cdfa.ca.gov/plant/industrialhemp/docs/registration/IH-RegistrationApplicationPacket-SeedBreeders.pdf>) but not one page of regulations for the cultivation of any

traditional agriculture crop. The cultivation of Hemp/Marijuana IS NOT THE SAME as growing wine grapes, fruit trees, vegetables or forage as evidenced by the CDFA documentation.

Traditional agriculture and small farm businesses can not use pesticide sprays (herbicide, fungicide, insecticides etc) on their farm crops within 3 miles of a Hemp/Marijuana grow because these sprays could "pesticide drift" to the cannabis grow. This "pesticide drift" could contaminate the Hemp/Marijuana end product which is required to undergo extensive testing for pesticide content. In the Creston area, aerial pesticide spraying of the alfalfa and forage fields are common along with boom, blast and venturi spraying of pesticides for the fruit, olive orchards, vegetable crops and vineyards. This is the same conflict to traditional agriculture businesses that has been a disaster in Santa Barbara County. Legal battles are on going in Santa Barbara and Napa counties due to this "pesticide drift" conflict brought on by cannabis grows versus traditional agriculture. See referenced articles below:

- May 1, 2020: Santa Barbara Independent. "Lawsuit Seeks to Shut Down Busy Bee's Organics in Wine Country. County Must Rein In Booming Cannabis Industry, Coalition Says." <https://www.independent.com/2020/04/30/lawsuit-seeks-to-shut-down-busy-bees-organics-in-wine-country/>
- March 30, 2020: Santa Maria Times. "Santa Barbara County Planning Commission to recommend more rigorous permit for all cannabis cultivation" https://santamariatimes.com/news/local/govt-and-politics/santa-barbara-county-planning-commission-to-recommend-more-rigorous-permit/article_93a77c65-d3fd-5e4a-8122-c92a5f2892fd.html
- February 18, 2020: Politico. "Wine vs. weed in Napa Valley" <https://www.politico.com/news/2020/02/18/wine-vs-weed-in-napa-valley-115322>
- October 17, 2019: Wine Business.com. "Napa County Takes First Step To Ban Commercial Cannabis Cultivation." <https://www.winebusiness.com/news/?go=getArticle&dataId=221115>
- September 18, 2019: Wine Business Daily News "Napa supervisors prepare to ban cultivation, manufacturing, and sale of commercial cannabis in unincorporated Napa County" <https://www.winebusiness.com/news/?go=getArticle&dataId=219744>
- August 9, 2019: Cal Coast News. "Proposed Buellton pot grows pit a vintner against weed farms" <https://calcoastnews.com/2019/08/proposed-buellton-pot-grows-pit-a-vintner-against-weed-farms/>
- July 19, 2019: Edhat Santa Barbara. "Supervisors agree to added restriction for local cannabis growers" <https://www.edhat.com/news/supervisors-agree-to-added-restriction-for-local-cannabis-growers>
- June 21, 2019: Time Magazine. "The Environmental Downside of Cannabis Cultivation" <https://time.com/tag/cannabis/>
- June 18, 2019: Santa Barbara Independent. "Santa Barbara County in an Uproar Over Cannabis Odors" From Carpinteria to Santa Ynez Valley Lawsuits, Public Hearings and Civil Protests Complain About Smells Emitting from Green Houses and Fields. <https://www.independent.com/2019/06/05/santa-barbara-countyin-an-uproar-over-cannabis-odors>
- June 15, 2019: LA Times. "The World's Largest Pot Farms, and How Santa Barbara Opened the Door" <https://www.latimes.com/local/california/la-me-santa-barbara-pot-grows-20190612-htmlstory.html>
- May 22, 2019: Los Angeles Magazine. "In Santa Barbara, the War Between Weed Growers and Their Neighbors Is Getting Nasty" <https://www.lamag.com/citythinkblog/santa-barbara-weed-war/>

Conversely, the Hemp/Marijuana grows drift terpenes that could negatively impact the quality of the local vineyards and fruit orchards. Terpenes are a large and diverse class of organic compounds, produced by a

variety of plants, including Hemp/Marijuana. Terpenes often have a strong odor. These Hemp/Marijuana terpenes could negatively impact vineyard fruit quality - UC Davis is currently studying this impact. In November 2019, UC Davis provided Santa Barbara County a letter that outlined the potential negative impacts of terpenes on vineyard and grape quality. In Napa Valley vineyard/winery grape contracts have been cancelled due to cannabis terpene contamination and the traditional agriculture vineyards have had to go to court versus the cannabis grows in the area.

The following language needs to be included in the County Hemp/Marijuana ordinances to protect and prevent undo pesticide drift litigation for existing local small business farmers in the County...

"Throughout the life of the project, the applicant, and their representatives, agents, officers, employees, successors, landlords, tenants, insurers, assigns and any other party claiming a direct or indirect financial, ownership or commercial interest in the project or the cannabis or cannabis products produced or located on the site, shall, as a condition of approval of this land use permit, release, waive, discharge, hold harmless and covenant not to sue any property owner, property operator/tenant or pest control business, pest control advisor or qualified applicator, including their agents, officers, employees and authorized representatives ("Released Parties"), for any claim, loss or damage to cannabis or cannabis products located on the project site arising out of the recommendation or application of a registered pesticide on an agricultural commodity located outside the project site by a person or business who holds the required state license or certificate and local Operator Identification Number and, if applicable, Restricted Materials Permit, and who follows required state and local pesticide use reporting and does not grossly depart from industry norms, standards and practices regarding the application of said pesticide. This condition does not extend to any loss or damage caused by the gross negligence or willful misconduct of a Released Party. This condition expressly extends to any statutory violations, including but not limited to actual or alleged violations of Food and Agricultural Code Section 12972 or 12973, so long as the violations are not caused by the gross negligence or willful misconduct of a Released Party. Approval of this land use permit, as a land use decision, is a quasi-judicial action regulatory in nature involving the application of preexisting laws or standards to a specific project and does not involve negotiated consideration by both the County and the application, unlike a development agreement, and therefore is not subject to the limitations of Civil Code section 1668 because this land use decision is not contractual in nature. This condition of approval shall have no impact on the enforcement or application of State pesticide laws and regulations by state or local agencies, including but not limited to licensing and certification requirements, pesticide use reporting and operator identification numbers, pesticide use enforcement inspections and investigations, issuance of cease and desist orders, initiation of administrative or criminal enforcement actions, and imposition of administrative, civil and criminal penalties."

Hemp/Marijuana projects are NOT traditional agriculture for SLO County - these are nuisance crops. As a Supervisor and as the County Board of Supervisors, we need you to protect an existing and thriving \$2.5 billion traditional agriculture, small farm businesses and the wine tourism industry.

3. The Creston Advisory Body (CAB) and Creston Community DO NOT want Hemp/Marijuana grows near our farms, residential agriculture neighborhoods, homes and families. A CAB letter on the Hemp ordinance was sent to the County earlier this year where CAB stated our community concerns and position on Hemp/Marijuana. Please listen to your County CACs and constituents on this conflict of issues regarding Hemp/Marijuana grows and our rural country quality of life. Our CAC voice is one - we do not want these operations in our communities.

In summary...

Hemp/Marijuana projects are NOT traditional agriculture for SLO County - these are nuisance crops.

1. Hemp and Marijuana are the same plant - Cannabis. The County should have ONE restricted land use ordinance for Cannabis.
2. Hemp/Marijuana operations are in direct conflict with local established traditional agriculture small farm businesses. Protections need to be put in the Hemp/Marijuana ordinance that safeguard the County's existing \$2.5 billion traditional agriculture businesses.
3. The Creston Advisory Body (CAB) and Creston Community DO NOT want Hemp/Marijuana grows near our farms, residential agriculture neighborhoods, homes and families.

Do not force the Santa Barbara County's cannabis un-restricted grows on to San Luis Obispo County traditional agriculture businesses, residential agriculture neighborhoods, homes and families. These Hemp/Marijuana operations are in direct conflict to our rural/country quality of life.

Please consider in the County Hemp/Marijuana ordinance a set of restrictions to Hemp/Marijuana operations that acknowledges the facts and data as I have outlined in my letter to you. The cultivation of Hemp/Marijuana is not the same as traditional agriculture. Cannabis - Hemp and Marijuana - requires a set of ordinances to protect existing agriculture and small farm businesses as well as the neighboring homes and families in San Luis Obispo County.

Thank you.

Steve Almond
Almond Ranch

Creston, CA 93432

email: steve.almond52@gmail.com

mobile:

FW: [EXT]Fwd: Hemp Grow at 1091 Viva Way Nipomo

District 4 <district4@co.slo.ca.us>

Mon 5/4/2020 02:34 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>

Public Comment on 22 for tomorrow's meeting.

- **Caleb Mott**

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

ext 4337

District4@co.slo.ca.us

1055 Monterey St D430

San Luis Obispo CA 93408

[Visit our Website](#)

From: mcberry@aol.com <mcberry@aol.com>

Sent: Monday, May 4, 2020 1:55 PM

To: Brian Pedrotti <bpedrotti@co.slo.ca.us>; District 4 <district4@co.slo.ca.us>

Subject: [EXT]Fwd: Hemp Grow at 1091 Viva Way Nipomo

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hi Brian and Caleb, This is just an update on Viva Way Hemp Grower. The obnoxious skunk odor is still very strong and the fans are as loud as ever. The only real change is the next door property owner had to build a 6 foot high wood fence 630 ft. long to keep the hemp business off of his property. In my opinion this Hemp Growing facility does not belong in this neighborhood.

Thanks for presenting this at your meeting tomorrow.

Sincerely, Mike Berry

From: mcberry@aol.com

To: bpedrotti@co.slo.ca.us, lcompton@co.slo.ca.us

Sent: 1/22/2020 1:02:49 PM Pacific Standard Time

Subject: Hemp Grow at 1091 Viva Way Nipomo

Brian how have you been ? I just received an e-mail about the Hemp meeting tomorrow and hopefully it's not to late to register my comments. After ten years of dealing with Plant Source /Viva Farms at this location my neighbors and I have now spent the last ten months putting up with this extremely annoying operation . There are still four non permitted buildings at this location that are part of a demolition permit issued in 2016. The new owners are not only continuing to use them but have installed lights and fifteen huge very loud fans that come on automatically 24 hours a day.The hemp odor generated at this location can be smelled by neighbors as far away as the old Clearwater Nursery on Mesa Road,you can imagine how

strong it is at my house just 90 to 100 feet away! I don't know how much time you spent on Granny-Tiny home ordinances but at a SCAC meeting you stated motor homes and travel trailers were not allowed as living quarters but when the employee that is living on the property was presented to Danny DeRio at Code Enforcement he said it was irrelevant. Hopefully my and the other neighbors concerns will be considered and this Hemp Grow can be required to relocate. Thanks Mike Berry

FW: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 02:41 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 5 attachments (3 MB)

Hemp BOS Hearing Documents.PDF; Hemp CEQA Exemption.PDF; GrowerShipper Letter.PDF; CDFW Comment Letter.PDF; SLO APCD Letter.PDF;

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold

(p)

(f)

molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Murray J. Powell <murray@dfrios.com>

Sent: Monday, May 4, 2020 2:20 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>; Ramona Hedges <rhedges@co.slo.ca.us>

Subject: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

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May 4, 2020

To the San Luis Obispo County
Board of Supervisors

VIA EMAIL

Re: Proposed SLO County Hemp Ordinance – BOS May 5, 2020 Approval Hearing.

I am writing in reference to the Board's May 5th hearing agenda item #22 scheduled to consider amending various sections of SLO County's Title 22 and 23 Code regarding industrial hemp activities. I attended most of the ALAB Committee Hemp Ordinance meetings conducted during 2019. I am surprised and disappointed that the County is considering this very important matter while State and County COVID Emergency orders are in effect. The Emergency Orders prohibit "Non-Essential Services and Activities" that are not matters related to the protection of the public's health, safety and welfare. In my opinion, the scheduled May 5th BOS ordinance approval hearing is a violation of the existing State and County COVID Emergency Shelter at Home and other related COVID Emergency Orders. Certainly the approval of the defective, poorly drafted Hemp ordinance that each of you will be considering on Tuesday, is not an "Essential" emergency matter intended to protect the health, safety and welfare of our County's residents, workers and visitors.

The following comments address several important issues that are virtually ignored or are inadequately presented in the proposed Hemp ordinance draft to be considered tomorrow.

Odor. The proposed ordinance does not prohibit the offsite detection of Outdoor Hemp Cultivation Hemp. Essentially Hemp is an outdoor cultivated crop. **THE PROPOSED ORDINANCE PROHIBITS INDOOR HEMP CULTIVATION and INDOOR HEMP PROCESSING ODOR DETECTION OFFSITE.** Does this make any sense? Outdoor hemp cultivation is the MAJOR LEADING source of cannabis skunk like odor impacting neighboring properties, residents and established businesses. Effective outdoor cannabis odor mitigation systems or techniques do not exist. The majority of Hemp related public comments and complaints discussed during the ALAB Committee's consideration of proposed Hemp ordinances and the Planning Commission's hours long draft ordinance hearings were regarding Hemp offsite odor detection and Hemp cultivation area setback distances intended to mitigate offsite odor detection. **Please add the following provision to the proposed ordinance. "Nuisance Odors. All Industrial hemp outdoor cultivation shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite."**

Setbacks. Setbacks are also related to odor impacts issues. Planning arbitrarily proposes a 300 foot outdoor hemp setback distance in the draft that is adopted from existing County cannabis ordinances. Experience in the County and elsewhere has proven, beyond a reasonable doubt, that 300 foot and much longer setback distances have no significant effect on the adverse impacts of cannabis odor on neighboring properties and our communities.

Effect of Cannabis Terpenes. The draft is silent on the effect of Hemp cannabis terpenes on wine grapes, other crops and on finished wine taste and quality. The hearing staff reports dismiss the probable adverse effects of cannabis odor terpenes on grapes and wine saying "It is important to note that there is a lack of scientific research regarding the effects of hemp terpenes on wine grapes, although that is likely to change in the near future as research is underway." Attached is a five page letter written Anita Oberholster PHD, that is part of your hearing record, who is a faculty member of the California UC Davis Department of Viticulture and Enology. This UC Department is ranked number 1 in the world regarding scientific research regarding grape growing and winemaking. Please read this letter. The letter concludes that the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on a large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near cannabis cultivation sites and on resulting wine quality. Once again this is subject related to offsite cannabis odor protection. The proposed draft provides that Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership. As discussed above, undisputed evidence exists that 300 foot setback do not mitigate the effects of cannabis odor.

CBD Oil and product Manufacturing Operations. The primary intent of Hemp production in SLO County is to manufacture CBD oil and related products. Obviously CBD Oil and other CBD product manufacturing processes are an essential Hemp activity and are very similar to regular MJ cannabis product manufacturing processes. Surprisingly, the proposed Hemp ordinance **IS SILENT** regarding any Hemp manufacturing activities except for the following brief comment. "Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. **For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing . . .**" Other than this very brief comment there are no references in the proposed draft to any existing County or State Codes, regulations or guidelines concerning CBD oil manufacturing operations. An existing County Title 22 Chemical Products Manufacturing ordinance found at Title 22 Section 22.30.160 is discussed below. This brief 1995 ordinance refers to Hemp or THC cannabis manufacturing operations.

CBD manufacturing operations involve highly dangerous flammable and explosive materials and the operation of highly technical high pressure (5,000 PSI) extraction equipment. Existing County THC cannabis ordinances (Title 22 Section 22.40.070) place some restrictions on the scope, location, site size, minimum 600 setback distances and other regulations on THC cannabis manufacturing facility operations. The County's existing Title 22 Section 22.40.070 cannabis manufacturing ordinance provides some control over regular cannabis (over .3% CBD content) manufacturing processes. A number of Section 22.40.070 provisions are relevant to Hemp

manufacturing activities. The following represent existing cannabis manufacturing Title 22 ordinance provisions that should be addressed in the Hemp draft. None of these provisions are in the proposed draft.

- Location of THC cannabis manufacturing facilities are limited to Commercial Service (CS), Industrial (IND) and Agricultural (AG) land use zones
- Limitation on use. Only Non-volatile processes and substances are allowed to operate. Use of volatile process and substances are prohibited. “Nonvolatile solvent” means any solvent used in the extraction process that is not a volatile solvent, including carbon dioxide. **“Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. “Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.” See existing ordinance 22.30.160 for comments on explosive gases.**
- Manufacturing facilities shall not be located within 600 feet of schools, parks, playgrounds, recreation or youth centers and licensed drug and alcohol recovery and living facilities. These are existing “Sensitive Sites” defined in the County’s existing Cannabis ordinances. The proposed draft has no setbacks indicate for manufacturing facilities.
- Manufacturing facilities shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. Need to add the Nuisance Odor offsite detection provision previously discussed above.
- Manufacturing facilities do not pose a significant threat to the public or to neighboring uses from explosion of or from the release of harmful gases, liquids or substances.

The proposed Hemp ordinance fails to at least limit manufacturing to Non-Volatile processes allows for highly flammable and dangerous manufacturing processes that are a threat to the health, safety and welfare of the general public, to Hemp manufacturing facility employees and to neighboring properties and residents.

An existing County Title 22 Chemical Products Manufacturing ordinance is found at Title 22 Section 22.30.160 that should be considered applicable to Hemp manufacturing operations described in the draft as “Chemical Manufacturing”. The existing title 22 Chemical Products Manufacturing Section 22.30.10 ids attached. This County Code section provides the following:

22.30.160 - Chemical Products Manufacturing

A. Permit requirement. Minor Use Permit approval, unless a Conditional Use Permit is otherwise required by Section 22.08.030 Permit Requirements - Manufacturing and Processing Uses.

B. Location. A chemical product manufacturing facility shall be located no closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category. ..

C. Minimum site area. Five acres, unless otherwise provided by Subsection D.

D. Specific use standards.

1. Explosives manufacture. The manufacture of explosives is subject to the following standards.

a. Location. No closer than one mile to any Residential, Commercial, Office and Professional, Recreation, or Public Facilities category.

b. Minimum site area. 20 acres.

c. Storage. The storage of explosives shall be in compliance with Section 22.10.050 (Toxic and Hazardous Materials).

2. Gaseous products. The manufacture or bulk storage of explosive or corrosive gaseous products such as acetylene, chlorine, fluorene and hydrogen, are subject to the special standards for explosives in Subsection D1.

[Amended 1992, Ord. 2553] [22.08.082]

This existing Chemical Products Manufacturing County Code ordinance adds several layers of confusion and contradictory requirements when compared to the Hemp draft. Does the Chemical Product Manufacturing Code

Section 22.30.160 dictate the requirements for the location and operation of Hemp manufacturing operations and facilities or not? VERY CONFUSING.

- The draft Hemp ordinance does not designate or limit the location of Hemp Manufacturing operations to any County zoning designations, to any setback measurements or distances, or minimum site size. 22.30.160 would require 1,000 foot not 300 setbacks according B. above, or possibly one (1) mile according to D.1.a. if volatile processes are allowed in the “Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories” but apparently not in the AG, RL, CS and IND zones.
- The existing Chemical Code section limits manufacturing facility site areas, depending on the guidelines in D., to either 5 acres in B. or 20 acres in D.1.a. These provisions appear unclear as to whether these minimum site area size limit apply to the Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories” designated in this Code Section. Or does this Code Section’s minimum site area limits apply to all County zone designations where Hemp operations may be allowed in the County?
- The draft Hemp ordinance does not limit Hemp Manufacturing operations to any specific County location zoning designations. The draft does designate the hemp cultivation activities to AG, RL and RR, and processing to AG, RL, RR, CS and IND zones. The Chemical Code section does not limit manufacturing facility locations to any Land Use designations but does place setback restrictions on “Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories”. Four of these five designations are not referred to in the Hemp draft. What County Land Use zone designations are Hemp manufacturing facilities and operations limited to, if any?

Sensitive Site Definitions. The draft mentions “Sensitive Sites but does not define the term. The existing County THC cannabis ordinances define sensitive sites as “Cannabis cultivation shall not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility with minimum setback distances of 1,000 or 600 feet. The draft ordinance and the May 5th Staff reports use the term “sensitive uses while rejecting the term “sensitive sites’ as State definitions that do not address odor issues. Other “sensitive site” issues involve impacts on area compatibility, impact on visual aspects of surrounding site areas and other important matters in addition to odor problems that are ignored in the draft.

Pesticide Use and Drift. THC Cannabis pesticide limitations are measured in parts per million not the typical parts per thousand applicable to regular recognized crops. Pesticide drift has created serious conflicts between cannabis operations and established recognized crop and grazing ag operations. Cannabis operators are threatening established growers and pesticide service operators with lawsuits for pesticide material drifting on to cannabis crops. Helicopter pesticide spraying operators are refusing to spray established crops such as citrus and avocado groves that require aerial spraying to be effective. California has yet to establish regulations and guidelines associated with Hemp pesticide use and testing thresh holds. The California Department of Pesticide Regulation’s website has the following statement posted. “ Pesticide guidance developed for cannabis by the Department of Pesticide Regulation (DPR) is specific to cannabis and not applicable to industrial hemp. **DPR is currently developing hemp-specific guidance that will be added to this webpage. We strongly recommend stakeholders familiarize themselves with current pesticide law and regulations and contact your local agricultural commissioner’s office with pesticide related questions.**

ALAB Committee Recommendations. ALAB submitted five “recommendations” to County Planning on December 19 ,2019. The Planning Department arbitrarily issued its propose Hemp ordinance draft for public review on November 12, 2019. ALAB’s last Hemp meeting and the submission of its December 19, 2019 recommendation letter was more than a month later than the publishing of the Planning Department draft for public review. All five of ALAB’s recommendations are ignored in the draft ordinance. The ALAB recommendation letter is attached. Staff misleading comments claiming that the draft ordinance will “reduce conflicts with other uses”. Outdoor Hemp Cultivation, the major source of obnoxious Hemp (cannabis) odor, is not addressed in the proposed ordinance draft. ALAB failed to arrive at any consensus regarding setback distances and methods of measurements. ALAB recommends the development of Best Management Practices (MAP’s) for hemp cultivation. Not a word about MAP’s in the draft. Where are they? Will we ever see them?

SLO County Urgency Ordinance No. 3393. SLO County's June 10, 2019 Temporary Hemp Moratorium Urgency Ordinance No. 3393 recognizes and discusses various concerns associated with Hemp activity that will be encountered in the County. References are to Urgency Ordinance No. 3393 Section 2.

Urgency Order Item N. As cannabis cultivation permits have been processed, the County has received substantial amounts of public testimony regarding the potential harmful effects of cultivating cannabis, specifically, odor nuisance and public safety concerns. Individuals opposing either existing or proposed cannabis cultivations, cite foul "skunk-like" smells emanating from the operation, the need to close windows, people unable to go outside due to the noxious skunk like odor, and people experiencing irritated eyes because of the odor. Cannabis cultivation projects are therefore individually reviewed to look at further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed. Individuals also cite similar odor complaints regarding certain odor "masking" systems which are often used in the growing of cannabis identifying an "overwhelming Febreze like smell" which is similarly annoying and causing eye irritation. At this point, it is unclear if industrial hemp has similar odors thus implicating these same potential impacts and further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed. This item recognizes the public's opposition and complaints with cannabis plant "skunk like odors" and states that further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed. **Outdoor Hemp cultivation, Hemp's major odor producing activity, is not addressed in the draft.**

Urgency Order Item O. Cannabis cultivation has become increasingly more prolific in the County and certain places, like California Valley, experienced an almost immediate insurgence of cannabis related activity. This cannabis related activity resulted in an increase in public services, most specifically, increased need for public safety and law enforcement due to an increase in criminal conduct. Through the County's Cannabis Ordinance, site specific safety and security issues are reviewed and plans and conditions are put into place (i.e. special fencing, lights, security cameras, etc.) in order to address this potential impact. Because industrial hemp is virtually identical to cannabis, the County's Sheriff's Department notes that certain regulations are needed in order to deter or prevent individuals associating industrial hemp with cannabis and therefore deterring or preventing unlawful activities which are associated with cannabis (i.e. theft, trespass, and robbery). **See enforcement comments below.**

Urgency Order Item P. Industrial hemp can serve as a host to mites and other insects. At this time, there are few pesticides registered for hemp that specifically address such mites or other insects. **Pesticide drift from established regular crop and grazing agricultural properties has become a major issue with regular cannabis operations in SLO and other counties. County and State pesticide regulations have not been established.**

Urgency Order Item Q. Absent regulation, the cultivation of industrial hemp and cannabis may pose incompatibility issues due to cross-pollination if male industrial hemp plants are grown or allowed to be grown. For example, due to cross-pollination and compatibility concerns, the state of Washington restricted the cultivation of industrial hemp within four miles of any licensed marijuana cultivation. Therefore, the cultivation of industrial hemp prior to the adoption of reasonable local regulations may interfere with licensed and permitted cultivation operations under the Cannabis Ordinance. **California recently pass a law SB 153 prohibiting the cultivation of regular cannabis and hemp on the same permitted property sites. The draft ordinance requires a 300 foot separation between Outdoor industrial hemp cultivation and any crop production or cannabis grow of separate ownership but does not refer to the State law that prohibits hemp and cannabis cultivation on a single property. A 300 foot separation is ineffective in preventing cannabis – hemp cross pollination.**

Urgency Order Item R. The cultivation of industrial hemp prior to the adoption of state or local regulations is potentially harmful to the welfare of residents, creates a nuisance, and may threaten the safety and land of nearby property owners. The allowance of cultivation of industrial hemp prior to the adoption of reasonable state or local regulations, creates an urgent and immediate threat to the public health, safety or welfare of the citizens and existing agriculture in San Luis Obispo County.

Urgency Order Item S. There is an urgent need for the County, including its Agricultural Commissioner, Planning and Building, Sheriff, and County Counsel departments, to assess the impacts of industrial hemp cultivation to review any state regulations subsequently issued and to explore reasonable regulatory options relating thereto.

The draft has no references to the many existing State or Federal codes regulating Industrial Hemp cultivation and CBD Oil production.

Urgency Order Item T. The County of San Luis Obispo has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances by the cultivation of industrial hemp prior to the adoption of reasonable state or local regulations.

Urgency Order Item S. There is an urgent need for the County, including its Agricultural Commissioner, Planning and Building, Sheriff, and County Counsel departments, to assess the impacts of industrial hemp cultivation to review any state regulations subsequently issued and to explore reasonable regulatory options relating thereto.

Urgency Order Item T. The County of San Luis Obispo has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances by the cultivation of industrial hemp prior to the adoption of reasonable state or local regulations.

The proposed Inland Title 22 Hemp ordinance draft fails to address most of the Urgency Ordinance No. 3393's concerns.

Enforcement. I assume, that since Hemp is a cannabis plant, that the Cannabis County Code Enforcement staff will be assigned with the County's Hemp enforcement responsibilities. Presently four (4) County Cannabis Code enforcement officer positions exist. County Code Enforcement is administered by the Planning Department. Last summer County Planning official, Matt Jensen, stated in a public meeting that cannabis code enforcement at that time was "OVERWHELMED". This was prior to any County cannabis projects, other than temporarily permitted abeyance projects, that should have been operating. Promised enforcement of Hemp and of 141 proposed outdoor cannabis cultivation permitted projects will require quarterly monitoring inspections and countless code complaints and pursuit of illegal operations requires a substantial increase in the County's Code and Law enforcement staff. Presently the County has no plans in place to expand County Code and law enforcement manpower.

CEQA Exemption. Planning proposes to exempt the adoption of the existing draft is from CEQA. See the staff report in the 259 page Attachment 11 and the Notice of Exemption Attachment 13 of the hearings documents for the May 5th BOS hearing agenda item #22. The Notice of Exemption makes the following comments:

"This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo. CEQA Guidelines Section 15061 (b)(3), Common Sense Rule Exemption."

SLO County APCD Comment Letter. The SLO APCD made the following comments in its December 19, 2019 comment letter (attached) regarding the Hemp ordinance draft ;

"To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:'

"The industrial hemp manufacturing requirements described in Paragraph D. 5. Industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories

of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - Air Pollution Control District (APCD) Review, it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

Permit – Manufacturing & Masking/Neutralizing of Hemp The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance – Manufacturing & Masking/Neutralizing of Hemp The following are subject to the APCD's Nuisance Rule 402 and may result in enforcement action:

- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

None of this information of the APCD permitting requirements are disclosed in the draft ordinance.

California Department of Fish and Wildlife Department (CDFW) Comment Letter. The CDFW disagrees with the County's CEQA exemption conclusions. The Department's 13 page December 18, 2019 letter (copy attached) can be found in tomorrow's hearing agenda's Item #22 as Attachment No. 11. The second and third paragraphs of page 72 of the CDFW letter makes the following comments:

"The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare or threatened species (as defined in Section 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant unless the CEQA lead agency makes and supports a Statement of Overriding Consideration (SOC).

I don't see any discussion in the 12 page May 5th Hearing Staff Report or other hearing documents other than the responding to Fish and Wildlife Department's CEQA concerns and recommendations.

You would hope that the County has learned from its prior mistakes. Existing County Cannabis ordinances implemented during 2017 have been amended three times with a fourth proposed amendment process scheduled at a date to be determined. Hemp is a moving target at the federal and State levels. Laws and code regulations are being developed and passed as we speak. See California Senate Bill SB 153 signed into law on October 12, 2019 (attached). Once this proposed Hemp ordinance is approved, the train has left the station and conflicts and lawsuits between Hemp operators, the public and established agricultural businesses begin. Cannabis operators are threatening to sue established agricultural operations that, in many cases, have been operating for decades on multi-generational family owned farms demanding that well established pesticide

application practices cease. In certain cases California law requires pesticide spraying applications on a quarterly basis to combat certain insects.

Each of you are aware that the County's proposed approval of Industrial Hemp operations has generated a substantial amount of public dialogue and opposition throughout the County during the past year as expressed during County Board, Planning Commission and County ALAB Hemp ordinance committee meetings. Substantial evidence of this opposition exists in the hundreds of pages of agenda hearing document attachments submitted as part of Tuesday's May 5th hearing record. You represent the 285,000 residents of SLO County. information must be seriously considered by each of you. The County Farm Bureau voiced concerns regarding certain Hemp related matters but generally opposes any discretionary permitting requirements for Hemp cultivation. However the Farm Bureau and its ALAB Group members are not in agreement. Many members oppose Hemp in SLO County and are of the opinion that Hemp and Cannabis cultivation is not compatible with organic or conventional Central Coast agriculture. See the attached 170 member Grower/Shipper Association letter attached.

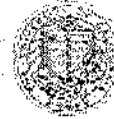
The BOS has the ability to extend the existing Hemp Moratorium to a later date (one year I believe). Hopefully State and local COVID orders will be lifted soon. I support the conclusions that are expressed by the Grower/Shipper Association's December 19, 2019 letter (attached) that asks that the County defer its consideration of an Industrial Hemp Ordinance until a later date when presently unknown health, legal, Federal and State regulatory, terpene odor and other unknown issues and there possible unintended consequences are determined. should only be considered during regular Brown Act government agency public hearings and meetings where the public is allowed to participate in-person to observe and present opinion, recommendations comments. The County Board and Planning Commission hearings on the Hemp ordinance matter were heavily attended by the public with a considerable number (majority) of public comments presented in -person during the course of the hearings opposing hemp cultivation in SLO County. The Hemp moratorium should be continued to a later date.

Murray Powell
Templeton Resident

Submitted by Courtney Taylor

UNIVERSITY OF CALIFORNIA, DAVIS

REGISTRATION SERVICES • OFFICE OF THE REGISTRAR • 100 SHREVE DRIVE • DAVIS, CALIFORNIA 95616 • TEL: 530/752-1300



UNIVERSITY OF CALIFORNIA, DAVIS

COLLEGE OF AGRONOMIC SCIENCES, WITH ENVIRONMENTAL SCIENCES
UNIVERSITY OF CALIFORNIA, DAVIS
DEPARTMENT OF VITICULTURE AND ENOLOGY
101 SHREVE DRIVE, DAVIS, CA 95616
TEL: 530/752-1300

101 SHREVE AVENUE
DAVIS, CALIFORNIA 95616

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October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effects that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards.

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kerimon et al., 2009; Kratoch et al., 2013) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Cappone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtrey-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 10% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, fresh/minty/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (material other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/l. Herve et al., (2003) reported a recognition threshold of 3.2 µg/l in red wine. In respective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 12.5 µg/l). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kerison et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Capone also found that *Lonicera* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with no MOG included, including no *Lonicera* leaves and/or bark, produced wines with above aroma threshold levels of 1,8-cineole if made from winegrapes grown within the first 50 meters from *Lonicera* trees. Including grape stems and some grape leaves as will be normal during most fermentations will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Azpurua-Olaverria et al., 2010). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The chemotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Azpurua-Olaverria et al., 2016). This is a 10³ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 87 µg·g⁻¹·hr⁻¹ depending on the strain of *Cannabis spp* (Wang et al., 2019). Additionally, β-myrcene, α-caryophyllol and δ-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, limonol, α-terpinolol, β-caryophyllene, linalthene, α-humulene and more. New terpenes are continually being identified in cannabis plants.

Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Larrau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, adsorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry to California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Ecology Department of Viticulture and Enology
University of California, Davis, California, 95616

- 3. Landscaping.** A 10-foot landscaping strip containing screening plant materials shall be provided adjacent to all interior lot lines.
- 4. Interment facilities.** All facilities for ground burial shall be designed and constructed in compliance with any requirements established by the Regional Water Quality Control Board (see Section 22.10.190 - Regional Water Quality Control Board Review).

[Amended 1994, Ord. 2696] [22.08.064]

22.30.160 - Chemical Products Manufacturing

- A. Permit requirement.** Minor Use Permit approval, unless a Conditional Use Permit is otherwise required by Section 22.08.030 (Permit Requirements - Manufacturing and Processing Uses).
- B. Location.** A chemical product manufacturing facility shall be located no closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category.
- C. Minimum site area.** Five acres, unless otherwise provided by Subsection D.
- D. Specific use standards.**
 - 1. Explosives manufacture.** The manufacture of explosives is subject to the following standards.
 - a. Location.** No closer than one mile to any Residential, Commercial, Office and Professional, Recreation, or Public Facilities category.
 - b. Minimum site area.** 20 acres.
 - c. Storage.** The storage of explosives shall be in compliance with Section 22.10.050 (Toxic and Hazardous Materials).
 - 2. Gaseous products.** The manufacture or bulk storage of explosive or corrosive gaseous products such as acetylene, chlorine, fluorene and hydrogen, are subject to the special standards for explosives in Subsection D1.

[Amended 1992, Ord. 2553] [22.08.082]

1. The cannabis processing facility, as proposed, will comply with all the requirements of State and County for the processing of cannabis, including dual licensure and participation in an authorized track and trace program;
2. The cannabis processing facility includes adequate quality control measures to ensure cannabis processed at the site meets State regulatory standards;
3. The cannabis processing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis is obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
4. The cannabis processing facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

OR

(For location modifications only.) Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective.

5. *(For processing sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

[Amended 2018, Ord. 3377]

22.40.070 - Cannabis Manufacturing

- A. Limitation on use.** Non-volatile cannabis manufacturing facilities may be permitted in the Commercial Service (CS), Industrial (IND), and Agriculture (AG) land use categories subject to a land use permit, as required below. Cannabis manufacturing facilities involving volatile processes or substances (requiring a Type 7 volatile manufacturing State license) are prohibited. Cannabis manufacturing facilities in the Commercial Service land use category are limited to those sites within an Urban Reserve Line (URL)

only. Cannabis manufacturing facilities in the Agriculture land use category are limited to the processing of the raw cannabis materials grown onsite.

B. Land use permit required.

- 1. Minor Use Permit.** Non-volatile manufacturing facilities of less than 40,000 square feet shall require Minor Use Permit approval unless a Conditional Use Permit is required by another Section of this Title.
- 2. Conditional Use Permit.** Non-volatile manufacturing facilities of 40,000 square feet or more shall require Conditional Use Permit approval.

C. Application requirements. In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.

- 1.** A complete description of all products used in the manufacturing process including the cannabis supply chain, liquids, solvents, agents, and processes.
- 2.** Storage protocol and hazard response plan.
- 3.** A security plan that includes lighting, security video cameras, alarm systems and secure area for cannabis storage. The security plan shall include a requirement that there be at least 30 (thirty) business days of surveillance video (that captures both inside and outside images) stored on an ongoing basis. The video system for the security cameras must be located in a locked, tamper-proof compartment.
- 4.** Employee safety and training equipment plan, plus Materials Safety Data Sheet requirements, if any.

D. Manufacturing standards.

- 1. Location.** Cannabis manufacturing shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the manufacturing facility to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility through Conditional Use Permit approval, provided the Commission first makes the findings specified in Section 22.40.070(E)(5).

- 2. Setbacks.** Setbacks are required as set forth in Section 22.10.140.
 - 3. Nuisance odors.** All cannabis manufacturing shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis manufacturing shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.
 - 4. Limitation on the manufacturing of cannabis edible products.** The manufacturing of cannabis edible products, as defined by this Title, that are in the shape of animals, people, insects, or fruit is prohibited.
- E. Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
- 1.** The cannabis manufacturing facility, as proposed, will comply with all the requirements of State and County for the manufacturing of cannabis, including dual licensure and participation in an authorized track and trace program;
 - 2.** The cannabis manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from release of harmful gases, liquids, or substances;
 - 3.** The cannabis manufacturing facility includes adequate quality control measures to ensure cannabis manufactured at the site meets industry standards and includes a documented employee safety training program, a Materials Data Safety Sheet (MSDS), and meets all requirements in the Health and Safety Code Section 11362.775, and as it may be amended;
 - 4.** The cannabis manufacturing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
 - 5.** The cannabis manufacturing facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

OR

(For location modifications only.) Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective.

6. *(For manufacturing sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

[Amended 2018, Ord. 3377]

22.40.080 - Cannabis Testing Facilities

- A. Limitation on use.** Cannabis testing facilities may be permitted in the Commercial Service (CS) and Industrial (IND) land use categories subject to a land use permit. Cannabis testing facilities in the Commercial Service land use category are limited to those sites within an Urban Reserve Line (URL) only.
- B. Land use permit required.** Cannabis testing facilities of less than 20,000 square-feet shall require Minor Use Permit approval. Cannabis testing facilities of 20,000 square-feet or greater shall require Conditional Use Permit approval.
- C. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60, Section 22.40.040, and include an operations plan detailing how cannabis will be received, secured, tested, and destroyed upon completion.
- D. Cannabis testing facilities standards.**
 1. **Location.** Cannabis testing facilities shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility through Conditional Use Permit approval, provided the Commission first makes the findings specified in Section 22.40.080(E)(6).

County of San Luis Obispo Agricultural Liaison Advisory Board



2156 Sierra Way, Suite A
San Luis Obispo, CA 93401

**Agricultural Liaison
Advisory Board (ALAB)**

Positions/Members/Terms

CHAIR: Jean-Pierre Wolff
VICE CHAIR: Dan Rodrigues

District One: Peschong Appt.
Craig Pritchard (1/21)

District Two: Gibson Appt.
Lisen Bonnier (1/23)

District Three: Hill Appt.
Tom Ikeda (1/21)

District Four: Compton Appt.
Daniel Chavez (1/23)

District Five: Arnold Appt.
vacant (1/21)

Ag. Finance Rep.
Mark Pearce (8/22)

Cattlemen Rep.
Dick Nock

Coastal San Luis RCD Rep.
Jean-Pierre Wolff (8/22)

Direct Marketing/Organic Rep.
Jutta Thoerner (4/20)

Environmental Rep.
Krista Burke (1/23)

Farm Bureau Rep.
R. Don Warden

Nursery Rep.
Butch Yamashita (4/20)

Upper Salinas-Las Tablas RCD Rep.
George Kendall (4/23)

Vegetable Rep.
Claire Wineman (4/20)

Wine Grape Rep.
Dan Rodrigues (4/20)

Strawberry Rep.
vacant

County Agricultural Commissioner
Marty Settevendemie
Ex-Officio

U.C. Coop. Extension, Farm Advisor
Mark Battany

DATE: December 18, 2019

TO: Kip Morais, Project Manager, and Brian Pedrotti, Senior Planner,
San Luis Obispo County Department of Planning and Building,

SUBJECT: ALAB comments and recommendations on the Public Review Draft of the
Industrial Hemp Ordinance

At the December 9, 2019 Agricultural Liaison Advisory Board (ALAB) meeting, ALAB members discussed the potential adoption of a permanent ordinance regulating the cultivation and processing of industrial hemp within the unincorporated portions of San Luis Obispo County. ALAB members affirmed their support for the growth and success for all agricultural commodities and the majority agreed upon a number of recommendations described below.

ALAB reviewed the information provided by the ALAB hemp subcommittee, a group established by ALAB to specifically address the potential for a local hemp ordinance and assist in providing information to be used for that ordinance development. The hemp subcommittee, a group which included ALAB members, local hemp growers, and local vineyard and winery representatives, met six times in the past four months. Meetings were open to the public and many hemp growers and concerned citizens alike attended and provided comments and input. The ALAB subcommittee provided the full ALAB membership with a few specific recommendations and a number of general areas of consensus that the full ALAB board took under advisement.

After reviewing the input from the ALAB hemp subcommittee and considerable additional discussion amongst members, **ALAB members approved a motion to provide the following five recommendations to County Planning in response to the Public Review Draft of the Industrial Hemp Ordinance:**

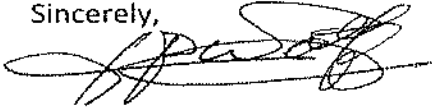
- ALAB recommends that County Planning strive to develop this ordinance, and its associated requirements and restrictions, in a manner that minimizes conflicts with existing agricultural operations and businesses.
- ALAB recommends that County Planning consider the implementation of a

sliding scale for setback requirements based upon the number of industrial hemp acres being cultivated. Although ALAB could not come to consensus on exactly what those setback distances should be, it was agreed that it is logical to require smaller setback distances from smaller sized growing sites, relative to the acreage of the hemp growing site.

- **In Section 22.30.244 (B.)1.c:** ALAB recommends that riparian and wetland setbacks be struck from the ordinance due to this requirement being duplicative of existing requirements from other agencies that growers must already meet.
- ALAB recommends that direction is given to the Agricultural Commissioner's Office to develop a set of recommended and/or required Best Management Practices (BMP's) for the cultivation of industrial hemp locally. Once these BMP's are developed, ALAB recommends that consideration is given toward incorporating those BMP's into the industrial hemp registration process conducted by the Agricultural Commissioner's Office.
- ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.

Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'JP Wolff', with a long horizontal flourish extending to the right.

Jean-Pierre Wolff, Ph.D.
ALAB Chair



December 19, 2019

Brian Pedrotti and Kip Morais
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Planning and Building Department:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of a permanent ordinance regarding industrial hemp cultivation. Our Board of Directors voted unanimously to submit this comment letter.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES
534 E Chapel St • Santa Maria, CA 93454 • (805) 343-2215

Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

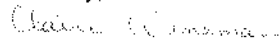
Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing food crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President



SAN LUIS OBISPO COUNTY FARM BUREAU

4875 MORABITO PLACE, SAN LUIS OBISPO, CA 93401

PHONE (805) 543-3654 • FAX (805) 543-3697 • www.slofarmbureau.org

December 19, 2019

San Luis Obispo County
Department of Planning and Building
Attn: Kip Morais
976 Osos Street Room 200
San Luis Obispo, CA 93408

Submitted by email to pl_LongRangeShared@co.slo.ca.us

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

San Luis Obispo County Farm Bureau represents all of the farmers, ranchers and agribusinesses that make up our \$2.5 billion-dollar county agricultural economy. Like all policy issues, our positions on industrial hemp must reflect our members' diverse perspectives. Our 800 members include hemp and cannabis growers, retailers, rural residents opposed to all cannabis, wine grape growers, and farmers raising other commodities. Since the Urgency Ordinance was passed on June 18, 2019, Farm Bureau has tried to find common ground between stakeholders on this difficult issue both within our membership and through the Agricultural Liaison Advisory Board. Our comments here are to help guide County staff, Planning Commissioners and Supervisors to fairly understand industrial hemp issues and to make this ordinance workable for San Luis Obispo County.

Our principal objective is to preserve our freedom to farm, not to farm any one particular crop. We must prioritize protecting our largest commodity (wine grapes), while being mindful of how any protections enacted today could jeopardize all farmers down the road. We also have a responsibility to attract new people to agriculture and afford smaller farms an opportunity to make a living off of a small amount of land. Industrial hemp has this potential, but sadly, the County's enactment of a temporary moratorium during the 2019 growing season, coupled with the rapidly evolving nature of this new U.S. hemp market, means a potentially lucrative new ag commodity will likely pass San Luis Obispo by. Nonetheless, we are committed to finding a path forward for hemp in SLO County.

Our members have identified three primary issues of concern with industrial hemp, including:

- Odors from hemp cultivation being a nuisance to neighboring residences or businesses;
- Possible contamination of wine grapes by compounds present in the odor emitted by hemp and cannabis (compounds known as terpenes); and
- Legal liability from contaminating hemp and cannabis with pesticides used in neighboring crop fields for non-hemp or cannabis crops.

Issue 1: Odor

First, any setback on a federally legal agricultural crop is a dangerous precedent for all of agriculture. If odors from ag crops are categorized as a nuisance, several longtime staples of our county's crop portfolio (broccoli, leafy greens, etc.) are at risk of being restricted or pushed out. Furthermore, some

1

routine crop inputs like fertilizers or pesticides also can have an odor. This county has to-date differentiated crop-associated odors that may only be present during certain times of year from livestock odors that may be present year-round. This ordinance deviates from this precedent, and unfortunately puts a path forward for residents unhappy with crop farming odors to seek local land use restrictions on farmers. Odors are inherent in the production of most row crops to some degree or another. Clearly in the background of this hemp conversation, the County is also contending with vocal complaints about odors from cannabis operations; but, where will we draw the line for the rest of agriculture? Farm Bureau opposes banning a federally legal agricultural commodity based on odor, and we believe this ordinance takes our County down an anti-business and anti-agriculture path of overregulation. At what point will we realize the inevitable consequences of the not-in-my-backyard mentality that increasingly drives local policy decisions? We caution our County leaders to not allow current objections to hemp and cannabis odors to open the door for restricting other crops that have an odor some residents find unpleasant or a nuisance.

Issue 2: Possible Contamination of Wine Grapes

Allowing any one crop to negatively impact another crop is also problematic. Frankly, if our policy position has to reflect a choice between protecting an existing crop benefitting a majority of our members and welcoming a new crop, Farm Bureau will have to advocate for preserving our existing leading commodity. But longtime local farmers and residents will recall a time when wine grapes pushed out grain and hay production that was once fundamental to San Luis Obispo County agriculture. Many farmers undoubtedly faced hardship as a result of this change, but arguably wine grapes' proliferation was a net positive for our local economy. If hemp lives up to the hype, do we want to close the door on an opportunity for the next generation of farmers to succeed? Judging by the success of wine grapes today, we should thank our predecessors for having an open mind and regulatory restraint by welcoming a new crop opportunity without a near-sighted determination to protect existing crops.

If cannabis or hemp does cause actual contamination of wine grapes from terpenes, this ordinance will need to be revisited after scientific evidence can guide an appropriate buffer or setback requirement. Concern about hemp and cannabis taint onto wine grapes in SLO County to date has been limited to the Edna Valley region. Hemp has been grown for the past two years immediately adjacent to wine grapes in at least two locations in SLO County (Paso Robles and in southern SLO County near Santa Maria) with no reported issues of terpene contamination. Science in the future may confirm concerns about hemp and cannabis' negative effect on wine grapes, but no such evidence exists today. As a federally legal agricultural crop, hemp should be innocent until proven guilty.

Issue 3: Pesticide Drift Liability

To complicate the issue further, some local farmers have faced legal threats from cannabis or hemp neighbors regarding pesticide drift contamination. Some of the potential drift concern has not come from actual spray migrating to adjoining farms where cannabis or hemp is grown, but from pesticides they believe may be contained in the dust stirred up during routine field work like plowing. Other farmers have been unable to get aerial spraying services performed because the pesticide applicator is afraid of being sued by cannabis or hemp farmers. It is important to note, hemp does not receive the same stringent pesticide residue testing on every lot like cannabis, but pesticide residue tolerance levels for hemp are still being developed by the U.S. Environmental Protection Agency. That is, conventional farmers' pesticide drift concerns are understandably elevated for cannabis, and to a lesser but still

significant extent, hemp. The inability to get spraying services performed could be devastating for farmers, especially crops like avocados or grapes where the crop cannot be easily relocated.

For perspective though, the County does not attempt to shield any crops, be it conventionally or organically grown fruits or vegetables, cannabis, hemp or other crops, from pesticide drift through the Land Use Ordinance; pesticide drift cases are handled by the County Agricultural Commissioner or directly by affected parties through litigation. We understand the frustration felt by non-hemp farmers who are being threatened with lawsuits for pesticide drift. We understand the rationale for dealing with a real and present problem today of avoiding these lawsuits by supporting a large setback requirement for hemp. But we caution those farmers and our County leaders that these setback requirements to mitigate odor and pesticide drift issues could come back later on to these same farms in the future. It is already against the law for any farmer to drift pesticides on to a neighboring farm, but low or non-existing pesticide residue tolerance levels for cannabis or hemp has changed the discussion about how pesticides impact neighbors. If we enact restrictions to prevent cannabis or hemp growers from being contaminated by conventional agriculture's pesticide drift, surely schools, hospitals, residences and about everyone else in our community will want the same pesticide drift protection. Will we now make all farmers using pesticides be two miles from a residence or school? These farmers advocating for hemp to be regulated like cannabis or to subject hemp to large setbacks are our valued Farm Bureau members, but we caution them and our County leaders this may be "cutting off our nose to spite our face."

Specific recommendations:

1. We oppose banning a federally legal agricultural crop based on odor.
2. We oppose a conditional use permit requirement for a federally legal agricultural commodity. Hemp should not be regulated like cannabis.
3. We support the ordinance's proposed standard for indoor cultivation being no detectable odor off site. As minimizing off-site odors is the objective, the ordinance does not need to include specific odor control system components or equipment.
4. We believe language in Section 22.30.244 (B.)1.c of the ordinance regarding riparian and wetland setbacks should be removed. These requirements seem unnecessary.
5. We believe the list of locations from which a setback is required may need to be broadened to include event spaces like wedding venues, in addition to protection singled out for tasting rooms.
6. We do not support the minimum site acreage requirement for indoor and outdoor hemp production. Avoiding neighbor-to-neighbor conflicts can be better achieved through some sort of buffer or setback system. For example, a farmer could locate a hemp crop at the edge of a 10-acre site in close proximity to neighbors. A 10-acre minimum also discourages beginning farmers and smaller operations from growing hemp. Placing a minimum acreage requirement may be an expedient political solution to get hemp out of areas where neighbor complaints typically come from, but it disproportionately affects small and beginning growers who cannot afford larger size farms.
7. Recognizing some complaints specific to cannabis cultivation in Residential Rural areas, we support the ordinance's allowance for non-flowering hemp production in the Residential Rural land use category instead of a complete prohibition. To completely disallow hemp in Residential Rural areas would be especially problematic for our local greenhouse industry. While opinions about odors from cannabis and hemp vary, immature hemp transplants should be recognized as less odorous as they do not yet possess female flowers where odors largely originate.

8. We support the ordinance's allowance for temporary structures (hoop houses) to be used for hemp cultivation and for temporary drying or crop storage.
9. Our membership has diverse opinions on what an appropriate setback distance should be, ranging from hemp growers wanting no setback, to other farmers wanting a setback of several thousand feet. As has been borne out by months of stakeholder discussions through the Agricultural Liaison Advisory Board, we do not currently have sufficient science to develop a setback to address all potential concerns. In the absence of this important information, the best option may be to develop a sliding scale based on hemp acreage as was recommended by ALAB. If more science becomes available in coming years regarding cannabis or hemp terpene contamination of grapes, the ordinance setback should be revised. The 300 feet setback as proposed in the ordinance is not ideal, but it is a better compromise than the 1000 feet or two-mile setback being proposed by other stakeholders based on the limited information we have today.

In closing, we want to thank all of our Farm Bureau members, local community groups, and the volunteer members of the Agricultural Liaison Advisory Board for providing input on this challenging issue. We also want to thank Assistant Agricultural Commissioner/Sealer Marc Lea for staffing the Hemp Subcommittee, and Planning and Building Planner Kip Morais for working expeditiously to craft an ordinance in the face of contentious debate and little agreement from stakeholders.

Sincerely,



Brent Burchett
Executive Director
San Luis Obispo County Farm Bureau



Air Pollution Control District
San Luis Obispo County

Via Email

December 19, 2019

Kip Morais
San Luis Obispo County Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
kmorais@co.slo.ca.us

SUBJECT: APCD Comments Regarding the SLO County Industrial Hemp Ordinance Draft

Dear Mr. Morais:

Thank you giving the San Luis Obispo County Air Pollution Control District (APCD) an opportunity to comment on the San Luis Obispo County Industrial Hemp Ordinance Draft (Draft). The Draft defined cultivation, processing and manufacturing as follows:

Industrial Hemp Cultivation

- Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review (pg. 2).
- The definition of Industrial Hemp Cultivation is defined on page 13 and states any activity involving the planting, growing, harvesting, or field drying of industrial hemp.
- Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories (pg. 2).
- Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure, only within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting (pg.13).

Industrial Hemp Processing

- Industrial Hemp Processing will be treated as an Agricultural Processing use and will require discretionary review (pg. 2).
- indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use (pg.13).

APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 2 of 3

Industrial Hemp Manufacturing

- Manufacturing of hemp products will be classified under existing manufacturing uses according to end-product and scale of operations and subject to permitting requirements accordingly (pg.13).
- Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end-product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc. (pg. 14).

The following APCD comments are pertinent to the Draft Ordinance.

The industrial hemp manufacturing requirements described in Paragraph D. 5. Industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - [Air Pollution Control District \(APCD\) Review](#), it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:

Permit - Agricultural Burning

Since Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing, burning of Industrial Hemp waste will require an APCD Agricultural Burn Permit and burning of waste is only allowed on Permissive Burn Days. All agricultural burning is subject to APCD Rule 502. Verification of THC content may be required upon application. For more information on agricultural burning, visit the following APCD webpage: slocdanar.org/rules-regulations/agriculture/burning.

Permit - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's Nuisance Rule 402 and may result in enforcement action:

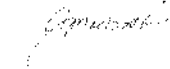
- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

Attachment 11

*APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 3 of 3*

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

JNM/jjh

cc: Brian Pedrotti, Long Range Planning Team
Sarah Wade, APCD



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 18, 2019

Kip Morais
County of San Luis Obispo Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408

**Subject: County of San Luis Obispo Industrial Hemp Ordinance Public Review
Draft (Ordinance)**

Dear Mr. Morais:

The California Department of Fish and Wildlife (Department) has received a copy of the draft County of San Luis Obispo Industrial Hemp Ordinance. The draft Ordinance addresses cultivation, processing, manufacturing, and in the field sales of hemp in the unincorporated San Luis Obispo County (County) jurisdiction.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Ordinance that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Ordinance the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code (FGC).

As defined in the Ordinance, Section 4, Section 22.30.070, industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories. As defined in the Ordinance, Section 4, Section 22.30.244, industrial hemp cultivation (indoor and outdoor) may be allowed in the AG, RL, and RR land use categories only; outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger; indoor industrial hemp cultivation is limited to sites of five (5) acres or larger; outdoor industrial hemp cultivation in the RR land use category is limited to production of industrial hemp transplants only.

THE DEPARTMENT ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802).

Conserving California's Wildlife Since 1870

Kip Morais
 County of San Luis Obispo Planning & Building Department
 December 18, 2019
 Page 2

COMMENTS AND RECOMMENDATIONS

The Ordinance applies to all of San Luis Obispo (SLO) County which has been identified to contain thousands of acres of protected conservation lands, core population areas for multiple State and federally listed species and supports rare natural communities. The County includes the only known habitat for many special status species and important geographic and topographic habitat areas that have been identified as critical to meet the recovery goals for many State and federally listed species.

The Department is concerned the Ordinance, as drafted, could result in impacts to both unlisted and special status species known to occur in the County, including but not limited to, the special status species listed in the Table 1 and 2. The Department's recommendations are included below to minimize impacts to fish and wildlife resources and their habitat.

Common Name	Scientific Name	State Status	Federal Status
Invertebrates			
Kern primrose sphinx moth	<i>Euproserpinus euterpe</i>		threatened
longhorn fairy shrimp	<i>Branchinecta longiantenna</i>		endangered
Morro shoulderband snail	<i>Helminthoglypta walkeriana</i>		endangered
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>		endangered
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>		threatened
Fish			
arroyo chub	<i>Gila arcuttii</i>	SSC	
Steelhead	<i>Oncorhynchus mykiss</i>		threatened
tidewater goby	<i>Eucyclogobius newberryi</i>	SSC	endangered
Amphibians			
California red-legged frog	<i>Rana draytonii</i>	SSC	threatened
California tiger salamander	<i>Ambystoma californiense</i>	threatened	threatened
Coast Range newt	<i>Taricha torosa</i>	SSC	
foothill yellow-legged frog	<i>Rana boylei</i>	candidate threatened	

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 11

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to FGC section 2081. If a project could result in take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue a State Incidental Take Permit (ITP) for the Project.

The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

CEQA /

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in § 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (§§ 21001(c), 21083, Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with FGC section 2080 and would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency chooses not to mitigate impacts to CESA-listed species to less than significant levels, then the Department would become CEQA Lead Agency for ITP issuance, which would result in delays and additional costs to applicants. If there is no CEQA document and the project proponent seeks acquisition of an ITP, pursuant to FGC section 2081(b), the Department would become CEQA Lead Agency for ITP issuance. Furthermore, the issuance of an Exemption or Negative Declaration would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency proceeds with an Exemption or Negative Declaration, then the Department would become CEQA Lead Agency for ITP issuance.

Land Conversion: Not all parcels zoned Agriculture, Commercial Service, Residential Rural and Industrial have been developed. Many parcels meeting the land use categories for hemp cultivation or processing are undeveloped and potentially contain suitable habitat and special status species, specifically in the Carrizo Plain. Land conversion may result in habitat loss for special status species, migration/movement corridor limitations, or fragmentation of sensitive habitat. Loss of habitat to development and agriculture are contributing factors to the decline of many special status species and game species.

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 12

To further ensure that important fish and wildlife resources are not lost due to hemp cultivation, the Department recommends limiting hemp cultivation and processing to a "Previously Disturbed Area", following is a potential definition. The Department would like to discuss with County staff whether this definition would accomplish our common goals of avoiding new habitat conversions and significant impacts to wildlife due to hemp cultivation and processing: "An area which legally underwent clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation as of August 23, 2016. The extent and intensity of the disturbance must be such that County-approved biologists can readily verify that no rare, threatened, or endangered species occupy the site and that hemp cultivation would not cause impacts to rare, threatened, or endangered species." Some cases may require a qualified biologist to visit the site to make such a determination.

Many areas that have been previously farmed, graded, filled, or otherwise disturbed in the County support fish and wildlife resources, including special status species. For example, most of the Carrizo Plain was cultivated in the past but has been recolonized by multiple special status species. Even recently and currently cultivated lands there support special status species. Coastal prairies in the North Coast Plan Area and other grasslands throughout the County have also mostly been tilled or farmed in the past, yet they support special status plants and animals. Areas on the Nipomo Mesa and elsewhere in the South County that have been "previously disturbed" support Pismo clarkia, which is a State rare and federal endangered species.

Carrizo Planning Area: Carrizo Plain is unique within the County. Located in southeast SLO County, Carrizo Plain is bounded by the Temblor Range to the east, Caliente Range to the west, and contains the Carrizo National Monument. Carrizo Plain is home to multiple special status species, including the fully protected blunt-nosed leopard lizard, San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel and tricolored blackbird, and important game species such as pronghorn (*Antilocapra americana*) and tule elk (*Cervus elaphus*).

Hemp cultivation is incompatible with the fish and wildlife resources that occur in the Carrizo Planning Area. The Carrizo Planning Area harbors the highest concentration of special status species in California, contains designated Critical Habitat, and provides core habitat essential to the recovery of species listed under both the Federal and California Endangered Species Acts. The Department has observed directly that cannabis cultivation has disturbed and displaced habitat for these species in the Carrizo Planning Area, exposed listed species to poisoning, and likely resulted in unlawful take of listed species. These observations were documented in letters to the County dated September 8 and October 31, 2016 and March 6, 2017. It is reasonable to conclude allowing hemp cultivation and processing in the Carrizo Planning Area would have similar effects on the Critical Habitat and special status species in the area. The

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 13

Department recommends the County prohibit hemp cultivation and processing in the Carrizo Planning Area.

Riparian Habitat, Wetlands, and Watercourses: The Department concurs with the County's hemp cultivation setbacks of at least 50 feet from the upland extent of riparian vegetation of any watercourse and 100 feet from any wetland. Riparian habitat, wetlands, and watercourses are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat, wetlands, and watercourses are known to exist within the County, including historic seeping from the earth lined canals, shallow first encountered groundwater, and along natural and human made watercourses. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, the Department recommends that impacts to wetlands be compensated with the creation of new habitat, preferably on-site, at a minimum of an acre-for-acre basis. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. In addition, the Department recommends a delineation be conducted for proposed Projects to assess riparian, wetland, and watercourse impacts to guide project proponents in establishing appropriate no-disturbance buffers.

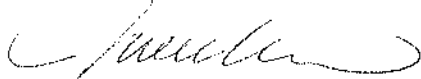
Enforcement: The California Department of Food and Agriculture (CDFA) is the licensing authority for the State for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the State's resources from the adverse impacts of cannabis cultivation (Fish & G. Code, § 12029). Like cannabis cultivation, hemp cultivation has the potential to affect fish, wildlife, plants, and their habitats. Cannabis inspections have led to violations for water diversions and storage, grading, chemical use, wildlife threats, timber conversion, and public safety. The Department's Law Enforcement Division (LED) is a critical component of enforcement. The Department's LED works with cannabis cultivators to bring their facilities into compliance, aids in remediating criminal environmental violations, coordinates with other agencies to remove illegal grows, growers, illegal water impoundments, and extremely toxic chemicals frequently associated with illegal grows, and protects California's unique and diverse natural resources.

The Department recommends amending the inspections section to read as follows: "All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, **without notice**, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, **The California Department of Fish and Wildlife, California Peace Officers** and Department of Agriculture/Weights and Measures."

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 14

The Department appreciates the opportunity to work with County staff and comment on the Ordinance. Questions or further coordination regarding this letter should be directed to Kelley Aubushon, Senior Environmental Scientist (Specialist), at (559) 243-8153 or kelley.aubushon@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

ec: Lieutenant Tyson Quintal
Ryan Mathis
Sarah Paulson
James Rosauer
California Department of Fish and Wildlife



SB-153 Industrial hemp. (2019-2020)

SHARE THIS:



Date Published: 10/14/2019 09:00 PM

Senate Bill No. 153

CHAPTER 838

An act to amend Sections 81001, 81002, 81003, 81004, 81005, and 81006 of, to amend, repeal, and add Section 81000 of, and to add Sections 81004.5, 81012, 81013, 81014, and 81015 to, the Food and Agricultural Code, relating to industrial hemp, and making an appropriation therefor.

[Approved by Governor October 12, 2019. Filed with Secretary of State
October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 153, Wilk. Industrial hemp.

Existing federal law, the Agricultural Act of 2014, authorizes an institution of higher education, as defined, or a state department of agriculture, as defined, to grow or cultivate industrial hemp under an agricultural pilot program, as defined, under certain conditions. Existing federal law, the Agricultural Marketing Act of 1946, as amended by the Agriculture Improvement Act of 2018, requires a state desiring to have primary regulatory authority over the production of industrial hemp in the state to submit to the United States Secretary of Agriculture, through the state department of agriculture, a plan, with specified contents, under which the state monitors and regulates hemp production.

Existing state law regulates the cultivation and testing of industrial hemp, as defined, and regulates the activities of seed breeders to develop seed cultivars through seed development plans, as defined. Existing law creates the Industrial Hemp Advisory Board. Existing state law requires an entity that is either a grower of industrial hemp for commercial purposes or a seed breeder that develops varieties of industrial hemp for sale or research to register with the county agricultural commissioner of the county in which it intends to cultivate industrial hemp and to annually renew its registration. Existing state law exempts an established agricultural research institution, as defined, from these registration requirements. Existing state law requires the Department of Food and Agriculture to establish a registration fee and appropriate renewal fee to be paid by registrants. Under existing state law, these fees are deposited in the Department of Food and Agriculture Fund and continuously appropriated to the department for the administration and enforcement of this registration program and other provisions regulating the cultivation of industrial hemp. Existing state law requires a county agricultural commissioner to transmit information collected pursuant to these provisions to the department. Under existing state law, a violation of these provisions is a misdemeanor.

Under existing state law, these provisions are operative only to the extent authorized by federal law, as set forth in an opinion of the Attorney General. Before enactment of the federal Agriculture Improvement Act of 2018, an opinion of the Attorney General issued pursuant to existing state law concluded that industrial hemp may only be grown pursuant to these provisions to the extent authorized by the federal Agricultural Act of 2014.

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), added by Proposition 64 at the November 8, 2016, statewide general election, revised some provisions of state law regarding industrial hemp.

This bill would revise the provisions regulating the cultivation and testing of industrial hemp to conform with the requirements for a state plan under the federal Agricultural Marketing Act of 1946, as amended by the federal Agriculture Improvement Act of 2018, by, among other things, revising the definition of "industrial hemp," and replacing the terms "seed breeder," "seed cultivar," and "seed development plan" with the defined terms "hemp breeder," "cultivar," and "variety development plan," respectively. The bill would expand and change the membership of the Industrial Hemp Advisory Board, as specified. The bill would apply the registration requirements to growers of industrial hemp for noncommercial as well as commercial purposes. Upon approval of a state plan, as specified, the bill would apply certain registration and regulatory requirements to established agricultural research institutions, including submission of research plans, as defined, to county agricultural commissioners before cultivating hemp. The bill would impose new requirements on the department and county agricultural commissioners for the handling and transmittal of registration information, impose new testing requirements, provide new enforcement procedures to be operative as of the effective date of an approved state plan, as defined, and impose new conditions on eligibility to participate in the industrial hemp program, as defined. By expanding registration requirements, including payment of registration fees, to some growers of industrial hemp for agricultural or academic research purposes, the bill would establish a new source of revenue for a continuously appropriated fund, thus making an appropriation.

This bill would require the Secretary of Food and Agriculture, in consultation with the Governor and the Attorney General, to develop and submit a state plan to the United States Secretary of Agriculture, as provided, on or before May 1, 2020.

This bill would specify consequences for a violation of its provisions according to the frequency of prior violations and whether the violation was negligent, grossly negligent, reckless, or intentional. By imposing new registration requirements on some growers of industrial hemp for agricultural or academic research purposes, the violation of which would be a misdemeanor, this bill would impose a state-mandated local program.

AUMA authorizes the Legislature to amend certain provisions of AUMA to further the purposes and intent of AUMA with a 2/3 vote of the membership of the Legislature.

This bill would amend AUMA by modifying the definition of "established agricultural research institution" and imposing certain registration and other requirements on these institutions, as of the date on which a state plan for California is approved pursuant to the federal Agricultural Marketing Act of 1946, as amended by the federal Agriculture Improvement Act of 2018.

This bill would declare that its provisions further the purposes and intent of AUMA.

By increasing the duties of county agricultural commissioners who would enforce certain of these new provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature in enacting this act to neither limit nor prevent a city, county, or city and county from exercising its police power authority under Section 7 of Article XI of the California Constitution.

SEC. 2. Section 81000 of the Food and Agricultural Code is amended to read:

81000. Definitions.

(a) For purposes of this division, the following terms have the following meanings:

(1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.

(2) "Board" means the Industrial Hemp Advisory Board.

(3) "Cultivar" means a variety of industrial hemp.

- (4) "Established agricultural research institution" means an institution that is either of the following:
- (A) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers.
- (B) An institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.
- (5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.
- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.
- (9) "THC" means delta-9 tetrahydrocannabinol.
- (10) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.
- (b) This section shall remain operative only until the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), and as of January 1 of the following year is repealed.

SEC. 3. Section 81000 is added to the Food and Agricultural Code, to read:

81000. Definitions.

- (a) For purposes of this division, the following terms have the following meanings:
- (1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.
- (2) "Board" means the Industrial Hemp Advisory Board.
- (3) "Cultivar" means a variety of industrial hemp.
- (4) "Established agricultural research institution" means an institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of agricultural or academic research.
- (5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.
- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.

(9) "Research plan" means a strategy devised by an established agricultural research institution, or applicant established agricultural research institution, detailing its planned approach to growing or cultivating hemp for academic or agricultural research.

(10) "THC" means delta-9 tetrahydrocannabinol.

(11) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.

(b) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

SEC. 4. Section 81001 of the Food and Agricultural Code is amended to read:

81001. (a) There is in the department an Industrial Hemp Advisory Board. The board shall consist of 13 members, appointed by the secretary as follows:

(1) Five of the board members shall be growers of industrial hemp that are registered pursuant to the provisions of this division.

(2) Two of the board members shall be members of an established agricultural research institution.

(3) One member of the board shall be a representative as provided by the California State Sheriffs' Association and approved by the secretary.

(4) One member of the board shall be a county agricultural commissioner.

(5) One member of the board shall be a representative of the Hemp Industries Association or its successor industry association.

(6) Two members of the board shall be representatives of businesses that sell industrial hemp products.

(7) One member of the board shall be a member of the public.

(b) It is hereby declared, as a matter of legislative determination, that growers and representatives of industrial hemp product manufacturers and businesses appointed to the board pursuant to this division are intended to represent and further the interest of a particular agricultural industry, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that persons who are appointed to the board shall be subject to the conflict-of-interest provisions described in Sections 87100 and 87103 of the Government Code.

(c) The term of office for a member of the board is three years. If a vacancy exists, the secretary shall, consistent with the membership requirements described in subdivision (a), appoint a replacement member to the board for the duration of the term.

(d) A member of the board shall not receive a salary but may be reimbursed by the department for attendance at meetings and other board activities authorized by the board and approved by the secretary.

(e) The board shall advise the secretary and may make recommendations on all matters pertaining to this division, including, but not limited to, industrial hemp seed law and regulations, enforcement, annual budgets required to accomplish the purposes of this division, and the setting of an appropriate assessment rate necessary for the administration of this division.

(f) The board shall annually elect a chair from its membership and, from time to time, other officers as it deems necessary.

(g) The board shall meet at the call of its chair or the secretary, or at the request of any four members of the board. The board shall meet at least once a year to review budget proposals and fiscal matters related to the proposals.

SEC. 5. Section 81002 of the Food and Agricultural Code is amended to read:

81002. (a) Except when grown by a registered established agricultural research institution or by a registered hemp breeder developing a new cultivar, industrial hemp shall be grown only if it is on the list of approved cultivars, or

produced by clonal propagation of industrial hemp that is on the list of approved cultivars and therefore genetically identical to, and capable of exhibiting the same range of characteristics as, the parent cultivar.

(b) The list of approved cultivars shall include all of the following:

(1) Industrial hemp cultivars that have been certified by member organizations of the Association of Official Seed Certifying Agencies, including, but not limited to, the Canadian Seed Growers' Association.

(2) Industrial hemp cultivars that have been certified by the Organization of Economic Cooperation and Development.

(3) California varieties of industrial hemp cultivars that have been certified by a seed-certifying agency pursuant to Article 6.5 (commencing with Section 52401) of Chapter 2 of Division 18.

(c) (1) Upon recommendation by the board or the department, the secretary may update the list of approved cultivars by adding, amending, or removing cultivars.

(2) The adoption, amendment, or repeal of the list of approved cultivars, and the adoption of a methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars, pursuant to this section shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(3) The department, in consultation with the board, shall hold at least one public hearing with public comment to determine the methodology and procedure by which a cultivar is added, amended, or removed from the list of approved cultivars.

(4) The department shall finalize the methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars and send the methodology and procedure to the Office of Administrative Law. The Office of Administrative Law shall file the methodology and procedure promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The methodology and procedure shall do all of the following:

(A) Indicate that the methodology and procedure are adopted pursuant to this division.

(B) State that the methodology and procedure are being transmitted for filing.

(C) Request that the Office of Administrative Law publish a notice of the filing of the methodology and procedure and print an appropriate reference in Title 3 of the California Code of Regulations.

(d) The department, in consultation with the board, may determine the manner in which the public is given notice of the list of approved cultivars, and any addition, amendment, or removal from that list.

SEC. 6. Section 81003 of the Food and Agricultural Code is amended to read:

81003. (a) (1) Except for an established agricultural research institution subject to Section 81004.5 or a hemp breeder subject to Section 81004, and before cultivation, a grower of industrial hemp shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) The approved cultivar to be grown, including the state or county of origin.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew the registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated

registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each grower of industrial hemp.

(B) A legal description of the land on which the grower engages in industrial hemp cultivation.

(C) Registration status of the grower of industrial hemp.

(f) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

SEC. 7. Section 81004 of the Food and Agricultural Code is amended to read:

81004. (a) (1) Except when grown by an established agricultural research institution subject to Section 81004.5, and before cultivation, a hemp breeder shall register with the commissioner of the county in which the hemp breeder intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) A variety development plan, which shall include all of the following:

(i) If a new cultivar is to be certified by a seed-certifying agency, the name of the seed-certifying agency that will be conducting the certification.

(ii) The industrial hemp varieties that will be used and, if applicable, how those varieties will be used in the development of a new cultivar.

(iii) A plan for testing all of the plants grown.

(iv) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(v) The measures that will be taken to prevent the unlawful use of industrial hemp under this division.

(vi) A procedure for the maintenance of records documenting the development of the new cultivar.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a hemp breeder registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the

commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) A registrant developing a new cultivar who wishes to change any provision of the variety development plan shall submit to the commissioner the revised variety development plan. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that the registrant may cultivate under the revised variety development plan.

(f) All records pertaining to the variety development plan shall be kept and maintained by the hemp breeder and be available upon request by the commissioner, a law enforcement agency, or a seed certifying agency.

(g) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each hemp breeder.

(B) A legal description of the land on which the hemp breeder engages in industrial hemp cultivation.

(C) Registration status of the hemp breeder.

(h) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

SEC. 8. Section 81004.5 is added to the Food and Agricultural Code, to read:

81004.5. (a) (1) Before cultivating hemp for agricultural or academic research, an established agricultural research institution shall register with the commissioner of the county in which it intends to cultivate.

(2) The registration application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the geographic area where the applicant plans to engage in hemp cultivation or storage, or both.

(C) A research plan that shall include all of the following:

(i) The hemp varieties that will be used and, if applicable, how those varieties will be used for purposes of agricultural or academic research.

(ii) A plan for testing all of the plants cultivated.

(iii) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(iv) The measures that will be taken to prevent the unlawful use of hemp under this division.

(v) A procedure for the maintenance of records documenting the agricultural or academic research.

(3) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration if it will continue cultivating hemp beyond that term.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue an established agricultural research institution registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with

the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate hemp on the changed or altered land area.

(d) A registrant conducting agricultural or academic research who wishes to change any provision of the research plan shall submit to the commissioner a revised research plan. Once the commissioner has received the revised research plan, and the commissioner determines that the requirements of this division are met, the commissioner shall notify the registrant that it may cultivate under the revised research plan.

(e) All records pertaining to the research plan shall be kept and maintained by the established agricultural research institution and be available upon request by the commissioner or a law enforcement agency.

(f) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each registered established agricultural research institution.

(B) A legal description of the land on which the established agricultural research institution engages in hemp cultivation.

(C) Registration status of the established agricultural research institution.

(g) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(h) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

SEC. 9. Section 81005 of the Food and Agricultural Code is amended to read:

81005. (a) The department shall establish a registration fee and appropriate renewal fee to be paid by growers of industrial hemp and hemp breeders, not including an established agricultural research institution, to cover the actual costs of implementing, administering, and enforcing the provisions of this division.

(b) Fees established pursuant to subdivision (a) that are collected by the commissioner upon registration or renewal pursuant to Section 81003 or 81004, except for amounts retained pursuant to this subdivision, shall be forwarded, according to procedures set by the department, to the department for deposit into the Department of Food and Agriculture Fund to be used for the administration and enforcement of this division. A commissioner or the county, as appropriate, may retain the amount of a fee necessary to reimburse direct costs incurred by the commissioner in the collection of the fee.

(c) The board of supervisors of a county may establish a reasonable fee, in an amount necessary to cover the actual costs of the commissioner and the county of implementing, administering, and enforcing the provisions of this division, except for costs that are otherwise reimbursed pursuant to subdivision (b), to be charged and collected by the commissioner upon registrations or renewals required pursuant to Section 81003 or 81004 and retained by the commissioner or the county, as appropriate.

SEC. 10. Section 81006 of the Food and Agricultural Code is amended to read:

81006. Industrial Hemp Growth Limitations; Prohibitions; Imports; Laboratory Testing.

(a) Except when grown by a registered established agricultural research institution or a registered hemp breeder, industrial hemp shall be grown in acreages of not less than one-tenth of an acre at the same time.

(b) Clandestine cultivation of industrial hemp is prohibited. All plots shall have adequate signage indicating they are industrial hemp.

(c) Industrial hemp shall not be cultivated on a premises licensed by the department to cultivate or process cannabis. Industrial hemp, regardless of its THC content, that is cultivated on a premises licensed by the department for cannabis cultivation shall be considered cannabis as defined in subdivision (f) of Section 26001 of

the Business and Professions Code and subject to licensing and regulatory requirements for cannabis pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code.

(d) Industrial hemp shall include products imported under the Harmonized Tariff Schedule of the United States (2013) of the United States International Trade Commission, including, but not limited to, hemp seed, per subheading 1207.99.03, hemp oil, per subheading 1515.90.80, oilcake, per subheading 2306.90.01, true hemp, per heading 5302, true hemp yarn, per subheading 5308.20.00, and woven fabrics of true hemp fibers, per subheading 5311.00.40.

(e) (1) Except when industrial hemp is grown by a registered established agricultural research institution and tested in accordance with an approved research plan or by a registered hemp breeder and tested in accordance with an approved variety development plan, a registrant that grows industrial hemp under this section shall, before the harvest of each crop and as provided below, obtain a laboratory test report indicating the THC levels of a random sampling of the dried flowering tops of the industrial hemp grown.

(2) Sampling shall occur no more than 30 days before harvest.

(3) The sample collected for THC testing shall be taken with the grower or hemp breeder present. The department shall establish, by regulation, the sampling procedures, including all of the following:

(A) The number of plants to be sampled per field, and any composting of samples.

(B) The portions of the plant to be sampled.

(C) The plant parts to be included in a sample.

(D) Additional procedures as necessary to ensure accuracy and the sanitation of samples and fields.

(4) The sample collected for THC testing shall be accompanied by the registrant's proof of registration.

(5) The laboratory test report shall be issued by a laboratory approved by the department, using a department-approved testing method. The testing method shall use postdecarboxylation or similarly reliable methods for determining THC concentration levels. The laboratory test report shall indicate the percentage concentration of THC on a dry-weight basis, indicate the date and location of samples taken, and state the Global Positioning System coordinates and total acreage of the crop. If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report. If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report.

(6) If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the laboratory shall provide the person who requested the testing not less than 10 original copies signed by an employee authorized by the laboratory and shall retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.

(7) If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent and does not exceed 1 percent, the registrant that grows industrial hemp shall submit additional samples for testing of the industrial hemp grown.

(8) A registrant that grows industrial hemp shall destroy the industrial hemp grown upon receipt of a first laboratory test report indicating a percentage concentration of THC that exceeds 1 percent or a second laboratory test report pursuant to paragraph (7) indicating a percentage concentration of THC that exceeds 0.3 percent but is less than 1 percent. If the percentage concentration of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after receipt of the laboratory test report. If the percentage concentration of THC in the second laboratory test report exceeds 0.3 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after receipt of the second test report.

(9) A registrant that intends to grow industrial hemp and who complies with this section shall not be prosecuted for the cultivation or possession of marijuana as a result of a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent but does not exceed 1 percent.

(10) A registered established agricultural research institution or a registered hemp breeder shall obtain laboratory results in accordance with its approved research plan or variety development plan. The secretary may authorize a registered established agricultural research institution or hemp breeder to cultivate or possess industrial hemp with a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent in

accordance with its approved research plan or variety development plan if that cultivation or possession contributes to the development of types of industrial hemp that will comply with the 0.3 percent THC limit established in this division.

(11) A registrant that grows industrial hemp shall retain an original signed copy of the laboratory test report for two years from its date of sampling, make an original signed copy of the laboratory test report available to the department, the commissioner, or law enforcement officials or their designees upon request, and shall provide an original copy of the laboratory test report to each person purchasing, transporting, or otherwise obtaining from the registrant that grows industrial hemp the fiber, oil, cake, or seed, or any component of the seed, of the plant.

SEC. 11. Section 81012 is added to the Food and Agricultural Code, to read:

81012. (a) Enforcement of the approved state plan shall comply with subdivision (e) of Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

(b) A grower of industrial hemp, established agricultural research institution, or hemp breeder that the secretary determines has violated a provision of this division listed in the approved state plan or an additional requirement listed pursuant to subdivision (b) of Section 81015, including, but not limited to, by failing to provide a legal description of the land on which industrial hemp is grown, failing to register as required, or exceeding the 0.3 percent THC limit established in this division, shall be subject to the following consequences:

(1) For a negligent violation, as determined by the secretary, the consequences under state laws for a violation of this division shall be as follows:

(A) If the violation is not a repeat violation subject to subparagraph (B), the grower of industrial hemp, established agricultural research institution, or hemp breeder shall comply with a corrective action plan, to be established by the secretary, that includes both of the following:

(i) A reasonable date by which the grower of industrial hemp, established agricultural research institution, or hemp breeder shall correct the negligent violation.

(ii) A requirement that the grower of industrial hemp, established agricultural research institution, or hemp breeder shall periodically report to the secretary, for a period of at least the next two calendar years, on its compliance with this division or the approved state plan.

(B) A grower of industrial hemp, established agricultural research institution, or hemp breeder that commits a negligent violation three times in a five-year period shall be ineligible to participate in the industrial hemp program for a period of five years beginning on the date of the finding of the third violation.

(2) For a violation committed intentionally, or with recklessness or gross negligence, the secretary shall immediately report the grower of industrial hemp, established agricultural research institution, or hemp breeder to the Attorney General of the United States and the Attorney General of this state, as applicable.

(c) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

SEC. 12. Section 81013 is added to the Food and Agricultural Code, to read:

81013. Any person convicted of a felony relating to a controlled substance under state or federal law before, on, or after January 1, 2020, shall be ineligible, during the 10-year period following the date of the conviction, to participate in the industrial hemp program.

SEC. 13. Section 81014 is added to the Food and Agricultural Code, to read:

81014. A person that materially falsifies any information contained in an application or registration under Section 81003 or 81004, or other application to participate in the industrial hemp program, shall be ineligible to participate in the industrial hemp program.

SEC. 14. Section 81015 is added to the Food and Agricultural Code, to read:

81015. (a) On or before May 1, 2020, the secretary, in consultation with the Governor and the Attorney General, shall develop and submit to the United States Secretary of Agriculture a state plan, consistent with this division,

pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), including a certification that the state has the resources and personnel to carry out the practices and procedures described in clauses (i) to (iv), inclusive, of subparagraph (A) of paragraph (2) of subsection (a) of that section.

(b) In an annex to the state plan, the secretary shall list the provisions of this division that are included in the state plan, and any additional requirements in the state plan, that shall be subject to enforcement pursuant to Section 81012.

SEC. 15. The Legislature finds and declares that this act furthers the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act by bringing state law into conformance with federal law regarding state plans for production of industrial hemp, allowing industrial hemp to be grown as an agricultural product, and regulating industrial hemp separately from other strains of cannabis.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Notice of Common-Sense Exemption

PLN-1124
3/22/2018

Project Title and No.: Industrial Hemp Ordinance / LRP2019-00008 / ED20-040

Project Location (Specific address [use APN or description when no situs available]):
Countywide

Project Applicant/Phone No./Email:
County of San Luis Obispo/805-781-5600/kmorais@co.slo.ca.us

Applicant Address (Street, City, State, Zip):
976 Osos Street, San Luis Obispo, CA 93408

Name of Public Agency Approving Project: County of San Luis Obispo

Description of Nature, Purpose, and Beneficiaries of Project:

Hearing to consider a request by the County of San Luis Obispo to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, the Coastal Framework for Planning Table "O" (LRP2019-00008), and Title 1 Administrative Fines, to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 - Agricultural Processing Uses, Section 23.08.040 - Agricultural Uses - Specialized, Section 23.10.150 - Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.

Exempt Status/Findings: This project is covered by the common-sense rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), Common-Sense Rule Exemption]

Reasons why project is exempt:

This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place limited restrictions on the cultivation of industrial hemp, a current crop production use. Crop production is currently an allowed use by-

Attachment 13

right within the County of San Luis Obispo, and the provisions of the ordinance in and of themselves would not result in a physical change to the environment.

Additional information: Additional information pertaining to this notice of exemption may be obtained by reviewing the second page of this document and by contacting the Environmental Coordinator, 976 Osos St., Rm 200, San Luis Obispo, CA 93408 (805) 781-5600.

PLN-1124
3/22/2018

Notice of General Rule Exemption

Project Title and No.: Industrial Hemp Ordinance LRP2019-0008

Pursuant to section 15061 of the State California Environmental Quality Act (CEQA) Guidelines, the preliminary review of a project includes a determination as to whether a project is exempt from CEQA. This checklist represents a summary of this project's review for exemption.

	<u>YES</u>	<u>NO</u>
1. Does this project fall within any exempt class as listed in sections 15301 through 15329 of the State CEQA Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is there a reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the project inconsistent with any Federal, State, or local law or administrative requirement relating to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will the project involve substantial public controversy regarding environmental issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Does the project have the potential to achieve short-term environmental goals to the disadvantage of achieving long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Does the project have adverse impacts that are individually insignificant but cumulatively significant? Cumulatively significant means that the incremental effects of an individual project are substantially adverse when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

On the basis of this initial evaluation, I find that the proposed project does not have the potential to cause a significant effect on the environment, and is therefore exempt from CEQA.

Xzandrea Fowler Feb. 25, 2020
 Xzandrea Fowler, Environmental Planning Manager Date



December 19, 2019

Brian Pedrotti and Kip Morais
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Planning and Building Department:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of a permanent ordinance regarding industrial hemp cultivation. Our Board of Directors voted unanimously to submit this comment letter.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES
534 E Chapel St • Santa Maria, CA 93454 • (805) 343-2215

Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing food crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93716
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 18, 2019

Kip Morais
County of San Luis Obispo Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408

**Subject: County of San Luis Obispo Industrial Hemp Ordinance Public Review
Draft (Ordinance)**

Dear Mr. Morais:

The California Department of Fish and Wildlife (Department) has received a copy of the draft County of San Luis Obispo Industrial Hemp Ordinance. The draft Ordinance addresses cultivation, processing, manufacturing, and in the field sales of hemp in the unincorporated San Luis Obispo County (County) jurisdiction.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Ordinance that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Ordinance the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code (FGC).

As defined in the Ordinance, Section 4, Section 22.30.070, industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories. As defined in the Ordinance, Section 4, Section 22.30.244, industrial hemp cultivation (indoor and outdoor) may be allowed in the AG, RL, and RR land use categories only; outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger; indoor industrial hemp cultivation is limited to sites of five (5) acres or larger; outdoor industrial hemp cultivation in the RR land use category is limited to production of industrial hemp transplants only.

THE DEPARTMENT ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*id.*, § 1802).

Conserving California's Wildlife Since 1870

Kip Morais
 County of San Luis Obispo Planning & Building Department
 December 18, 2019
 Page 2

COMMENTS AND RECOMMENDATIONS

The Ordinance applies to all of San Luis Obispo (SLO) County which has been identified to contain thousands of acres of protected conservation lands, core population areas for multiple State and federally listed species and supports rare natural communities. The County includes the only known habitat for many special status species and important geographic and topographic habitat areas that have been identified as critical to meet the recovery goals for many State and federally listed species.

The Department is concerned the Ordinance, as drafted, could result in impacts to both unlisted and special status species known to occur in the County, including but not limited to, the special status species listed in the Table 1 and 2. The Department's recommendations are included below to minimize impacts to fish and wildlife resources and their habitat.

Table 1 Special Status Species Known to Occur in San Luis Obispo County			
Common Name	Scientific Name	State Status	Federal Status
Invertebrates			
Kern primrose sphinx moth	<i>Euproserpinus euterpe</i>		threatened
longhorn fairy shrimp	<i>Branchinecta longiantenna</i>		endangered
Morro shoulderband snail	<i>Helminthoglypta walkeriana</i>		endangered
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>		endangered
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>		threatened
Fish			
arroyo chub	<i>Gila orcuttii</i>	SSC	
Steelhead	<i>Oncorhynchus mykiss</i>		threatened
tidewater goby	<i>Eucyclogobius newberryi</i>	SSC	endangered
Amphibians			
California red-legged frog	<i>Rana draytonii</i>	SSC	threatened
California tiger salamander	<i>Ambystoma californiense</i>	threatened	threatened
Coast Range newt	<i>Taricha torosa</i>	SSC	
foothill yellow-legged frog	<i>Rana boylei</i>	candidate threatened	

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 11

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to FGC section 2081. If a project could result in take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue a State Incidental Take Permit (ITP) for the Project.

The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

CEQA /

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in § 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (§§ 21001(c), 21083, Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with FGC section 2080 and would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency chooses not to mitigate impacts to CESA-listed species to less than significant levels, then the Department would become CEQA Lead Agency for ITP issuance, which would result in delays and additional costs to applicants. If there is no CEQA document and the project proponent seeks acquisition of an ITP, pursuant to FGC section 2081(b), the Department would become CEQA Lead Agency for ITP issuance. Furthermore, the issuance of an Exemption or Negative Declaration would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency proceeds with an Exemption or Negative Declaration, then the Department would become CEQA Lead Agency for ITP issuance.

Land Conversion: Not all parcels zoned Agriculture, Commercial Service, Residential Rural and Industrial have been developed. Many parcels meeting the land use categories for hemp cultivation or processing are undeveloped and potentially contain suitable habitat and special status species, specifically in the Carrizo Plain. Land conversion may result in habitat loss for special status species, migration/movement corridor limitations, or fragmentation of sensitive habitat. Loss of habitat to development and agriculture are contributing factors to the decline of many special status species and game species.

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 12

To further ensure that important fish and wildlife resources are not lost due to hemp cultivation, the Department recommends limiting hemp cultivation and processing to a "Previously Disturbed Area", following is a potential definition. The Department would like to discuss with County staff whether this definition would accomplish our common goals of avoiding new habitat conversions and significant impacts to wildlife due to hemp cultivation and processing: "An area which legally underwent clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation as of August 23, 2016. The extent and intensity of the disturbance must be such that County-approved biologists can readily verify that no rare, threatened, or endangered species occupy the site and that hemp cultivation would not cause impacts to rare, threatened, or endangered species." Some cases may require a qualified biologist to visit the site to make such a determination.

Many areas that have been previously farmed, graded, filled, or otherwise disturbed in the County support fish and wildlife resources, including special status species. For example, most of the Carrizo Plain was cultivated in the past but has been recolonized by multiple special status species. Even recently and currently cultivated lands there support special status species. Coastal prairies in the North Coast Plan Area and other grasslands throughout the County have also mostly been tilled or farmed in the past, yet they support special status plants and animals. Areas on the Nipomo Mesa and elsewhere in the South County that have been "previously disturbed" support Pismo clarkia, which is a State rare and federal endangered species.

Carrizo Planning Area: Carrizo Plain is unique within the County. Located in southeast SLO County, Carrizo Plain is bounded by the Temblor Range to the east, Caliente Range to the west, and contains the Carrizo National Monument. Carrizo Plain is home to multiple special status species, including the fully protected blunt-nosed leopard lizard, San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel and tricolored blackbird, and important game species such as pronghorn (*Antilocapra americana*) and tule elk (*Cervus elaphus*).

Hemp cultivation is incompatible with the fish and wildlife resources that occur in the Carrizo Planning Area. The Carrizo Planning Area harbors the highest concentration of special status species in California, contains designated Critical Habitat, and provides core habitat essential to the recovery of species listed under both the Federal and California Endangered Species Acts. The Department has observed directly that cannabis cultivation has disturbed and displaced habitat for these species in the Carrizo Planning Area, exposed listed species to poisoning, and likely resulted in unlawful take of listed species. These observations were documented in letters to the County dated September 8 and October 31, 2016 and March 6, 2017. It is reasonable to conclude allowing hemp cultivation and processing in the Carrizo Planning Area would have similar effects on the Critical Habitat and special status species in the area. The

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 13

Department recommends the County prohibit hemp cultivation and processing in the Carrizo Planning Area.

Riparian Habitat, Wetlands, and Watercourses: The Department concurs with the County's hemp cultivation setbacks of at least 50 feet from the upland extent of riparian vegetation of any watercourse and 100 feet from any wetland. Riparian habitat, wetlands, and watercourses are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat, wetlands, and watercourses are known to exist within the County, including historic seeping from the earth lined canals, shallow first encountered groundwater, and along natural and human made watercourses. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, the Department recommends that impacts to wetlands be compensated with the creation of new habitat, preferably on-site, at a minimum of an acre-for-acre basis. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. In addition, the Department recommends a delineation be conducted for proposed Projects to assess riparian, wetland, and watercourse impacts to guide project proponents in establishing appropriate no-disturbance buffers.

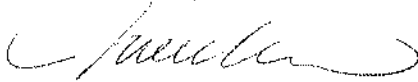
Enforcement: The California Department of Food and Agriculture (CDFA) is the licensing authority for the State for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the State's resources from the adverse impacts of cannabis cultivation (Fish & G. Code, § 12029). Like cannabis cultivation, hemp cultivation has the potential to affect fish, wildlife, plants, and their habitats. Cannabis inspections have led to violations for water diversions and storage, grading, chemical use, wildlife threats, timber conversion, and public safety. The Department's Law Enforcement Division (LED) is a critical component of enforcement. The Department's LED works with cannabis cultivators to bring their facilities into compliance, aids in remediating criminal environmental violations, coordinates with other agencies to remove illegal grows, growers, illegal water impoundments, and extremely toxic chemicals frequently associated with illegal grows, and protects California's unique and diverse natural resources.

The Department recommends amending the inspections section to read as follows: "All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, **without notice**, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, **The California Department of Fish and Wildlife, California Peace Officers** and Department of Agriculture/Weights and Measures."

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 14

The Department appreciates the opportunity to work with County staff and comment on the Ordinance. Questions or further coordination regarding this letter should be directed to Kelley Aubushon, Senior Environmental Scientist (Specialist), at (559) 243-8153 or kelley.aubushon@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

cc: Lieutenant Tyson Quintal
Ryan Mathis
Sarah Paulson
James Rosauer
California Department of Fish and Wildlife



Air Pollution Control District
San Luis Obispo County

Via Email

December 19, 2019

Kip Morais
San Luis Obispo County Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
kmorais@co.slo.ca.us

SUBJECT: APCD Comments Regarding the SLO County Industrial Hemp Ordinance Draft

Dear Mr. Morais:

Thank you giving the San Luis Obispo County Air Pollution Control District (APCD) an opportunity to comment on the San Luis Obispo County Industrial Hemp Ordinance Draft (Draft). The Draft defined cultivation, processing and manufacturing as follows:

Industrial Hemp Cultivation

- Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review (pg. 2).
- The definition of Industrial Hemp Cultivation is defined on page 13 and states any activity involving the planting, growing, harvesting, or field drying of industrial hemp.
- Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories (pg. 2).
- Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure, only within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting (pg.13).

Industrial Hemp Processing

- Industrial Hemp Processing will be treated as an Agricultural Processing use and will require discretionary review (pg. 2).
- Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use (pg.13).

APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 2 of 3

Industrial Hemp Manufacturing

- Manufacturing of hemp products will be classified under existing manufacturing uses according to end-product and scale of operations and subject to permitting requirements accordingly (pg.13).
- Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end-product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc. (pg. 14).

The following APCD comments are pertinent to the Draft Ordinance.

The industrial hemp manufacturing requirements described in Paragraph D. 5. industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - [Air Pollution Control District \(APCD\) Review](#), it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:

Permit - Agricultural Burning

Since Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing, burning of Industrial Hemp waste will require an APCD Agricultural Burn Permit and burning of waste is only allowed on Permissive Burn Days. All agricultural burning is subject to APCD Rule 502. Verification of THC content may be required upon application. For more information on agricultural burning, visit the following APCD webpage: slocleanair.org/rules_regulations/agriculture/burning.

Permit - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance - Manufacturing & Masking/Neutralizing of Hemp

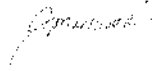
The following are subject to the APCD's Nuisance Rule 402 and may result in enforcement action:

- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

*APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 3 of 3*

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

jNM/jjh

cc: Brian Pedrotti, Long Range Planning Team
Sarah Wade, APCD

Additional Correspondence - FW: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 02:47 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 5 attachments (3 MB)

Hemp BOS Hearing Documents.PDF; Hemp CEQA Exemption.PDF; GrowerShipper Letter.PDF; CDFW Comment Letter.PDF; SLO APCD Letter.PDF;

Hallie Scott
Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kip J. Morais <kmorais@co.slo.ca.us>

Sent: Monday, May 4, 2020 2:43 PM

To: Hallie E. Scott <hscott@co.slo.ca.us>

Cc: Trevor Keith <tkeith@co.slo.ca.us>; Robert Fitzroy <rfitzroy@co.slo.ca.us>; Brian Stack <bstack@co.slo.ca.us>; Brian Pedrotti <bpedrotti@co.slo.ca.us>; Airlin Singewald <asingewald@co.slo.ca.us>

Subject: FW: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

Hello Hallie,

I am forwarding this as official correspondence for Industrial hemp for tomorrow's BOS hearing.

Thank you,

KIP MORAIS
PLANNER

Planning and Building
County of San Luis Obispo
Tel: (805)



kmorais@co.slo.ca.us

From: Trevor Keith <tkeith@co.slo.ca.us>
Sent: Monday, May 04, 2020 2:26 PM
To: Robert Fitzroy <rfitzroy@co.slo.ca.us>; Brian Stack <bstack@co.slo.ca.us>; Kip J. Morais <kmorais@co.slo.ca.us>
Subject: FW: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

FYI

From: Murray J. Powell <murray@dfrios.com>
Sent: Monday, May 4, 2020 2:20 PM
To: John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>; Ramona Hedges <rhedges@co.slo.ca.us>
Subject: [EXT]FW: Scheduled May 5th BOS Hemp Ordinance Approval Hearing

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 4, 2020

To the San Luis Obispo County
Board of Supervisors

VIA EMAIL

Re: Proposed SLO County Hemp Ordinance – BOS May 5, 2020 Approval Hearing.

I am writing in reference to the Board's May 5th hearing agenda item #22 scheduled to consider amending various sections of SLO County's Title 22 and 23 Code regarding industrial hemp activities. I attended most of the ALAB Committee Hemp Ordinance meetings conducted during 2019. I am surprised and disappointed that the County is considering this very important matter while State and County COVID Emergency orders are in effect. The Emergency Orders prohibit "Non-Essential Services and Activities" that are not matters related to the protection of the public's health, safety and welfare. In my opinion, the scheduled May 5th BOS ordinance approval hearing is a violation of the existing State and County COVID Emergency Shelter at Home and other related COVID Emergency Orders. Certainly the approval of the defective, poorly drafted Hemp ordinance that each of you will be considering on Tuesday, is not an "Essential" emergency matter intended to protect the health, safety and welfare of our County's residents, workers and visitors.

The following comments address several important issues that are virtually ignored or are inadequately presented in the proposed Hemp ordinance draft to be considered tomorrow.

Odor. The proposed ordinance does not prohibit the offsite detection of Outdoor Hemp Cultivation Hemp. Essentially Hemp is an outdoor cultivated crop. **THE PROPOSED ORDINANCE PROHIBITS INDOOR HEMP CULTIVATION and INDOOR HEMP PROCESSING ODOR DETECTION OFFSITE.** Does this make any sense? Outdoor hemp cultivation is the MAJOR LEADING source of cannabis skunk like odor impacting neighboring properties, residents and established businesses. Effective outdoor cannabis odor mitigation systems or techniques do not exist. The majority of Hemp related public comments and complaints discussed during the ALAB Committee's consideration of proposed Hemp ordinances and the Planning Commission's hours long draft ordinance hearings were regarding Hemp offsite odor detection and Hemp cultivation area setback distances intended to mitigate offsite odor detection. **Please add the following provision to the proposed ordinance. "Nuisance Odors. All Industrial hemp outdoor cultivation shall be sited and/or operated in a manner that prevents hemp nuisance**

odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.”

Setbacks. Setbacks are also relate to odor impacts issues. Planning arbitrarily proposes a 300 foot outdoor hemp setback distance in the draft that is adopted from existing County cannabis ordinances. Experience in the County and elsewhere has proven, beyond a reasonable doubt, that 300 foot and much longer setback distances have no significant effect on the adverse impacts of cannabis odor on neighboring properties and our communities.

Effect of Cannabis Terpenes. The draft is silent on the effect of Hemp cannabis terpenes on wine grapes, other crops and on finished wine taste and quality. The hearing staff reports dismiss the probable adverse effects of cannabis odor terpenes on grapes and wine saying “It is important to note that there is a lack of scientific research regarding the effects of hemp terpenes on wine grapes, although that is likely to change in the near future as research is underway.” Attached is a five page letter written Anita Oberholster PHD, that is part of your hearing record, who is a faculty member of is the California UC Davis Department of Viticulture and Enology. This UC Department is ranked number 1 in the world regarding scientific research regarding grape growing and winemaking. Please read this letter. The letter concludes that the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on a large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near cannbis cultivation sites and on resulting wine quality. Once again this is subject related to offsite cannabis odor protection. The proposed draft provides that Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership. As discussed above, undisputed evidence exists that 300 foot setback do not mitigate the effects of cannabis odor.

CBD Oil and product Manufacturing Operations. The primarily intent of Hemp production in SLO County is to manufacture CBD oil and related products. Obviously CBD Oil and other CBD product manufacturing processes are an essential Hemp activity and are very similar to regular MJ cannabis product manufacturing processes. Surprisingly, the proposed Hemp ordinance **IS SILENT** regarding any Hemp manufacturing activities except for the following brief comment. “Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. **For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing . . .**” Other than this very brief comment there are no references in the proposed draft to any existing County or State Codes, regulations or guidelines concerning CBD oil manufacturing operations. An existing County Title 22 Chemical Products Manufacturing ordinance found at Title 22 Section 22.30.160 is discussed below. This brief 1995 ordinance refer to Hemp or THC cannabis manufacturing operations.

CBD manufacturing operations involve highly dangerous flammable and explosive materials and the operation of highly technical high pressure (5,000 PSI) extraction equipment. Existing County THC cannabis ordinances (Title 22 Section 22.40.070) place some restrictions on the scope, location, site size, minimum 600 setback distances and other regulations on THC cannabis manufacturing facility operations. The County’s existing Title 22 Section 22.40.070 cannabis manufacturing ordinances provides some control over regular cannabis (over .3% CBD content) manufacturing processes. A number of Section 22.40.070 provisions are relevant to Hemp manufacturing activities. The following represent existing cannabis manufacturing Title 22 ordinance provisions that should be addressed in the Hemp draft. None of these provisions are in the proposed draft.

- Location of THC cannabis manufacturing facilities are limited to Commercial Service (CS), Industrial (IND) and Agricultural (AG) land use zones
- Limitation on use. Only Non-volatile processes and substances are allowed to operate. Use of volatile process and substances are prohibited. “Nonvolatile solvent” means any solvent used in the extraction process that is not a volatile solvent, including carbon dioxide. **“Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. “Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.” See existing ordinance 22.30.160 for comments on explosive gases.**

- Manufacturing facilities shall not be located within 600 feet of schools, parks, playgrounds, recreation or youth centers and licensed drug and alcohol recovery and living facilities. These are existing "Sensitive Sites" defined in the County's existing Cannabis ordinances. The proposed draft has no setbacks indicate for manufacturing facilities.
- Manufacturing facilities shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. Need to add the Nuisance Odor offsite detection provision previously discussed above.
- Manufacturing facilities do not pose a significant threat to the public or to neighboring uses from explosion of or from the release of harmful gases, liquids or substances.

The proposed Hemp ordinance fails to at least limit manufacturing to Non-Volatile processes allows for highly flammable and dangerous manufacturing processes that are a threat to the health, safety and welfare of the general public, to Hemp manufacturing facility employees and to neighboring properties and residents.

An existing County Title 22 Chemical Products Manufacturing ordinance is found at Title 22 Section 22.30.160 that should be considered applicable to Hemp manufacturing operations described in the draft as "Chemical Manufacturing". The existing title 22 Chemical Products Manufacturing Section 22.30.10 ids attached. This County Code section provides the following:

22.30.160 - Chemical Products Manufacturing

A. Permit requirement. Minor Use Permit approval, unless a Conditional Use Permit is otherwise required by Section 22.08.030 Permit Requirements - Manufacturing and Processing Uses.

B. Location. A chemical product manufacturing facility shall be located no closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category. ..

C. Minimum site area. Five acres, unless otherwise provided by Subsection D.

D. Specific use standards.

1. Explosives manufacture. The manufacture of explosives is subject to the following standards.

a. Location. No closer than one mile to any Residential, Commercial, Office and Professional, Recreation, or Public Facilities category.

b. Minimum site area. 20 acres.

c. Storage. The storage of explosives shall be in compliance with Section 22.10.050 (Toxic and Hazardous Materials).

2. Gaseous products. The manufacture or bulk storage of explosive or corrosive gaseous products such as acetylene, chlorine, fluorene and hydrogen, are subject to the special standards for explosives in Subsection D1.

[Amended 1992, Ord. 2553] [22.08.082]

This existing Chemical Products Manufacturing County Code ordinance adds several layers of confusion and contradictory requirements when compared to the Hemp draft. Does the Chemical Product Manufacturing Code Section 22.30.160 dictate the requirements for the location and operation of Hemp manufacturing operations and facilities or not? VERY CONFUSING.

- The draft Hemp ordinance does not designate or limit the location of Hemp Manufacturing operations to any County zoning designations, to any setback measurements or distances, or minimum site size. 22.30.160 would require 1,000 foot not 300 setbacks according B. above, or possibly one (1) mile according to D.1.a. if volatile processes are allowed in the "Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories" but apparently not in the AG, RL, CS and IND zones.
- The existing Chemical Code section limits manufacturing facility site areas, depending on the guidelines in D., to either 5 acres in B. or 20 acres in D.1.a. These provisions appear unclear as to whether these minimum site area size limit apply to the Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories" designated in this Code Section. Or does this Code Section's

minimum site area limits apply to all County zone designations where Hemp operations may be allowed in the County?

- The draft Hemp ordinance does not limit Hemp Manufacturing operations to any specific County location zoning designations. The draft does designate the hemp cultivation activities to AG, RL and RR, and processing to AG, RL, RR, CS and IND zones. The Chemical Code section does not limit manufacturing facility locations to any Land Use designations but does place setback restrictions on “Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use categories”. Four of these five designations are not referred to in the Hemp draft. What County Land Use zone designations are Hemp manufacturing facilities and operations limited to, if any?

Sensitive Site Definitions. The draft mentions “Sensitive Sites but does not define the term. The existing County THC cannabis ordinances define sensitive sites as “Cannabis cultivation shall not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility with minimum setback distances of 1,000 or 600 feet. The draft ordinance and the May 5th Staff reports use the term “sensitive uses while rejecting the term “sensitive sites’ as State definitions that do not address odor issues. Other “sensitive site” issues involve impacts on area compatibility, impact on visual aspects of surrounding site areas and other important matters in addition to odor problems that are ignored in the draft.

Pesticide Use and Drift. THC Cannabis pesticide limitations are measured in parts per million not the typical parts per thousand applicable to regular recognized crops. Pesticide drift has created serious conflicts between cannabis operations and established recognized crop and grazing ag operations. Cannabis operators are threatening established growers and pesticide service operators with lawsuits for pesticide material drifting on to cannabis crops. Helicopter pesticide spraying operators are refusing to spray established crops such as citrus and avocado groves that require aerial spraying to be effective. California has yet to establish regulations and guidelines associated with Hemp pesticide use and testing thresholds. The California Department of Pesticide Regulation’s website has the following statement posted. “ Pesticide guidance developed for cannabis by the Department of Pesticide Regulation (DPR) is specific to cannabis and not applicable to industrial hemp. **DPR is currently developing hemp-specific guidance that will be added to this webpage. We strongly recommend stakeholders familiarize themselves with current pesticide law and regulations and contact your local agricultural commissioner’s office with pesticide related questions.**

ALAB Committee Recommendations. ALAB submitted five “recommendations” to County Planning on December 19, 2019. The Planning Department arbitrarily issued its propose Hemp ordinance draft for public review on November 12, 2019. ALAB’s last Hemp meeting and the submission of its December 19, 2019 recommendation letter was more than a month later than the publishing of the Planning Department draft for public review. All five of ALAB’s recommendations are ignored in the draft ordinance. The ALAB recommendation letter is attached. Staff misleading comments claiming that the draft ordinance will “reduce conflicts with other uses”. Outdoor Hemp Cultivation, the major source of obnoxious Hemp (cannabis) odor, is not addressed in the proposed ordinance draft. ALAB failed to arrive at any consensus regarding setback distances and methods of measurements. ALAB recommends the development of Best Management Practices (MAP’s) for hemp cultivation. Not a word about MAP’s in the draft. Where are they? Will we ever see them?

SLO County Urgency Ordinance No. 3393. SLO County’s June 10, 2019 Temporary Hemp Moratorium Urgency Ordinance No. 3393 recognizes and discusses various concerns associated with Hemp activity that will be encountered in the County. References are to Urgency Ordinance No. 3393 Section 2.

Urgency Order Item N. As cannabis cultivation permits have been processed, the County has received substantial amounts of public testimony regarding the potential harmful effects of cultivating cannabis, specifically, odor nuisance and public safety concerns. Individuals opposing either existing or proposed cannabis cultivations, cite foul “skunk-like” smells emanating from the operation, the need to close windows, people unable to go outside due to the noxious skunk like odor, and people experiencing irritated eyes because of the odor. Cannabis cultivation projects are therefore individually reviewed to look at further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which

may be needed. Individuals also cite similar odor complaints regarding certain odor “masking” systems which are often used in the growing of cannabis identifying an “overwhelming Febreze like smell” which is similarly annoying and causing eye irritation. At this point, it is unclear if industrial hemp has similar odors thus implicating these same potential impacts and further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed. This item recognizes the public’s opposition and complaints with cannabis plant “skunk like odors” and states that further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed. **Outdoor Hemp cultivation, Hemp’s major odor producing activity, is not addressed in the draft.**

Urgency Order Item O. Cannabis cultivation has become increasingly more prolific in the County and certain places, like California Valley, experienced an almost immediate insurgence of cannabis related activity. This cannabis related activity resulted in an increase in public services, most specifically, increased need for public safety and law enforcement due to an increase in criminal conduct. Through the County's Cannabis Ordinance, site specific safety and security issues are reviewed and plans and conditions are put into place (i.e. special fencing, lights, security cameras, etc.) in order to address this potential impact. Because industrial hemp is virtually identical to cannabis, the County’s Sheriff’s Department notes that certain regulations are needed in order to deter or prevent individuals associating industrial hemp with cannabis and therefore deterring or preventing unlawful activities which are associated with cannabis (i.e. theft, trespass, and robbery). **See enforcement comments below.**

Urgency Order Item P. Industrial hemp can serve as a host to mites and other insects. At this time, there are few pesticides registered for hemp that specifically address such mites or other insects. **Pesticide drift from established regular crop and grazing agricultural properties has become a major issue with regular cannabis operations in SLO and other counties. County and State pesticide regulations have not been established.**

Urgency Order Item Q. Absent regulation, the cultivation of industrial hemp and cannabis may pose incompatibility issues due to cross-pollination if male industrial hemp plants are grown or allowed to be grown. For example, due to cross-pollination and compatibility concerns, the state of Washington restricted the cultivation of industrial hemp within four miles of any licensed marijuana cultivation. Therefore, the cultivation of industrial hemp prior to the adoption of reasonable local regulations may interfere with licensed and permitted cultivation operations under the Cannabis Ordinance. **California recently pass a law SB 153 prohibiting the cultivation of regular cannabis and hemp on the same permitted property sites. The draft ordinance requires a 300 foot separation between Outdoor industrial hemp cultivation and any crop production or cannabis grow of separate ownership but does not refer to the State law that prohibits hemp and cannabis cultivation on a single property. A 300 foot separation is ineffective in preventing cannabis – hemp cross pollination.**

Urgency Order Item R. The cultivation of industrial hemp prior to the adoption of state or local regulations is potentially harmful to the welfare of residents, creates a nuisance, and may threaten the safety and land of nearby property owners. The allowance of cultivation of industrial hemp prior to the adoption of reasonable state or local regulations, creates an urgent and immediate threat to the public health, safety or welfare of the citizens and existing agriculture in San Luis Obispo County.

Urgency Order Item S. There is an urgent need for the County, including its Agricultural Commissioner, Planning and Building, Sheriff, and County Counsel departments, to assess the impacts of industrial hemp cultivation to review any state regulations subsequently issued and to explore reasonable regulatory options relating thereto. **The draft has no references to the many existing State or Federal codes regulating Industrial Hemp cultivation and CBD Oil production.**

Urgency Order Item T. The County of San Luis Obispo has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances by the cultivation of industrial hemp prior to the adoption of reasonable state or local regulations.

Urgency Order Item S. There is an urgent need for the County, including its Agricultural Commissioner, Planning and Building, Sheriff, and County Counsel departments, to assess the impacts of industrial hemp cultivation to review any state regulations subsequently issued and to explore reasonable regulatory options relating thereto.

Urgency Order Item T. The County of San Luis Obispo has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances by the cultivation of industrial hemp prior to the adoption of reasonable state or local regulations.

The proposed Inland Title 22 Hemp ordinance draft fails to address most of the Urgency Ordinance No. 3393's concerns.

Enforcement. I assume, that since Hemp is a cannabis plant, that the Cannabis County Code Enforcement staff will be assigned with the County's Hemp enforcement responsibilities. Presently four (4) County Cannabis Code enforcement officer positions exist. County Code Enforcement is administered by the Planning Department. Last summer County Planning official, Matt Jensen, stated in a public meeting that cannabis code enforcement at that time was "OVERWHELMED". This was prior to any County cannabis projects, other than temporarily permitted abeyance projects, that should have been operating. Promised enforcement of Hemp and of 141 proposed outdoor cannabis cultivation permitted projects will require quarterly monitoring inspections and countless code complaints and pursuit of illegal operations requires a substantial increase in the County's Code and Law enforcement staff. Presently the County has no plans in place to expand County Code and law enforcement manpower.

CEQA Exemption. Planning proposes to exempt the adoption of the existing draft is from CEQA. See the staff report in the 259 page Attachment 11 and the Notice of Exemption Attachment 13 of the hearings documents for the May 5th BOS hearing agenda item #22. The Notice of Exemption makes the following comments:

"This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo. CEQA Guidelines Section 15061 (b)(3), Common Sense Rule Exemption."

SLO County APCD Comment Letter. The SLO APCD made the following comments in its December 19, 2019 comment letter (attached) regarding the Hemp ordinance draft ;

"To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:'

"The industrial hemp manufacturing requirements described in Paragraph D. 5. Industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - Air Pollution Control District (APCD) Review, it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

Permit – Manufacturing & Masking/Neutralizing of Hemp The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.

- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance – Manufacturing & Masking/Neutralizing of Hemp The following are subject to the APCD’s Nuisance Rule 402 and may result in enforcement action:

- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

None of this information of the APCD permitting requirements are disclosed in the draft ordinance.

California Department of Fish and Wildlife Department (CDFW) Comment Letter. The CDFW disagrees with the County’ CEQA exemption conclusions. The Departments 13 page December 18, 2019 letter (copy attached) can be found in tomorrow’s hearing agenda’s Item #22 as Attachment No. 11. The second and third paragraphs of page 72 of the CDFW letter makes the following comments:

“The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare or threatened species (as defined in Section 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064,15065). Impacts must be avoid or mitigated to less than significant unless the CEQA lead agency makes and supports a Statement of Overriding Consideration (SOC).

I don’t see any discussion in the 12 page May 5th Hearing Staff Report or other hearing documents other than the responding to Fish and Wildlife Department’s CEQA concerns and recommendations.

You would hope that the County has learned from it prior mistakes. Existing County Cannabis ordinances implemented during 2017 have been amended three times with a fourth proposed amendment process scheduled at a date to be determined. Hemp is a moving target at the federal and State levels. Laws and code regulations are being developed and passed as we speak. See California Senate Bill SB 153 signed into law on October 12, 2019 (attached). Once this proposed Hemp ordinance is approved , the train has left the station and conflicts and lawsuits between Hemp operators, the public and established agricultural businesses begin. Cannabis operators are threatening to sue established agricultural operations that, in many cases, have been operating for decades on multi-generational family owned farms demanding that well established pesticide application practices cease. In certain cases California law requires pesticide spraying applications on a quarterly basis to combat certain insects.

Each of you are aware that the County’s proposed approval of Industrial Hemp operations has generated a substantial amount of public dialogue and opposition throughout the County during the past year as expressed during County Board, Planning Commission and County ALAB Hemp ordinance committee meetings. Substantial evidence of this opposition exists in the hundreds of pages of agenda hearing document attachments submitted as part of Tuesday’s May 5th hearing record. You represent the 285,000 residents of SLO County. information must be seriously considered by each of you. The County Farm Bureau voiced concerns regarding certain Hemp related matters but generally opposes any discretionary permitting requirements for Hemp cultivation. However the Farm Bureau and its ALAB Group members are not in agreement. Many members oppose Hemp in SLO

County and are of the opinion that Hemp and Cannabis cultivation is not compatible with organic or conventional Central Coast agriculture. See the attached 170 member Grower/Shipper Association letter attached.

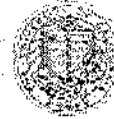
The BOS has the ability to extend the existing Hemp Moratorium to a later date (one year I believe). Hopefully State and local COVID orders will be lifted soon. I support the conclusions that are expressed by the Grower/Shipper Association's December 19, 2019 letter (attached) that asks that the County defer its consideration of an Industrial Hemp Ordinance until a later date when presently unknown health, legal, Federal and State regulatory, terpene odor and other unknown issues and there possible unintended consequences are determined. should only be considered during regular Brown Act government agency public hearings and meetings where the public is allowed to participate in-person to observe and present opinion, recommendations comments. The County Board and Planning Commission hearings on the Hemp ordinance matter were heavily attended by the public with a considerable number (majority) of public comments presented in -person during the course of the hearings opposing hemp cultivation in SLO County. The Hemp moratorium should be continued to a later date.

Murray Powell
Templeton Resident

Submitted by Courtney Taylor

UNIVERSITY OF CALIFORNIA, DAVIS

REGISTRATION SERVICES • OFFICE OF THE REGISTRAR • 100 SHREVE DRIVE • DAVIS, CALIFORNIA 95616-0001



UNIVERSITY OF CALIFORNIA, DAVIS

COLLEGE OF AGRONOMIC SCIENCES, WITH ENVIRONMENTAL SCIENCES
UNIVERSITY OF CALIFORNIA, DAVIS
DEPARTMENT OF VITICULTURE AND ENOLOGY
1 HALL AVENUE
DAVIS, CA 95616-0001

1 HALL AVENUE
DAVIS, CALIFORNIA 95616-0001

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October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effects that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards.

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kerimon et al., 2009; Kratoch et al., 2013) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Cappone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtrey-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 10% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, fresh/minty/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (material other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/l. Herve et al., (2003) reported a recognition threshold of 3.2 µg/l in red wine. In respective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 12.5 µg/l). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kerison et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Carpino also found that *Lonicera* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with no MOG included, including no *Lonicera* leaves and/or bark, produced wines with above aroma threshold levels of 1,8-cineole if made from winegrapes grown within the first 50 meters from *Lonicera* trees. Including grape stems and some grape leaves as will be normal during most fermentations will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Azpurua-Olaverria et al., 2010). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The chemotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Azpurua-Olaverria et al., 2016). This is a 10³ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 87 µg·g⁻¹·hr⁻¹ depending on the strain of *Cannabis* spp (Wang et al., 2019). Additionally, β-myrcene, α-caryophyllol and δ-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, limonol, α-terpinolol, β-caryophyllene, linalthene, α-humulene and more. New terpenes are continually being identified in cannabis plants.

Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Larrau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, adsorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry to California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Ecology Department of Viticulture and Enology
University of California, Davis, California, 95616

- 3. Landscaping.** A 10-foot landscaping strip containing screening plant materials shall be provided adjacent to all interior lot lines.
- 4. Interment facilities.** All facilities for ground burial shall be designed and constructed in compliance with any requirements established by the Regional Water Quality Control Board (see Section 22.10.190 - Regional Water Quality Control Board Review).

[Amended 1994, Ord. 2696] [22.08.064]

22.30.160 - Chemical Products Manufacturing

- A. Permit requirement.** Minor Use Permit approval, unless a Conditional Use Permit is otherwise required by Section 22.08.030 (Permit Requirements - Manufacturing and Processing Uses).
- B. Location.** A chemical product manufacturing facility shall be located no closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category.
- C. Minimum site area.** Five acres, unless otherwise provided by Subsection D.
- D. Specific use standards.**
 - 1. Explosives manufacture.** The manufacture of explosives is subject to the following standards.
 - a. Location.** No closer than one mile to any Residential, Commercial, Office and Professional, Recreation, or Public Facilities category.
 - b. Minimum site area.** 20 acres.
 - c. Storage.** The storage of explosives shall be in compliance with Section 22.10.050 (Toxic and Hazardous Materials).
 - 2. Gaseous products.** The manufacture or bulk storage of explosive or corrosive gaseous products such as acetylene, chlorine, fluorene and hydrogen, are subject to the special standards for explosives in Subsection D1.

[Amended 1992, Ord. 2553] [22.08.082]

1. The cannabis processing facility, as proposed, will comply with all the requirements of State and County for the processing of cannabis, including dual licensure and participation in an authorized track and trace program;
2. The cannabis processing facility includes adequate quality control measures to ensure cannabis processed at the site meets State regulatory standards;
3. The cannabis processing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis is obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
4. The cannabis processing facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

OR

(For location modifications only.) Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective.

5. *(For processing sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

[Amended 2018, Ord. 3377]

22.40.070 - Cannabis Manufacturing

- A. Limitation on use.** Non-volatile cannabis manufacturing facilities may be permitted in the Commercial Service (CS), Industrial (IND), and Agriculture (AG) land use categories subject to a land use permit, as required below. Cannabis manufacturing facilities involving volatile processes or substances (requiring a Type 7 volatile manufacturing State license) are prohibited. Cannabis manufacturing facilities in the Commercial Service land use category are limited to those sites within an Urban Reserve Line (URL)

only. Cannabis manufacturing facilities in the Agriculture land use category are limited to the processing of the raw cannabis materials grown onsite.

B. Land use permit required.

- 1. Minor Use Permit.** Non-volatile manufacturing facilities of less than 40,000 square feet shall require Minor Use Permit approval unless a Conditional Use Permit is required by another Section of this Title.
- 2. Conditional Use Permit.** Non-volatile manufacturing facilities of 40,000 square feet or more shall require Conditional Use Permit approval.

C. Application requirements. In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.

- 1.** A complete description of all products used in the manufacturing process including the cannabis supply chain, liquids, solvents, agents, and processes.
- 2.** Storage protocol and hazard response plan.
- 3.** A security plan that includes lighting, security video cameras, alarm systems and secure area for cannabis storage. The security plan shall include a requirement that there be at least 30 (thirty) business days of surveillance video (that captures both inside and outside images) stored on an ongoing basis. The video system for the security cameras must be located in a locked, tamper-proof compartment.
- 4.** Employee safety and training equipment plan, plus Materials Safety Data Sheet requirements, if any.

D. Manufacturing standards.

- 1. Location.** Cannabis manufacturing shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the manufacturing facility to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility through Conditional Use Permit approval, provided the Commission first makes the findings specified in Section 22.40.070(E)(5).

- 2. Setbacks.** Setbacks are required as set forth in Section 22.10.140.
 - 3. Nuisance odors.** All cannabis manufacturing shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis manufacturing shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.
 - 4. Limitation on the manufacturing of cannabis edible products.** The manufacturing of cannabis edible products, as defined by this Title, that are in the shape of animals, people, insects, or fruit is prohibited.
- E. Required findings.** In addition to the mandatory findings required by Section 22.62.060.C.4, the Review Authority shall make the following additional findings in order to approve a land use permit under this subsection:
- 1.** The cannabis manufacturing facility, as proposed, will comply with all the requirements of State and County for the manufacturing of cannabis, including dual licensure and participation in an authorized track and trace program;
 - 2.** The cannabis manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from release of harmful gases, liquids, or substances;
 - 3.** The cannabis manufacturing facility includes adequate quality control measures to ensure cannabis manufactured at the site meets industry standards and includes a documented employee safety training program, a Materials Data Safety Sheet (MSDS), and meets all requirements in the Health and Safety Code Section 11362.775, and as it may be amended;
 - 4.** The cannabis manufacturing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
 - 5.** The cannabis manufacturing facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility;

OR

(For location modifications only.) Specific conditions of the site and/or vicinity make the required six hundred (600) foot location standard from [libraries, parks, playgrounds, recreation centers, licensed drug or alcohol recovery facilities, or licensed sober living facilities] unnecessary or ineffective.

6. *(For manufacturing sites with verified cannabis-related violations within the last twenty-four (24) months.)* The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

[Amended 2018, Ord. 3377]

22.40.080 - Cannabis Testing Facilities

- A. Limitation on use.** Cannabis testing facilities may be permitted in the Commercial Service (CS) and Industrial (IND) land use categories subject to a land use permit. Cannabis testing facilities in the Commercial Service land use category are limited to those sites within an Urban Reserve Line (URL) only.
- B. Land use permit required.** Cannabis testing facilities of less than 20,000 square-feet shall require Minor Use Permit approval. Cannabis testing facilities of 20,000 square-feet or greater shall require Conditional Use Permit approval.
- C. Application requirements.** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60, Section 22.40.040, and include an operations plan detailing how cannabis will be received, secured, tested, and destroyed upon completion.
- D. Cannabis testing facilities standards.**
1. **Location.** Cannabis testing facilities shall not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight-line measurement. This location standard may be modified to reduce the distance below 600 feet from any library, park, playground, recreation center, licensed drug or alcohol recovery facility, or licensed sober living facility through Conditional Use Permit approval, provided the Commission first makes the findings specified in Section 22.40.080(E)(6).

County of San Luis Obispo Agricultural Liaison Advisory Board



2156 Sierra Way, Suite A
San Luis Obispo, CA 93401

**Agricultural Liaison
Advisory Board (ALAB)**

Positions/Members/Terms

CHAIR: Jean-Pierre Wolff
VICE CHAIR: Dan Rodrigues

- District One: Peschong Appt.
Craig Pritchard (1/21)
- District Two: Gibson Appt.
Lisen Bonnier (1/23)
- District Three: Hill Appt.
Tom Ikeda (1/21)
- District Four: Compton Appt.
Daniel Chavez (1/23)
- District Five: Arnold Appt.
vacant (1/21)
- Ag. Finance Rep.
Mark Pearce (8/22)
- Cattlemen Rep.
Dick Nock
- Coastal San Luis RCD Rep.
Jean-Pierre Wolff (8/22)
- Direct Marketing/Organic Rep.
Jutta Thoerner (4/20)
- Environmental Rep.
Krista Burke (1/23)
- Farm Bureau Rep.
R. Don Warden
- Nursery Rep.
Butch Yamashita (4/20)
- Upper Salinas-Las Tablas RCD Rep.
George Kendall (4/23)
- Vegetable Rep.
Claire Wineman (4/20)
- Wine Grape Rep.
Dan Rodrigues (4/20)
- Strawberry Rep.
vacant
- County Agricultural Commissioner
Marty Settevendemie
Ex-Officio
- U.C. Coop. Extension, Farm Advisor
Mark Battany

DATE: December 18, 2019

TO: Kip Morais, Project Manager, and Brian Pedrotti, Senior Planner,
San Luis Obispo County Department of Planning and Building,

SUBJECT: ALAB comments and recommendations on the Public Review Draft of the
Industrial Hemp Ordinance

At the December 9, 2019 Agricultural Liaison Advisory Board (ALAB) meeting, ALAB members discussed the potential adoption of a permanent ordinance regulating the cultivation and processing of industrial hemp within the unincorporated portions of San Luis Obispo County. ALAB members affirmed their support for the growth and success for all agricultural commodities and the majority agreed upon a number of recommendations described below.

ALAB reviewed the information provided by the ALAB hemp subcommittee, a group established by ALAB to specifically address the potential for a local hemp ordinance and assist in providing information to be used for that ordinance development. The hemp subcommittee, a group which included ALAB members, local hemp growers, and local vineyard and winery representatives, met six times in the past four months. Meetings were open to the public and many hemp growers and concerned citizens alike attended and provided comments and input. The ALAB subcommittee provided the full ALAB membership with a few specific recommendations and a number of general areas of consensus that the full ALAB board took under advisement.

After reviewing the input from the ALAB hemp subcommittee and considerable additional discussion amongst members, **ALAB members approved a motion to provide the following five recommendations to County Planning in response to the Public Review Draft of the Industrial Hemp Ordinance:**

- ALAB recommends that County Planning strive to develop this ordinance, and its associated requirements and restrictions, in a manner that minimizes conflicts with existing agricultural operations and businesses.
- ALAB recommends that County Planning consider the implementation of a

sliding scale for setback requirements based upon the number of industrial hemp acres being cultivated. Although ALAB could not come to consensus on exactly what those setback distances should be, it was agreed that it is logical to require smaller setback distances from smaller sized growing sites, relative to the acreage of the hemp growing site.

- **In Section 22.30.244 (B.)1.c:** ALAB recommends that riparian and wetland setbacks be struck from the ordinance due to this requirement being duplicative of existing requirements from other agencies that growers must already meet.
- ALAB recommends that direction is given to the Agricultural Commissioner's Office to develop a set of recommended and/or required Best Management Practices (BMP's) for the cultivation of industrial hemp locally. Once these BMP's are developed, ALAB recommends that consideration is given toward incorporating those BMP's into the industrial hemp registration process conducted by the Agricultural Commissioner's Office.
- ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.

Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'JP Wolff', with a long horizontal flourish extending to the right.

Jean-Pierre Wolff, Ph.D.
ALAB Chair



December 19, 2019

Brian Pedrotti and Kip Morais
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Planning and Building Department:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of a permanent ordinance regarding industrial hemp cultivation. Our Board of Directors voted unanimously to submit this comment letter.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES
534 E Chapel St • Santa Maria, CA 93454 • (805) 343-2215

Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

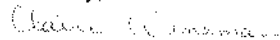
Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing food crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President



SAN LUIS OBISPO COUNTY FARM BUREAU

4875 MORABITO PLACE, SAN LUIS OBISPO, CA 93401

PHONE (805) 543-3654 • FAX (805) 543-3697 • www.slofarmbureau.org

December 19, 2019

San Luis Obispo County
Department of Planning and Building
Attn: Kip Morais
976 Osos Street Room 200
San Luis Obispo, CA 93408

Submitted by email to pl_LongRangeShared@co.slo.ca.us

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

San Luis Obispo County Farm Bureau represents all of the farmers, ranchers and agribusinesses that make up our \$2.5 billion-dollar county agricultural economy. Like all policy issues, our positions on industrial hemp must reflect our members' diverse perspectives. Our 800 members include hemp and cannabis growers, retailers, rural residents opposed to all cannabis, wine grape growers, and farmers raising other commodities. Since the Urgency Ordinance was passed on June 18, 2019, Farm Bureau has tried to find common ground between stakeholders on this difficult issue both within our membership and through the Agricultural Liaison Advisory Board. Our comments here are to help guide County staff, Planning Commissioners and Supervisors to fairly understand industrial hemp issues and to make this ordinance workable for San Luis Obispo County.

Our principal objective is to preserve our freedom to farm, not to farm any one particular crop. We must prioritize protecting our largest commodity (wine grapes), while being mindful of how any protections enacted today could jeopardize all farmers down the road. We also have a responsibility to attract new people to agriculture and afford smaller farms an opportunity to make a living off of a small amount of land. Industrial hemp has this potential, but sadly, the County's enactment of a temporary moratorium during the 2019 growing season, coupled with the rapidly evolving nature of this new U.S. hemp market, means a potentially lucrative new ag commodity will likely pass San Luis Obispo by. Nonetheless, we are committed to finding a path forward for hemp in SLO County.

Our members have identified three primary issues of concern with industrial hemp, including:

- Odors from hemp cultivation being a nuisance to neighboring residences or businesses;
- Possible contamination of wine grapes by compounds present in the odor emitted by hemp and cannabis (compounds known as terpenes); and
- Legal liability from contaminating hemp and cannabis with pesticides used in neighboring crop fields for non-hemp or cannabis crops.

Issue 1: Odor

First, any setback on a federally legal agricultural crop is a dangerous precedent for all of agriculture. If odors from ag crops are categorized as a nuisance, several longtime staples of our county's crop portfolio (broccoli, leafy greens, etc.) are at risk of being restricted or pushed out. Furthermore, some

1

routine crop inputs like fertilizers or pesticides also can have an odor. This county has to-date differentiated crop-associated odors that may only be present during certain times of year from livestock odors that may be present year-round. This ordinance deviates from this precedent, and unfortunately puts a path forward for residents unhappy with crop farming odors to seek local land use restrictions on farmers. Odors are inherent in the production of most row crops to some degree or another. Clearly in the background of this hemp conversation, the County is also contending with vocal complaints about odors from cannabis operations; but, where will we draw the line for the rest of agriculture? Farm Bureau opposes banning a federally legal agricultural commodity based on odor, and we believe this ordinance takes our County down an anti-business and anti-agriculture path of overregulation. At what point will we realize the inevitable consequences of the not-in-my-backyard mentality that increasingly drives local policy decisions? We caution our County leaders to not allow current objections to hemp and cannabis odors to open the door for restricting other crops that have an odor some residents find unpleasant or a nuisance.

Issue 2: Possible Contamination of Wine Grapes

Allowing any one crop to negatively impact another crop is also problematic. Frankly, if our policy position has to reflect a choice between protecting an existing crop benefitting a majority of our members and welcoming a new crop, Farm Bureau will have to advocate for preserving our existing leading commodity. But longtime local farmers and residents will recall a time when wine grapes pushed out grain and hay production that was once fundamental to San Luis Obispo County agriculture. Many farmers undoubtedly faced hardship as a result of this change, but arguably wine grapes' proliferation was a net positive for our local economy. If hemp lives up to the hype, do we want to close the door on an opportunity for the next generation of farmers to succeed? Judging by the success of wine grapes today, we should thank our predecessors for having an open mind and regulatory restraint by welcoming a new crop opportunity without a near-sighted determination to protect existing crops.

If cannabis or hemp does cause actual contamination of wine grapes from terpenes, this ordinance will need to be revisited after scientific evidence can guide an appropriate buffer or setback requirement. Concern about hemp and cannabis taint onto wine grapes in SLO County to date has been limited to the Edna Valley region. Hemp has been grown for the past two years immediately adjacent to wine grapes in at least two locations in SLO County (Paso Robles and in southern SLO County near Santa Maria) with no reported issues of terpene contamination. Science in the future may confirm concerns about hemp and cannabis' negative effect on wine grapes, but no such evidence exists today. As a federally legal agricultural crop, hemp should be innocent until proven guilty.

Issue 3: Pesticide Drift Liability

To complicate the issue further, some local farmers have faced legal threats from cannabis or hemp neighbors regarding pesticide drift contamination. Some of the potential drift concern has not come from actual spray migrating to adjoining farms where cannabis or hemp is grown, but from pesticides they believe may be contained in the dust stirred up during routine field work like plowing. Other farmers have been unable to get aerial spraying services performed because the pesticide applicator is afraid of being sued by cannabis or hemp farmers. It is important to note, hemp does not receive the same stringent pesticide residue testing on every lot like cannabis, but pesticide residue tolerance levels for hemp are still being developed by the U.S. Environmental Protection Agency. That is, conventional farmers' pesticide drift concerns are understandably elevated for cannabis, and to a lesser but still

significant extent, hemp. The inability to get spraying services performed could be devastating for farmers, especially crops like avocados or grapes where the crop cannot be easily relocated.

For perspective though, the County does not attempt to shield any crops, be it conventionally or organically grown fruits or vegetables, cannabis, hemp or other crops, from pesticide drift through the Land Use Ordinance; pesticide drift cases are handled by the County Agricultural Commissioner or directly by affected parties through litigation. We understand the frustration felt by non-hemp farmers who are being threatened with lawsuits for pesticide drift. We understand the rationale for dealing with a real and present problem today of avoiding these lawsuits by supporting a large setback requirement for hemp. But we caution those farmers and our County leaders that these setback requirements to mitigate odor and pesticide drift issues could come back later on to these same farms in the future. It is already against the law for any farmer to drift pesticides on to a neighboring farm, but low or non-existing pesticide residue tolerance levels for cannabis or hemp has changed the discussion about how pesticides impact neighbors. If we enact restrictions to prevent cannabis or hemp growers from being contaminated by conventional agriculture's pesticide drift, surely schools, hospitals, residences and about everyone else in our community will want the same pesticide drift protection. Will we now make all farmers using pesticides be two miles from a residence or school? These farmers advocating for hemp to be regulated like cannabis or to subject hemp to large setbacks are our valued Farm Bureau members, but we caution them and our County leaders this may be "cutting off our nose to spite our face."

Specific recommendations:

1. We oppose banning a federally legal agricultural crop based on odor.
2. We oppose a conditional use permit requirement for a federally legal agricultural commodity. Hemp should not be regulated like cannabis.
3. We support the ordinance's proposed standard for indoor cultivation being no detectable odor off site. As minimizing off-site odors is the objective, the ordinance does not need to include specific odor control system components or equipment.
4. We believe language in Section 22.30.244 (B.)1.c of the ordinance regarding riparian and wetland setbacks should be removed. These requirements seem unnecessary.
5. We believe the list of locations from which a setback is required may need to be broadened to include event spaces like wedding venues, in addition to protection singled out for tasting rooms.
6. We do not support the minimum site acreage requirement for indoor and outdoor hemp production. Avoiding neighbor-to-neighbor conflicts can be better achieved through some sort of buffer or setback system. For example, a farmer could locate a hemp crop at the edge of a 10-acre site in close proximity to neighbors. A 10-acre minimum also discourages beginning farmers and smaller operations from growing hemp. Placing a minimum acreage requirement may be an expedient political solution to get hemp out of areas where neighbor complaints typically come from, but it disproportionately affects small and beginning growers who cannot afford larger size farms.
7. Recognizing some complaints specific to cannabis cultivation in Residential Rural areas, we support the ordinance's allowance for non-flowering hemp production in the Residential Rural land use category instead of a complete prohibition. To completely disallow hemp in Residential Rural areas would be especially problematic for our local greenhouse industry. While opinions about odors from cannabis and hemp vary, immature hemp transplants should be recognized as less odorous as they do not yet possess female flowers where odors largely originate.

8. We support the ordinance's allowance for temporary structures (hoop houses) to be used for hemp cultivation and for temporary drying or crop storage.
9. Our membership has diverse opinions on what an appropriate setback distance should be, ranging from hemp growers wanting no setback, to other farmers wanting a setback of several thousand feet. As has been borne out by months of stakeholder discussions through the Agricultural Liaison Advisory Board, we do not currently have sufficient science to develop a setback to address all potential concerns. In the absence of this important information, the best option may be to develop a sliding scale based on hemp acreage as was recommended by ALAB. If more science becomes available in coming years regarding cannabis or hemp terpene contamination of grapes, the ordinance setback should be revised. The 300 feet setback as proposed in the ordinance is not ideal, but it is a better compromise than the 1000 feet or two-mile setback being proposed by other stakeholders based on the limited information we have today.

In closing, we want to thank all of our Farm Bureau members, local community groups, and the volunteer members of the Agricultural Liaison Advisory Board for providing input on this challenging issue. We also want to thank Assistant Agricultural Commissioner/Sealer Marc Lea for staffing the Hemp Subcommittee, and Planning and Building Planner Kip Morais for working expeditiously to craft an ordinance in the face of contentious debate and little agreement from stakeholders.

Sincerely,



Brent Burchett
Executive Director
San Luis Obispo County Farm Bureau



Air Pollution Control District
San Luis Obispo County

Via Email

December 19, 2019

Kip Morais
San Luis Obispo County Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
kmorais@co.slo.ca.us

SUBJECT: APCD Comments Regarding the SLO County Industrial Hemp Ordinance Draft

Dear Mr. Morais:

Thank you giving the San Luis Obispo County Air Pollution Control District (APCD) an opportunity to comment on the San Luis Obispo County Industrial Hemp Ordinance Draft (Draft). The Draft defined cultivation, processing and manufacturing as follows:

Industrial Hemp Cultivation

- Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review (pg. 2).
- The definition of Industrial Hemp Cultivation is defined on page 13 and states any activity involving the planting, growing, harvesting, or field drying of industrial hemp.
- Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories (pg. 2).
- Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure, only within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting (pg.13).

Industrial Hemp Processing

- Industrial Hemp Processing will be treated as an Agricultural Processing use and will require discretionary review (pg. 2).
- indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use (pg.13).

☎ 805.781.5912 ☎ 805.781.1962 🌐 slocleanair.org 📍 3433 Roberto Court, San Luis Obispo, CA 93401

APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 2 of 3

Industrial Hemp Manufacturing

- Manufacturing of hemp products will be classified under existing manufacturing uses according to end-product and scale of operations and subject to permitting requirements accordingly (pg.13).
- Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end-product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc. (pg. 14).

The following APCD comments are pertinent to the Draft Ordinance.

The industrial hemp manufacturing requirements described in Paragraph D. 5. Industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - [Air Pollution Control District \(APCD\) Review](#), it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:

Permit - Agricultural Burning

Since Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing, burning of Industrial Hemp waste will require an APCD Agricultural Burn Permit and burning of waste is only allowed on Permissive Burn Days. All agricultural burning is subject to APCD Rule 502. Verification of THC content may be required upon application. For more information on agricultural burning, visit the following APCD webpage: slocdanar.org/rules-regulations/agriculture/burning.

Permit - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's Nuisance Rule 402 and may result in enforcement action:

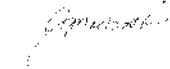
- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

Attachment 11

*APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 3 of 3*

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

JNM/jjh

cc: Brian Pedrotti, Long Range Planning Team
Sarah Wade, APCD



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 18, 2019

Kip Morais
County of San Luis Obispo Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408

**Subject: County of San Luis Obispo Industrial Hemp Ordinance Public Review
Draft (Ordinance)**

Dear Mr. Morais:

The California Department of Fish and Wildlife (Department) has received a copy of the draft County of San Luis Obispo Industrial Hemp Ordinance. The draft Ordinance addresses cultivation, processing, manufacturing, and in the field sales of hemp in the unincorporated San Luis Obispo County (County) jurisdiction.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Ordinance that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Ordinance the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code (FGC).

As defined in the Ordinance, Section 4, Section 22.30.070, industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories. As defined in the Ordinance, Section 4, Section 22.30.244, industrial hemp cultivation (indoor and outdoor) may be allowed in the AG, RL, and RR land use categories only; outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger; indoor industrial hemp cultivation is limited to sites of five (5) acres or larger; outdoor industrial hemp cultivation in the RR land use category is limited to production of industrial hemp transplants only.

THE DEPARTMENT ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802).

Conserving California's Wildlife Since 1870

Kip Morais
 County of San Luis Obispo Planning & Building Department
 December 18, 2019
 Page 2

COMMENTS AND RECOMMENDATIONS

The Ordinance applies to all of San Luis Obispo (SLO) County which has been identified to contain thousands of acres of protected conservation lands, core population areas for multiple State and federally listed species and supports rare natural communities. The County includes the only known habitat for many special status species and important geographic and topographic habitat areas that have been identified as critical to meet the recovery goals for many State and federally listed species.

The Department is concerned the Ordinance, as drafted, could result in impacts to both unlisted and special status species known to occur in the County, including but not limited to, the special status species listed in the Table 1 and 2. The Department's recommendations are included below to minimize impacts to fish and wildlife resources and their habitat.

Table 1 Special Status Species Known to Occur in San Luis Obispo County			
Common Name	Scientific Name	State Status	Federal Status
Invertebrates			
Kern primrose sphinx moth	<i>Euproserpinus euterpe</i>		threatened
longhorn fairy shrimp	<i>Branchinecta longiantenna</i>		endangered
Morro shoulderband snail	<i>Helminthoglypta walkeriana</i>		endangered
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>		endangered
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>		threatened
Fish			
arroyo chub	<i>Gila orcuttii</i>	SSC	
Steelhead	<i>Oncorhynchus mykiss</i>		threatened
tidewater goby	<i>Eucyclogobius newberryi</i>	SSC	endangered
Amphibians			
California red-legged frog	<i>Rana draytonii</i>	SSC	threatened
California tiger salamander	<i>Ambystoma californiense</i>	threatened	threatened
Coast Range newt	<i>Taricha torosa</i>	SSC	
foothill yellow-legged frog	<i>Rana boylei</i>	candidate threatened	

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 11

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to FGC section 2081. If a project could result in take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue a State Incidental Take Permit (ITP) for the Project.

The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

CEQA /

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in § 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (§§ 21001(c), 21083, Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with FGC section 2080 and would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency chooses not to mitigate impacts to CESA-listed species to less than significant levels, then the Department would become CEQA Lead Agency for ITP issuance, which would result in delays and additional costs to applicants. If there is no CEQA document and the project proponent seeks acquisition of an ITP, pursuant to FGC section 2081(b), the Department would become CEQA Lead Agency for ITP issuance. Furthermore, the issuance of an Exemption or Negative Declaration would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency proceeds with an Exemption or Negative Declaration, then the Department would become CEQA Lead Agency for ITP issuance.

Land Conversion: Not all parcels zoned Agriculture, Commercial Service, Residential Rural and Industrial have been developed. Many parcels meeting the land use categories for hemp cultivation or processing are undeveloped and potentially contain suitable habitat and special status species, specifically in the Carrizo Plain. Land conversion may result in habitat loss for special status species, migration/movement corridor limitations, or fragmentation of sensitive habitat. Loss of habitat to development and agriculture are contributing factors to the decline of many special status species and game species.

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 12

To further ensure that important fish and wildlife resources are not lost due to hemp cultivation, the Department recommends limiting hemp cultivation and processing to a "Previously Disturbed Area", following is a potential definition. The Department would like to discuss with County staff whether this definition would accomplish our common goals of avoiding new habitat conversions and significant impacts to wildlife due to hemp cultivation and processing: "An area which legally underwent clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation as of August 23, 2016. The extent and intensity of the disturbance must be such that County-approved biologists can readily verify that no rare, threatened, or endangered species occupy the site and that hemp cultivation would not cause impacts to rare, threatened, or endangered species." Some cases may require a qualified biologist to visit the site to make such a determination.

Many areas that have been previously farmed, graded, filled, or otherwise disturbed in the County support fish and wildlife resources, including special status species. For example, most of the Carrizo Plain was cultivated in the past but has been recolonized by multiple special status species. Even recently and currently cultivated lands there support special status species. Coastal prairies in the North Coast Plan Area and other grasslands throughout the County have also mostly been tilled or farmed in the past, yet they support special status plants and animals. Areas on the Nipomo Mesa and elsewhere in the South County that have been "previously disturbed" support Pismo clarkia, which is a State rare and federal endangered species.

Carrizo Planning Area: Carrizo Plain is unique within the County. Located in southeast SLO County, Carrizo Plain is bounded by the Temblor Range to the east, Caliente Range to the west, and contains the Carrizo National Monument. Carrizo Plain is home to multiple special status species, including the fully protected blunt-nosed leopard lizard, San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel and tricolored blackbird, and important game species such as pronghorn (*Antilocapra americana*) and tule elk (*Cervus elaphus*).

Hemp cultivation is incompatible with the fish and wildlife resources that occur in the Carrizo Planning Area. The Carrizo Planning Area harbors the highest concentration of special status species in California, contains designated Critical Habitat, and provides core habitat essential to the recovery of species listed under both the Federal and California Endangered Species Acts. The Department has observed directly that cannabis cultivation has disturbed and displaced habitat for these species in the Carrizo Planning Area, exposed listed species to poisoning, and likely resulted in unlawful take of listed species. These observations were documented in letters to the County dated September 8 and October 31, 2016 and March 6, 2017. It is reasonable to conclude allowing hemp cultivation and processing in the Carrizo Planning Area would have similar effects on the Critical Habitat and special status species in the area. The

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 13

Department recommends the County prohibit hemp cultivation and processing in the Carrizo Planning Area.

Riparian Habitat, Wetlands, and Watercourses: The Department concurs with the County's hemp cultivation setbacks of at least 50 feet from the upland extent of riparian vegetation of any watercourse and 100 feet from any wetland. Riparian habitat, wetlands, and watercourses are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat, wetlands, and watercourses are known to exist within the County, including historic seeping from the earth lined canals, shallow first encountered groundwater, and along natural and human made watercourses. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, the Department recommends that impacts to wetlands be compensated with the creation of new habitat, preferably on-site, at a minimum of an acre-for-acre basis. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. In addition, the Department recommends a delineation be conducted for proposed Projects to assess riparian, wetland, and watercourse impacts to guide project proponents in establishing appropriate no-disturbance buffers.

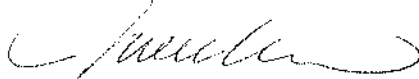
Enforcement: The California Department of Food and Agriculture (CDFA) is the licensing authority for the State for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the State's resources from the adverse impacts of cannabis cultivation (Fish & G. Code, § 12029). Like cannabis cultivation, hemp cultivation has the potential to affect fish, wildlife, plants, and their habitats. Cannabis inspections have led to violations for water diversions and storage, grading, chemical use, wildlife threats, timber conversion, and public safety. The Department's Law Enforcement Division (LED) is a critical component of enforcement. The Department's LED works with cannabis cultivators to bring their facilities into compliance, aids in remediating criminal environmental violations, coordinates with other agencies to remove illegal grows, growers, illegal water impoundments, and extremely toxic chemicals frequently associated with illegal grows, and protects California's unique and diverse natural resources.

The Department recommends amending the inspections section to read as follows: "All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, **without notice**, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, **The California Department of Fish and Wildlife, California Peace Officers** and Department of Agriculture/Weights and Measures."

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 14

The Department appreciates the opportunity to work with County staff and comment on the Ordinance. Questions or further coordination regarding this letter should be directed to Kelley Aubushon, Senior Environmental Scientist (Specialist), at (559) 243-8153 or kelley.aubushon@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

ec: Lieutenant Tyson Quintal
Ryan Mathis
Sarah Paulson
James Rosauer
California Department of Fish and Wildlife



SB-153 Industrial hemp. (2019-2020)

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Date Published: 10/14/2019 09:00 PM

Senate Bill No. 153

CHAPTER 838

An act to amend Sections 81001, 81002, 81003, 81004, 81005, and 81006 of, to amend, repeal, and add Section 81000 of, and to add Sections 81004.5, 81012, 81013, 81014, and 81015 to, the Food and Agricultural Code, relating to industrial hemp, and making an appropriation therefor.

[Approved by Governor October 12, 2019. Filed with Secretary of State
October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 153, Wilk. Industrial hemp.

Existing federal law, the Agricultural Act of 2014, authorizes an institution of higher education, as defined, or a state department of agriculture, as defined, to grow or cultivate industrial hemp under an agricultural pilot program, as defined, under certain conditions. Existing federal law, the Agricultural Marketing Act of 1946, as amended by the Agriculture Improvement Act of 2018, requires a state desiring to have primary regulatory authority over the production of industrial hemp in the state to submit to the United States Secretary of Agriculture, through the state department of agriculture, a plan, with specified contents, under which the state monitors and regulates hemp production.

Existing state law regulates the cultivation and testing of industrial hemp, as defined, and regulates the activities of seed breeders to develop seed cultivars through seed development plans, as defined. Existing law creates the Industrial Hemp Advisory Board. Existing state law requires an entity that is either a grower of industrial hemp for commercial purposes or a seed breeder that develops varieties of industrial hemp for sale or research to register with the county agricultural commissioner of the county in which it intends to cultivate industrial hemp and to annually renew its registration. Existing state law exempts an established agricultural research institution, as defined, from these registration requirements. Existing state law requires the Department of Food and Agriculture to establish a registration fee and appropriate renewal fee to be paid by registrants. Under existing state law, these fees are deposited in the Department of Food and Agriculture Fund and continuously appropriated to the department for the administration and enforcement of this registration program and other provisions regulating the cultivation of industrial hemp. Existing state law requires a county agricultural commissioner to transmit information collected pursuant to these provisions to the department. Under existing state law, a violation of these provisions is a misdemeanor.

Under existing state law, these provisions are operative only to the extent authorized by federal law, as set forth in an opinion of the Attorney General. Before enactment of the federal Agriculture Improvement Act of 2018, an opinion of the Attorney General issued pursuant to existing state law concluded that industrial hemp may only be grown pursuant to these provisions to the extent authorized by the federal Agricultural Act of 2014.

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), added by Proposition 64 at the November 8, 2016, statewide general election, revised some provisions of state law regarding industrial hemp.

This bill would revise the provisions regulating the cultivation and testing of industrial hemp to conform with the requirements for a state plan under the federal Agricultural Marketing Act of 1946, as amended by the federal Agriculture Improvement Act of 2018, by, among other things, revising the definition of "industrial hemp," and replacing the terms "seed breeder," "seed cultivar," and "seed development plan" with the defined terms "hemp breeder," "cultivar," and "variety development plan," respectively. The bill would expand and change the membership of the Industrial Hemp Advisory Board, as specified. The bill would apply the registration requirements to growers of industrial hemp for noncommercial as well as commercial purposes. Upon approval of a state plan, as specified, the bill would apply certain registration and regulatory requirements to established agricultural research institutions, including submission of research plans, as defined, to county agricultural commissioners before cultivating hemp. The bill would impose new requirements on the department and county agricultural commissioners for the handling and transmittal of registration information, impose new testing requirements, provide new enforcement procedures to be operative as of the effective date of an approved state plan, as defined, and impose new conditions on eligibility to participate in the industrial hemp program, as defined. By expanding registration requirements, including payment of registration fees, to some growers of industrial hemp for agricultural or academic research purposes, the bill would establish a new source of revenue for a continuously appropriated fund, thus making an appropriation.

This bill would require the Secretary of Food and Agriculture, in consultation with the Governor and the Attorney General, to develop and submit a state plan to the United States Secretary of Agriculture, as provided, on or before May 1, 2020.

This bill would specify consequences for a violation of its provisions according to the frequency of prior violations and whether the violation was negligent, grossly negligent, reckless, or intentional. By imposing new registration requirements on some growers of industrial hemp for agricultural or academic research purposes, the violation of which would be a misdemeanor, this bill would impose a state-mandated local program.

AUMA authorizes the Legislature to amend certain provisions of AUMA to further the purposes and intent of AUMA with a 2/3 vote of the membership of the Legislature.

This bill would amend AUMA by modifying the definition of "established agricultural research institution" and imposing certain registration and other requirements on these institutions, as of the date on which a state plan for California is approved pursuant to the federal Agricultural Marketing Act of 1946, as amended by the federal Agriculture Improvement Act of 2018.

This bill would declare that its provisions further the purposes and intent of AUMA.

By increasing the duties of county agricultural commissioners who would enforce certain of these new provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature in enacting this act to neither limit nor prevent a city, county, or city and county from exercising its police power authority under Section 7 of Article XI of the California Constitution.

SEC. 2. Section 81000 of the Food and Agricultural Code is amended to read:

81000. Definitions.

(a) For purposes of this division, the following terms have the following meanings:

(1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.

(2) "Board" means the Industrial Hemp Advisory Board.

(3) "Cultivar" means a variety of industrial hemp.

- (4) "Established agricultural research institution" means an institution that is either of the following:
- (A) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers.
- (B) An institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.
- (5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.
- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.
- (9) "THC" means delta-9 tetrahydrocannabinol.
- (10) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.
- (b) This section shall remain operative only until the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), and as of January 1 of the following year is repealed.

SEC. 3. Section 81000 is added to the Food and Agricultural Code, to read:

81000. Definitions.

- (a) For purposes of this division, the following terms have the following meanings:
- (1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.
- (2) "Board" means the Industrial Hemp Advisory Board.
- (3) "Cultivar" means a variety of industrial hemp.
- (4) "Established agricultural research institution" means an institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of agricultural or academic research.
- (5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.
- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.

(9) "Research plan" means a strategy devised by an established agricultural research institution, or applicant established agricultural research institution, detailing its planned approach to growing or cultivating hemp for academic or agricultural research.

(10) "THC" means delta-9 tetrahydrocannabinol.

(11) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.

(b) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

SEC. 4. Section 81001 of the Food and Agricultural Code is amended to read:

81001. (a) There is in the department an Industrial Hemp Advisory Board. The board shall consist of 13 members, appointed by the secretary as follows:

(1) Five of the board members shall be growers of industrial hemp that are registered pursuant to the provisions of this division.

(2) Two of the board members shall be members of an established agricultural research institution.

(3) One member of the board shall be a representative as provided by the California State Sheriffs' Association and approved by the secretary.

(4) One member of the board shall be a county agricultural commissioner.

(5) One member of the board shall be a representative of the Hemp Industries Association or its successor industry association.

(6) Two members of the board shall be representatives of businesses that sell industrial hemp products.

(7) One member of the board shall be a member of the public.

(b) It is hereby declared, as a matter of legislative determination, that growers and representatives of industrial hemp product manufacturers and businesses appointed to the board pursuant to this division are intended to represent and further the interest of a particular agricultural industry, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that persons who are appointed to the board shall be subject to the conflict-of-interest provisions described in Sections 87100 and 87103 of the Government Code.

(c) The term of office for a member of the board is three years. If a vacancy exists, the secretary shall, consistent with the membership requirements described in subdivision (a), appoint a replacement member to the board for the duration of the term.

(d) A member of the board shall not receive a salary but may be reimbursed by the department for attendance at meetings and other board activities authorized by the board and approved by the secretary.

(e) The board shall advise the secretary and may make recommendations on all matters pertaining to this division, including, but not limited to, industrial hemp seed law and regulations, enforcement, annual budgets required to accomplish the purposes of this division, and the setting of an appropriate assessment rate necessary for the administration of this division.

(f) The board shall annually elect a chair from its membership and, from time to time, other officers as it deems necessary.

(g) The board shall meet at the call of its chair or the secretary, or at the request of any four members of the board. The board shall meet at least once a year to review budget proposals and fiscal matters related to the proposals.

SEC. 5. Section 81002 of the Food and Agricultural Code is amended to read:

81002. (a) Except when grown by a registered established agricultural research institution or by a registered hemp breeder developing a new cultivar, industrial hemp shall be grown only if it is on the list of approved cultivars, or

produced by clonal propagation of industrial hemp that is on the list of approved cultivars and therefore genetically identical to, and capable of exhibiting the same range of characteristics as, the parent cultivar.

(b) The list of approved cultivars shall include all of the following:

(1) Industrial hemp cultivars that have been certified by member organizations of the Association of Official Seed Certifying Agencies, including, but not limited to, the Canadian Seed Growers' Association.

(2) Industrial hemp cultivars that have been certified by the Organization of Economic Cooperation and Development.

(3) California varieties of industrial hemp cultivars that have been certified by a seed-certifying agency pursuant to Article 6.5 (commencing with Section 52401) of Chapter 2 of Division 18.

(c) (1) Upon recommendation by the board or the department, the secretary may update the list of approved cultivars by adding, amending, or removing cultivars.

(2) The adoption, amendment, or repeal of the list of approved cultivars, and the adoption of a methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars, pursuant to this section shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(3) The department, in consultation with the board, shall hold at least one public hearing with public comment to determine the methodology and procedure by which a cultivar is added, amended, or removed from the list of approved cultivars.

(4) The department shall finalize the methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars and send the methodology and procedure to the Office of Administrative Law. The Office of Administrative Law shall file the methodology and procedure promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The methodology and procedure shall do all of the following:

(A) Indicate that the methodology and procedure are adopted pursuant to this division.

(B) State that the methodology and procedure are being transmitted for filing.

(C) Request that the Office of Administrative Law publish a notice of the filing of the methodology and procedure and print an appropriate reference in Title 3 of the California Code of Regulations.

(d) The department, in consultation with the board, may determine the manner in which the public is given notice of the list of approved cultivars, and any addition, amendment, or removal from that list.

SEC. 6. Section 81003 of the Food and Agricultural Code is amended to read:

81003. (a) (1) Except for an established agricultural research institution subject to Section 81004.5 or a hemp breeder subject to Section 81004, and before cultivation, a grower of industrial hemp shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) The approved cultivar to be grown, including the state or county of origin.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew the registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated

registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each grower of industrial hemp.

(B) A legal description of the land on which the grower engages in industrial hemp cultivation.

(C) Registration status of the grower of industrial hemp.

(f) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

SEC. 7. Section 81004 of the Food and Agricultural Code is amended to read:

81004. (a) (1) Except when grown by an established agricultural research institution subject to Section 81004.5, and before cultivation, a hemp breeder shall register with the commissioner of the county in which the hemp breeder intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) A variety development plan, which shall include all of the following:

(i) If a new cultivar is to be certified by a seed-certifying agency, the name of the seed-certifying agency that will be conducting the certification.

(ii) The industrial hemp varieties that will be used and, if applicable, how those varieties will be used in the development of a new cultivar.

(iii) A plan for testing all of the plants grown.

(iv) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(v) The measures that will be taken to prevent the unlawful use of industrial hemp under this division.

(vi) A procedure for the maintenance of records documenting the development of the new cultivar.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a hemp breeder registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the

commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) A registrant developing a new cultivar who wishes to change any provision of the variety development plan shall submit to the commissioner the revised variety development plan. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that the registrant may cultivate under the revised variety development plan.

(f) All records pertaining to the variety development plan shall be kept and maintained by the hemp breeder and be available upon request by the commissioner, a law enforcement agency, or a seed certifying agency.

(g) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each hemp breeder.

(B) A legal description of the land on which the hemp breeder engages in industrial hemp cultivation.

(C) Registration status of the hemp breeder.

(h) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

SEC. 8. Section 81004.5 is added to the Food and Agricultural Code, to read:

81004.5. (a) (1) Before cultivating hemp for agricultural or academic research, an established agricultural research institution shall register with the commissioner of the county in which it intends to cultivate.

(2) The registration application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the geographic area where the applicant plans to engage in hemp cultivation or storage, or both.

(C) A research plan that shall include all of the following:

(i) The hemp varieties that will be used and, if applicable, how those varieties will be used for purposes of agricultural or academic research.

(ii) A plan for testing all of the plants cultivated.

(iii) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(iv) The measures that will be taken to prevent the unlawful use of hemp under this division.

(v) A procedure for the maintenance of records documenting the agricultural or academic research.

(3) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration if it will continue cultivating hemp beyond that term.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue an established agricultural research institution registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with

the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate hemp on the changed or altered land area.

(d) A registrant conducting agricultural or academic research who wishes to change any provision of the research plan shall submit to the commissioner a revised research plan. Once the commissioner has received the revised research plan, and the commissioner determines that the requirements of this division are met, the commissioner shall notify the registrant that it may cultivate under the revised research plan.

(e) All records pertaining to the research plan shall be kept and maintained by the established agricultural research institution and be available upon request by the commissioner or a law enforcement agency.

(f) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each registered established agricultural research institution.

(B) A legal description of the land on which the established agricultural research institution engages in hemp cultivation.

(C) Registration status of the established agricultural research institution.

(g) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(h) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

SEC. 9. Section 81005 of the Food and Agricultural Code is amended to read:

81005. (a) The department shall establish a registration fee and appropriate renewal fee to be paid by growers of industrial hemp and hemp breeders, not including an established agricultural research institution, to cover the actual costs of implementing, administering, and enforcing the provisions of this division.

(b) Fees established pursuant to subdivision (a) that are collected by the commissioner upon registration or renewal pursuant to Section 81003 or 81004, except for amounts retained pursuant to this subdivision, shall be forwarded, according to procedures set by the department, to the department for deposit into the Department of Food and Agriculture Fund to be used for the administration and enforcement of this division. A commissioner or the county, as appropriate, may retain the amount of a fee necessary to reimburse direct costs incurred by the commissioner in the collection of the fee.

(c) The board of supervisors of a county may establish a reasonable fee, in an amount necessary to cover the actual costs of the commissioner and the county of implementing, administering, and enforcing the provisions of this division, except for costs that are otherwise reimbursed pursuant to subdivision (b), to be charged and collected by the commissioner upon registrations or renewals required pursuant to Section 81003 or 81004 and retained by the commissioner or the county, as appropriate.

SEC. 10. Section 81006 of the Food and Agricultural Code is amended to read:

81006. Industrial Hemp Growth Limitations; Prohibitions; Imports; Laboratory Testing.

(a) Except when grown by a registered established agricultural research institution or a registered hemp breeder, industrial hemp shall be grown in acreages of not less than one-tenth of an acre at the same time.

(b) Clandestine cultivation of industrial hemp is prohibited. All plots shall have adequate signage indicating they are industrial hemp.

(c) Industrial hemp shall not be cultivated on a premises licensed by the department to cultivate or process cannabis. Industrial hemp, regardless of its THC content, that is cultivated on a premises licensed by the department for cannabis cultivation shall be considered cannabis as defined in subdivision (f) of Section 26001 of

the Business and Professions Code and subject to licensing and regulatory requirements for cannabis pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code.

(d) Industrial hemp shall include products imported under the Harmonized Tariff Schedule of the United States (2013) of the United States International Trade Commission, including, but not limited to, hemp seed, per subheading 1207.99.03, hemp oil, per subheading 1515.90.80, oilcake, per subheading 2306.90.01, true hemp, per heading 5302, true hemp yarn, per subheading 5308.20.00, and woven fabrics of true hemp fibers, per subheading 5311.00.40.

(e) (1) Except when industrial hemp is grown by a registered established agricultural research institution and tested in accordance with an approved research plan or by a registered hemp breeder and tested in accordance with an approved variety development plan, a registrant that grows industrial hemp under this section shall, before the harvest of each crop and as provided below, obtain a laboratory test report indicating the THC levels of a random sampling of the dried flowering tops of the industrial hemp grown.

(2) Sampling shall occur no more than 30 days before harvest.

(3) The sample collected for THC testing shall be taken with the grower or hemp breeder present. The department shall establish, by regulation, the sampling procedures, including all of the following:

(A) The number of plants to be sampled per field, and any composting of samples.

(B) The portions of the plant to be sampled.

(C) The plant parts to be included in a sample.

(D) Additional procedures as necessary to ensure accuracy and the sanitation of samples and fields.

(4) The sample collected for THC testing shall be accompanied by the registrant's proof of registration.

(5) The laboratory test report shall be issued by a laboratory approved by the department, using a department-approved testing method. The testing method shall use postdecarboxylation or similarly reliable methods for determining THC concentration levels. The laboratory test report shall indicate the percentage concentration of THC on a dry-weight basis, indicate the date and location of samples taken, and state the Global Positioning System coordinates and total acreage of the crop. If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report. If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report.

(6) If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the laboratory shall provide the person who requested the testing not less than 10 original copies signed by an employee authorized by the laboratory and shall retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.

(7) If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent and does not exceed 1 percent, the registrant that grows industrial hemp shall submit additional samples for testing of the industrial hemp grown.

(8) A registrant that grows industrial hemp shall destroy the industrial hemp grown upon receipt of a first laboratory test report indicating a percentage concentration of THC that exceeds 1 percent or a second laboratory test report pursuant to paragraph (7) indicating a percentage concentration of THC that exceeds 0.3 percent but is less than 1 percent. If the percentage concentration of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after receipt of the laboratory test report. If the percentage concentration of THC in the second laboratory test report exceeds 0.3 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after receipt of the second test report.

(9) A registrant that intends to grow industrial hemp and who complies with this section shall not be prosecuted for the cultivation or possession of marijuana as a result of a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent but does not exceed 1 percent.

(10) A registered established agricultural research institution or a registered hemp breeder shall obtain laboratory results in accordance with its approved research plan or variety development plan. The secretary may authorize a registered established agricultural research institution or hemp breeder to cultivate or possess industrial hemp with a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent in

accordance with its approved research plan or variety development plan if that cultivation or possession contributes to the development of types of industrial hemp that will comply with the 0.3 percent THC limit established in this division.

(11) A registrant that grows industrial hemp shall retain an original signed copy of the laboratory test report for two years from its date of sampling, make an original signed copy of the laboratory test report available to the department, the commissioner, or law enforcement officials or their designees upon request, and shall provide an original copy of the laboratory test report to each person purchasing, transporting, or otherwise obtaining from the registrant that grows industrial hemp the fiber, oil, cake, or seed, or any component of the seed, of the plant.

SEC. 11. Section 81012 is added to the Food and Agricultural Code, to read:

81012. (a) Enforcement of the approved state plan shall comply with subdivision (e) of Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

(b) A grower of industrial hemp, established agricultural research institution, or hemp breeder that the secretary determines has violated a provision of this division listed in the approved state plan or an additional requirement listed pursuant to subdivision (b) of Section 81015, including, but not limited to, by failing to provide a legal description of the land on which industrial hemp is grown, failing to register as required, or exceeding the 0.3 percent THC limit established in this division, shall be subject to the following consequences:

(1) For a negligent violation, as determined by the secretary, the consequences under state laws for a violation of this division shall be as follows:

(A) If the violation is not a repeat violation subject to subparagraph (B), the grower of industrial hemp, established agricultural research institution, or hemp breeder shall comply with a corrective action plan, to be established by the secretary, that includes both of the following:

(i) A reasonable date by which the grower of industrial hemp, established agricultural research institution, or hemp breeder shall correct the negligent violation.

(ii) A requirement that the grower of industrial hemp, established agricultural research institution, or hemp breeder shall periodically report to the secretary, for a period of at least the next two calendar years, on its compliance with this division or the approved state plan.

(B) A grower of industrial hemp, established agricultural research institution, or hemp breeder that commits a negligent violation three times in a five-year period shall be ineligible to participate in the industrial hemp program for a period of five years beginning on the date of the finding of the third violation.

(2) For a violation committed intentionally, or with recklessness or gross negligence, the secretary shall immediately report the grower of industrial hemp, established agricultural research institution, or hemp breeder to the Attorney General of the United States and the Attorney General of this state, as applicable.

(c) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

SEC. 12. Section 81013 is added to the Food and Agricultural Code, to read:

81013. Any person convicted of a felony relating to a controlled substance under state or federal law before, on, or after January 1, 2020, shall be ineligible, during the 10-year period following the date of the conviction, to participate in the industrial hemp program.

SEC. 13. Section 81014 is added to the Food and Agricultural Code, to read:

81014. A person that materially falsifies any information contained in an application or registration under Section 81003 or 81004, or other application to participate in the industrial hemp program, shall be ineligible to participate in the industrial hemp program.

SEC. 14. Section 81015 is added to the Food and Agricultural Code, to read:

81015. (a) On or before May 1, 2020, the secretary, in consultation with the Governor and the Attorney General, shall develop and submit to the United States Secretary of Agriculture a state plan, consistent with this division,

pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), including a certification that the state has the resources and personnel to carry out the practices and procedures described in clauses (i) to (iv), inclusive, of subparagraph (A) of paragraph (2) of subsection (a) of that section.

(b) In an annex to the state plan, the secretary shall list the provisions of this division that are included in the state plan, and any additional requirements in the state plan, that shall be subject to enforcement pursuant to Section 81012.

SEC. 15. The Legislature finds and declares that this act furthers the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act by bringing state law into conformance with federal law regarding state plans for production of industrial hemp, allowing industrial hemp to be grown as an agricultural product, and regulating industrial hemp separately from other strains of cannabis.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Notice of Common-Sense Exemption

PLN-1124
3/22/2018

Project Title and No.: Industrial Hemp Ordinance / LRP2019-00008 / ED20-040

Project Location (Specific address [use APN or description when no situs available]):
Countywide

Project Applicant/Phone No./Email:
County of San Luis Obispo/805-781-5600/kmorais@co.slo.ca.us

Applicant Address (Street, City, State, Zip):
976 Osos Street, San Luis Obispo, CA 93408

Name of Public Agency Approving Project: County of San Luis Obispo

Description of Nature, Purpose, and Beneficiaries of Project:

Hearing to consider a request by the County of San Luis Obispo to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, the Coastal Framework for Planning Table "O" (LRP2019-00008), and Title 1 Administrative Fines, to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 - Agricultural Processing Uses, Section 23.08.040 - Agricultural Uses - Specialized, Section 23.10.150 - Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.

Exempt Status/Findings: This project is covered by the common-sense rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), Common-Sense Rule Exemption]

Reasons why project is exempt:

This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place limited restrictions on the cultivation of industrial hemp, a current crop production use. Crop production is currently an allowed use by-

Attachment 13

right within the County of San Luis Obispo, and the provisions of the ordinance in and of themselves would not result in a physical change to the environment.

Additional information: Additional information pertaining to this notice of exemption may be obtained by reviewing the second page of this document and by contacting the Environmental Coordinator, 976 Osos St., Rm 200, San Luis Obispo, CA 93408 (805) 781-5600.

PLN-1124
3/22/2018

Notice of General Rule Exemption

Project Title and No.: Industrial Hemp Ordinance LRP2019-0008

Pursuant to section 15061 of the State California Environmental Quality Act (CEQA) Guidelines, the preliminary review of a project includes a determination as to whether a project is exempt from CEQA. This checklist represents a summary of this project's review for exemption.

	<u>YES</u>	<u>NO</u>
1. Does this project fall within any exempt class as listed in sections 15301 through 15329 of the State CEQA Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is there a reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the project inconsistent with any Federal, State, or local law or administrative requirement relating to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will the project involve substantial public controversy regarding environmental issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Does the project have the potential to achieve short-term environmental goals to the disadvantage of achieving long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Does the project have adverse impacts that are individually insignificant but cumulatively significant? Cumulatively significant means that the incremental effects of an individual project are substantially adverse when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

On the basis of this initial evaluation, I find that the proposed project does not have the potential to cause a significant effect on the environment, and is therefore exempt from CEQA.

Xzandra Fowler Feb. 25, 2020
 Xzandra Fowler, Environmental Planning Manager Date



December 19, 2019

Brian Pedrotti and Kip Morais
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Planning and Building Department:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of a permanent ordinance regarding industrial hemp cultivation. Our Board of Directors voted unanimously to submit this comment letter.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES
534 E Chapel St • Santa Maria, CA 93454 • (805) 343-2215

Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing food crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93716
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 18, 2019

Kip Morais
County of San Luis Obispo Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408

**Subject: County of San Luis Obispo Industrial Hemp Ordinance Public Review
Draft (Ordinance)**

Dear Mr. Morais:

The California Department of Fish and Wildlife (Department) has received a copy of the draft County of San Luis Obispo Industrial Hemp Ordinance. The draft Ordinance addresses cultivation, processing, manufacturing, and in the field sales of hemp in the unincorporated San Luis Obispo County (County) jurisdiction.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Ordinance that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Ordinance the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code (FGC).

As defined in the Ordinance, Section 4, Section 22.30.070, industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories. As defined in the Ordinance, Section 4, Section 22.30.244, industrial hemp cultivation (indoor and outdoor) may be allowed in the AG, RL, and RR land use categories only; outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger; indoor industrial hemp cultivation is limited to sites of five (5) acres or larger; outdoor industrial hemp cultivation in the RR land use category is limited to production of industrial hemp transplants only

THE DEPARTMENT ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*id.*, § 1802).

Conserving California's Wildlife Since 1870

Kip Morais
 County of San Luis Obispo Planning & Building Department
 December 18, 2019
 Page 2

COMMENTS AND RECOMMENDATIONS

The Ordinance applies to all of San Luis Obispo (SLO) County which has been identified to contain thousands of acres of protected conservation lands, core population areas for multiple State and federally listed species and supports rare natural communities. The County includes the only known habitat for many special status species and important geographic and topographic habitat areas that have been identified as critical to meet the recovery goals for many State and federally listed species.

The Department is concerned the Ordinance, as drafted, could result in impacts to both unlisted and special status species known to occur in the County, including but not limited to, the special status species listed in the Table 1 and 2. The Department's recommendations are included below to minimize impacts to fish and wildlife resources and their habitat.

Table 1 Special Status Species Known to Occur in San Luis Obispo County			
Common Name	Scientific Name	State Status	Federal Status
Invertebrates			
Kern primrose sphinx moth	<i>Euproserpinus euterpe</i>		threatened
longhorn fairy shrimp	<i>Branchinecta longiantenna</i>		endangered
Morro shoulderband snail	<i>Helminthoglypta walkeriana</i>		endangered
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>		endangered
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>		threatened
Fish			
arroyo chub	<i>Gila orcuttii</i>	SSC	
Steelhead	<i>Oncorhynchus mykiss</i>		threatened
tidewater goby	<i>Eucyclogobius newberryi</i>	SSC	endangered
Amphibians			
California red-legged frog	<i>Rana draytonii</i>	SSC	threatened
California tiger salamander	<i>Ambystoma californiense</i>	threatened	threatened
Coast Range newt	<i>Taricha torosa</i>	SSC	
foothill yellow-legged frog	<i>Rana boylei</i>	candidate threatened	

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 11

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to FGC section 2081. If a project could result in take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue a State Incidental Take Permit (ITP) for the Project.

The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

CEQA /

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in § 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (§§ 21001(c), 21083, Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with FGC section 2080 and would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency chooses not to mitigate impacts to CESA-listed species to less than significant levels, then the Department would become CEQA Lead Agency for ITP issuance, which would result in delays and additional costs to applicants. If there is no CEQA document and the project proponent seeks acquisition of an ITP, pursuant to FGC section 2081(b), the Department would become CEQA Lead Agency for ITP issuance. Furthermore, the issuance of an Exemption or Negative Declaration would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency proceeds with an Exemption or Negative Declaration, then the Department would become CEQA Lead Agency for ITP issuance.

Land Conversion: Not all parcels zoned Agriculture, Commercial Service, Residential Rural and Industrial have been developed. Many parcels meeting the land use categories for hemp cultivation or processing are undeveloped and potentially contain suitable habitat and special status species, specifically in the Carrizo Plain. Land conversion may result in habitat loss for special status species, migration/movement corridor limitations, or fragmentation of sensitive habitat. Loss of habitat to development and agriculture are contributing factors to the decline of many special status species and game species.

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 12

To further ensure that important fish and wildlife resources are not lost due to hemp cultivation, the Department recommends limiting hemp cultivation and processing to a "Previously Disturbed Area", following is a potential definition. The Department would like to discuss with County staff whether this definition would accomplish our common goals of avoiding new habitat conversions and significant impacts to wildlife due to hemp cultivation and processing: "An area which legally underwent clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation as of August 23, 2016. The extent and intensity of the disturbance must be such that County-approved biologists can readily verify that no rare, threatened, or endangered species occupy the site and that hemp cultivation would not cause impacts to rare, threatened, or endangered species." Some cases may require a qualified biologist to visit the site to make such a determination.

Many areas that have been previously farmed, graded, filled, or otherwise disturbed in the County support fish and wildlife resources, including special status species. For example, most of the Carrizo Plain was cultivated in the past but has been recolonized by multiple special status species. Even recently and currently cultivated lands there support special status species. Coastal prairies in the North Coast Plan Area and other grasslands throughout the County have also mostly been tilled or farmed in the past, yet they support special status plants and animals. Areas on the Nipomo Mesa and elsewhere in the South County that have been "previously disturbed" support Pismo clarkia, which is a State rare and federal endangered species.

Carrizo Planning Area: Carrizo Plain is unique within the County. Located in southeast SLO County, Carrizo Plain is bounded by the Temblor Range to the east, Caliente Range to the west, and contains the Carrizo National Monument. Carrizo Plain is home to multiple special status species, including the fully protected blunt-nosed leopard lizard, San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel and tricolored blackbird, and important game species such as pronghorn (*Antilocapra americana*) and tule elk (*Cervus elaphus*).

Hemp cultivation is incompatible with the fish and wildlife resources that occur in the Carrizo Planning Area. The Carrizo Planning Area harbors the highest concentration of special status species in California, contains designated Critical Habitat, and provides core habitat essential to the recovery of species listed under both the Federal and California Endangered Species Acts. The Department has observed directly that cannabis cultivation has disturbed and displaced habitat for these species in the Carrizo Planning Area, exposed listed species to poisoning, and likely resulted in unlawful take of listed species. These observations were documented in letters to the County dated September 8 and October 31, 2016 and March 6, 2017. It is reasonable to conclude allowing hemp cultivation and processing in the Carrizo Planning Area would have similar effects on the Critical Habitat and special status species in the area. The

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 13

Department recommends the County prohibit hemp cultivation and processing in the Carrizo Planning Area.

Riparian Habitat, Wetlands, and Watercourses: The Department concurs with the County's hemp cultivation setbacks of at least 50 feet from the upland extent of riparian vegetation of any watercourse and 100 feet from any wetland. Riparian habitat, wetlands, and watercourses are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat, wetlands, and watercourses are known to exist within the County, including historic seeping from the earth lined canals, shallow first encountered groundwater, and along natural and human made watercourses. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, the Department recommends that impacts to wetlands be compensated with the creation of new habitat, preferably on-site, at a minimum of an acre-for-acre basis. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. In addition, the Department recommends a delineation be conducted for proposed Projects to assess riparian, wetland, and watercourse impacts to guide project proponents in establishing appropriate no-disturbance buffers.

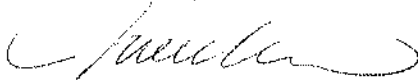
Enforcement: The California Department of Food and Agriculture (CDFA) is the licensing authority for the State for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the State's resources from the adverse impacts of cannabis cultivation (Fish & G. Code, § 12029). Like cannabis cultivation, hemp cultivation has the potential to affect fish, wildlife, plants, and their habitats. Cannabis inspections have led to violations for water diversions and storage, grading, chemical use, wildlife threats, timber conversion, and public safety. The Department's Law Enforcement Division (LED) is a critical component of enforcement. The Department's LED works with cannabis cultivators to bring their facilities into compliance, aids in remediating criminal environmental violations, coordinates with other agencies to remove illegal grows, growers, illegal water impoundments, and extremely toxic chemicals frequently associated with illegal grows, and protects California's unique and diverse natural resources.

The Department recommends amending the inspections section to read as follows: "All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, *without notice*, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, *The California Department of Fish and Wildlife, California Peace Officers* and Department of Agriculture/Weights and Measures."

Kip Morais
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 14

The Department appreciates the opportunity to work with County staff and comment on the Ordinance. Questions or further coordination regarding this letter should be directed to Kelley Aubushon, Senior Environmental Scientist (Specialist), at (559) 243-8153 or kelley.aubushon@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

cc: Lieutenant Tyson Quintal
Ryan Mathis
Sarah Paulson
James Rosauer
California Department of Fish and Wildlife



Air Pollution Control District
San Luis Obispo County

Via Email

December 19, 2019

Kip Morais
San Luis Obispo County Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
kmorais@co.slo.ca.us

SUBJECT: APCD Comments Regarding the SLO County Industrial Hemp Ordinance Draft

Dear Mr. Morais:

Thank you giving the San Luis Obispo County Air Pollution Control District (APCD) an opportunity to comment on the San Luis Obispo County Industrial Hemp Ordinance Draft (Draft). The Draft defined cultivation, processing and manufacturing as follows:

Industrial Hemp Cultivation

- Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review (pg. 2).
- The definition of Industrial Hemp Cultivation is defined on page 13 and states any activity involving the planting, growing, harvesting, or field drying of industrial hemp.
- Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories (pg. 2).
- Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure, only within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting (pg.13).

Industrial Hemp Processing

- Industrial Hemp Processing will be treated as an Agricultural Processing use and will require discretionary review (pg. 2).
- Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use (pg.13).

APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 2 of 3

Industrial Hemp Manufacturing

- Manufacturing of hemp products will be classified under existing manufacturing uses according to end-product and scale of operations and subject to permitting requirements accordingly (pg.13).
- Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end-product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc. (pg. 14).

The following APCD comments are pertinent to the Draft Ordinance.

The industrial hemp manufacturing requirements described in Paragraph D. 5. industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - [Air Pollution Control District \(APCD\) Review](#), it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:

Permit - Agricultural Burning

Since Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing, burning of Industrial Hemp waste will require an APCD Agricultural Burn Permit and burning of waste is only allowed on Permissive Burn Days. All agricultural burning is subject to APCD Rule 502. Verification of THC content may be required upon application. For more information on agricultural burning, visit the following APCD webpage: slocleanair.org/rules_regulations/agriculture/burning.

Permit - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance - Manufacturing & Masking/Neutralizing of Hemp

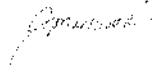
The following are subject to the APCD's Nuisance Rule 402 and may result in enforcement action:

- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

*APCD Comments regarding the SLO County Industrial Hemp Ordinance Draft
December 19, 2019
Page 3 of 3*

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

jNM/jjh

cc: Brian Pedrotti, Long Range Planning Team
Sarah Wade, APCD

[EXT]item 22 (Hemp Ordinance)

Donnas <dmehlschau@sbcglobal.net>

Mon 5/4/2020 02:57 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Board of Supervisors:

After much study, I am hoping that you can come to a decision that will protect existing AG.

Nipomo Valley is currently home to Avocado and lemon orchards, grapes, blue berries, row crops (various vegetables), grain crops. All of these crops have considerable investments of time and money. I appreciate your efforts in this matter.

Donna Mehlschau

d

Nipomo, CA 93444

[EXT]Comment Agenda Item #22 Hemp

Kerry Adam <kerry@adambros.com>

Mon 5/4/2020 03:27 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 4, 2020

Kieran Adam

Nipomo, CA
93444

San Luis Obispo County Board of Supervisors
Attn: Clerk
1055 Monterey D430
San Luis Obispo, CA
93408
Sent Via e-Mail Only

Dear Supervisors,

I am writing today as comment for your May 5 meeting and regarding item number 22, the industrial hemp ordinance coming before you. I oppose the cultivation of Hemp of any kind in proximity (within 1 mile at minimum) to any residential homes including those in rural areas. My main opposition is the odor factor. The odor is a nuisance that decreases the quality of life in San Luis Obispo county.

Again – I oppose cultivation of Hemp in even sparsely populated regions of the county.

Sincerely,

Kieran Adam

FW: [EXT]Proposed Industrial Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:28 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Public Comment on Item 22.

From: Don Spare <don@westcoastrecognition.com>

Sent: Sunday, May 3, 2020 8:58 PM

To: PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>

Cc: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Proposed Industrial Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

To: Kip Morais, Project Manager; Brian Pedrotti, Senior Planner; Department of Planning and Building

Copy: San Luis Obispo Board of Supervisors: Debbie Arnold, Lynn Compton, Bruce Gibson, Adam Hill, John Peschong

From: Don & Kim Spare

RE: Proposed Industrial Hemp Ordinance

This letter is to express our opposition to the proposed countywide industrial hemp ordinance currently under your consideration for Edna Valley.

First, from an economic standpoint, it makes little sense to introduce a new industry into a currently thriving economy when that new industry could have significant deleterious effects on the existing economy – consider:

- Hemp growing/harvesting creates a strong odor requiring odor abatement remedies that are not 100% effective and whose long-term effects on the other crops have not been thoroughly studied – the result is a potentially significant economic impact
- Wine tasting rooms in Edna Valley are a tourist draw and significant source of revenue to the county – given the choice of wine tasting in Edna Valley with the obnoxious odor of hemp or wine tasting in clear air in Paso Robles, it is illogical to think that someone wouldn't rather drive a bit further north to avoid the smell – the result is a potentially significant loss of tax dollars to the county
- Hemp growing is a water-intensive crop – given that representatives of Edna Valley are participating in a years-long planning process required by the state Sustainable Groundwater Management Act, it make little sense to add another significant variable in the planning process now – the result is potentially significant additional costs to Edna Valley to secure more water

Secondly, it seems a bit illogical to have not seriously considered a more sparsely-populated area in the county that would be far much suitable to host a crop that no one would consider emits a pleasant smell – the goal of additional tax revenue could be achieved without jeopardizing tax revenue and the economy of Edna Valley.

Finally, it seem that protections to existing residences and the agricultural industry appear to be inadequate, and the resources necessary to enforce the inevitable infractions that will occur are not guaranteed.

For these reasons, we respectfully request your thoughtful consideration to prohibit hemp farming in Edna Valley.

Don & Kim Spare

San Luis Obispo, CA 93401

FW: [EXT]Hemp Carve out for Edna and Arroyo Grande AVA

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:28 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (303 KB)

Hemp Letter.pdf;

Public Comment on Item 22.

From: anne@slocoastwine.com <anne@slocoastwine.com>

Sent: Monday, May 4, 2020 10:01 AM

To: Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Subject: [EXT]Hemp Carve out for Edna and Arroyo Grande AVA

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Members of the San Luis Obispo County Board of Supervisors,

Attached, please find a letter in support of a carve out for Edna and Arroyo Grande's AVA from hemp cultivation.

Should you have any questions, please do not hesitate to reach out.

Thank you,

Anne Steinhauer
Executive Director
San Luis Obispo Coast Wine Collective

www.slocoastwine.com

| |



May 1, 2020

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

To the Members of the San Luis Obispo County Board of Supervisors,

The San Luis Obispo Coast Wine Collective (formerly known as the SLO Wine County Association) respectfully requests your support to ban all hemp cultivation in the Edna and Arroyo Grande Valley American Viticultural Areas (AVA). For the last 30 years, SLO Coast Wine has represented the wineries located in the Edna and Arroyo Grande Valley AVA, which generated ~\$16 million in wine sales in 2019.

Allowing hemp cultivation in the Edna and Arroyo Grande AVA will significantly impact the economic value of winegrapes by increasing exposure to terpene drift and smell taint, negatively changing the flavors and smells of our local wines. In addition, with a preponderance of wineries located in the region, the smell of hemp drifting into our tasting rooms negatively impacts our guest's experience with our businesses.

Therefore, SLO Coast Wine requests your support that the Edna and Arroyo Grande Valley AVA be carved out of the hemp cultivation ordinance. If you have any questions, please let me know.

Thank you,

A handwritten signature in blue ink, appearing to read "Anne Steinhauer".

Anne Steinhauer
Executive Director
SLO Coast Wine Collective

A handwritten signature in blue ink, appearing to read "Stephen R. Dooley".

Stephen R. Dooley
President
SLO Coast Wine Collective

www.slocoastwine.com

FW: [EXT]Hemp and Marijuana

Caleb Mott <cmott@co.slo.ca.us>

Mon 5/4/2020 03:28 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; BOS_Legislative Assistants Only <BOS_Legislative-Assistants-Only@co.slo.ca.us>

Public Comment on Item 22.

From: Brad Parkinson <bradp@stanford.edu>

Sent: Sunday, May 3, 2020 4:18 PM

To: Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Hemp and Marijuana

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

2 May 2020

Dear Supervisor Compton,

I am writing to you to strongly request that you permanently ban Marijuana and Hemp growing from the productive, yet fragile Edna Valley.

The main arguments to prohibit such crops:

1. This valley is home to dozens of vineyards and tasting rooms. They produce some of the finest Pinot Noir and other varietals in the US. The volatiles given off by Hemp and Marijuana will seriously jeopardize the quality - both by measurement and by reputation. At times, the valley is relatively calm and windless; the nauseous odor settles in over very wide and uncontrolled areas. It is both perceptions and measurements that are the problem.
2. Venues have become a major activity for the Valley. We have many weddings and similar celebrations throughout the year. These are great advertisement for our county - enhancing reputation, adding to tourism and increasing business for the whole tourist industry. The threat of the Hemp and Marijuana smell permeating such events would be disastrous. Just a few very bad web revues could seriously erode these businesses. Our county must avoid such negativity, particularly in the coming economically challenging environment.
3. The Edna Valley has many fine homes that contribute well to the county tax base. Taxes are based on value, that can be a subjective judgement, tempered by the sale prices. A reputation for "bad air" would be harmful. In addition, experiences by Oregon Schools and others attest to lung-choking episodes. This is not the environment we should tolerate. The Edna Valley, with its frequent, very

calm, evenings would be a concentrator of these problems, amplifying both intensity and geographic extent.

I strongly believe any significant risk to our valley for Grape Production, for delightful venues and for property values must be avoided.

I am hoping you will do the right thing and ensure such crops are not allowed in Edna Valley.

Very Best Regards

Bradford and Virginia Parkinson
Hunkered down at home in the Edna Valley

Bradford W. Parkinson
Edward Wells Professor, Emeritus, Aeronautics and Astronautics (Recalled)
Co-Director Stanford Center for Position, Navigation and Time
Stanford University,
thegpsbrad@gmail.com
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FW: [EXT]Opposition to Proposed Hemp Growing Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:29 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Public Comment on Item 22.

From: Virginia Rodgers <espudian@gmail.com>

Sent: Sunday, May 3, 2020 1:11 PM

To: pl.longrangeshared@co.slo.ca.us; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; George@pacificcoastfarming.com

Subject: [EXT]Opposition to Proposed Hemp Growing Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 3, 2020

FROM:

San Luis Obispo CA 93401

Live in Edna Valley since: 2004

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp crop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places.

The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.

- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- “Terpene drift” coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article “Cannabis: The land use concerns of cultivation” stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. We do not think that our water basin should be burdened even further.
- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

We sincerely hope that you will support our opposition.

Best regards,

Vance D. Rodgers, M.D.
Virginia A. Rodgers

FW: [EXT]Opposition Letter

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:29 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Public Comment on Item 22.

From: Misha Freyaldenhoven <stevefrey@aol.com>

Sent: Sunday, May 3, 2020 1:02 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>

Cc: George@pacificcoastfarming.com

Subject: [EXT]Opposition Letter

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 3, 2020

FROM: Misha and Stephen Freyaldenhoven

ADDRESS:

San Luis Obispo, CA 93401

Live in Edna Valley since: 2/2011

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.

- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- "Terpene drift" coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article "Cannabis: The land use concerns of cultivation" stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.
- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

We sincerely hope that you will support our opposition.

Best regards,

Misha and Stephen Freyaldenhoven

Sent from my iPhone

FW: [EXT]Hemp Growing Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:30 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Public Comment on Item 22.

-----Original Message-----

From: Marianne Palmer <mariannelesliepalmer@gmail.com>

Sent: Sunday, May 3, 2020 12:56 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Cc: George@pacificcoastfarming.com

Subject: [EXT]Hemp Growing Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please exclude Edna Valley from allowing hemp cultivation as proposed when you vote on this.

As a resident of Edna Valley since 1998, I am concerned for our local environment. It is my understanding current crops consistently deplete our local aquifer. As someone who hand waters my garden with my shower water, this concerns me.

As an asthma sufferer, I am concerned for my welfare.

As someone who understands the economic role of our Edna Valley wineries in both agriculture and tourism, both foreseeable and unforeseeable collateral damages concern me.

Please, please consider the long term consequences of degrading the resources entrusted to your care,

Marianne Palmer

San Luis Obispo, Ca 93401

FW: [EXT]RE: Proposed Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:30 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (15 KB)

HempLetter (003).docx;

Public Comment on Item 22.

From: Andrew Mangano <andymangano7@gmail.com>

Sent: Sunday, May 3, 2020 10:54 AM

To: PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Cc: Andy Mangano <andymangano7@gmail.com>

Subject: [EXT]RE: Proposed Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Andy Mangano

MFI Limited

San Luis Obispo, CA 93401

andymangano7@gmail.com

Office :

Fax :

Cell :

TO: SLO County Board of Supervisors

FROM: Andy & Laurie Mangano,

RE: Proposed Hemp Ordinance

Back in December we sent you correspondence requesting your consideration to prohibit the cultivation of hemp in Edna Valley (attached letter below, pg2). Since then staff has prepared a draft ordinance for your consideration on May 5th.

We still are registering our opposition to the ordinance as drafted. While the cultivation of hemp may be better suited in other areas in the county that are less dense any hemp cultivation in Edna Valley will have significant conflicts with both existing permanent crops and rural residences.

I would hope and trust the BOS would look to other California counties that experience issues related to implementing a hemp ordinance (lessons learned). Mendocino County has responded by imposing strict zoning regulations to keep Hemp farms away from residential areas. And in Sonoma County, lawsuits have been launched by residences who want cultivation banned entirely.

The conflicts are real and the prospect of Hemp cultivation in Edna Valley will have a negative impact on our quality of life. The prevailing winds in the valley are significant and so will be the Hemp odor.

We respectfully request while considering the draft ordinance, the BOS take into consideration carving out or prohibiting the cultivation of Hemp in Edna Valley. While we are not opposed to Hemp grows elsewhere in the county that may be more appropriate, we are opposed to Hemp in Edna Valley

Typically, you will not find me opposing county projects/business opportunities, as I'm usually the recipient of opposition regarding my project proposals. In this instance however I need to register my opposition to the county proposed hemp ordinance. We oppose for several reasons: One is a concern of compatibility with existing crops, inadequate setbacks, potential spray drift liability issues for existing crops, etc. The existing crop rotation along with permanent vineyards provide a homogeneous atmosphere for the residents in Edna Valley. Second the odor emitting from the hemp is very noticeable and pungent which will have a negative effect on residents and wine tasting venues. While there are numerous other issues with the hemp ordinance, our opposition deserves your support. There are many other areas within the county that could support hemp cultivation, Edna Valley is not one of them. We are requesting your support to prohibit the cultivation of hemp in the Edna Valley.

Andy & Laurie Mangano

pl_longrangeshared @co.slo.ca.us

jpeschong@co.slo.ca.us

bgibson@co.slo.ca.us

ahill@co.slo.ca.us

lcompton@co.slo.ca.us

darnold@co.slo.ca.us

George@pacificcoastfarming.com

FW: [EXT]Proposed Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:30 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (252 KB)

Opposition Proposed Hemp Ordinance.pdf;

Public Comment on Item 22.

-----Original Message-----

From: klausstrobels@mac.com <klausstrobels@mac.com>

Sent: Sunday, May 3, 2020 10:31 AM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Proposed Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 3, 2020

FROM: Sabine & Klaus Strobel

ADDRESS: San Luis Obispo, CA 93401

Live in Edna Valley since: 2007

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

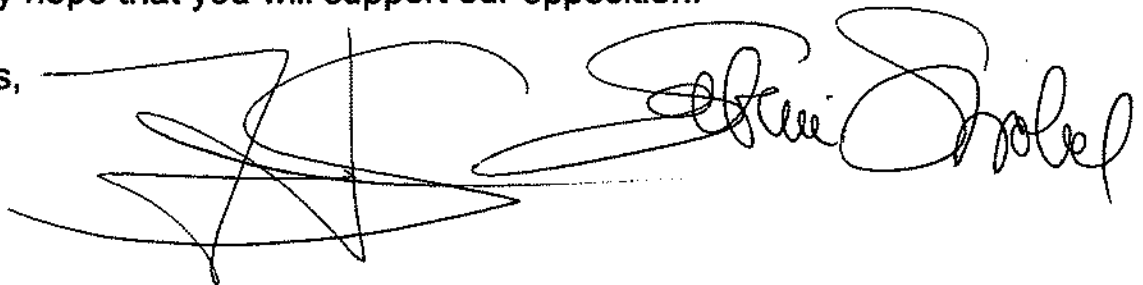
- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- "Terpene drift" coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article "Cannabis: The land use concerns of cultivation" stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.

- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

We made San Luis Obispo our hometown because of its beautiful scenery and charming community feeling, where people can live in quiet, yet still feel connected to each other. Where people respect and support each other, and where clean water and fresh air are guaranteed. Let's keep it that way.

We sincerely hope that you will support our opposition.

Best regards,

A handwritten signature in black ink, appearing to read "Steve Dole", written over a horizontal line. The signature is highly stylized and cursive.

FW: [EXT]Edna Ranch - Weed ordinance concerns

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:30 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Public Comment on Item 22.

From: Monica Racz <monica@slocoastestates.com>

Sent: Friday, May 1, 2020 10:08 PM

To: Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Edna Ranch - Weed ordinance concerns

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello,

I'm writing to you as a resident of Edna Ranch with concerns about the weed ordinance. First and foremost I have 4 young children, as do other families at the ranch, and keeping our neighborhood safe and drug free is our first priority. The crime that is associated with grow operations like these is not something I welcome into our community. We moved out of the city limits to be among the vineyards not among marijuana/hemp. The short distance that is being proposed in this windy area is not acceptable. I don't want to have to explain what that smell drifting in is to my 2, 7, 10, or 12 year old.

I can't stress this enough, this is not the place for marijuana or hemp grow operations.

Thank you for considering my plea. If there is anything else I need to do to express my concerns please let me know.

--

[REDACTED]

[Find Out What Your Home is Worth - Click Here!](#)

Or if you're looking for your next home...
[Download My Home Search App](#)

FW: [EXT]Hemp Ordinance

Lynn Compton <lcompton@co.slo.ca.us>

Mon 5/4/2020 03:30 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (16 KB)

Facts.RKS.12.9.19.docx;

Public Comment on Item 22.

From: Bob Schiebelhut <bob@tolosawinery.com>

Sent: Saturday, May 2, 2020 4:03 PM

To: Lynn Compton <lcompton@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Cc: PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>

Subject: [EXT]Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Last summer the Edna Valley community supported the moratorium based on the adverse experiences and complaints of the ag communities and residents in other counties, primarily Santa Barbara. From the beginning, the group of Edna Valley residents and ag business owners stressed the unique Facts and qualities of the Edna Valley (see attached) and asked for a carve-out. See also two emails I forwarded to the Planning Commission on Dec 19,2019 on behalf of the Edna Valley Growers Mutual Water Company and myself.

Last fall, we experienced first hand the adverse effects of a "research" hemp grow in the heart of the Edna Valley, which not only confirmed the concerns expressed earlier., but resulted in many emphatic complaints and grievances by the Edna Valley community, to the Ag and Planning Departments, APCD, the Planning Commission and the BOS. These documented complaints include:

(1) Adverse health effects on neighbors. With the changing wind patterns in the Valley, the noxious "skunk" smell and terpenes spread throughout the Valley up to 1 mile from the "research" grow in all directions causing significant respiratory and allergic reactions to neighbors;

(2) field workers near the hemp grow similarly suffered and expressed concerns about unsafe working conditions;

(3) event centers received complaints from their customers concerning the skunk smell, resulting in a loss of good will and reputation;

(4) wine tasting rooms also received complaints from customers (and employees) concerning the skunk smell.

(5) neighboring farm operators received threats from the hemp grower of lawsuits for engaging in standard farming practices, such as tilling the soil which creates "dust".

The Edna Valley is small, unique and blessed with a high concentration of vineyards, orchards, row crops, wine tasting rooms and event centers. And we have been consistent and vocal for almost one year--we need a carve out.

Bob Schiebelhut

San Luis Obispo, CA 93401

Facts re: the Edna Valley Appellation and Hemp

1. There are 3 federally approved appellations in the County: Paso Robles (660,000 acres); Arroyo Grande (39,646 acres) and Edna Valley (18,970 acres excluding the City of SLO)
2. The County land mass is 2,111,360 acres. The Edna Valley is a small valley--it represents just 0.008 of the total acreage in the County. It has a high concentration of vineyards, wineries, tasting rooms, and event centers. Also, Los Ranchos School and several dense neighborhoods and ranchettes throughout the Valley.
3. The Edna Valley is unique in California: (a) it is the coldest appellation in California; (b) it is the only appellation with 2 transverse valleys open to the ocean (Morro Bay-Los Osos and Pismo Beach) and (c) it has the longest grape growing season in California with bud break in Feb and harvest to Nov.
4. Because the Edna Valley is truly a valley, surrounded by hills, its climatic characteristics are generally uniform throughout the Valley. This differs from the "open" Paso Robles and Arroyo Grande appellations where the western and eastern portions have dramatically different temperatures. For example, Growing Degree Days ("GDD") for Paso Robles west and east range from 3117 to 3342 (F). For Edna Valley, the GDD is relatively constant 2371 (F). (Note: The GDD numbers were provided by UC Ag Extension, based on 24-hour monitoring. With only one monitoring station in the Arroyo Grande appellation, no GDD range is available).
5. With marine air from 2 sources, the Edna Valley experiences relatively high amounts of fog and wind from March to November. Wind records from the SLO County Airport show windy conditions 2/3's of the time—average 7-8 MPH—and 20-30 MPH peak all year. Also, the winds predominately come from 2 directions, thereby creating a mix of wind influence, which is a recipe for broad distribution of hemp terpenes over large distances.
6. The predominant terpene in cannabis (marijuana or hemp) is myrcene which emit the strongly noxious "skunk" odor. According to complaints by Edna Valley residents to the County, the skunk odors from a hemp grow in the Valley last fall was detected over 1 mile in several directions from the grow and caused respiratory problems and insomnia for many residents up to 1 mile from the grow.
7. "Smoke" taint from wildfires unfortunately is a reality. The 'smoke' taint from wildfires in No Calif has caused immense monetary losses to the wine industry, due to cancellation of contracts and rejection of grape after the wildfires.
8. Research by Prof. Oberholtser, U.C.Davis, has demonstrated the deleterious effect of smoke volatiles and eucalyptus terpenes have had on grapes and the resulting end product—wine. She has opined that cannabis terpenes may have the same adverse effect on grapes, and wine. With the morning foggy conditions in Edna Valley—near stagnant air mass—and the later windy conditions in Edna Valley, the risk of terpene drift is higher than any other location in the County.
9. Cannabis growers in Santa Barbara County have threatened and sued over spray drift—cannabis is very sensitive to pesticides, insecticides and fungicides. In fact, this issue of spray drift is even greater in the Edna Valley due to its foggy and windy conditions. The best conditions for spraying are in the morning before the wind picks up. But on foggy mornings the sprays can be suspended in the fog and then distributed when the wind picks up.
10. The Edna Valley is extremely susceptible to Powdery Mildew. Combined with a very long growing season, the amount of spraying to prevent Powdery Mildew is more than triple the number of sprays a vineyard in the North County receives. This means the Edna Valley grape growers will face far greater risk of spray drift than other growers in the County.

[EXT]May 4 agenda item No. 22

Gwen Othman <gwen@kynsi.com>

Mon 5/4/2020 03:38 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (13 KB)

May 3 Letter to SLO Supervisors.docx;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear SLO County Supervisor Clerk,

I have attached a letter of support for the carve out of the Edna Valley on hemp cultivation. Could you please place the letter in the administrative record of the meeting and forward to each supervisor?

Thank you,

Gwen Othman | Kynsi Winery | (805)

www.kynsi.com



May 3, 2020

Agenda Item No. 22 for May 4, 2020

My name is Gwen Othman. My husband Don Othman and I support the carve out of the Edna and Arroyo Grande Valleys from hemp cultivation. We own and operate Kynsi Winery on Corbett Canyon Road in the Edna Valley. In addition to the winery, we have a tasting room that is open daily and a 10 acre Pinot Noir vineyard. We also purchase grapes from Bien Nacido Vineyards in the Santa Maria Valley and that is where we have experience with a hemp farm growing a half mile away from a vineyard. Last year, we were in a meeting in the vineyard office when an overpowering cannabis smell surrounded us. We asked "where is that coming from"? The vineyard manager said it was the pot farm up the valley and that it smells like that regularly. The smell was so heavy it felt like there was cannabis oil in the air and it was lining our nostrils. We asked if he was concerned that it could settle on the thin porous skins of the ripening grapes and he said that he was. I thought if there was a winery and tasting room at this vineyard, customer's senses would be so overwhelmed they would not be able to smell and taste wine.

The Santa Maria Valley is a large, open valley with lots of agriculture acreage, a few wineries with tasting rooms that are very spread out and very few homes. In comparison, the Edna Valley is small and narrow with many acres of vineyards, several wineries with tasting rooms in closer proximity and many high end homes. The beautiful Edna Valley is unique among wine growing regions in that so many accommodation destinations are nearby. It would be such a travesty if hemp farms were allowed to impact the residents and the memorable experience many, many visitors have along with the possibility of impacting the sought after grape crop. The cannabis lobby is strong and well-funded. I hope your decision will be based on preserving the charm, appeal, wine quality and experience of San Luis Obispo. Allow the hemp farms in more wide open, rural spaces where their impact won't be so damaging to our economy.

Thank you for your consideration,

Gwen Othman

Kynsi Winery

[EXT]Letter re: Industrial Hemp Ordinance

Patrick Goggin <patrick@hoban.law>

Mon 5/4/2020 03:38 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Eddie Bernacchi <bernacchi@politicogroup.com>; Kiana Valentine <kiana@politicogroup.com>; Bret Barrow <bret@politicogroup.com>; <jean@votehemp.com> <jean@votehemp.com>

📎 1 attachments (139 KB)

SLO_CHC_Hemp_Comments_050520.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please see attached. Thank you.

--

Patrick Goggin, Esq.

Senior Attorney

Hoban Law Group

870 Market Street, Suite 1148

San Francisco, CA 94102

Office: (844)

Direct: (415)

Fax:

Email: Patrick@hoban.law

Web: Hoban.law



The Premier Cannabusiness Firm

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May 5, 2020

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STAFF

Bret Barrow
Kiana Valentine

SENT VIA EMAIL ONLY

Board of Supervisors
San Luis Obispo County
ad_Board_clerk@co.slo.ca.us

Re: Industrial Hemp Ordinance

Dear Supervisors Peschong, Arnold, Hill, Gibson and Compton;

I am writing chief counsel of the primary California state advocacy organization for hemp - the California Hemp Council.

We urge you to approve the balanced and reasonable hemp cultivation ordinance as originally drafted with 300’ buffers from “sensitive sites” and urban and village reserve lines. To significantly extend those distances will greatly hamper the industry, supply chain, and discourage investment by downstream processors and other job-creating enterprises who will instead migrate to more hemp-friendly locations in California. In less than a year, the state of California has already become a major hemp industry player nationwide due to its climate, soil, and farming expertise. Hemp is a fast growing industry, it creates sustainable products, and it uses relatively little water compared to other crops. Especially in this time of economic stress, it would be inadvisable to hamper growth of this industry in San Luis Obispo county which has a very attractive climate for this crop.

We note that there have been calls by the Edna Valley wine region to carve out this location and disallow hemp cultivation. We urge that you not consider that direction as this would be a clear violation of California’s “right to farm” law and a slippery slope that could be applied to other crops in the future. However, it may be a good compromise to have larger buffers from cultivation in the Edna Valley region at, say, 1000’. There has not been any significant opposition from wineries elsewhere in the county and, thus, the 300’ buffer would be quite adequate in the rest of the County.

We also recommend against the Planning Commission’s recommendation to mandate a minor use permit for 300-1000’ distances – or even up to a mile - for flowering hemp from Urban Village Rural lands. Such a requirement will be sufficiently time-consuming and costly to discourage growers from doing so. An over the counter administrative permit is a reasonable alternative. Otherwise, this will have the unintended consequence of excluding such a large part of your available cropland, a severe disincentive to investment in the County. Note that the proposed introduction of restrictions of 1000’ buffers in Ventura county have

California Hemp Council

Sacramento, CA 95814
Phone
Fax (9916)

www.calhempcouncil.com

caused those local hemp growers and Farm Bureau to pursue litigation, as a violation of the “right to farm.”

I also note that Sonoma County just implemented its hemp ordinance a few months ago in which they established buffers of 600’ from occupied structures; 200’ from property lines and a recommended 200’ from vineyards and orchards. With a wine industry valued at \$750 million, that county determined after significant research that there was no potential harm to the industry as a result of hemp cultivation, either through potential terpene transfer or a negative impact on tourism. I believe Sonoma County understands that it is important to diversify its agricultural base in order to sustain a robust agricultural sector – and that hemp had an important role to play in that diversification. The California Hemp Council believes that having a balanced, sensible policy for hemp cultivation would be an important part of ensuring a continued, healthy agricultural industry in SLO county.

Thank you for your time and consideration.

Sincerely,

/s/

Patrick Goggin

[EXT]Comments on Item #22 Hemp Ordinance Hearing on May 5, 2020 Board of Supervisors Meeting

jean@votehemp.com <jean@votehemp.com>

Mon 5/4/2020 03:51 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Supervisors Gibson, Peschong, Arnold, Hill, and Compton;

I am writing regarding the proposed SLO county hemp ordinance (Item #22 on May 5, 2020) both as a resident of SLO county, as well as a representative of a national non-profit, Vote Hemp, that educates and networks on behalf of the US hemp industry. I cover the state of California and have a detailed understanding of what is going on in California counties – and across the US - regarding hemp, as well as with development of the state industry. The key issue before the board is whether: a) you wish to develop a viable, growing hemp industry – and the resultant jobs - in this county through reasonable regulations; or b) want to discourage the hemp industry here due to neighbor and wine industry complaints.

The original ordinance drafted by the Planning Department with 300 foot buffers for outdoor cultivation and a 10 acre minimum site, is a reasonable regulation that will not deter investment in the industry. The Planning Commission optional options regarding extending the buffers to 1000' – or even a mile; the potential requirement of minor use permits for waiving these buffers; and a carve-out for Edna Valley are unreasonable restrictions. They go against “right to farm” provisions and are a slippery slope that could too easily be used as a precedent to restrict other future agriculture.

If you were to take the path of mandating having large buffers from neighbors and/or requiring permitting processes for certain locations, you could not still expect there to be development of a SLO hemp industry. There are over 30 counties in California – as well as most US states – that are actively growing hemp and seeking investment in this area. There were over 46,000 acres of hemp registered in California and over half a million acres nationwide – although not all of that was grown. (That amount was up from 78,000 in 2018 and was due to the crop becoming federally legal in December 2018 and the entry of many new states into cultivation. The hemp industry is growing rapidly with the nutraceutical CBD gaining a lot of traction in the past couple years. There are also many other applications such as sustainable textiles, animal feed, a human food (hemp is nutritious protein source), a replacement for plastic, biocomposites, and many other areas that are just starting to be implemented. This is an area that will be increasingly critical to national security during this time of the COVID 19 pandemic. Those regions that get in the ground floor will benefit most in attracting hemp industry investment and creating new jobs.

I should note that SLO county is uniquely attractive for CBD and other cannabinoid production, due to the same wonderful terroir here that makes it a great location for wine. It would be a great shame if that natural advantage could not be leveraged to create a thriving hemp industry here. You do not want SLO to follow the example of Monterey county which greatly restricted the areas where hemp can be grown in their 2019 pilot program. As a result of their restrictive policies (that were the result of cannabis industry opposition), Monterey had only 10 acres harvested last season (although 720 acres were registered). At this time, Fresno, Kern and Imperial counties are the state leaders in hemp and they have minimal regulation. Also, almost all of the top 20 agricultural counties in California allow hemp cultivation as they see the great economic potential.

There has been much discussion from the wine industry that their industry may suffer due to hemp. However, in February this year, Sonoma passed an ordinance allowing hemp cultivation with reasonable regulations with buffers of 600' from occupied structures; 200' from property lines and a recommended 200' from vineyards and orchards. After much research, including a study by Santa Rosa Junior College, Sonoma supervisors and the county agricultural commissioner's office came to the conclusion that there would be no negative impact to their huge wine industry from hemp cultivation. They felt that agricultural diversification with hemp was an important component to maintaining a robust agricultural sector in their high-cost region. I should also note that Santa Barbara county had over 250 acres of hemp cultivation under research MOUs last year and is getting ready to allow cultivation formally, once the California state plan is approved. In preliminary hearings on the topic of hemp, Santa Barbara supervisors have stated that hemp is an agricultural commodity and should have minimal barriers for cultivation. I believe the cases of Sonoma and Santa Barbara are relevant precedents for SLO county.

Regards,

Jean Johnson

California Outreach Director



[EXT]Hemp Production in the Arroyo Grande Valley

Brian Talley <brian@talleyvineyards.com>

Mon 5/4/2020 03:51 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>;

BOS_District 5_Web Contact <district5@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

 1 attachments (106 KB)

Hemp Production, Arroyo Grande Valley.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Here's a new comment letter regarding the hemp ordinance. This supersedes the letter I sent earlier.

Brian Talley

www.TalleyVineyards.com

www.TalleyFarms.com



TALLEY

May 4, 2020

Clerk of the San Luis Obispo County Board of Supervisors

Proposed Hemp Ordinance

Sent via email

As you consider adoption of an ordinance allowing industrial hemp production in San Luis Obispo County, it's my understanding that you are considering a "carve out" of the Edna Valley American Viticultural Area (AVA) that would be excluded from hemp production. AVAs are regions with legally defined boundaries that are recognized by the Federal Government to have unique soil and climatic conditions that result in distinctive wines. Because of its immediate proximity to, and climatic similarity with the Edna Valley, I urge you to include the Arroyo Grande Valley AVA in any such carve out scheme. Because the boundaries of the Edna Valley and Arroyo Grande Valleys AVAs are known, this would allow enforcement of an exclusion of hemp production in these areas.

The Arroyo Grande Valley is one of the four federally approved AVAs in San Luis Obispo County: Arroyo Grande Valley, Edna Valley, York Mountain and Paso Robles (including 11 "sub AVAs"). While it is nearly identical to the Edna Valley in many respects, it also has unique characteristics.

1. Like the Edna Valley, the Arroyo Grande Valley is a very cool region with a long wine grape growing season, from February through November. This means that intensive farming activities, including spraying, canopy management and harvest occur over an extremely long period of time. Powdery mildew is the most significant pest for wine grapes in both valleys, and frequent fungicide spray applications are required. This creates potential conflict with hemp growers concerned about spray drift.
2. The Arroyo Grande Valley has enjoyed a long history of diverse farming practices and commodities. With more moderate winter weather and better water availability, farming occurs virtually year-round in the Arroyo Grande Valley. Historically this has focused primarily on vegetables, but also includes wine grapes, lemons and avocados, extending from the southwestern end of the valley, east to the foot of the Lopez Dam. As with wine grapes, these crops require frequent pesticide applications, with the potential of conflict with hemp producers, who have routinely threatened their neighbors with legal action for normal farming practices, including spraying and tillage activities.
3. Wind and fog conditions are similar in the valleys. In the Arroyo Grande Valley, winds originate from both the northwest (Los Osos Valley/Edna Valley) and Southwest (Oceano Dunes). As with the Edna Valley, this increases the likelihood of nuisance terpenes impacting people and wine grape quality. Foggy conditions persist throughout the summer, creating stagnant conditions overnight and in the morning that exacerbate potential terpene drift, which is both a nuisance and may adversely affect wine quality.
4. As with the Edna Valley, the Arroyo Grande Valley has a mixture of land use, including agriculture, rural residential and schools. The terpene production associated with hemp

would likely result in complaints similar to those received in the Edna Valley over the past two years.

To date, we have not had commercial hemp production in the Arroyo Grande Valley. Because we also farm in the Edna Valley, adjacent a large hemp and cannabis operation, I've experienced first hand the conflicts between traditional farming operations and hemp. My concern is that if the Edna Valley carve out occurs, but the Arroyo Grande Valley is excluded, we could face those conflicts in the future.

My family has farmed in the Arroyo Grande Valley for four generations next to people growing many different commodities, but we've never experienced the conflicts we've had farming next to hemp. I hope you respect the unique climatic conditions of the Arroyo Grande and Edna Valleys, while also preserving our traditional agricultural integrity by excluding the production of hemp in these areas.

Sincerely



Brian Talley
President, CEO Talley Farms and Talley Vineyards

Fw: [EXT]Public Comment

AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Mon 5/4/2020 04:49 PM

To: BOS_Legislative Assistants <BOS_Legislative-Assistants@co.slo.ca.us>

Sincerely,

Clerk of the Board Team

Administrative Office, County of San Luis Obispo

1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408

Tel: (805) | Fax: (805)

From: Conner Luckey <connerluckeyltd@gmail.com>

Sent: Monday, May 4, 2020 04:02 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Subject: [EXT]Public Comment

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Attached is a very short educational video on the versatility of hemp for FIBER as well as an explanation of the differences between cannabis sativa varieties for THC, CBD, and Fiber/Grain crops. We would like the board to watch the video to help inform the Board of Supervisors about the differences as well as the valuable benefits of growing for Fiber as opposed to CBD.

Thank you.

 [Cannabis-explained.mp4](#)

[EXT]May 5_2020 - Board of Supervisors Meeting - Comment on Agenda Item 22

Brent Burchett <bburchett@slofarmbureau.org>

Mon 5/4/2020 04:02 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (180 KB)

2020 May 5 - Item Number 22 - Hemp Ordinance - SLO County Farm Bureau.pdf;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please find comments from San Luis Obispo County Farm Bureau attached regarding Item 22 (Industrial Hemp) on the May 5, 2020 Board of Supervisors meeting.

Thank you - Brent

Brent Burchett
Executive Director
San Luis Obispo County Farm Bureau
an Luis Obispo, CA 93401
| bburchett@slofarmbureau.org



SAN LUIS OBISPO COUNTY FARM BUREAU

May 4, 2020

San Luis Obispo County Board of Supervisors
1055 Monterey Street Suite D430
San Luis Obispo, CA 93408

Submitted by email to: ad_board_clerk@co.slo.ca.us

Re: May 5, 2020 Agenda Item 22: Industrial Hemp Ordinance

Supervisors:

Industrial hemp remains a challenging issue for SLO County Farm Bureau, as we have members who grow hemp and those who want hemp banned or regulated differently than other crops. The hemp market nationally is down considerably relative to when the Urgency Ordinance was passed in 2019, but regulatory changes at the federal level regarding cannabidiol could raise hemp prices in 2021. We want to find a path forward for hemp that works for SLO County. This ordinance is far from perfect, but we hope the Board will not delay adoption of a permanent ordinance. Agriculture and community stakeholders have attempted to find compromises over many months, and further debate seems unlikely to change conflicting perspectives.

We believe the ordinance should prioritize the need to protect our existing top commodities like wine grapes and produce. If contamination of grapes by hemp is actually proven at some point in the future, then this ordinance may need to be revised to ensure wine grapes are further protected.

We support previous efforts by the County to mitigate pesticide drift liability issues as part of the hemp and cannabis registration process. Those efforts, coupled with new proposed setbacks between hemp and existing crop production in this ordinance, will hopefully limit neighbor-to-neighbor pesticide application conflicts in the future.

The vast majority of our members in Edna Valley believe hemp is incompatible for their community. We do not oppose adding an Exclusion Area for Edna Valley. Allowing hemp only by a discretionary permit in certain areas is preferable from an outright ban, but the criteria to grant a Minor Use Permit application to grow hemp is somewhat unclear. Specifically, the “neighborhood compatibility plan” component should include more detail.

Our membership has diverse opinions on what an appropriate setback distance should be, but we hope the Board will consider the precedential nature of instituting the first ever odor-based setback on a federally legal agriculture crop in SLO County. A setback of 300 feet from sensitive receptors is more reasonable than a 1000 feet setback. A one-mile setback from Urban or Village Reserve Lines as contemplated by the Planning Commission seems excessive.

We oppose the minimum parcel size requirement. Other setback requirements and zoning restrictions better achieve the goal of decreasing neighbor-to-neighbor conflicts.

We believe the riparian and wetland setback should be removed. This requirement seems unnecessary, as hemp cultivation should not have impacts to water different from other crops.

We support the ordinance’s allowance for non-flowering hemp production in the Residential Rural land use category instead of a complete prohibition. To disallow hemp

transplants in Residential Rural areas would be especially problematic for our local greenhouse industry.

Thank you to the Board, County staff and all of our agricultural stakeholders who have spent considerable time over the past year trying to find a path forward for hemp in SLO County.

Sincerely,

A handwritten signature in black ink, appearing to read 'BEB', is written over a faint rectangular background.

Brent Burchett, Executive Director
San Luis Obispo County Farm Bureau

[EXT]Hemp Ordinance

frank brown <frbrown2010@gmail.com>

Mon 5/4/2020 04:09 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors,

Last June the Board of Supervisors passed an urgency ordinance placing a temporary Moratorium on the cultivation of Industrial Hemp in this county, shortly after the San Luis Obispo County Agricultural Commissioners office started processing applications in our county. The stated reason for the Urgency Ordinance was the “immediate preservation of the public peace, health, safety and welfare” of the county’s citizens. The Board further directed staff to draft an ordinance that would address the concerns of all parties, pro and con.

Through ALAB and it’s sub-committees exhaustive efforts, recommendations were provided to County Staff who prepared an Hemp Ordinance and presented it to the Planning Commission. On November 19, 2019, the Planning Commission voted to send the Ordinance to the Board of Supervisors.

I believe the Ordinance as written, is a fair compromise that addresses the concerns of all parties. It may not be perfect and may have to be revisited in the future, but it needs to be adopted for immediate implementation.

I, and many involved in this new agricultural industry urged for immediate adoption of this Industrial Hemp Ordinance proposal as currently written on May 5, 2020. Last years 11th hour moratorium placed an economic hardship on many farmers who had already spent money and time preparing to enter the market. This year, farmers will need as much time as the Board of Supervisors can give them to prepare to grow successfully this 2020 season. With the extraordinary steps being taken to contain the spread of COVID-19, San Luis Obispo County’s economy will sustain an economic blow that will possibly take years for recovery. Allowing the cultivation of Industrial Hemp will create jobs and opportunities that will be relatively safe from this virus threat as most of the cultivation practices allow worker exposure to fresh air, sunlight and the ability to keep a safe distance from other workers.

Our county, like the rest of our great Nation will need any and all opportunities to recover from this worldwide disaster. Many manufacturers of CBD Oil (cannabidiol) products claim CBD is effective at relieving anxiety, stress, depression, pain, inflammation, improving sleep, and other health benefits including improving the bodies immune system to fight disease. A CBD product (Epidolex) has been FDA approved to treat epilepsy.

FDA Commissioner Stephen Hahn, M.D., recently said that the agency is working towards regulating hemp-derived CBD (Hemp CBD) products and admitted that the agency's approach to Hemp CBD is not sustainable:

"We're not going to be able to say you can't use these products. It's a fools errand to even approach that. We have to be open to the fact that there might be some value to these products and certainly Americans think that's the case. But we want to get them information to make the right decisions".(Dr. Stephen Hahn)

There is a new bipartisan bill in Congress, [H.R. 5587](#), which would amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to give the Food and Drug Administration (FDA) flexibility to regulate hemp-derived CBD as a dietary supplement without going through a time-intensive rulemaking process. This much needed action will provide hemp farmers and consumers with certainty as to how FDA will regulate this portfolio of products.

Farmers need time to prepare ground, buy seed and make other decisions concerning cultivation as early in the 2020 season as possible, not once the growing season starts.

When the executive order for sheltering in place was announced for this county on March 19, Wade Horton stated;

"The health and safety of our community is our top priority. The actions we take today will help us get back to normal as soon as possible,"

Indeed, the actions The Board of Supervisors take on this important ordinance will affect the county's future economic vitality. Farmers will need every possible opportunity in San Luis Obispo County to help our local economy recover from this unprecedented world crisis, and we need your leadership to help make this happen as soon as possible.

Respectfully,

Frank Brown, CEO

FW: [EXT]May 5 BOS Agenda Item 22

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 04:20 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold

(p)

(f)

molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Nancy Greenough <nancy@saucelitocanyon.com>

Sent: Monday, May 4, 2020 3:18 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Cc: Bill Greenough <bill@saucelitocanyon.com>

Subject: [EXT]May 5 BOS Agenda Item 22

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Debbie,

I am writing to request your support on Agenda Item 22 on tomorrow's BOS schedule to Carve Out Edna Valley for hemp and cannabis farming.

We have operated our family business for 38 years here in southern SLO County. We live and conduct our winery tasting room here on Biddle Ranch Road. The effects of the hemp odors are insurmountable.

We have many types of agriculture here in Edna Valley and not one deters the well being or livelihood of another. This cannot be said of hemp and cannabis cultivation.

Please protect this heritage family farming area. It is a jewel to our city and county.

Thank you for your consideration and thank you for your service.

Nancy and Bill Greenough

--

Nancy Greenough
Saucelito Canyon Vineyard and Winery

x12

[EXT]Hemp ordinance needs to pass

hugh@calbioag.com <hugh@calbioag.com>

Mon 5/4/2020 04:31 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Supervisors,

Our County needs to approve the Hemp ordinance and let this crop be grown so we can have jobs and economic activity that will stimulate our County.

There is a small vocal group (with money) that is trying to hurt this new industry and they seem to be operating from fear and not facts.

Other Counties are passing Hemp ordinances without all of this drama and this County needs to move forward and make this crop what it now is. A Federal and State approved crop that can help our County in many ways. Don't let the voices of the few dictate what the silent majority would clearly want if they were aware of the facts and this last minute push back by a small group that feels entitled to control what they want.

Approve the ordinance that has been drafted at let this County participate in this new industry. We need the jobs and the revenue here in our County.

Regards,
Hugh Dugan

[EXT]Removing the Ban of Hemp Cultivation in SLO County

Sheila <meyers234@yahoo.com>

Mon 5/4/2020 04:35 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors,

I strongly urge adopting new hemp ordinance as written for immediate implementation.

My name is Sheila Meyers and I would like to express my views on the emerging hemp industry and the tremendous benefits it brings to our county and our economy as far as jobs and revenue that will help us recover from recent events.

The hemp industry is a rapidly growing and a major source of potential jobs in the county in both cultivation and downstream processing infrastructure.

California farmers registered over 45,000 acres for hemp cultivation in 2019, the 4th largest in the US – and that was only in its first year. The state is poised to be an industry leader due to favorable climate, soil, depth of expertise, and consumer demand.

The imposition of very large buffers will hinder development of this fast-growing industry and all the jobs it might create, as farmers, investors and processors will migrate to the many counties in California that are hemp-friendly. For example, Monterey implemented strong restrictions on hemp cultivation due to the strong opposition of its large cannabis industry and, as a result, only 10 acres were harvested in the 2019 season. On the other hand, Kern, Fresno, Imperial and Riverside, which had minimal restrictions, each had over 5000 acres of hemp registered.

Santa Barbara has indicated it will allow hemp cultivation following USDA approval of the California state hemp plan this year. In 2019, their board of supervisors had discussions in which they emphasize that hemp is an agricultural commodity and should not face excessive restriction.

Hemp does not have to have a negative impact on neighboring vineyards, as some grape growers falsely claim. Sonoma county's recent adoption of a hemp ordinance that recommended 300' buffers with neighbors. Sonoma's wine industry is three times the size of SLO county.

Hemp is a crop with a low water intake – estimated at between 1 and 1.5 acre feet - and therefore a good fit for drought-prone regions.

It is imperative that the draft ordinance be passed as written without the addition of significant other restrictions. The County needs jobs.

Sincerely,
Sheila Meyers

Sent from my iPhone

FW: [EXT]Carve Out Edna Valley Support

Hallie E. Scott <hscott@co.slo.ca.us>

Mon 5/4/2020 04:41 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please see below correspondence. Thank you.

Hallie Scott

Supervising Administrative Clerk II

(p)

hscott@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Nancy Greenough <nancy@sauceliticanyon.com>

Sent: Monday, May 4, 2020 3:26 PM

To: Trevor Keith <tkeith@co.slo.ca.us>

Subject: [EXT]Carve Out Edna Valley Support

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

am writing to request your support on Agenda Item 22 on tomorrow's BOS schedule to Carve Out Edna Valley for hemp and cannabis farming.

We have operated our family business for 38 years here in southern SLO County. We live and conduct our winery tasting room here on Biddle Ranch Road. The effects of the hemp odors are insurmountable.

We have many types of agriculture here in Edna Valley and not one deters the well being or livelihood of another. This cannot be said of hemp and cannabis cultivation.

Please protect this heritage family farming area. It is a jewel to our city and county.

Thank you for your consideration and thank you for your service.

Nancy and Bill Greenough

--

[EXT]Hemp in SLO County

Hugh Dugan <hdugan93@gmail.com>

Mon 5/4/2020 04:41 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Supervisors,

There is a small vocal group (with money) that is trying to hurt this new industry and they seem to be operating from fear and not facts.

Other Counties have passed Hemp ordinances without all of this drama and this County needs to move forward and make this crop part of the Ag crops in our county. Don't let the voices of the few dictate what the silent majority would clearly want if they were aware of the facts and this last minute push back by a small group that feels entitled to control what they want.

Our County needs to approve the Hemp ordinance and let this crop be grown so we can have jobs and economic activity that will stimulate our County.

Approve the ordinance that has been drafted at let this County participate in this new industry. We need the jobs and the revenue here in our County.

Regards,
Hugh W Dugan

[EXT]Hemp Moratorium

Sheila <meyers234@yahoo.com>

Mon 5/4/2020 05:00 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

My name is Kim Harrison and I own a vacation rental home in the Paso Robles area. I have been hit dramatically hit in this Covid-19 shut-down and it is going to be a difficult and may take a while to recover.

I also have been an investor in the hemp industry in SLO. I lost a significant amount of money last year after much time and money was spent in preparation of growing when we had applied for our permit and was assured it would be forthcoming

Please lift this moratorium so that we can recover from the social shutdown and from the limitations from not being able to grow last year.

Regards

Kim Harrison

Sent from my iPhone

[EXT]RE: Proposed Hemp Ordinance

Brian Talley <brian@talleyvineyards.com>

Sat 5/2/2020 09:53 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Lynn Compton <lcompton@co.slo.ca.us>; BOS_District 5_Web Contact <district5@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Clerk of the Board of Supervisors: I reviewed the documents associated with the hemp hearing for Tuesday's meeting and noticed that my comment letter isn't displaying properly. When I checked my sent email, the PDF I attached is displayed correctly. Please tell me if I need to resubmit my letter.

Thank you,

Brian Talley

From: Brian Talley

Sent: Thursday, April 30, 2020 3:14 PM

To: ad_board_clerk@co.slo.ca.us

Cc: Lynn Compton (lcompton@co.slo.ca.us) <lcompton@co.slo.ca.us>; district5@co.slo.ca.us; bgibson@co.slo.ca.us; Adam Hill <ahill@co.slo.ca.us>; jpeschong@co.slo.ca.us

Subject: Proposed Hemp Ordinance

Please find attached my comments regarding the proposed hemp ordinance.

Sincerely,

Brian Talley

www.TalleyVineyards.com

www.TalleyFarms.com

FW: [EXT]Edna Ranch Weed Ordinance Concerns.

John Peschong <jpeschong@co.slo.ca.us>

Sat 5/2/2020 11:42 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Item #22

VICKI JANSSEN, Legislative Assistant
First District Supervisor John Peschong
1055 Monterey St., D430
San Luis Obispo, CA 93408
(805)781-4491/Fax (805) 781-1350
vjanssen@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: Monica Racz <monica@slocoastestates.com>

Sent: Friday, May 1, 2020 10:09 PM

To: John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Edna Ranch Weed Ordinance Concerns.

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello,

I'm writing to you as a resident of Edna Ranch with concerns about the weed ordinance. First and foremost I have 4 young children, as do other families at the ranch, and keeping our neighborhood safe and drug free is our first priority. The crime that is associated with grow operations like these is not something I welcome into our community. We moved out of the city limits to be among the vineyards not among marijuana/hemp.

The short distance that is being proposed in this windy area is not acceptable. I don't want to have to explain what that smell drifting in is to my 2, 7, 10, or 12 year old.

I can't stress this enough, this is not the place for marijuana or hemp grow operations.

Thank you for considering my plea. If there is anything else I need to do to express my concerns please let me know.

Best,
Monica Racz
SLO Coast Estates, Realtor
CalBRE#01999127

www.SloCoastEstates.com

Sent from my iPhone

IMPORTANT WARNING: Notice: This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§[2510-2521](#), is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error and then delete it. Thank you.

[EXT]HEMP HEARING IN EDNA VALLEY

Phyllis Hischier <asmatartifacts@gmail.com>

Sun 5/3/2020 06:37 AM

To: Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>

Cc: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

As 30 year residents of Edna Valley, we implore all supervisors to support a “carve-out” so that no hemp is grown in Edna Valley.

Respectfully ,

Phyllis and Mike Hischier

San Luis Obispo, California
93401

[EXT]Comments for Public Record on SLO County Board of Supervisors Meeting May 5, 2020 Agenda Item 22 - Industrial Hemp Ordinance

Jim Wortner <jawortner@gmail.com>

Sun 5/3/2020 09:45 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Cc: Michelle Wortner <michellewortner@gmail.com>; Vicki Janssen <vjanssen@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Micki Olinger <molinger@co.slo.ca.us>; Wade Horton <whorton@co.slo.ca.us>; Rita L. Neal <rneal@co.slo.ca.us>; salyons1951_gmail.com <salyons1951@gmail.com>; Roy Barba <farmerrjb@aol.com>; Steve Almond <steve.almond52@gmail.com>; Tom Edel <edel15@att.net>; Kurt Almond <KSAlmond@sbcglobal.net>; Geraldine May <huerhuero@me.com>; souzan7_yahoo.com <souzan7@yahoo.com>; Mike Aarons <mtaarons@gmail.com>; Jan Morris <jansmorris@gmail.com>; Don Clark <dclarktrucking002@gmail.com>; Murray J. Powell <murray@dfrios.com>; Susan Huls <s.hulsangelsfan27@gmail.com>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

SLO County Board of Supervisors Meeting May 5, 2020 Item 22: Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp; exempt from CEQA. All Districts.

San Luis Obispo Supervisors Peschong, Gibson, Hill, Compton and Arnold:

Thank you for the opportunity to address you with this letter regarding the May 5, 2020 San Luis Obispo Board of Supervisors Meeting decision on the Industrial Hemp Ordinance. I am a SLO County farmer, property owner, taxpayer and voter. My wife and I operate our small family farm business about a mile outside of the town of Creston.

The cultivation of industrial hemp ("Hemp") is not the same as traditional agriculture - Hemp cultivation is in direct conflict with traditional agriculture and small family farm businesses and our quality of life here in San Luis Obispo County ("County").

The purpose of my letter to you is to provide you with facts and data that hopefully helps to inform you on this point. I will ask you to approve a Hemp ordinance that will acknowledge these facts and protect our County's existing small farm businesses, traditional agriculture, tasting rooms, vineyards, event centers, and residential agriculture neighborhoods from the negative effects of Hemp/Marijuana cultivation.

Here are the 3 key facts and data that I will ask you to consider as you finalize your decisions on the County's Hemp ordinance....

1. Hemp and Marijuana are the same plant - Cannabis. The County should have ONE restricted land use ordinance for Cannabis. What is the difference between Hemp and Marijuana? In a word, semantics. From a practical standpoint, it's the THC concentration. Hemp and Marijuana are, scientifically the same plant. They are the same genus -Cannabis - and the same species - Sativa.

From a scientific perspective, a cannabis sativa plant that is CBD dominant, as opposed to THC dominant, is a Hemp plant. Legal definitions focus on the THC to a percentage point. In the 2014 US Farm bill Congress defined Hemp as "the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight basis." The state of California and SLO County use this definition.

From the County's land use and agriculture ordinance perspective, a Hemp plant is no different than a cannabis plant. **Same** skunk smells/air pollution, **same** industrial chemical manufacturing/extraction processes, **same** environmental/water use issues, **same** fire hazard risks and **same** public safety/crime issues and **same** land use issues.

It's all about compatible land use, not Hemp/Marijuana use. Therefore, the Hemp ordinance like the Marijuana ordinances should include the following land use common sense restrictions...

- Include residential dwelling units in the "sensitive receptor" definition with at least a 1,000 foot setback. Residential dwellings need at least a 1,000 foot set back from Hemp/Marijuana grows in the county ordinance. The current County ig farm/cattle feed lot ordinance has 1,000 foot residential dwelling setback and 1 mile setback from residential areas.
- Eliminate industrial chemical Hemp/Marijuana manufacturing on Agricultural Zoned land. No use of chemical extraction processing of the Hemp/Marijuana biomass including use of liquid carbon dioxide or ethanol extraction processes where there are significant risks of fire/explosion hazards as well as untested environmental impacts to land, air and water/aquifer. Put manufacturing like this where it belongs in Industrial or Commercial Zoned land.
- Keep the cultivation of Hemp/Marijuana indoors and limited to sealed greenhouses that do not vent to the atmosphere. This will limit the impact of air pollution/skunk odor to surrounding neighbors. Outdoor grows can not mitigate the resulting air pollution/skunk odors. Put outdoor grows at least 1 mile away from residential neighborhoods just like the pig farm setback ordinance. (County Hog Ranch Ordinance 22.30.100 - Animal Facilities - Specialized "E. Hog ranches. The raising or keeping of more than three sows, a boar and their unweaned litter is subject to the same standards that are required of beef and dairy feedlots by Subsection C. A hog ranch shall be located no closer than one mile from any residential category; and no closer than 1000 feet from any school, or dwelling.)
- Require compliance with the California Environmental Quality Act (CEQA). Do not allow for Hemp/Marijuana exemptions to CEQA. Protect our County environment as well as the health and wellbeing of your constituents from unknown and unstudied Hemp/Marijuana grow environmental operational impacts.
- Implement strict density limitations for the number of Hemp/Marijuana cultivation sites that may be near each other. Restrict the number of Hemp/Marijuana farms in a given residential agriculture/local neighborhood area. Do not replicate massive hoop house grows and concentration of indoor/outdoor grows disaster in Santa Barbara County!
- Allow SLO County Community Advisory Committee (CACs) and the Planning Commission to review and make local community recommendations on any and all future Hemp/Marijuana applications for proposed projects. Same plant same issues, our communities need to provide the same local inputs into the Planning Department land use reviews despite the agriculture designation for Hemp.

2. Hemp/Marijuana operations are in direct conflict with local established traditional agriculture small farm businesses. Protections need to be put in the Hemp/Marijuana ordinance that safeguard the County's existing \$2.5 billion traditional agriculture businesses. Hemp/Marijuana is a nuisance crop and

in direct conflict with traditional agriculture in our County. Existing owned and operated small family farm businesses are at risk from up to 3 miles in proximity to a Hemp/Marijuana operation.

The California Department of Food and Agriculture has a 37 page document detailing the rules and regulations for the cultivation of Hemp (<https://www.cdfa.ca.gov/plant/industrialhemp/docs/registration/IH-RegistrationApplicationPacket-SeedBreeders.pdf>) but not one page of regulations for the cultivation of any traditional agriculture crop. The cultivation of Hemp/Marijuana IS NOT THE SAME as growing wine grapes, fruit trees, vegetables or forage as evidenced by the CDFA documentation.

Traditional agriculture and small farm businesses can not use pesticide sprays (herbicide, fungicide, insecticides etc) on their farm crops within 3 miles of a Hemp/Marijuana grow because these sprays could "pesticide drift" to the cannabis grow. This "pesticide drift" could contaminate the Hemp/Marijuana end product which is required to undergo extensive testing for pesticide content. In the Creston area, aerial pesticide spraying of the alfalfa and forage fields are common along with boom, blast and venturi spraying of pesticides for the fruit, olive orchards, vegetable crops and vineyards. This is the same conflict to traditional agriculture businesses that has been a disaster in Santa Barbara County. Legal battles are on going in Santa Barbara and Napa counties due to this "pesticide drift" conflict brought on by cannabis grows versus traditional agriculture. See referenced articles below:

- May 1, 2020: Santa Barbara Independent. "Lawsuit Seeks to Shut Down Busy Bee's Organics in Wine Country. County Must Rein In Booming Cannabis Industry, Coalition Says." <https://www.independent.com/2020/04/30/lawsuit-seeks-to-shut-down-busy-bees-organics-in-wine-country/>
- March 30, 2020: Santa Maria Times. "Santa Barbara County Planning Commission to recommend more rigorous permit for all cannabis cultivation" https://santamariatimes.com/news/local/govt-and-politics/santa-barbara-county-planning-commission-to-recommend-more-rigorous-permit/article_93a77c65-d3fd-5e4a-8122-c92a5f2892fd.html
- February 18, 2020: Politico. "Wine vs. weed in Napa Valley" <https://www.politico.com/news/2020/02/18/wine-vs-weed-in-napa-valley-115322>
- October 17, 2019: Wine Business.com. "Napa County Takes First Step To Ban Commercial Cannabis Cultivation." <https://www.winebusiness.com/news/?go=getArticle&dataId=221115>
- September 18, 2019: Wine Business Daily News "Napa supervisors prepare to ban cultivation, manufacturing, and sale of commercial cannabis in unincorporated Napa County" <https://www.winebusiness.com/news/?go=getArticle&dataId=219744>
- August 9, 2019: Cal Coast News. "Proposed Buellton pot grows pit a vintner against weed farms" <https://calcoastnews.com/2019/08/proposed-buellton-pot-grows-pit-a-vintner-against-weed-farms/>
- July 19, 2019: Edhat Santa Barbara. "Supervisors agree to added restriction for local cannabis growers" <https://www.edhat.com/news/supervisors-agree-to-added-restriction-for-local-cannabis-growers>
- June 21, 2019: Time Magazine. "The Environmental Downside of Cannabis Cultivation" <https://time.com/tag/cannabis/>
- June 18, 2019: Santa Barbara Independent. "Santa Barbara County in an Uproar Over Cannabis Odors" From Carpinteria to Santa Ynez Valley Lawsuits, Public Hearings and Civil Protests Complain About Smells Emitting from Green Houses and Fields. <https://www.independent.com/2019/06/05/santa-barbara-countyin-an-uproar-over-cannabis-odors>
- June 15, 2019: LA Times. "The World's Largest Pot Farms, and How Santa Barbara Opened the Door" <https://www.latimes.com/local/california/la-me-santa-barbara-pot-grows-20190612-htmlstory.html>
- May 22, 2019: Los Angeles Magazine. "In Santa Barbara, the War Between Weed Growers and Their Neighbors Is Getting Nasty" <https://www.lamag.com/citythinkblog/santa-barbara-weed-war/>

Conversely, the Hemp/Marijuana grows drift terpenes that could negatively impact the quality of the local vineyards and fruit orchards. Terpenes are a large and diverse class of organic compounds, produced by a variety of plants, including Hemp/Marijuana. Terpenes often have a strong odor. These Hemp/Marijuana terpenes could negatively impact vineyard fruit quality - UC Davis is currently studying this impact. In November 2019, UC Davis provided Santa Barbara County a letter that outlined the potential negative impacts of terpenes on vineyard and grape quality. In Napa Valley vineyard/winery grape contracts have been cancelled due to cannabis terpene contamination and the traditional agriculture vineyards have had to go to court versus the cannabis grows in the area.

The following language needs to be included in the County Hemp/Marijuana ordinances to protect and prevent undo pesticide drift litigation for existing local small business farmers in the County...

"Throughout the life of the project, the applicant, and their representatives, agents, officers, employees, successors, landlords, tenants, insurers, assigns and any other party claiming a direct or indirect financial, ownership or commercial interest in the project or the cannabis or cannabis products produced or located on the site, shall, as a condition of approval of this land use permit, release, waive, discharge, hold harmless and covenant not to sue any property owner, property operator/tenant or pest control business, pest control advisor or qualified applicator, including their agents, officers, employees and authorized representatives ("Released Parties"), for any claim, loss or damage to cannabis or cannabis products located on the project site arising out of the recommendation or application of a registered pesticide on an agricultural commodity located outside the project site by a person or business who holds the required state license or certificate and local Operator Identification Number and, if applicable, Restricted Materials Permit, and who follows required state and local pesticide use reporting and does not grossly depart from industry norms, standards and practices regarding the application of said pesticide. This condition does not extend to any loss or damage caused by the gross negligence or willful misconduct of a Released Party. This condition expressly extends to any statutory violations, including but not limited to actual or alleged violations of Food and Agricultural Code Section 12972 or 12973, so long as the violations are not caused by the gross negligence or willful misconduct of a Released Party. Approval of this land use permit, as a land use decision, is a quasi-judicial action regulatory in nature involving the application of preexisting laws or standards to a specific project and does not involve negotiated consideration by both the County and the application, unlike a development agreement, and therefore is not subject to the limitations of Civil Code section 1668 because this land use decision is not contractual in nature. This condition of approval shall have no impact on the enforcement or application of State pesticide laws and regulations by state or local agencies, including but not limited to licensing and certification requirements, pesticide use reporting and operator identification numbers, pesticide use enforcement inspections and investigations, issuance of cease and desist orders, initiation of administrative or criminal enforcement actions, and imposition of administrative, civil and criminal penalties."

Hemp/Marijuana projects are NOT traditional agriculture for SLO County - these are nuisance crops. As a Supervisor and as the County Board of Supervisors, we need you to protect an existing and thriving \$2.5 billion traditional agriculture, small farm businesses and the wine tourism industry.

3. The Creston Advisory Body (CAB) and Creston Community DO NOT want Hemp/Marijuana grows near our farms, residential agriculture neighborhoods, homes and families. A CAB letter on the Hemp ordinance was sent to the County earlier this year where CAB stated our community concerns and position on Hemp/Marijuana. Please listen to your County CACs and constituents on this conflict of issues regarding

Hemp/Marijuana grows and our rural country quality of life. Our CAC voice is one - we do not want these operations in our communities.

In summary...

Hemp/Marijuana projects are NOT traditional agriculture for SLO County - these are nuisance crops.

1. Hemp and Marijuana are the same plant - Cannabis. The County should have ONE restricted land use ordinance for Cannabis.
2. Hemp/Marijuana operations are in direct conflict with local established traditional agriculture small farm businesses. Protections need to be put in the Hemp/Marijuana ordinance that safeguard the County's existing \$2.5 billion traditional agriculture businesses.
3. The Creston Advisory Body (CAB) and Creston Community DO NOT want Hemp/Marijuana grows near our farms, residential agriculture neighborhoods, homes and families.

Do not force the Santa Barbara County's cannabis un-restricted grows on to San Luis Obispo County traditional agriculture businesses, residential agriculture neighborhoods, homes and families. These Hemp/Marijuana operations are in direct conflict to our rural/country quality of life.

Please consider in the County Hemp/Marijuana ordinance a set of restrictions to Hemp/Marijuana operations that acknowledges the facts and data as I have outlined in my letter to you. The cultivation of Hemp/Marijuana is not the same as traditional agriculture. Cannabis - Hemp and Marijuana - requires a set of ordinances to protect existing agriculture and small farm businesses as well as the neighboring homes and families in San Luis Obispo County.

Thank you.

Jim Wortner

Jim Wortner

Golden Pheasant Farm & Vineyards
P.O. Box 609
Creston, CA 93432

jawortner@gmail.com

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[EXT]Agenda Item 22--Comments on hemp ordinance

Stephanie Shakofsky <shakofsky@gmail.com>

Sun 5/3/2020 10:57 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (19 KB)

BOS Hemp Ordinance Comments.docx;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Attached is a comment letter regarding Agenda Item 22 (hemp ordinance) scheduled for hearing on May 5, 2020. Please forward my letter to all Supervisors and please include my letter as part of the administrative record. Thank you

Stephanie Shakofsky
Saint Marie Vineyard
www.saintmarie.org

DATE: May 3, 2020
TO: San Luis Obispo Board of Supervisors
FROM: Stephanie Shakofsky, District 1 Resident

RE: Comments on the County Draft Hemp Ordinance, Agenda Item 22

On Tuesday, June 18, 2019, the San Luis Obispo County Board of Supervisors passed an Urgency Ordinance placing a temporary moratorium on the cultivation of industrial hemp. On July 16, 2019, the Board extended that urgency ordinance through June 2020. At that same meeting, the Board directed the County Planning Department, with input and assistance from the Agricultural Liaison Advisory Board (ALAB) hemp industry representatives, and concerned citizens, to develop a permanent ordinance governing hemp cultivation.

On December 18, 2019, ALAB sent a letter to the County making five recommendations, which were generally supportive of hemp cultivation, but clearly lacking in any definitive policy recommendations. The strongest recommendation made by ALAB states:

“ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.”

This comment clearly reflects the concerns expressed by ALAB members, and “concerned citizens” who attended the policy meetings, that there simply is not enough reliable or scientific information to assess the environmental and human health impacts of hemp cultivation.

The San Luis Obispo County Farm Bureau in their comment letter to the County, dated December 19, 2019, regarding the proposed hemp ordinance states:

- “Our members have identified three primary issues of concern with industrial hemp, including:
- Odors from hemp cultivation being a nuisance to neighboring residences or businesses;
 - Possible contamination of wine grapes by compounds present in the odor emitted by hemp and cannabis (compounds known as terpenes); and
 - Legal liability from contaminating hemp and cannabis with pesticides used in neighboring crop fields for non-hemp or cannabis crops.”

The issues raised by ALAB and the Farm Bureau reflect the agricultural and farming community’s concerns about the incompatibility of hemp and existing agriculture in the County, as well as the environmental impacts caused by the cultivation of hemp.

Further, the County’s Urgency Ordinance #3393, which declared a moratorium on hemp cultivation, the County states in Sec 2 (N):

“As cannabis cultivation permits have been processed, the County has received substantial amounts of public testimony regarding the potential harmful effects of cultivating cannabis, specifically, odor nuisance and public safety concerns. Individuals opposing either existing or proposed cannabis cultivations, cite foul “skunk-like” smells emanating from the operation, the need to close windows, people unable to go outside due to the noxious skunklike odor, and people experiencing irritated eyes because of the odor. Cannabis cultivation projects are therefore individually reviewed to look at setbacks and locations of sensitive receptors in order to minimize odor nuisance. Individuals also cite similar odor complaints regarding certain odor “masking” systems which are often used in the growing of cannabis identifying an “overwhelming Febreze like smell” which is similarly annoying and causing eye irritation. At this point, it is unclear if industrial hemp has similar odors thus implicating these same potential impacts and further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed.”

It is clear that the County must conduct the appropriate studies to determine the potential risks to the environment and human health raised by ALAB, the Farm Bureau, and your own ordinance (#3393, Sec 2(N)). Further environmental concerns raised by the industrial production of hemp that have not been properly addressed or studied include impacts on the existing and declining groundwater basins, light and noise pollution, natural habitat loss, and loss of prime farmland. CEQA’s statutory goals, including environmental protection, informed decision-making, and informed public participation have been seemingly ignored by the County in preparation of this ordinance. This proposed ordinance is clearly not exempt from CEQA under the Common Sense Exemption, as referenced in the staff report [Reference: State CEQA Guidelines sec. 15061(b)(3)]. Further, this ordinance is clearly not exempt under any CEQA exemption.

I strongly urge the Board to reject the CEQA exemption for this ordinance and send the proposal back to staff to conduct the proper environmental review.

Lastly, I would remind the Board that carve outs to prohibit hemp production in special areas is a potential violation of state law, specifically, California Constitution Article IV, Section 16 which states:

- (a) All laws of a general nature have uniform operation.
- (b) A local or special statute is invalid in any case if a general statute can be made applicable.

Thank you for opportunity to express my opinions on this impactful pending ordinance, I appreciate your time and consideration.

FW: [EXT]Proposed hemp ordinance

John Peschong <jpeschong@co.slo.ca.us>

Sun 5/3/2020 05:09 PM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Item #22

VICKI JANSSEN, Legislative Assistant
First District Supervisor John Peschong
1055 Monterey St., D430
San Luis Obispo, CA 93408
(805)781-4491/Fax (805) 781-1350
vjanssen@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Max Riedlsperger <mriedlsp@calpoly.edu>

Sent: Sunday, May 3, 2020 1:47 PM

To: John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Proposed hemp ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Supervisor Peschong:

We are emailing you to express our opposition to the proposed hemp ordinance which you will soon be considering. We have lived in Edna Valley since 2002 and are concerned that the ordinance would permit the growing of hemp within 300 feet of our property. These are just some of our concerns:

- • Hemp is known to emit noxious odors while being grown. This would be exacerbated during harvest, which occurs several times a year and would make any outside activity on our property extremely unpleasant.
- • Hemp pollen exacerbates allergies and would have a strongly negative impact upon the health of allergy sufferers in Edna Valley.
- • “Terpene drift” could have an extremely deleterious impact on the extensive plantings of wine grapes and citrus in the Edna valley.
- • The enjoyment of wine is at least in part related to aroma and bouquet and the wafting of cannabis odors would adversely affect the experience at the many wine tasting rooms throughout the valley.
- • Since the Edna Valley is already in the process of drafting measures to insure compliance with the new state mandates on water consumption being

developed, it seems irresponsible to adopt a measure to permit the planting of cannabis which is known to require extensive irrigation.

'We hope that you will find a way to protect the Edna Valley from hemp cultivation and confine it to areas where the negative impacts would be less drastic.

Thank you for consideration of our concerns,

Max and Deanna Riedlsperger

--

Max Riedlsperger

San Luis Obispo, CA 93401

5/5 BOS Corres rcv'd -FW: [EXT]BOS May 5th Hemp Ordinance Hearing Agenda #22 document attachment No. 11

Ramona Hedges <rhedges@co.slo.ca.us>

Mon 5/4/2020 08:00 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

FYI below. Thank you!

From: Murray J. Powell <murray@dfrios.com>

Sent: Saturday, May 2, 2020 3:36 PM

To: Trevor Keith <tkeith@co.slo.ca.us>; Ramona Hedges <rhedges@co.slo.ca.us>

Subject: [EXT]BOS May 5th Hemp Ordinance Hearing Agenda #22 document attachment No. 11

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

I believe that Agenda attachment #11 of the May 5th BOS hearing agenda item #22 is mislabeled as the Staff Report issued for the January 23, 2020 Planning Commission Hearing. Beginning on page 47 of 259 pages, is correspondence received as of January 23rd. It was difficult to find these approximately 110 pages of letters and emails. It would be helpful to the public and to the BOS members to separate the January 23rd PC hearing correspondence into its own clearly labeled attachment to the May 5th agenda items page. Searching through the first 47 pages of the attachment to discover a substantial amount of correspondence is a problem.

Murray Powell
Templeton Resident

[EXT]Agenda Item #22

Diane Adam <diane@adambros.com>

Mon 5/4/2020 08:20 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Cc: Kerry Adam (kerry@adambros.com) <kerry@adambros.com>

 1 attachments (14 KB)

Comment to Supervisors May 4, 2020.docx;

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Attached please find my comments for the SLO County Board of Supervisors on their item number 22 for May 5 agenda.

San Luis Obispo County Board of Supervisors
Attn: Clerk via e-mail
1055 Monterey D430
San Luis Obispo, CA
93408

Dear Supervisors

May 4, 2020

I am writing today as comment for your May 5 meeting and regarding item number 22, the industrial hemp ordinance coming before you. In my opinion there is no way to vote on a matter that cannot be decided by the many people, officials, citizen groups and task forces that have gathered over the last few years. The Ag community says one thing and the Hemp growers say another.

I oppose the cultivation of Hemp of any kind in proximity to working Ag crop lands or populated areas. My main opposition is the odor factor and until there are proven methods to eliminate the odors we should not be entertaining Hemp cultivation in any but the most rural area where people and animals will not be affected by the terpenes released by this crop.

My second reason for opposition is the turmoil and questions around the possibility of litigation as has been seen in other counties. Until the Ag communities (including Hemp growers) can come to agreements on use of additives and pesticides in order to eliminate the fear of litigations we should not be coming to any resolution on Land Use Ordinances.

I am part of the south county and have been for many generations.

Again – I oppose cultivation of Hemp in areas with people, animals and crops already in production.

Thank you.

Diane Adam

Nipomo, CA
93444

FW: [EXT]Edna Ranch weed ordinance concerns.

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 09:58 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item 322. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Monica Racz <monica@slocoastestates.com>

Sent: Friday, May 1, 2020 10:09 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Edna Ranch weed ordinance concerns.

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello,

I'm writing to you as a resident of Edna Ranch with concerns about the weed ordinance. First and foremost I have 4 young children, as do other families at the ranch, and keeping our neighborhood safe and drug free is our first priority. The crime that is associated with grow operations like these is not something I welcome into our community. We moved out of the city limits to be among the vineyards not among marijuana/hemp. The short distance that is being proposed in this windy area is not acceptable. I don't want to have to explain what that smell drifting in is to my 2, 7, 10, or 12 year old.

I can't stress this enough, this is not the place for marijuana or hemp grow operations.

Thank you for considering my plea. If there is anything else I need to do to express my concerns please let me know.

--

[Find Out What Your Home is Worth - Click Here!](#)

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[Download My Home Search App](#)

FW: [EXT]Hemp Ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:24 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (16 KB)

Facts.RKS.12.9.19.docx;

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Bob Schiebelhut <bob@tolosawinery.com>

Sent: Saturday, May 2, 2020 4:03 PM

To: Lynn Compton <lcompton@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Cc: PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>

Subject: [EXT]Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Last summer the Edna Valley community supported the moratorium based on the adverse experiences and complaints of the ag communities and residents in other counties, primarily Santa Barbara. From the beginning, the group of Edna Valley residents and ag business owners stressed the unique Facts and qualities of the Edna Valley (see attached) and asked for a carve-out. See also two emails I forwarded to the Planning Commission on Dec 19, 2019 on behalf of the Edna Valley Growers Mutual Water Company and myself.

Last fall, we experienced first hand the adverse effects of a "research" hemp grow in the heart of the Edna Valley, which not only confirmed the concerns expressed earlier., but resulted in many emphatic complaints and grievances by the Edna Valley community, to the Ag and Planning Departments, APCD, the Planning Commission and the BOS. These documented complaints include:

(1) Adverse health effects on neighbors. With the changing wind patterns in the Valley, the noxious "skunk" smell and terpenes spread throughout the Valley up to 1 mile from the "research" grow in all directions causing significant respiratory and allergic reactions to neighbors;

(2) field workers near the hemp grow similarly suffered and expressed concerns about unsafe working conditions;

(3) event centers received complaints from their customers concerning the skunk smell, resulting in a loss of good will and reputation;

(4) wine tasting rooms also received complaints from customers (and employees) concerning the skunk smell.

(5) neighboring farm operators received threats from the hemp grower of lawsuits for engaging in standard farming practices, such as tilling the soil which creates "dust".

The Edna Valley is small, unique and blessed with a high concentration of vineyards, orchards, row crops, wine tasting rooms and event centers. And we have been consistent and vocal for almost one year--we need a carve out.

Bob Schiebelhut

San Luis Obispo, CA 93401

Facts re: the Edna Valley Appellation and Hemp

1. There are 3 federally approved appellations in the County: Paso Robles (660,000 acres); Arroyo Grande (39,646 acres) and Edna Valley (18,970 acres excluding the City of SLO)
2. The County land mass is 2,111,360 acres. The Edna Valley is a small valley--it represents just 0.008 of the total acreage in the County. It has a high concentration of vineyards, wineries, tasting rooms, and event centers. Also, Los Ranchos School and several dense neighborhoods and ranchettes throughout the Valley.
3. The Edna Valley is unique in California: (a) it is the coldest appellation in California; (b) it is the only appellation with 2 transverse valleys open to the ocean (Morro Bay-Los Osos and Pismo Beach) and (c) it has the longest grape growing season in California with bud break in Feb and harvest to Nov.
4. Because the Edna Valley is truly a valley, surrounded by hills, its climatic characteristics are generally uniform throughout the Valley. This differs from the "open" Paso Robles and Arroyo Grande appellations where the western and eastern portions have dramatically different temperatures. For example, Growing Degree Days ("GDD") for Paso Robles west and east range from 3117 to 3342 (F). For Edna Valley, the GDD is relatively constant 2371 (F). (Note: The GDD numbers were provided by UC Ag Extension, based on 24-hour monitoring. With only one monitoring station in the Arroyo Grande appellation, no GDD range is available).
5. With marine air from 2 sources, the Edna Valley experiences relatively high amounts of fog and wind from March to November. Wind records from the SLO County Airport show windy conditions 2/3's of the time—average 7-8 MPH—and 20-30 MPH peak all year. Also, the winds predominately come from 2 directions, thereby creating a mix of wind influence, which is a recipe for broad distribution of hemp terpenes over large distances.
6. The predominant terpene in cannabis (marijuana or hemp) is myrcene which emit the strongly noxious "skunk" odor. According to complaints by Edna Valley residents to the County, the skunk odors from a hemp grow in the Valley last fall was detected over 1 mile in several directions from the grow and caused respiratory problems and insomnia for many residents up to 1 mile from the grow.
7. "Smoke" taint from wildfires unfortunately is a reality. The 'smoke" taint from wildfires in No Calif has caused immense monetary losses to the wine industry, due to cancellation of contracts and rejection of grape after the wildfires.
8. Research by Prof. Oberholtser, U.C.Davis, has demonstrated the deleterious effect of smoke volatiles and eucalyptus terpenes have had on grapes and the resulting end product—wine. She has opined that cannabis terpenes may have the same adverse effect on grapes, and wine. With the morning foggy conditions in Edna Valley —near stagnant air mass—and the later windy conditions in Edna Valley, the risk of terpene drift is higher than any other location in the County.
9. Cannabis growers in Santa Barbara County have threatened and sued over spray drift—cannabis is very sensitive to pesticides, insecticides and fungicides. In fact, this issue of spray drift is even greater in the Edna Valley due to its foggy and windy conditions. The best conditions for spraying are in the morning before the wind picks up. But on foggy mornings the sprays can be suspended in the fog and then distributed when the wind picks up.
10. The Edna Valley is extremely susceptible to Powdery Mildew. Combined with a very long growing season, the amount of spraying to prevent Powdery Mildew is more than triple the number of sprays a vineyard in the North County receives. This means the Edna Valley grape growers will face far greater risk of spray drift than other growers in the County.

FW: [EXT]Public Comment 5/5/2020 hemp Moratorium

John Peschong <jpeschong@co.slo.ca.us>

Sun 5/3/2020 09:28 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (327 KB)

Scan.pdf;

Item # 22

VICKI JANSSEN, Legislative Assistant
First District Supervisor John Peschong
1055 Monterey St., D430
San Luis Obispo, CA 93408
(805)781-4491/Fax (805) 781-1350
vjanssen@co.slo.ca.us



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS**

From: JP Wolff <jp.wolff@wolffvineyards.com>

Sent: Saturday, May 2, 2020 5:22 PM

To: John Peschong <jpeschong@co.slo.ca.us>

Subject: [EXT]Public Comment 5/5/2020 hemp Moratorium

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Supervisor Peschong,

Attached please find a public comment letter on behalf of Wolff Vineyards regarding the May 5th 2020 hearing on the County hemp Moratorium.

Thank you in advance for your consideration.

Sincerely yours,

Jean-Pierre Wolff Ph.D.
Owner & Vintner
Wolff Vineyards



Wolff Vineyards

San Luis Obispo, CA 93401

To: The Honorable San Luis Obispo County Board of Supervisors

May 2, 2020

Subject: May 5, 2020 Board of Supervisors Hearing on Hemp Moratorium
Public comment letter

Dear Board Members,

This letter is to express our concerns regarding hemp cultivation in the Edna Valley. During the 2019 hemp growing season many of our tasting room customers expressed dissatisfaction over the odor drift generated from the nearby hemp growing field. Comments ranged from alleging that some of our customers were smoking cannabis on our property to skunky unpleasant smells in our wine tasting outdoor garden.

Our property is 125 acres with the vineyard established 45 years ago, this year we are celebrating our 20th anniversary as a winery. Several row-crop farms directly in vicinity of our property boundaries have expressed interest in growing hemp once a permanent ruling has been established.

Our 2019 negative experience with odor drifts generated by a local hemp grower points out to the incompatibility of this type of agriculture crop within the Edna Valley and the ability to economically sustain tourism, tasting rooms, event centers and short-term rentals.

We therefore urge you to establish a carve out for the Edna Valley such that hemp crops cannot be grown in our valley.

We appreciate your public service particularly during these additional challenging times generated by COVID-19.

Sincerely yours,

Jean-Pierre Wolff Ph.D.
Owner and Vintner
Wolff Vineyards

FW: [EXT]Public Comment 5/5/2020 hemp Moratorium

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:26 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (327 KB)

Scan.pdf;

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: JP Wolff <jp.wolff@wolffvineyards.com>

Sent: Saturday, May 2, 2020 5:21 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Public Comment 5/5/2020 hemp Moratorium

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Supervisor Arnold,

Attached please find a public comment letter on behalf of Wolff Vineyards regarding the May 5th 2020 hearing on the County hemp Moratorium.

Thank you in advance for your consideration.

Sincerely yours,

Jean-Pierre Wolff Ph.D.
Owner & Vintner
Wolff Vineyards



Wolff Vineyards

San Luis Obispo, CA 93401

To: The Honorable San Luis Obispo County Board of Supervisors

May 2, 2020

Subject: May 5, 2020 Board of Supervisors Hearing on Hemp Moratorium
Public comment letter

Dear Board Members,

This letter is to express our concerns regarding hemp cultivation in the Edna Valley. During the 2019 hemp growing season many of our tasting room customers expressed dissatisfaction over the odor drift generated from the nearby hemp growing field. Comments ranged from alleging that some of our customers were smoking cannabis on our property to skunky unpleasant smells in our wine tasting outdoor garden.

Our property is 125 acres with the vineyard established 45 years ago, this year we are celebrating our 20th anniversary as a winery. Several row-crop farms directly in vicinity of our property boundaries have expressed interest in growing hemp once a permanent ruling has been established.

Our 2019 negative experience with odor drifts generated by a local hemp grower points out to the incompatibility of this type of agriculture crop within the Edna Valley and the ability to economically sustain tourism, tasting rooms, event centers and short-term rentals.

We therefore urge you to establish a carve out for the Edna Valley such that hemp crops cannot be grown in our valley.

We appreciate your public service particularly during these additional challenging times generated by COVID-19.

Sincerely yours,

Jean-Pierre Wolff Ph.D.
Owner and Vintner
Wolff Vineyards

Fw: [EXT]Tuesday's BOS Item 22

Tessa Cornejo <tcornejo@co.slo.ca.us>

Mon 5/4/2020 07:27 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (221 KB)

Julie's comments on Hemp Ordinance.pdf;

Sincerely,

Tessa Cornejo
Administrative Services Officer
San Luis Obispo County, Administrative Office
www.slocounty.ca.gov
Direct Line (805) 781-4691

Connect with us:

www.facebook.com/SLOCountyGov

www.twitter.com/SLO_CountyGov

www.linkedin.com/company/county-of-san-luis-obispo

www.youtube.com/user/slocountygov

From: Julie Tacker <julietacker@charter.net>

Sent: Sunday, May 3, 2020 10:08 AM

To: Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Tessa Cornejo <tcornejo@co.slo.ca.us>

Subject: [EXT]Tuesday's BOS Item 22

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Good day Board of Supervisors,

I wanted to let you know that the Los Osos Community Advisory Council was never invited to review the draft Industrial Hemp ordinance, if it was referred to LOCAC -- it was sent to the wrong email addresses (same for past iterations of the Cannabis ordinance).

LOCAC did send in community comments that were gathered from people who had shared them and they should be included for consideration in your deliberations Tuesday.

Additionally, I made comment prior to the Planning Commission hearing on this matter and do not feel as though my concerns were considered, none have been addressed. I am including them again, attached herein.

My personal concerns on this crop focus on its visual impacts (hoop houses, windscreens, etc.), water use and offsets in compromised basins, odor mitigation, setbacks and greenhouse gas/carbon footprint -- (literally) tons of single use plastic (drip irrigation, hoop house and ground coverings).

Examples of visual impacts and tons of one-time use plastic are captured in the photos below.





I support the 1 mile distance from URL/VRL's.

Please feel free to contact me with any questions you may have.

Julie



Virus-free. www.avg.com

December 18, 2019

San Luis Obispo County Planning and Building

Attn: Kip Morais, Brian Pedrotti

Submitted by e-mail pl.LongRangeShared@co.slo.ca.us

RE: COUNTY OF SAN LUIS OBISPO INDUSTRIAL HEMP ORDINANCE PUBLIC REVIEW
DRAFT

Dear Sirs,

Thank you for this opportunity to make comment on the Industrial Hemp Ordinance Public Review Draft.

On a general note, whatever form the ordinance ultimately takes, it should be harmonized with the Cannabis Ordinance given virtually all of the impacts are identical.

My comments here are inspired by the recent hemp grows in the Los Osos Valley and the deleterious impacts they presented in the valley over these past six (6) months.

1. Water – all hemp farms, inland or coastal, should be required to offset their water use. Hemp grows in adjudicated basins (i.e. Los Osos, etc.) and in impaired basins (i.e. San Luis Obispo Basin, etc.) should be required to offset their use on a 2:1 ratio to actually help improve the management of the basins. These offsets should be accomplished through exchanges with other agricultural activity.
2. Watercourse – setbacks from watercourses should be no less than 100 feet. The operations associated with cultivation trigger soil disturbance that runs off into these waterways. Drainage plans including best management practices and mitigations should be put in place as part of the conditions of approval for each project.
3. Watershed – Hemp farm equipment and vehicles tracked out soil and mud during the entire operation, especially when the rains began. This track out gets carried down the road by passing traffic only to end up as dust in the air and/or silt in the watershed.
4. Visual – acres of plastic on the ground, hoop houses, security screening and windscreens obstruct the views from the passersby. Screening should be natural (trees/shrubs) and grow structures (hoop houses or green houses) should be agrarian in architectural style.

5. Odors – no offsite odors should be detected, as with the Cannabis Ordinance.
6. Greenhouse Gas (AB 32) – “Plasticulture” or ag plastics include soil fumigation film, irrigation drip tape/tubing, nursery pots and silage bags, this term is most often used to describe all kinds of plastic plant/soil coverings. The appearance is the various plastic materials are being used one time. These plastics are prevalent in the operation of hemp and cannabis; including on the ground, hoop houses, drip irrigation, potted seedlings, windscreens and more. Tons of plastic exposed to the elements break down in the sun and wind where its particles enter the air and watercourses. These tons of plastic are not recycled and are hauled and dumped at the local landfill. These impacts should be calculated and offset with mitigations in connection with Green House Gases and the respective carbon foot print.

Again, thank you for the opportunity to comment.

Please feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Julie Tacker".

Julie Tacker

FW: [EXT]Proposed Hemp Ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:37 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

 1 attachments (252 KB)

Opposition Proposed Hemp Ordinance.pdf;

Please add to correspondence for item #22.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO

BOARD OF SUPERVISORS

-----Original Message-----

From: klausstrob@mac.com <klausstrob@mac.com>

Sent: Sunday, May 3, 2020 10:31 AM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Proposed Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

May 3, 2020

FROM: Sabine & Klaus Strobel

Live in Edna Valley since: 2007

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

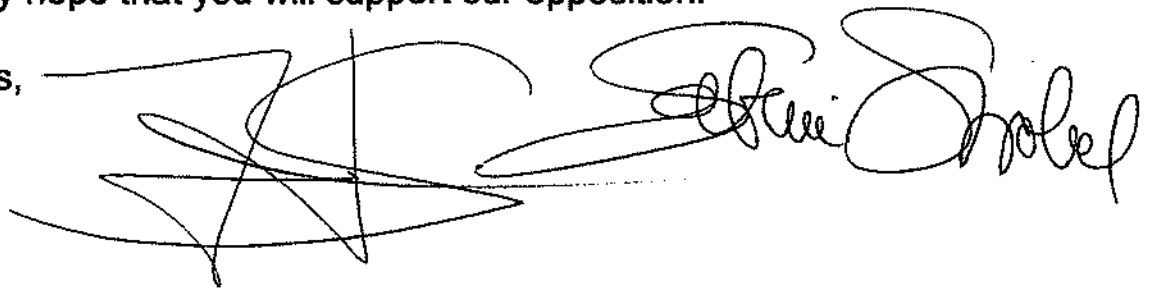
- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- "Terpene drift" coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article "Cannabis: The land use concerns of cultivation" stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.

- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

We made San Luis Obispo our hometown because of its beautiful scenery and charming community feeling, where people can live in quiet, yet still feel connected to each other. Where people respect and support each other, and where clean water and fresh air are guaranteed. Let's keep it that way.

We sincerely hope that you will support our opposition.

Best regards,

A handwritten signature in black ink, appearing to read "Steve Dole", written over a horizontal line. The signature is highly stylized and cursive.

FW: [EXT]Hemp Growing Ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:40 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO

BOARD OF SUPERVISORS

-----Original Message-----

From: Marianne Palmer <mariannelesliepalmer@gmail.com>

Sent: Sunday, May 3, 2020 12:56 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Cc: George@pacificcoastfarming.com

Subject: [EXT]Hemp Growing Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please exclude Edna Valley from allowing hemp cultivation as proposed when you vote on this.

As a resident of Edna Valley since 1998, I am concerned for our local environment. It is my understanding current crops consistently deplete our local aquifer. As someone who hand waters my garden with my shower water, this concerns me.

As an asthma sufferer, I am concerned for my welfare.

As someone who understands the economic role of our Edna Valley wineries in both agriculture and tourism, both foreseeable and unforeseeable collateral damages concern me.

Please, please consider the long term consequences of degrading the resources entrusted to your care,

Marianne Palmer

San Luis Obispo, Ca 93401

FW: [EXT]Fwd: May 5th Hemp Ordinance/ e mail in lieu of public hearing

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:43 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22. Thank you.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: mgfrms@aol.com <mgfrms@aol.com>

Sent: Sunday, May 3, 2020 1:44 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Fwd: May 5th Hemp Ordinance/ e mail in lieu of public hearing

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

QMichael E. Gagnani

Begin forwarded message:

From: "mgfrms@aol.com" <mgfrms@aol.com>

Date: May 3, 2020 at 11:41:07

C Ordinance/ e in lieu of public hearing

Dear Slo Council Members,

In review of the proposed "Hemp Ordinance Options" to be considered, "Option 3" in my opinion is the best of the three options if an altogether ban of hemp cultivation in Edna Valley whether it be indoors or outdoors is not an option. Assuming we all know it gives off a noxious skunk odor I fill it would result in a steep devaluation of our properties in addition to the relentless odor. I have observed activities of the cultivation of hemp in the San Joaquin Valley and the odor can be observed well beyond a mile of a hemp field. The odor obviously follows it wherever it goes. At harvest and transportation of product the smell is far reaching, (1/2 mile or more) e.g. passing transported product, product sitting roadside, product being dried after harvest. I would encourage any resident in Edna Ranch to contact city council members prior to the May 5th meeting who have not done so. I hope this has been of some help, we need to preserve our property values and the way of life we all cherish in Edna Ranch.

Regards,

QMichael E. Gragnani

From: Andrew Mangano <andymangano7@gmail.com>
Sent: Friday, May 1, 2020 10:14 AM
To: cheryl Fernandez <cheryl.fernandez63@gmail.com>
Cc: Andy Mangano <andy@manganold.com>
Subject: RE: May 5th Hemp Ordinance/ e mail in lieu of public hearing

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/file/getfile/121905>

Cheryl,

Please send to the neighborhood. The county will entertain adopting a hemp ordinance on may 5th. It appears SLO county staff's recommendation is to allow hemp production within 300 feet of residential properties. With what we know about noxious odors regarding hemp production along with windy conditions in Edna Valley, this ordinance as drafted could have a negative impact on our way of life here in Edna Ranch. I would encourage homeowners to write the Board of Supervisors or attend the meeting and express your concerns.

ahill@co.slo.ca.us
lcompton@co.slo.ca.us
bgibson@co.slo.ca.us
darnold@co.slo.ca.us
Jpeschong@co.slo.ca.us

<WebPage.pdf>

<Untitled attachment 01108.html>

FW: [EXT]Proposed hemp ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 10:50 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Max Riedlsperger <mriedlsp@calpoly.edu>

Sent: Sunday, May 3, 2020 1:52 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Proposed hemp ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Supervisor Arnold:

We are emailing you to express our opposition to the proposed hemp ordinance which you will soon be considering. We have lived in Edna Valley since 2002 and are concerned that the ordinance would permit the growing of hemp within 300 feet of our property. These are just some of our concerns:

- • Hemp is known to emit noxious odors while being grown. This would be exacerbated during harvest, which occurs several times a year and would make any outside activity on our property extremely unpleasant.
- • Hemp pollen exacerbates allergies and would have a strongly negative impact upon the health of allergy sufferers in Edna Valley.
- • “Terpene drift” could have an extremely deleterious impact on the extensive plantings of wine grapes and citrus in the Edna valley.
- • The enjoyment of wine is at least in part related to aroma and bouquet and the wafting of cannabis odors would adversely affect the experience at the many wine tasting rooms throughout the valley.
- • Since the Edna Valley is already in the process of drafting measures to insure compliance with the new state mandates on water consumption being

developed, it seems irresponsible to adopt a measure to permit the planting of cannabis which is known to require extensive irrigation.

'We hope that you will find a way to protect the Edna Valley from hemp cultivation and confine it to areas where the negative impacts would be less drastic.

Thank you for consideration of our concerns,

Max and Deanna Riedlsperger

--

Max Riedlsperger

San Luis Obispo, CA 93401

Item 22 - FW: Contact Form Topic: Board of Supervisors meetings/business

Board of Supervisors <Boardofsups@co.slo.ca.us>

Mon 5/4/2020 10:53 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; District 4 <district4@co.slo.ca.us>; **BOS_District 5_Web Contact** <district5@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Vicki Janssen <vjanssen@co.slo.ca.us>

For your review. This has been forwarded to the Clerk. Thank you.

Sincerely,
Crystal Tompkins
Secretary-Confidential
Board of Supervisors
www.slocounty.ca.gov
Direct Line: (805)781-4335

From: Web Notifications <webnotifications@co.slo.ca.us>
Sent: Sunday, May 3, 2020 4:06 PM
To: Board of Supervisors <Boardofsups@co.slo.ca.us>
Subject: Contact Form Topic: Board of Supervisors meetings/business

Topic: Board of Supervisors meetings/business

Your Name: John Loveman-Krelle

Your Email: j.krelle@sbcglobal.net

Message: Dear Board of Supervisors, I am writing to express my objection to allowing the planting and cultivation of Hemp in the Edna Valley. As well as the effects on our thriving wine and tourism businesses, I would like to point out that no medicinal benefits have been proven for CBD according to FDA. Under the FD and C act, any product intended to have a therapeutic or medical use is a drug. Selling or promoting unapproved products with unsubstantiated claims is a violation of the law and may put patients at risk. In addition, THC or CBD products cannot be sold as dietary supplements. Former FDA Commissioner Dr Scott Gottlieb had this to say, 'Just because Industrial hemp is legal, doesn't mean that you can put it in food or call it a medicine'. So why would we want to introduce a crop into the beautiful Edna Valley that has no benefit, produces a really bad odor and taints the Edna Valleys most vital crop-Grapes? Does the board think that the awful smell would attract more visitors to the Valley? I sincerely hope the answer is a resounding NO! So please don't bow to the the farmers who want to enrich their pockets with this useless crop. I implore you not to allow this blight on our beautiful landscape. Yours Sincerely, John Loveman-Krelle, MBA

Public Records Notice: True

Security code: 275980

BoardOfSupervisorsID: 939

Form inserted: 5/3/2020 4:05:23 PM

Form updated: 5/3/2020 4:05:23 PM

Item 22- FW: Contact Form Topic: Board of Supervisors meetings/business

Board of Supervisors <Boardofsups@co.slo.ca.us>

Mon 5/4/2020 10:54 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; District 4 <district4@co.slo.ca.us>; **BOS_District 5_Web Contact** <district5@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Vicki Janssen <vjanssen@co.slo.ca.us>

For your review. This has been forwarded to the Clerk. This is a District 4 constituent. Thank you.

Sincerely,
Crystal Tompkins
Secretary-Confidential
Board of Supervisors
www.slocounty.ca.gov
Direct Line: (805)781-4335

From: Web Notifications <webnotifications@co.slo.ca.us>
Sent: Monday, May 4, 2020 9:34 AM
To: Board of Supervisors <Boardofsups@co.slo.ca.us>
Subject: Contact Form Topic: Board of Supervisors meetings/business

Topic: Board of Supervisors meetings/business

Your Name: Kieran Adam

Your Email: kerry@adambros.com

San Luis Obispo County Board
of Supervisors Attn: Clerk 1055 Monterey D430 San Luis Obispo, CA 93408 Sent Via e-Mail Only Dear Supervisors, I
am writing today as comment for your May 5 meeting and regarding item number 22, the industrial hemp
ordinance coming before you. I oppose the cultivation of Hemp of any kind in proximity (within 1 mile at
minimum) to any residential homes including those in rural areas. My main opposition is the odor factor. The odor
is a nuisance that decreases the quality of life in San Luis Obispo county. Again – I oppose cultivation of Hemp in
even sparsely populated regions of the county. Sincerely, Kieran Adam

Public Records Notice: True

Security code: 583225

BoardOfSupervisorsID: 940

Form inserted: 5/4/2020 9:32:57 AM

Form updated: 5/4/2020 9:32:57 AM

Item 22- FW: Contact Form Topic: Board of Supervisors meetings/business

Board of Supervisors <Boardofsups@co.slo.ca.us>

Mon 5/4/2020 10:54 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; District 4 <district4@co.slo.ca.us>; **BOS_District 5_Web Contact** <district5@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Nicole Nix <nnix@co.slo.ca.us>; Vicki Janssen <vjanssen@co.slo.ca.us>

For your review. This has been forwarded to the Clerk. This is a District 4 constituent. Thank you.

Sincerely,

Crystal Tompkins

Secretary-Confidential

Board of Supervisors

www.slocounty.ca.gov

Direct Line: (805)781-4335

From: Web Notifications <webnotifications@co.slo.ca.us>

Sent: Monday, May 4, 2020 9:53 AM

To: Board of Supervisors <Boardofsups@co.slo.ca.us>

Subject: Contact Form Topic: Board of Supervisors meetings/business

Topic: Board of Supervisors meetings/business

Your Name: Diane Adam

Your Email: diane@adambros.com

Message: Dear Supervisors May 4, 2020 I am writing today as comment for your May 5 meeting and regarding item number 22, the industrial hemp ordinance coming before you. In my opinion there is no way to vote on a matter that cannot be decided by the many people, officials, citizen groups and task forces that have gathered over the last few years. The Ag community says one thing and the Hemp growers say another. I oppose the cultivation of Hemp of any kind in proximity to working Ag crop lands or populated areas. My main opposition is the odor factor and until there are proven methods to eliminate the odors we should not be entertaining Hemp cultivation in any but the most rural area where people and animals will not be affected by the terpenes released by this crop. My second reason for opposition is the turmoil and questions around the possibility of litigation as has been seen in other counties. Until the Ag communities (including Hemp growers) can come to agreements on use of additives and pesticides in order to eliminate the fear of litigations we should not be coming to any resolution on Land Use Ordinances. I am part of the south county and have been for many generations. Again – I oppose cultivation of Hemp in areas with people, animals and crops already in production. Thank you. Diane

Public Records Notice: True

Security code: 420205

BoardOfSupervisorsID: 941

Form inserted: 5/4/2020 9:53:19 AM

Form updated: 5/4/2020 9:53:19 AM

FW: [EXT]Hemp cultivation

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 11:20 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22.

Sincerely,

Micki Olinger

Legislative Assistant

5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO

BOARD OF SUPERVISORS

-----Original Message-----

From: Larry <lcandsons@yahoo.com>

Sent: Sunday, May 3, 2020 4:16 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp cultivation

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Greetings, As a new home owner in this beautiful Edna Valley, please think of the long range effects this could have, We moved here because of the air quality, The wineries, the youthfulness of our college community, Our friends and children and tourists, express the same things, they too dream of being able to live here one day, I have personally spoken to many that attended college here and never left.

Why ? would we want to turn this into a stench hole, where the skunk weed is what we will be known for?The wine industry becomes tainted, If you've ever driven by the feed lots of Harris ranch and the manure smell was so strong you rolled up your windows, had to put A/C on recycle, Is that some place you would want to raise your family? Spend some days or move to?

Please, Please Please, keep SLO as a no Hemp Grow area.

Thank you Lawrence Piekarczyk

Thank you

FW: [EXT]Hemp Carve out for Edna and Arroyo Grande AVA

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 11:23 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

1 attachments (303 KB)

Hemp Letter.pdf;

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: anne@slocoastwine.com <anne@slocoastwine.com>

Sent: Monday, May 4, 2020 10:01 AM

To: Adam Hill <ahill@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>

Subject: [EXT]Hemp Carve out for Edna and Arroyo Grande AVA

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Members of the San Luis Obispo County Board of Supervisors,

Attached, please find a letter in support of a carve out for Edna and Arroyo Grande’s AVA from hemp cultivation.

Should you have any questions, please do not hesitate to reach out.

Thank you,

Anne Steinhauer
Executive Director
San Luis Obispo Coast Wine Collective

www.slocoastwine.com





May 1, 2020

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

To the Members of the San Luis Obispo County Board of Supervisors,

The San Luis Obispo Coast Wine Collective (formerly known as the SLO Wine County Association) respectfully requests your support to ban all hemp cultivation in the Edna and Arroyo Grande Valley American Viticultural Areas (AVA). For the last 30 years, SLO Coast Wine has represented the wineries located in the Edna and Arroyo Grande Valley AVA, which generated ~\$16 million in wine sales in 2019.

Allowing hemp cultivation in the Edna and Arroyo Grande AVA will significantly impact the economic value of winegrapes by increasing exposure to terpene drift and smell taint, negatively changing the flavors and smells of our local wines. In addition, with a preponderance of wineries located in the region, the smell of hemp drifting into our tasting rooms negatively impacts our guest's experience with our businesses.

Therefore, SLO Coast Wine requests your support that the Edna and Arroyo Grande Valley AVA be carved out of the hemp cultivation ordinance. If you have any questions, please let me know.

Thank you,

A handwritten signature in blue ink, appearing to read "Anne Steinhauer".

Anne Steinhauer
Executive Director
SLO Coast Wine Collective

A handwritten signature in blue ink, appearing to read "Stephen R. Dooley".

Stephen R. Dooley
President
SLO Coast Wine Collective

www.slocoastwine.com

FW: [EXT]Hemp and Marijuana

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 11:24 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold

(p) 805-781-4339

(f) 805-781-1350

molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Brad Parkinson <bradp@stanford.edu>

Sent: Sunday, May 3, 2020 4:21 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp and Marijuana

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

2 May 2020

Dear Debbie,

I am writing to you to strongly request that you permanently ban Marijuana and Hemp growing from the productive, yet fragile Edna Valley.

The main arguments to prohibit such crops:

1. This valley is home to dozens of vineyards and tasting rooms. They produce some of the finest Pinot Noir and other varietals in the US. The volatiles given off by Hemp and Marijuana will seriously jeopardize the quality - both by measurement and by reputation. At times, the valley is relatively calm and windless; the nauseous odor settles in over very wide and uncontrolled areas. It is both perceptions and measurements that are the problem.
2. Venues have become a major activity for the Valley. We have many weddings and similar celebrations throughout the year. These are great advertisement for our county - enhancing reputation, adding to tourism and increasing business for the whole tourist industry. The threat of the Hemp and Marijuana smell permeating such events would be disastrous. Just a few very bad web reviews could seriously

erode these businesses. Our county must avoid such negativity, particularly in the coming economically challenging environment.

3. The Edna Valley has many fine homes that contribute well to the county tax base. Taxes are based on value, that can be a subjective judgement, tempered by the sale prices. A reputation for "bad air" would be harmful. In addition, experiences by Oregon Schools and others attest to lung-choking episodes. This is not the environment we should tolerate. The Edna Valley, with its frequent, very calm, evenings would be a concentrator of these problems, amplifying both intensity and geographic extent.

I strongly believe any significant risk to our valley for Grape Production, for delightful venues and for property values must be avoided.

I am hoping you will do the right thing and ensure such crops are not allowed in Edna Valley.

Very Best Regards

Brad and Ginny Parkinson
Hunkered down at home in the Edna Valley

Bradford W. Parkinson
Edward Wells Professor, Emeritus, Aeronautics and Astronautics (Recalled)
Co-Director Stanford Center for Position, Navigation and Time
Stanford University,
thegpsbrad@gmail.com

FW: [EXT]Hemp Ordinance

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 11:25 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (26 KB)

Hemp growing opposition.docx;

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Dennis Fernandez <djfern33@gmail.com>

Sent: Sunday, May 3, 2020 4:37 PM

To: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors,

My wife and I live in Edna Valley and are very concerned about the stringent odors that will invade our area should you pass an ordinance that would allow the cultivation of Hemp in Edna Valley.

Edna Valley is a special place with many residents who enjoy the pastoral setting of rolling hills of vineyards and other food crops. For certain the odor from Hemp will have a negative effect on these crops as well.

We implore you to preserve this area the way it is today. Hemp should be grown in remote areas where it does not have a negative effect on people and our precious food crops.

We have attached a detailed letter which outlines the further reasons for denying the planting of Hemp in Edna Valley.

We hope that you will support our position and vote accordingly.

Stay Safe!!

Dennis & Cheryl Fernandez

SLO – Edna Valley

May 3, 2020

FROM:

Dennis & Cheryl Fernandez

Live in Edna Valley since 2006:

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice my/our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will be a significant nuisance and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- "Terpene drift" coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article "Cannabis: The land use concerns of cultivation" stated M-Lab by the M Group. This could again have a major impact on our long-established local economy.

- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.
- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

I/We sincerely hope that you will support our opposition.

Best regards,

Dennis & Cheryl Fernandez

FW: [EXT]Hemp

Debbie Arnold <darnold@co.slo.ca.us>

Mon 5/4/2020 11:27 AM

To: AD-Board-Clerk <ad_board_clerk@co.slo.ca.us>

📎 1 attachments (148 KB)

Hemp growing opposition.docx;

Please add to correspondence for item #22.

Sincerely,

Micki Olinger
Legislative Assistant
5th District Supervisor Debbie Arnold
(p) 805-781-4339
(f) 805-781-1350
molinger@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

From: Carol Paquet <carolpaquet@me.com>

Sent: Sunday, May 3, 2020 5:41 PM

To: Debbie Arnold <darnold@co.slo.ca.us>

Cc: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>

Subject: [EXT]Hemp

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

This is an issue that is very important to me. Please read the attached document. Thank you.

kind regards,

Carol Paquet

CarolPaquet
contemporary fine art

www.CarolPaquet.com
info@CorkStopStudios.com

May 3, 2020

FROM:

ADDRESS:

Live in Edna Valley since:

TO: SLO County Board of Supervisors

RE: Proposed Hemp Ordinance

This letter is to voice my/our opposition to the proposed hemp ordinance. Hemp growing has the following known side effects and should be considered to have a significant negative impact on our immediate environment:

- Strong, pungent odor. For example, Sonoma County and Santa Barbara County already received many complaints from people living nearby hemp cop fields. Some hemp growers try to cover the smell up by using odor abatement or deodorizing systems, which could potentially put an additional burden on our environment.
- Hemp crops are being harvested several times a year, which means we will have an almost constant strong odor in the air surrounding us.
- According to Pollen.com, hemp pollen causes severe allergy symptoms in mid- to late-summer. People suffering from allergies will potentially have to endure an extended period of negative health impact.
- Edna Valley with its picturesque views, beautifully maintained vineyards and tasting rooms is attracting numerous visitors from all kinds of places. The odor coming from hemp will definitely be a nuisance, and have an immense impact on their enjoyment and subsequently on our local economy as well.
- In a small valley like ours, a mixture of winds coming from Pismo Beach, Los Osos and Morro Bay will cause the distribution of strong odors, no matter what the setbacks are.
- "Terpene drift" coming from hemp crops could have a negative effect on all other crops growing next to it, according to the article "Cannabis: The land use concerns of cultivation" stated M-Lab by the M Group. This could again have a major impact on our long established local economy.
- Large quantities of water are needed to grow hemp. I/We do not think that our water basin should be burdened even further.

- There must be other areas in the county that are more suitable to grow hemp without having such an immense impact on residents and established industry.

I/We sincerely hope that you will support our opposition.

Best regards,

ATTACHMENT H

Public Hearing Notification

- Affidavit of Publication (Legal Ad) - Planning Commission
- Planning Commission Notice
- Affidavit of Publication (Legal Ad) – Board of Supervisors
- Board of Supervisors Notice
- Local Coastal Program Mailing List

NOTICE OF PUBLIC HEARING

WHO: San Luis Obispo County Planning Commission

WHEN: **Thursday, January 23, 2020 at 9:00 a.m.** (All items are advertised for 9:00 a.m. To find out the agenda placement call the Planning Department at 781-5600.)

WHAT: Hearing to consider a request by the **COUNTY OF SAN LUIS OBISPO** to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.

County File Numbers: LRP2019-00008
Supervisory District: Countywide

Assessor Parcel Number: Various
Date Authorized: July 16, 2019

WHERE: The hearing will be held in the San Luis Obispo County Board of Supervisors Chambers, 1055 Monterey St., Room #D170, County Government Center, San Luis Obispo, CA. The Board of Supervisors Chambers are located on the corner of Santa Rosa and Monterey Streets. At the hearing all interested persons may express their views for or against, or to change the proposal.

FOR FURTHER INFORMATION: A copy of the staff report will be available on the Planning Department website, www.sloplanning.org. You may contact **Kip Morais** in the San Luis Obispo County Department of Planning and Building, County Government Center, San Luis Obispo, California 93408, (805) 781-5600 or at kmorais@co.slo.ca.us.

ENVIRONMENTAL INFORMATION: Also to be considered is the determination that this project is exempt from environmental review under CEQA based on the common sense exemption, CEQA Guidelines § 15061(b)(3).

COASTAL APPEALABLE: County action may be eligible for appeal to the California Coastal Commission after all possible local appeal efforts are exhausted. Appeals must be filed in writing as provided by Coastal Zone Land Use Ordinance Section 23.01.043.

****If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this public notice or in written correspondence delivered to the appropriate authority at or before the public hearing. ****

DATED: January 7, 2020

RAMONA HEDGES, SECRETARY
COUNTY PLANNING COMMISSION



1010 Marsh St., San Luis Obispo, CA 93401
(805) 546-8208 • FAX (805) 546-8641

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Luis Obispo,

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party interested in the above entitled matter. I am the principal clerk of the printer of the *New Times*, a newspaper of general circulation, printed and published weekly in the City of San Luis Obispo, County of San Luis Obispo, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of San Luis Obispo, State of California, under the date of February 5, 1993, Case number CV72789; that notice of which the annexed is a primed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

January 9
in the year 2020.

I certify (or declare) under the the penalty of perjury that the foregoing is true and correct. Dated at San Luis Obispo, California, this day 9 of January, 2020.

Patricia Horton
Patricia Horton, New Times Legals

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
NOTICE OF PUBLIC HEARING**

WHO: San Luis Obispo County Planning Commission

WHEN: Thursday, January 23, 2020, at 9:00 a.m. (All items are advertised for 9:00 a.m. To find out the agenda placement call the Planning Department at 781-5600)

WHAT: Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 - Agricultural Processing Uses, Section 23.08.040 - Agricultural Uses - Specialized, Section 23.10.150 - Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.000 Cannabis Activity and Industrial Hemp Related Violations.

County File Number: LRP2019-00008
Assessor Parcel Number: Various
Supervisorial District: Countywide
Date Authorized: July 18, 2019

WHERE: The hearing will be held in the San Luis Obispo County Board of Supervisors Chambers, 1055 Monterey St., Room #0170, County Government Center, San Luis Obispo, CA. The Board of Supervisors Chambers are located on the corner of Santa Rosa and Monterey Streets. At the hearing all interested persons may express their views for or against, or to change the proposal.

FOR FURTHER INFORMATION: A copy of the staff report will be available on the Planning Department website, www.stoplanning.org. You may contact Kip Morais in the San Luis Obispo County Department of Planning and Building, County Government Center, San Luis Obispo, California 93408, (805) 781-5600 or at kmorais@co.slo.ca.us.

ENVIRONMENTAL INFORMATION: Also to be considered is the determination that this project is exempt from environmental review under CEQA based on the common sense exemption, CEQA Guidelines § 15061(b)(3).

COASTAL APPEALABLE: County action may be eligible for appeal to the California Coastal Commission after all possible local appeal efforts are exhausted. Appeals must be filed in writing as provided by Coastal Zone Land Use Ordinance Section 23.01.043.

****If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this public notice or in written correspondence delivered to the appropriate authority at or before the public hearing****

DATED: January 7, 2020

RAMONA HEDGES, SECRETARY
COUNTY PLANNING COMMISSION

January 9, 2020

**NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS**

WHO: San Luis Obispo County Board of Supervisors

WHEN: **Tuesday, May 5, 2020, at 9:00 a.m.** (All items are advertised for 9:00 a.m. To find the agenda placement call the Planning Department at 781-5600.)

WHAT: Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.

County File Number: LRP2019-00008 Assessor Parcel Number: Various
Supervisory District: All Date Authorized: July 16, 2019

WHERE: The hearing will be held in the San Luis Obispo County Board of Supervisors Chambers, 1055 Monterey St., Room #D170, County Government Center, San Luis Obispo, CA. The Board of Supervisors Chambers is located on the corner of Santa Rosa and Monterey Streets. At the hearing all interested persons may express their views for or against, or to change the proposal.

FOR FURTHER INFORMATION: You may contact **Kip Morais, Project Manager**, in the San Luis Obispo County Department of Planning and Building, 976 Osos Street, Room 200, San Luis Obispo, California 93408, (805) 781-5600. The staff report will be available for review the Wednesday before the scheduled hearing date on the County's website at www.slocounty.ca.gov.

ENVIRONMENTAL INFORMATION: Also to be considered is the determination that this project is exempt from environmental review under CEQA based on the common sense exemption, CEQA Guidelines § 15061(b)(3).

****If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this public notice or in written correspondence delivered to the appropriate authority at or before the public hearing****

DATED:

WADE HORTON, EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS

By _____
Deputy Clerk

SUMMARY

RESOLUTION ADOPTING SPECIFIC amendments to Title 22 Land Use Ordinance, Title 22 Coastal Zone Land Use Ordinance, Title 1 General provisions of the County Code, AND CERTAIN PROVISIONS FOR PLANNING TABLE "G" FOR THE Industrial being DISTANCE

On May 6, 2020, the San Luis Obispo County Board of Supervisors adopted Resolution No. 2020-12 and Ordinance Nos. 2020-12A, 2020-12B, and 2020-12C amending the San Luis Obispo Land Use Ordinance - Title 22, Title 22A, and Title 1 of the County Code and Coastal Framework for Planning for the Industrial being Ordinance by the following roll call to roll:

YES: Supervisors Debbie Arnold, Adam R. Jahn, Peesheng and Chingmei Lynn Compton

NO: Supervisor Eileen Nave

ABSENT: None

ABSTAINING: None

The following amendments are proposed in order to allow for collection of industrial being within unincorporated areas of the county with restrictions to land use category, parcel size, and setbacks as contained in Resolution Nos. 2020-12B and Ordinance Nos. 2020-12A, 2020-12C, and 2020-12D are summarized as follows:

1. Amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 22A of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "G" (LUP2019-0000) to allow for the collection of industrial being

County File Number: **LUP2019-0000**
Supervisory District: **All**
Business Parcel Number: **N/A**
Date Submitted: **June 10, 2019**

DATED: May 6, 2020
PAID: HORTON, by Office Clerk of the Board of Supervisors

By: Debbie Arnold
Deputy Clerk
May 16, 2020

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list rev. nov 2018.docx

SLO COUNTY BUILDERS EXCHANGE
153 CROSS STREET #130
SAN LUIS OBISPO, CA 93401

LEW BONSER
1163 CREEKWOOD DR
SAN JOSE, CA 95129-4224

MRS. D. BOUCHER
75-232 HUALALAI RD #C
KAILUA KONA, HI 96740

CA NATIVE PLANT SOCIETY
P.O. BOX 784
SAN LUIS OBISPO, CA 93406

CRAIG & STEPHANI SMITH
SMITH BROTHERS
2100 BERING DRIVE APT 513
HOUSTON, TX 77057-3726

PUBLIC SERVICES DEPT/PLANNING
CITY OF PISMO BEACH
760 MATTIE ROAD
PISMO BEACH, CA 93449

ANN GARTRELL
817 MERCER AVE.
OJAI, CA 93023

ROBERT O. GIBSON
P.O. BOX 102
PASO ROBLES, CA 93447

MILA VUJOVICH-LA BARRE
650 SKYLINE DRIVE
SAN LUIS OBISPO, CA 93405-1050

MIKE RUDD
P.O. BOX 550
AVILA BEACH, CA 93424

DIV OF OIL, GAS GEOTHERMAL
US DEPT OF CONSERVATION
195 S. BROADWAY, SUITE 101
ORCUTT, CA 93455-4655

NORTH COAST ENGINEERING
725 CRESTON RD STE B
PASO ROBLES, CA 93446

ROMIN LAW FIRM
1200 N. MAIN STREET #910
SANTA ANA, CA 92701

JOHN & IRENE SAURWEIN
1478 3RD STREET
LOS OSOS, CA 93402

COMM DEV. DIRECTOR
CITY OF GROVER BEACH
154 S. 8TH ST
GROVER BEACH, CA 93433

RONALD E. THOMPSON
UNOCAL SANTA MARIA REFINERY
2555 WILLOW ROAD
ARROYO GRANDE, CA 93420

G. M. TAYLOR
P.O. BOX 6383
LOS OSOS, CA 93412

CDFW CENTRAL REGION 4
ATTN: JULIE VANCE
1234 E. SHAW AVENUE
FRESNO, CA 93710

CAMBRIA FORUM
950 MAIN STREET
CAMBRIA, CA 93428

ERIC DUDLEY
441 MINDORO
MORRO BAY, CA 93442

INTEROFFICE:
COUNTY CLERK RECORDER

JOYCE WILLIAMS
8929 SAN SIMEON CREEK ROAD
CAMBRIA, CA 93428

NATURE CONSERVENCY
201 MISSION STREET, 4TH FLOOR
SAN FRANCISCO, CA 94105

USDA-NATURAL RESOURCES CONS
SERVICE
920 E STOWELL ROAD
SANTA MARIA, CA 93454

DIEHL & RODEWALD
1043 PACIFIC STREET
SAN LUIS OBISPO, CA 93406

CHEVRON CO.
PO BOX 1392
BAKERSFIELD, CA 93302-1392

GREENSPACE
P.O. BOX 1505
CAMBRIA, CA 93428-1505

BOB SEMONSEN
1120 4TH STREET
LOS OSOS, CA 93402

DOMINIC PERELLO
1591 SLACK STREET
SAN LUIS OBISPO, CA 93405-1963

NORTH COAST ADVISORY COUNCIL
P.O. BOX 533
CAMBRIA, CA 93428

SAN SIMEON DISTRICT
CA DEPT OF PARKS & REC
750 HEARST CASTLE RD.
SAN SIMEON, CA 93452-9740

DAVE WATSON
WATSON PLANNING CONSULTANTS
P.O. BOX 385
PISMO BEACH, CA 93448

SIERRA CLUB – SANTA LUCIA
CHAPTER
974 SANTA ROSA STREET
SAN LUIS OBISPO, CA 93401

LAND CONSERVANCY OF SLO
COUNTY
1137 PACIFIC STREET SUITE A
SAN LUIS OBISPO, CA 93401

LEAGUE OF WOMEN VOTERS OF
SLO COUNTY
4111 BROAD STREET
SAN LUIS OBISPO, CA 93401

CHEVRON PIPELINE CO.
4000 HWY 1
MORRO BAY, CA 93442

CAROL LARSEN
1101 14TH STREET
LOS OSOS, CA 93402

MANAGER
MESA DUNES MOBILEHOME PARK
765 MESA VIEW DR.
ARROYO GRANDE, CA 93420

OCEANO ADVISORY COUNCIL
P.O. BOX 517
OCEANO, CA 93475-0517

CENTRAL COAST RC&D OFFICE
65 S. MAIN STREET SUITE 105
TEMPLETON, CA 93465

SMALL WILDERNESS AREA PRES.
P.O. BOX 6442
LOS OSOS, CA 93412

GALEN B. RATHBUN
P.O. BOX 70
SAN SIMEON, CA 93452

JAY ROCKEY
ROCKEY & WAHL, LLP
5743 CORSA AVENUE SUITE 116
WESTLAKE VILLAGE, CA 91362

SLO COUNTY AG COMMISSIONER
2156 SIERRA WAY
SAN LUIS OBISPO, CA 93408

THE HEARST CORPORATION
#5 THIRD STREET, SUITE 200
SAN FRANCISCO, CA 94103

LAND DEPARTMENT
SHELL WESTERN, E & P INC.
P.O. BOX 11164
BAKERSFIELD, CA 93389

SOUTH COUNTY SANITATION
DISTRICT
P.O. BOX 339
OCEANO, CA 93475

THE CAMBRIAN
2068 MAIN STREET
CAMBRIA, CA 93428

ENV. DESIGN DIVISION
CA DEPT OF PARKS AND REC
P.O. BOX 942896
SACRAMENTO, CA 94296-0001

SUN BULLETIN
1149 MARKET AVENUE
MORRO BAY, CA 93442

TELEGRAM TRIBUNE
P.O. BOX 112
SAN LUIS OBISPO, CA 93406

LIBRARY, CAMBRIA BRANCH
1043 MAIN STREET
CAMBRIA, CA 93428

LIBRARY, MORRO BAY BRANCH
625 HARBOR ST.
MORRO BAY, CA 93442

REFERENCE LIBRARIAN
LIBRARY, SLO CITY/COUNTY
P.O. BOX 8107
SAN LUIS OBISPO, CA 93403-8107

LIBRARY, SOUTH BAY BRANCH
2075 PALISADES AVE.
LOS OSOS, CA 93402

LIBRARY, SOUTH COUNTY BRANCH
800 WEST BRANCH
ARROYO GRANDE, CA 93420

CAMBRIA COMMUNITY SERVICES
DIST
1316 TAMSEN STREET SUITE 201
CAMBRIA, CA 93428

SAN SIMEON CSD
111 PICO AVENUE
SAN SIMEON, CA 93452

CAMBRIA CEMETERY DISTRICT
6005 BRIDGE STREET
CAMBRIA, CA 93428

CAMBRIA HEALTHCARE DISTRICT
2535 MAIN STREET
CAMBRIA, CA 93428

INTEROFFICE,
PUBLIC WORKS
COUNTY WATERWORKS DIST. #8

CAYUCOS SANITARY DISTRICT
P.O. BOX 333
CAYUCOS, CA 93430

MORRO ROCK MUTUAL WATER CO.
P.O. BOX 757
CAYUCOS, CA 93430

CAYUCOS FIRE DEPARTMENT
P.O. BOX 707
CAYUCOS, CA 93430

CAYUCOS ELEMENTARY SCHOOL
301 CAYUCOS DR.
CAYUCOS, CA 93430

DOUG BIRD
CO. SERVICE AREA #8 & #9;
HYDRAULIC OPERATIONS
COUNTY GOVERNMENT CENTER
SAN LUIS OBISPO, CA 93408

ADMIN OFFICE
SAN LUIS COASTAL UNIFIED
SCHOOL DIST
1500 LIZZIE ST
SAN LUIS OBISPO, CA 93401-3062

PLANNING & BUILDING
DEPARTMENT
CITY OF MORRO BAY
955 SHASTA AVENUE
MORRO BAY, CA 93442

LOS OSOS CHAMBER OF
COMMERCE
P.O. BOX 6282
LOS OSOS, CA 93412

AVILA BEACH COUNTY WATER DIST.
P.O. BOX 309
AVILA BEACH, CA 93424

COORDINATOR OF FACILITIES
LUCIA MAR UNIFIED SCHOOL DIST.
602 ORCHARD AVE.
ARROYO GRANDE, CA 93420

FIRE PROTECTION PLANNING
CA DEPT OF FORESTRY & FIRE
PROTECTION
635 NORTH SANTA ROSA
SAN LUIS OBISPO, CA 93405

ARTHUR VAN RHYN
P.O. BOX 43
CAMBRIA, CA 93428

WILLIAM L. DENNEEN
10175 MANFRE ROAD
MORGAN HILL, CA 95037-9247

JAMEE JORDAN PATTERSON
CA DEPT OF JUSTICE
P.O. BOX 85266
SAN DIEGO, CA 92186-5266

OFFICE OF PLANNING & RESEARCH
PO BOX 3044
SACRAMENTO, CA 95812-3044

CA DEPT OF FOOD & AGRICULTURE
1220 "N" STREET
SACRAMENTO, CA 95814

BUSINESS & TRANSP. AGENCY
1120 "N" ST.
SACRAMENTO, CA 95814

CA DEPT OF HOUSING & COMM DEV
P.O. BOX 952053
SACRAMENTO, CA 94252-2053

PLANNING DIVISION
CALTRANS, DISTRICT 5
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401

CALIFORNIA NATURAL
RESOURCES AGENCY
1416 NINTH ST., SUITE 1311
SACRAMENTO, CA 95814

CA AIR RESOURCES BOARD
P.O. BOX 2815
SACRAMENTO, CA 94812

CA DEPT OF CONSERVATION
801 K STREET, MS 24-01
SACRAMENTO, CA 95814

CA STATE COASTAL
CONSERVANCY
1515 CLAY STREET, 10TH FLOOR
OAKLAND, CA 94612-1401

CA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814

CA DEPT OF FISH & WILDLIFE
P.O. BOX 944209
SACRAMENTO, CA 94244-2090

CA DEPT OF BOATING &
WATERWAYS
P.O. BOX 942896
SACRAMENTO, CA 94296-0001

LOS OSOS ADVISORY COUNCIL
P.O. BOX 6361
LOS OSOS, CA 93412

STATE WATER RESOURCES
CONTROL BOARD
P.O. BOX 100
SACRAMENTO, CA 95812-0100

CENTRAL COAST RWQCB
895 AEROVISTA PLACE, SUITE 101
SAN LUIS OBISPO, CA 93401-7906

NEWS OFFICE
KSBY TV
1772 CALLE JOAQUIN
SAN LUIS OBISPO, CA 93405-7210

CA COASTAL COMMISSION
725 FRONT STREET, STE 300
SANTA CRUZ, CA 95060

DIV. OF OIL, GAS & GEOTHERMAL
RESOURCES
801 K STREET, MS 24-01
SACRAMENTO, CA 95814

USDA FOREST SERVICE
PACIFIC SOUTHWEST REGION
1323 CLUB DRIVE
VALLEJO, CA 94592-1110

USDA - RURAL DEVELOPMENT
430 G STREET DEPT 4169
DAVIS, CA 95616-4169

DISTRICT ENGINEER
US ARMY CORPS ENGINEERS
LOS ANGELES DISTRICT
915 WILSHIRE BLVD.
LOS ANGELES, CA 90017

WESTERN DIV. NAVAL FACILITIES
ENG. COMMAND, ENV PLNG
900 COMMODORE BRANCH 09F2
SAN BRUNO, CA 94066-2402

US EPA (W-4)
75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

US BUREAU OF RECLAMATION
2800 COTTAGE WAY
SACRAMENTO, CA 95825-1898

JOHN L. SANSING, SUPRINT
POINT REYES NATL SEASHORE
1 BEAR VALLEY ROAD
POINT REYES STATION, CA 94956

US FISH AND WILDLIFE SERVICE
2493 PORTOLA ROAD, SUITE B
VENTURA, CA 93003

BUREAU OF INDIAN AFFAIRS
650 CAPITOL MALL, SUITE 8-500
SACRAMENTO, CA 95814

COMMANDER
ELEVENTH COAST GUARD DISTRICT
COAST GUARD ISLAND
1800 DENNISON STREET
ALAMEDA, CA 94501

FED AVIATION ADMINISTRATION
777 S. AVIATION BLVD. #150
EL SEGUNDO, CA 90245-4806

RRM DESIGN GROUP
3765 S. HIGUERA, SUITE 102
SAN LUIS OBISPO, CA 93401

ENV. SERVICES - MARINE
CA DEPT FISH & GAME
4665 LAMPSON AVENUE C
LOS ALAMITOS, CA 90720

AGRICULTURE LIAISON BOARD
C/O SLO COUNTY FARM BUREAU
4875 MORABITO PLACE
SAN LUIS OBISPO, CA 93401

SLO CATTLEMEN'S ASSOC.
P.O. BOX 302
PASO ROBLES, CA 93447

SLO COUNTY FARM BUREAU
4875 MORABITO PLACE
SAN LUIS OBISPO, CA 93401

KCOY TV
1211 W. McCOY LANE
SANTA MARIA, CA 93455

ATTACHMENT I

Environmental Determination



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Notice of Common-Sense Exemption

PLN-1124
3/22/2018

Project Title and No.: Industrial Hemp Ordinance / LRP2019-00008 / ED20-040

Project Location (Specific address (use APN or description when no situs available)): Countywide	Project Applicant/Phone No./Email: County of San Luis Obispo/805-781-5600/kmorais@co.slo.ca.us Applicant Address (Street, City, State, Zip): 976 Osos Street, San Luis Obispo, CA 93408
--	--

Name of Public Agency Approving Project: County of San Luis Obispo

Description of Nature, Purpose, and Beneficiaries of Project:

Hearing to consider a request by the County of San Luis Obispo to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, the Coastal Framework for Planning Table "O" (LRP2019-00008), and Title 1 Administrative Fines, to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.

Exempt Status/Findings: This project is covered by the common-sense rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), Common-Sense Rule Exemption]

Reasons why project is exempt:

This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place limited restrictions on the cultivation of industrial hemp, a current crop production use. Crop production is currently an allowed use by-

right within the County of San Luis Obispo, and the provisions of the ordinance in and of themselves would not result in a physical change to the environment.

Additional Information: Additional information pertaining to this notice of exemption may be obtained by reviewing the second page of this document and by contacting the Environmental Coordinator, 976 Osos St., Rm 200, San Luis Obispo, CA 93408 (805) 781-5600.

Notice of General Rule Exemption

Project Title and No.: Industrial Hemp Ordinance LRP2019-0008

Pursuant to section 15061 of the State California Environmental Quality Act (CEQA) Guidelines, the preliminary review of a project includes a determination as to whether a project is exempt from CEQA. This checklist represents a summary of this project's review for exemption.

	<u>YES</u>	<u>NO</u>
1. Does this project fall within any exempt class as listed in sections 15301 through 15329 of the State CEQA Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is there a reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the project inconsistent with any Federal, State, or local law or administrative requirement relating to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will the project involve substantial public controversy regarding environmental issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Does the project have the potential to achieve short-term environmental goals to the disadvantage of achieving long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Does the project have adverse impacts that are individually insignificant but cumulatively significant? Cumulatively significant means that the incremental effects of an individual project are substantially adverse when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

On the basis of this initial evaluation, I find that the proposed project does not have the potential to cause a significant effect on the environment, and is therefore exempt from CEQA.

Xzandra Fowler Feb. 25, 2020
 Xzandra Fowler, Environmental Planning Manager Date



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, *DIRECTOR*

May 29, 2020

Kevin Kahn, Coastal Planner
California Coastal Commission
725 Front Street, Ste. 300
Santa Cruz, Calif. 95060

Subject: San Luis Obispo County Amendment No. LCP 1-20: An amendment to the Coastal Zone Land Use Ordinance, Title 23 of the County Code and the Coastal Framework for Planning Table "O" to allow for the cultivation of industrial hemp.

Dear Mr. Kahn:

Attached are the required materials for the County to submit the above amendment to the California Coastal Commission for formal consideration. We ask that the amendment be processed in accordance with Section 13551(b)(2) of Title 14 of the California Code of Regulations – as an amendment that will require County adoption after Commission approval.

Attached are supplements addressing other submittal requirements as prescribed by the Commission's regulations. If you need additional material, or if we have overlooked any component, please contact me at (805) 788-2788 or by email (kmorais@co.slo.ca.us).

Sincerely,

Kip Morais
Planner

Enclosures: Local Coastal Program Amendment for LCP 1-20

ATTACHMENT A

Supplement to LCP #1-20

**LCP AMENDMENT #1-20
COUNTY OF SAN LUIS OBISPO**

CONTENTS

- A Supplement to LCP #1-20
- B Planning Commission Staff Report
- C Planning Commission Minutes
- D Board of Supervisors Packet
- E Board of Supervisors Minutes
- F LCP #1-20 – Adopted Ordinance (Ordinance 3415), Resolution 2020-118, Exhibit A to Resolution
- G Letters and Other Correspondence
- H Public Hearing Notification
- I Environmental Determination
 - (1) Common-Sense Exemption

LCP #1-20: ATTACHMENT A
SUPPLEMENT TO LCP #1-20
COUNTY OF SAN LUIS OBISPO

A. INTRODUCTION

The following is meant to supplement the County's amendment submittal LCP #1-20 and provide the information required by Section 13551-13554 of the Commission's regulations.

B. SUBMITTAL REQUIREMENTS OF SECTION 13551-13552 OF TITLE 14, CALIFORNIA CODE OF REGULATIONS

1. Section 13551 – Local Government Resolution

Attached is the formal resolution of submittal to your Commission. By longstanding Board of Supervisors' policy, the County expects that the amendment will be processed pursuant to Section 13551(b)(2), as an amendment that will require formal local adoption after Coastal Commission approval. This is stated also in our cover letter for this submittal package.

2. Section 13552 – Contents of LCP – Amendment Submittal

a. Summary of measures taken to provide maximum public input on the process:

The County carefully followed Section 13515 and 13552 in the preparation, distribution, and publication of public hearing notices. Attached is our LCP mailing list comprised of media, libraries, federal, state, local agencies, interested persons, and others.

Notice of public hearing appeared in "The New Times," a newspaper of general circulation serving San Luis Obispo County on January 9, 2020. Notice of Planning Commission hearing was mailed to all persons on mailing list on or before January 7, 2020. The Planning Commission held a hearing on January 23, 2020 in the County Government Center, San Luis Obispo, which is accessible to all areas of the Coastal Zone.

Notice of the Board of Supervisors public hearing appeared in "New Times," a newspaper of general circulation serving San Luis Obispo County, on April 30, 2020. The Board of Supervisors public hearing was held on May 5, 2020 in the County Government Center, San Luis Obispo, which is accessible to all areas of the Coastal Zone. On May 5, 2020, the Board of Supervisors adopted the ordinance approving these amendments for submittal to the Coastal

Commission. Staff intends to send a courtesy notice of the Coastal Commission's Hearing regarding the Industrial Hemp Ordinance prior to that hearing date to all parties on the LCP Mailing List which will be published in "The New Times".

b. *Related policies, plans, etc. to the amendment are provided.*

LCP #1-20 is a request to approve amendments to the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp. The requested amendments include: 1) an amendment of Title 23 to Section 23.11.030 – Coastal Zone Land Use Definitions, to add definitions for industrial hemp related activities, 2) amendments to section 23.08.042 adding industrial hemp processing as a type of agricultural processing. Industrial hemp processing would be subject to discretionary permitting similarly to other agricultural processing uses. 3) Amendments to Section 23.08.040 – Agricultural Uses - Specialized to add requirements for location standards for industrial hemp cultivation, nuisance odors, registration requirements, and enforcement. 4) Amendments to Chapter 23:10.150 – Nuisance Abatement to add procedures for industrial hemp related violations and 5) amendments to the Coastal Framework for Planning Table "O" to add industrial hemp cultivation as a subcategory of crop production and grazing and 6) an amendment to Chapter 6, Section D – Land Use Definitions of Coastal Zone Land use Element for Crop Production and Grazing [A5] to prohibit in the field sales of industrial hemp products.

c. *Discussion of relationship to, and effect on, other sections of the LCP.*

The Coastal Framework for Planning includes Goals for Land Use that includes providing areas where agricultural, residential, commercial and industrial uses maybe be developed in harmonious patterns and with all necessities for satisfactory living and working environments. Table O of Coastal Framework for Planning provides for industrial hemp cultivation in the Agricultural, Rural Lands, and Residential Rural land use categories as a special use allowable subject to special standards and/or processing requirements. Industrial Hemp is listed as a subcategory of Crop Production and Grazing in Table O. The Guidelines for Amendments to the Coastal Zone Land Use Ordinance include:

1. *All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:*
 - a. *To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;*

- b. *To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings;*
 - c. *To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.*
2. *Designs for proposed residential uses should include:*
 - a. *Provisions for privacy and usable open space;*
 - b. *Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.*
 - c. *Buildings should take advantage of solar opportunities where feasible.*
 3. *All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.*

The proposed amendments are consistent with the Guidelines for Amendments to the Coastal Zone Land Use Ordinance. The proposed amendments allow cultivation of industrial hemp similar to other types of crop production and grazing, but with added restrictions to be compatible with present and potential adjacent land uses. Industrial hemp processing is treated as a agricultural processing use and is subject to the same permitting requirements as existing ag processing uses.

- a. *The requirements of Section 13552 – common methodology:*

This amendment does not affect the common methodology under which our Local Coastal Program was found consistent and certified by the Coastal Commission, since the amendment is consistent with the policies of Chapter 3 of the Coastal Act.

- b. *CEQA documents:*

This project is exempt from CEQA pursuant to the General Rule Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place limited restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use by-right within the County of San Luis Obispo, and no new uses are proposed.

- c. *An indication of zoning measures:*

The polices and standards of the Land Use Element and Local Coastal Program and other CZLUO standards are unaffected. This amendment is consistent with LCP policies.

4. Summary of Contents

Attached are the minutes from the Board of Supervisors public hearing on this amendment. The minutes include all testimony received and response to the testimony.

B. CHECKLIST OF SUBMITTAL CONTENTS

1. Required Material
 - a. Transmittal letter.
 - b. Supplement to LCP #2-20 – How submittal meets the requirements of California Code of Regulations, Sections 13551-13554. (*Attachment A*)
 - c. Minutes of the Board of Supervisors meeting. (*Attachment E*)
 - d. Board of Supervisors adopted resolution ordinance. (*Attachment F*)
 - e. LCP mailing list, interested parties mailing list, copy of public notices mailed and published. (*Attachment H*)

2. Text Materials
 - a. Planning Commission minutes reflecting their action. (*Attachment C*)
 - b. The Planning Commission Staff Reports. (*Attachment B*)
 - c. Letters received during public hearings. (*Attachment G*)
 - d. Board of Supervisors Staff Report. (*Attachment D*)

ATTACHMENT B

Planning Commission Staff Report



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE January 23, 2020		CONTACT/PHONE Kip Morais (805) 781-5136 kmorais@co.slo.ca.us		APPLICANT County of San Luis Obispo		FILE NO. LRP2019-00008	
SUBJECT Hearing to consider a request by the County of San Luis Obispo for an amendment to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.							
RECOMMENDED ACTION Recommend to the Board of Supervisors approval of Land Use Ordinance, Coastal Zone Land Use Ordinance, and Coastal Framework for Planning Amendment LRP2019-00008 based on the findings listed in Attachment 1.							
ENVIRONMENTAL DETERMINATION This project is exempt from CEQA under the Common Sense Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]							
LAND USE CATEGORY All		COMBINING DESIGNATION Not Applicable		ASSESSOR PARCEL NUMBER Not Applicable		SUPERVISOR DISTRICT(S) All	
PLANNING AREA STANDARDS: Not Applicable							
EXISTING USES: Not Applicable							
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The proposed amendments were referred to: Public Works, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, Community Advisory Groups, Air Pollution Control District, California Coastal Commission, Farm Bureau, neighboring counties, California Coastal Commission, California Department of Fish and Wildlife, US Department of Fish and Wildlife, RWQCB, California Department of Conservation, Agricultural Liaison Advisory Board, interested parties e-mail list.							
TOPOGRAPHY: Not Applicable				VEGETATION: Not Applicable			
PROPOSED SERVICES: Not Applicable				AUTHORIZED FOR PROCESSING DATE: July 16, 2019			
<p align="center">ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</p>							

PROJECT SUMMARY

The Public Hearing Drafts (“PHD Ordinances”) found in Attachment 2 (Redline Version) and Attachment 3 (Clean Version) contain standards for establishing the cultivation and processing of industrial hemp as defined by the PHD Ordinances, regulations for location and operation of that use, and provisions for enforcement activities. Industrial hemp cultivation is regulated through restrictions to land use category, location standards, and parcel size.

DISCUSSION

Background

Industrial hemp as defined by Section 11018.5 of the California Health and Safety Code means a fiber or oilseed crop, or both, that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent (0.3%) tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom. Section 81000 of the California Food and Agricultural Code states “industrial hemp” has the same meaning as that term is defined in Section 11018.5 of the Health and Safety Code. Title 22 and the San Luis Obispo County Coastal Zone Framework for Planning define industrial hemp consistent with Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Prior to the signing of the 2018 Farm Bill, industrial hemp was listed as a controlled substance under the federal Controlled Substances Act. The 2018 Farm Bill removed industrial hemp from the list of controlled substances and designated it as an agricultural commodity, subject to specific regulations. Federal law allows the cultivation of commercial industrial hemp and the cultivation of industrial hemp for research purposes if it is produced in accordance with an approved state program. Specifically, state law requires that commercial growers of industrial hemp register with the County Agricultural Commissioner prior to cultivation. Registration is conducted on an annual basis. The County cannabis ordinance adopted in November 2017 excluded industrial hemp from the definition of cannabis, and specifically placed industrial hemp cultivation in the “crop production and grazing” land use category.

On May 21, 2019, the Board of Supervisors (“Board”) directed staff to draft the Industrial Hemp Urgency Ordinance to address local concerns regarding industrial hemp cultivation in San Luis Obispo County. The Board adopted the urgency ordinance on June 18, 2019, which applied a temporary moratorium on the cultivation of industrial hemp in San Luis Obispo County. Upon adoption of the urgency ordinance, the Department of Agriculture/Weights and Measures ceased issuance of any new industrial hemp registrations aside from those that were issued prior to the urgency ordinance effective date. Registered growers include 17 commercial growers with a total of 452 acres and 9 entities cultivating industrial hemp for research purposes as of the effective date of the urgency ordinance. Under the urgency ordinance, these research growers were allowed to cultivate industrial hemp through December 31, 2019.

On June 18, 2019, the Board directed staff to prepare a permanent ordinance that would allow industrial hemp cultivation to occur within the County with limitations based on land use category, parcel size, and setback requirements. The Board directed that the permanent ordinance should not establish a discretionary use permit process, but only establish a regulatory framework as to

where hemp cultivation may occur by-right. On July 2, 2019, the Agricultural Liaison Advisory Board (ALAB) submitted a letter to the Board of Supervisors with concerns about the land use regulations imposed on industrial hemp production, emphasizing that hemp should not have land use restrictions different from other legal crops, and expressing concerns about the precedent that this action could set for future regulation of other agricultural commodities. On July 16, 2019, the Board of Supervisors voted to extend the urgency ordinance through June 2020. At that same meeting the Board directed staff to work with ALAB to serve as the advisory group for drafting the permanent hemp ordinance.

Board Direction, ALAB input, and public comment

The proposed ordinance amendments were developed based on research, input from the ALAB subcommittee, and public comment. As stated above, the Board provided direction to the Department of Planning and Building during the urgency ordinance extension hearing as summarized in the table below.

TABLE 2: SUMMARY OF BOARD DIRECTION & PROPOSED ORDINANCE	
Board Direction	Proposed Ordinance based on Board Direction, ALAB subcommittee, and public comment
Ministerial approval process	<ul style="list-style-type: none"> Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review.
Limits to land use categories	<ul style="list-style-type: none"> Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories. Residential Rural outdoor cultivation will be limited to non-flowering transplants only.
Establish Setbacks	<ul style="list-style-type: none"> Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences. Indoor industrial hemp cultivation is limited to fully enclosed buildings or greenhouses and setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership, and require ventilation controls to eliminate nuisance odors.

ALAB Hemp Subcommittee

At the August 5, 2019 ALAB meeting, a subcommittee was formed to work with the Planning and Building Department to draft the permanent hemp ordinance. Members of the original subcommittee consisted of representatives of the hemp industry, wine grape industry, ALAB members, vegetable industry members, and representatives of the Farm Bureau. Other industry members, interested parties, representatives of the Planning and Building Department and the Department of Agriculture/Weights and Measures were also in attendance. Three initial subcommittee meetings were held, and the results of those meetings were presented at the September 9, 2019 ALAB meeting (attached). The subcommittee discussions focused on the Board-directed topics of zoning limitations, setbacks, and minimum parcel size. While the subcommittee did not come to consensus on all issues, they agreed on the following:

ZONING LIMITATIONS:

- Agriculture (AG) and Rural Lands (RL) zoned parcels: Hemp cultivation, both indoor and outdoor, should be allowed on these properties.
- On lands zoned Rural Residential (RR), cultivation of transplants should be allowed. Since transplants will be defined as only non-flowering plants, this cultivation should be allowed both indoors and outdoors. It is recognized that transplant growing will typically be done indoors in greenhouses on RR zoned properties, but they may need to move them outside to harden them off prior to shipping and there is no reason to disallow that ability.
- On lands zoned Rural Residential (RR), Industrial (IND), and Commercial Services (CS), growers would have the option of going through the discretionary use permit process (Minor Use Permit) to grow full flowering plants.

SETBACKS or BUFFERS:

- The subcommittee agreed that any setbacks that may be established should be measured from a specific identified uses and boundaries off-site from the hemp grower's parcel and not from the hemp grower's property line. In other words, there is no need for setbacks from a grower's property line if the hemp cultivation is taking place well away from any potential conflicts.
- The subcommittee agreed that any setbacks or buffers that may be established should be measured from a "sensitive site" or "sensitive receptor". There was not an agreement established on exactly what those sensitive receptors should be. Items discussed included schools and state licensed daycares, residential zoned areas or properties (as opposed to a single residence or a couple of residences located on agricultural zoned lands), existing agricultural crops/commodities, wineries, and winery tasting rooms.

MINIMUM PARCEL SIZES:

- The subcommittee agreed that a minimum parcel size was not required. It was discussed that any setbacks or buffers developed would be geared toward alleviating land use conflict between neighbors, and would be more effective than a minimum parcel size (e.g. if there was a minimum parcel size but no setback/buffer established,

than the grower could still plant in a corner of his property close directly adjacent to other residences or established crops and a required minimum parcel size would be ineffective). In addition, by not allowing full flowering hemp plants on those parcels zoned for residential land uses, that alleviates much of the need to establish minimum parcel sizes.

Some of the recommendations of the subcommittee were incorporated into the Public Review Draft. The limiting of Industrial Hemp Cultivation to Agriculture, Rural lands, and Residential Rural land use categories were incorporated, as were restrictions on cultivation of outdoor transplants in the Residential Rural land use category. Per the subcommittee's recommendation, setbacks were established from the areas of cultivation to specific uses rather than from property lines or public right of ways. Broadening the land use categories where cultivation would be permitted through a discretionary permitting process was not incorporated into the draft, as the Board direction was to establish a non-discretionary process. The public review draft also incorporated minimum parcel sizes per Board direction.

Cultivation Standards

The subcommittee did not reach consensus on what the distance setbacks should be. There is a lack of currently available scientific research on hemp odor or the potential for terpene taint affecting crops such as grapes, making it difficult to determine a logical rationale for a specific setback distance. It is likely that this research will be forthcoming in the near future. The setback distances for outdoor (300 ft) and indoor (100 ft) cultivation are consistent with those in the Cannabis Ordinance, although in the Cannabis ordinance these setbacks are from property lines for outdoor cultivation and from specific offsite uses for indoor cultivation. The proposed setbacks for the Industrial Hemp Ordinance are based on setbacks from specific uses rather than property lines. The 1,000-foot setback from "sensitive receptors" in the Cannabis Ordinance was not incorporated into the Industrial Hemp Ordinance for two reasons. The first is that the term "sensitive receptor" has a specific meaning per the California Health and Safety Code. Sensitive receptor provisions under the California Health and Safety Code don't relate to agricultural odors. The second is that the 1,000-foot setback was taken from Proposition 64 aimed at diversion to minors because of Cannabis's status as a federally illegal schedule 1 drug, which is not the case with hemp. This standard was not based on odor.

The subcommittee and Agricultural Commissioner's Office specified that there is an important difference between flowering (odor-causing) and transplant-only cultivation. This distinction informed Staff's recommendation and was incorporated into the setbacks for the public review draft. However, staff determined that having distinct setbacks for only flowering plants rather than transplants would lead to the inability for code enforcement officers to be able to distinguish between them until after plants had flowered. As such, the proposed ordinance has been revised to include setbacks for transplant as well. Setbacks are measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. Per Board direction, minimum parcel sizes were added consistent with the 10-acre outdoor minimum for Cannabis cultivation allowed in the Agricultural Land Use Category. A smaller parcel size is more appropriate for indoor operations provided nuisance odors do not escape offsite. The following table breaks down the setbacks and minimum parcel size by land use category and cultivation type in the public hearing draft.

Cultivation Type		Minimum Parcel Size	Land Use Category		
			Agriculture	Rural Lands	Residential Rural
Outdoor	Flowering	10 acres	300'	300'	Prohibited
	Transplant	10 acres	300'	300'	300'
Indoor	Flowering	5 acres	100'	100'	100'
	Transplant	5 acres	100'	100'	100'

Industrial Hemp Processing and Manufacturing

Industrial hemp processing is treated as an agricultural processing use. It is limited to drying, curing, trimming, packaging, and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). Industrial hemp processing is limited to land use categories where agricultural processing is allowed, and subject to discretionary review. Manufacturing of finished hemp products, including those products that require cannabinoid extraction and infusion, are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, and hemp textiles would be classified as textile manufacturing etc.

Enforcement

Violations of County Code or state law related to industrial hemp constitutes a public nuisance and is subject to code enforcement procedures. Industrial hemp crops are subject to review and inspection at any time, including crop and/or product testing by the Sheriff's Department, Code Enforcement, and Department of Agriculture/Weights and measures. If an industrial hemp crop were to test positive for THC content greater than that established under Section 81000 of the Food and Agricultural Code, the burden to remediate the situation would be on the applicant. Cannabis Hearing Officer duties and powers are proposed to be amended to include industrial hemp abatement hearings and determination of post-abatement costs and assessments.

Public Review Draft Comments

At the September 9, 2019 ALAB meeting it was recognized that although the Planning and Building Department needed to proceed with drafting the ordinance in order to return to the Board by Spring 2020, the subcommittee would continue with three subsequent monthly meetings to provide input on the drafting of the ordinance. Both the ALAB meetings and the subcommittee meeting were open for members of the public to attend and comment. The public review draft of the ordinance was released for public comment on November 11, 2019.

Revisions were made to the ordinance based on comments to the public review draft. Setbacks from religious facilities and cannabis grows were added to the location standards section. Per comments received from County Counsel, setbacks were required for industrial hemp transplants to avoid situations where Code Enforcement would not be able to distinguish between transplants and flowering cultivation until flowering had occurred, making it difficult to determine if there was a setback violation prior to flowering. The majority of comments advocated for changing the proposed setbacks, with the majority in favor of increased setbacks. Staff recognizes that

variability in temperature, wind, and size of grow can effect the distance at which odors would be detectable. The Planning Commission has the discretion to recommend a greater setback distance based on these comments. Response to public comments have been attached for reference.

GENERAL PLAN CONSIDERATIONS AND CONSISTENCY

The proposed amendment was reviewed for consistency with the General Plan and found to be consistent because they include revisions to protect the public safety, health and welfare by preventing the establishment of nuisances by the cultivation of industrial hemp, and they are consistent with the Land Use Ordinance Amendment guidelines in the General Plan.

Framework for Planning – Inland and Coastal Zone

The purpose of the following principles and goals are to better define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns.

Inland

- Principle 1: Protect agricultural land and resources

Coastal Zone

- Goal 1: Conserve agricultural resources and protect agricultural land

The proposed amendment would support and be consistent with the principles and goals. Industrial Hemp Cultivation is currently prohibited by the urgency ordinance. The proposed amendment would reduce barriers for Industrial Hemp Cultivation and establish cultivation standards for industrial hemp designed to reduce conflict with other uses. In addition, the County has formed and consulted with a technical advisory committee and considered public comments.

Agricultural Element

The intent of the Agricultural Element is to promote and protect the agricultural industry of the County, to provide for a continuing sound and healthy agriculture in the County, and to encourage a productive and profitable agricultural industry.

- AG1: Support County Agricultural Production
- AG4: Encourage Public Education and Participation

In developing the draft ordinance, cultivation standards were developed to allow the cultivation of industrial hemp in areas and in a manner that lessens impacts to other crop types and uses. In addition, the ordinance was designed to allow for a registration process with no discretionary review to ensure processing procedures are rapid and efficient.

CEQA REVIEW

This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty

that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo.

REFERRALS

The proposed amendments were referred to: Public Works, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, Community Advisory Groups, Air Pollution Control District, California Coastal Commission, Farm Bureau, neighboring counties, California Coastal Commission, California Department of Fish and Wildlife, US Department of Fish and Wildlife, RWQCB, California Department of Conservation, Agricultural Liaison Advisory Board, and the interested parties e-mail list. Staff received comment letters from various groups and individuals, which are included in the attached Response to Comments.

SB18

Pursuant to the requirements of Senate Bill 18 (SB 18 – 2004), any County that considers a General Plan Amendment must invite representatives from affected local tribes to participate in meaningful consultation with the local government for the purpose of discussing tribal concerns related to the proposed project. SB 18 consultation was initiated for the proposed amendments in October 2019. No requests for consultation were received.

ATTACHMENTS

The following attachments include all of the required documentation for amendments to the Local Coastal Plan and County Code to establish Industrial Hemp Cultivation. The proposed amendments are in legislative change format. Following the Planning Commission hearing on this item, the applicable draft resolution language will be prepared/ revised for the Board's review.

1. Findings
2. Proposed Ordinances (Redline Version)
3. Proposed Ordinances (Clean Version)
4. Public Comments Summary and Responses
5. Public Comments
6. Notice of Exemption

Staff Report prepared by Kip Morais and reviewed by Brian Pedrotti and Airlin Singewald.

ATTACHMENT C

Planning Commission Minutes

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jay Brown; Mike Multari; Dawn Ortiz-Legg; and Don Campbell

ABSENT: None

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.

Jay Brown: opens Public Comment with no one coming forward.

PLANNING STAFF UPDATES

2. Briefing on Planning Commission Schedule and Appeals

Xzandrea Fowler, Environmental Coordinator: updates Commissioners on their near term schedule and recent Board of Supervisor actions.

CONSENT AGENDA:

3. **GENERAL PLAN CONFORMITY REPORT** - The Planning Director has issued the following General Plan conformity report. This is a notice of a completed conformity report to the Planning Commission as required by Section B, Chapter 7 of Framework for Planning, Part 1 of the county Land Use Element, and is being provided for public information only. No action need be taken by the Planning Commission except to Receive and File the report. The decision to issue a General Plan conformity report is solely at the discretion of the Planning Director, although appeals of the Planning Director's determination may be made in accordance with the provisions of the Land Use Ordinance.

A report on the determination of conformity with the County General Plan for the proposed acquisition of two separate easement agreements on two parcels of 54.6-acres (APN: 076-231-074) and 73.33-acres (APN: 076-231-075) from Cool Properties LLC and Spearman Family Trust, for the purpose of obtaining a trail alignment on a portion of the Ontario Ridge Trail. The two easements will be of varying widths, but not less than 20-feet wide. The parcels are within the Rural Lands land use category and are located at the intersection between Avila Beach Drive and Ontario Road, north of the City of Pismo Beach, within the San Luis Bay Coastal Planning Area.

County File Number: DTM2019-00050
 Supervisorial District: 3
Project Manager: Katie Nall

Assessors Parcel Number: 076-231-074, -075
 Date Accepted: NA
Recommendation: Receive and File

4. Determination of conformity with the General Plan for the proposed surplus and sale of County-owned real property (APNs: 021-231-024, 021-231-041, 021-231-017), on the corner of 12th Street and N Street in the community of San Miguel. The parcels are located within the Residential Multi-Family land use category in the Salinas River Sub-Area of the North County Planning Area

County File Number: DTM2019-00051

Assessor Parcel Number: 021-231-024, 021-231-041, 021-231-017
 Supervisorial District: 1 Date Accepted: Not Applicable
 Project Manager: Katie Nall Recommendation: Receive and File

The Commission approves Consent Items 3 and 4.

Motion by: Don Campbell
Second by: Michael Multari

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

HEARINGS: (ADVERTISED FOR 9:00 A.M.)

- 5 A continued hearing from January 9, 2020 to consider a request by Alyson Rodges for Development Plan/Coastal Development Permit (DRC2019-00163) for a commercial dog kennel and training facility. The applicant proposes to convert existing storage structures for this facility. The applicant is also requesting modification of development standards of Specialized Animal Facilities (CZLUO 23.08.052.g.[4].[ii]) to allow access from a privately maintained road. No site disturbance is proposed. The proposed project is within the Industrial land use category and is located at 776 Calle Bendita Road in the village of Callender-Garrett. The site is in the South County (Coastal) Planning Area. Also to be considered is the determination that this project is categorically exempt from environmental review under CEQA.

County File Number: DRC2019-00163
 Supervisorial District: 4
Project Manager: Young Choi

Assessor Parcel Number: 091-351-054
 Date Accepted: October 22, 2019
Recommendation: Continue to Off Calendar

Kate Shea, staff: provides reasoning for a continuance off calendar request.

The Commission continues this item off calendar.

Motion by: Michael Multari
Second by: Dawn Ortiz-Legg

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

6. Hearing to consider a request by **Golden State Water Company (GSWC)** for a Development Plan/Coastal Development Permit to allow for the replacement of an existing 84,000-gallon bolted steel water tank (reservoir) with a new 140,000-gallon welded steel reservoir. The project will disturb the entire 0.33-acre (14,375-square-foot) parcel located within the Residential Suburban land use category. The site is located on the south side of Alamo Drive, approximately 250 feet south of Rodman Drive, within the community of Los Osos, in the Estero planning area. Also to be considered at the hearing will be adoption of the Mitigated Negative Declaration prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on December 19, 2019 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Geology and Soils, Hazards/Hazardous Materials, Noise, and Land Use and are included as conditions of approval.

County File Number: DRC2019-00068

Assessor Parcel Number: 074-021-034

Supervisorial District: 2

Date Accepted: September 16, 2019

Project Manager: Katie Nall

Recommendation: Approval

Katie Nall, Project Manager: presents staff report.

Commissioners: ask questions of staff.

Jay Brown: opens Public Comment with no one coming forward.

Commissioners: deliberate.

The Commission adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and approves Development Plan DRC2019-00068 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

Motion by: Michael Multari

Second by: Dawn Ortiz-Legg

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

- 7 Hearing to consider a request by **420 Strains, Inc.** for a Conditional Use Permit / Coastal Development Permit (DRC2019-00090) to establish 745 square feet of non-volatile cannabis manufacturing, 153 square feet of cannabis distribution, and to establish a 93 square-foot non-storefront dispensary for mobile delivery within a 1,900 square-foot lease space on the first floor of an existing 2,850 square-foot building. Activities would include non-volatile cannabis manufacturing, shipping, receiving, processing, packaging, labeling, and delivery of cannabis products from licensed operators. Per ordinance, the dispensary may operate from 8:00 a.m. until 8:00 p.m. daily. No changes to the building footprint or architecture is proposed and the project will not result in any new site disturbance. The project is located within the Commercial land use category located at 1492 Railroad Street in the community of Oceano. The project is located within the San Luis Bay (Coastal) Planning Area. Also to be considered is the determination that this project is categorically exempt from the environmental review under CEQA.

County File Number: DRC2019-00090
 Supervisorial District: 4
Project Manager: Holly Phipps

Assessor Parcel Number: 061-046-056
 Date Accepted: June 25, 2019
Recommendation: Approval

Holly Phipps, Project Manager: presents staff report.

Commissioners: ask questions of staff.

Jay Brown: opens Public Comment

Ron Lawrence, applicant: addresses questions from the Commissioners and explains proposal aspects.

Commissioners: deliberate.

The Commission approves Conditional Use Permit DRC2019-00090 based on the findings listed in Exhibit A and the conditions listed in Exhibit B. Adopted.

Motion by: Dawn Ortiz-Legg
Second by: Michael Multari

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

- 8. Hearing to consider a request by the **County of San Luis Obispo** for amendments to the General Plan, Land Use Ordinance, Title 22 of the County Code, and the Coastal Zone Land Use ordinance Title 23 of the County Code, to modify combining designations for lands with significant mineral resources and lands adjacent to existing mines and quarries (Mineral Resource Designation Amendments). Also to be considered is the environmental determination that this project is not a project as defined under CEQA and even if it were a project under CEQA, it would be exempt under the Common Sense Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]

County File Number: DRC2017-00017

Project Manager: Jillian Ferguson

Recommendation: Board of Supervisors approval

Jillian Ferguson, Project Manager: presents staff report.

Brian Pedrotti, staff: displays new Item 55 Santa Margarita mining designation language for review.

Commissioners: begin asking questions of staff.

Jay Brown: opens Public Comment.

Charles Kleeman: speaks.

Commissioners: deliberate.

The Commission recommends the Board of Supervisors approve Land Use Ordinance, Coastal Zone Land Use Ordinance, Inland and Coastal Frameworks for Planning, and Conservation and Open Space Element Amendment LRP2013-00017 based on the findings listed in Attachment 1, including the addition of Item 55 to the Mineral Resource Area (MRA) list in Section II.6.2 of the North County Area Plan to read: Item 55. Santa Magarita (MRA). The Santa Magarita MRA combining designation has been classified as containing regionally significant mineral deposits. Any extraction facilities to be located within this MRA should be designed in consideration of the ultimate buildout of that community.

Motion by: Don Campbell

Second by: Dawn Ortiz-Legg

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown		X		
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

- Hearing to consider a request by the **County of San Luis Obispo** for an amendment to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations. Also to be considered is the environmental determination that this project is exempt from CEQA under the Common Sense Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]

County File Number: LRP2019-00008

Project Manager: Kip Morais

Recommendation: Board of Supervisors approval

Kip Morais, Project Manager: presents staff report.

Commissioners: ask questions of staff.

The Commission agrees to hold the meeting past 12:00 PM

Motion by: Don Campbell

Second by: Michael Multari

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

Jay Brown: opens Public Comment.

Frank Brown, Richard Halgren, Ray Poiset, Slater Heil, Rhys Gardiner, Brandon Rivers, John Sordelet, Bill Greenough, Lucas Raines, Sean Donahoe, Sue Sullivan, Robin Baggett, Brent Burchett, Murray Powell, Claire Wineman, Lynda Ziegler, Jena Wilson, Judy Darway, Nick Andre, Crystal Bradshaw, Donna Mehlschau, Collette VanGerwen, George Donati, and Bruce Falkenhagen: speak.

Commissioners: begin deliberations.

Michael Multari: suggests treating Hemp as a non-discretionary crop and provides reasoning.

Commissioners: straw vote on having special areas of the county where Hemp cultivation would be prohibited. Don Campbell is willing to extend the Urgency Ordinance. Michael Multari is inclined to forward staff's recommendation along with areas of concern with Dawn Ortiz-Legg and Jay Brown in agreement.

Michael Multari: would like to convey to the Board of Supervisors that if there may be sub areas of the county exempting hemp cultivation then Hemp cultivation should be subject to a Minor Use Permit application.

Don Campbell: cannot support the recommendation until further research has been conducted on the effect Hemp will be on the Wine industry.

Michael Multari: suggests a straw vote for those in favor of forwarding the recommendation to the Board of Supervisors asking them to consider special areas within the county where Hemp cultivation would be prohibited. Special characteristics of the areas such as topographical conditions, proximity to ocean, prevailing winds, other existing micro climates, sustainability to pesticides, with annual review of potential harm.

Don Campbell: is willing to accept an extension to the Urgency Ordinance due to the research he would like conducted. Cannot straw vote yes or no.

Jay Brown: is inclined to vote with Comm. Multari’s recommendation as well as Comm. Ortiz-Legg.

Dawn Ortiz-Legg: would also like to convey a smaller lot minimum size.

Michael Multari: suggests the Board of Supervisors consider that there may be special sub areas of the county that are particularly sensitive where industrial Hemp is not an appropriate use. Additionally, we should allow reductions in the minimum sizes and setbacks subject to a discretionary approval such as a Minor Use Permit.

Don Campbell: understands the intent, however, feels extending the Urgency Ordinance with the same allowances is preferable to him.

Rob Fitzroy, Assistant Director: suggests an option to continue this hearing to give commissioners time to provide direction to staff and return.

Commissioners: deliberate a continuance and an extension of the Urgency Ordinance.

Brian Stack, County Counsel: explains the limited exemptions adopted for the Urgency Ordinance, in regard to an extension of the Urgency Ordinance.

Commissioners: decide to take an action on the amendments to the ordinance today.

Straw vote on staff’s recommendation with additional comments to the Board of Supervisors. Yes=Michael Multari, Jay Brown, and Dawn Ortiz Legg. No=Don Campbell.

Commissioners: convey the following recommendations for the Board of Supervisors to consider in their deliberations of the ordinance.

1. Special areas of the county where Hemp cultivation would potentially not be allowed returning to the Planning Commission with definitions of these special areas.
2. Allow reductions in the lot size subject to a discretionary permit such as a Minor Use Permit.
3. Discretionary permit in Rural Residential proximity to the Urban Reserve Line (URL), Ministerial Permit or the Ag and Rural Lands land use categories when 1000’ from URL and VRL locations.

The Commission recommends the Board of Supervisors approve Land Use Ordinance, Coastal Zone Land Use Ordinance, and Coastal Framework for Planning Amendment LRP2019-00008 based on the findings listed in Attachment 1, accepts the changes displayed during staff’s presentation, and recommends the Board of Supervisors consider special areas of the County where Hemp cultivation would potentially not be allowed providing direction to staff definition of these special areas; allow reductions in the lot size subject to a discretionary permit such as a Minor Use Permit and require discretionary permits in Rural Residential proximity to the Urban Reserve Line (URL), Ministerial Permit in the Agricultural and Rural Lands land Use Categories when 1000’ from the URL and VRL locations.

Motion by: Michael Multari

Second by: Dawn Ortiz-Legg

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
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Planning Commission

Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell		X		

The Commission accepts all testimony and correspondence entered into the record.

Motion by: Michael Multari

Second by: Don Campbell

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

The Commission adjourns to February 27, 2020.

Motion by: Michael Multari

Second by: Don Campbell

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell	X			

ADJOURNMENT: 3:14 PM

Respectfully submitted,
 Ramona Hedges, Secretary
 San Luis Obispo County Planning Commission

ATTACHMENT D

Board of Supervisors Packet



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 5/5/2020	(3) CONTACT/PHONE Kip Morais, Planner II / (805) 781-5136	
(4) SUBJECT Hearing to consider adoption of a resolution amending the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp; exempt from CEQA. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: 1. Adopt the resolution to approve the amendments to Title 22 of the County Code, Title 23 of the County Code, Coastal Framework for Planning Table "O", and Title 1 of the County Code for the Industrial Hemp Ordinance (as set forth in Attachments 2, 4, 6, and 8). 2. If adopted, waive the reading of the ordinances.			
(6) FUNDING SOURCE(S) Department of Planning and Building Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 90 min) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? Yes	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date ____05/21/2019, 6/18/2020	
(17) ADMINISTRATIVE OFFICE REVIEW Zachary A. Lute			
(18) SUPERVISOR DISTRICT(S) All Districts			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building / Kip Morais, Planner II

VIA: Trevor Keith, Director

DATE: May 5, 2020

SUBJECT: Hearing to consider adoption of a resolution amending the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp; exempt from CEQA. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Adopt the resolution to approve the amendments to Title 22 of the County Code, Title 23 of the County Code, Coastal Framework for Planning Table "O", and Title 1 of the County Code for the Industrial Hemp Ordinance (as set forth in Attachments 2, 4, 6, and 8).
2. If adopted, waive the reading of the ordinances.

DISCUSSION

Background

Regulatory Framework

Industrial hemp is defined by Section 11018.5 of the California Health and Safety Code as:

A crop that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of one (1) percent tetrahydrocannabinol ("THC") contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.

Section 81000 of the California Food and Agricultural Code states "industrial hemp" has the same meaning as that term as defined in Section 11018.5 of the Health and Safety Code. Title 22 and the San Luis Obispo County Coastal

Zone Framework for Planning define industrial hemp consistent with Section 81000 of the Food and Agricultural Code and Section 11018.5 of the Health and Safety Code, as they may be amended.

Prior to the signing of the 2018 Farm Bill, industrial hemp was listed as a controlled substance under the federal Controlled Substances Act, however, cultivation of industrial hemp for research purposes under an agricultural pilot program or by institutions of higher education was permitted under the 2014 Farm Bill. The 2018 Farm Bill removed industrial hemp from the list of controlled substances and designated it as an agricultural commodity, subject to specific regulations, including the requirement to be conducted pursuant to an approved state or federal program. Until approval of a state or federal program, cultivation of industrial hemp remains limited to the requirements under the 2014 Farm Bill. Effective January 1, 2020, State law requires commercial and research growers of industrial hemp to register with the County Agricultural Commissioner prior to cultivation. Registration is conducted on an annual basis. The San Luis Obispo County Cannabis Ordinance, adopted in November 2017, specifically placed industrial hemp cultivation in the “crop production and grazing” land use category.

In October 2019, Senate Bill 153 was enacted. This bill impacted entities that were cultivating under the “established agricultural research institute” exemption. SB153 narrowed the definition of research institute to institutions of higher education conducting agricultural or academic research, and now requires hemp research growers to submit a full registration application to the Agricultural Commissioner’s Office. Any research related hemp occurring in association with a university would not be under the land use authority of the County, e.g. hemp research at Cal Poly State University. The regulations contained in the proposed public hearing draft ordinances will apply to any commercial industrial hemp operations.

Urgency Ordinance

On May 21, 2019, the Board of Supervisors (“Board”) directed staff to draft the Industrial Hemp Urgency Ordinance (“Urgency Ordinance”) to address local concerns regarding industrial hemp cultivation in San Luis Obispo County. The Board adopted the Urgency Ordinance on June 18, 2019, which applied a temporary moratorium on the cultivation of industrial hemp in San Luis Obispo County. Upon adoption of the Urgency Ordinance, the Department of Agriculture/Weights and Measures ceased issuance of any new industrial hemp registrations aside from those that were issued prior to the Urgency Ordinance effective date. As of the effective date of the Urgency Ordinance, registered growers included 16 commercial growers with a total of 452 acres and 9 entities cultivating industrial hemp for research purposes. Under the Urgency Ordinance, these research growers could cultivate industrial hemp through December 31, 2019. The Urgency Ordinance will expire on June 18, 2020. If the Board does not adopt a permanent hemp ordinance by that expiration date, and does not extend the Urgency Ordinance, hemp cultivation will be allowed in the County subject to land use regulations for Crop Production and Grazing.

On June 18, 2019, the Board directed staff to prepare a permanent ordinance that would allow industrial hemp cultivation to occur within the unincorporated county with limitations based on land use category, parcel size, and setback requirements. The Board directed that the permanent ordinance should not establish a discretionary use permit process but establish a regulatory framework as to where hemp cultivation may occur by-right. On July 2, 2019, the Agricultural Liaison Advisory Board (“ALAB”) submitted a letter to the Board with concerns about the land use regulations imposed on industrial hemp production, emphasizing that hemp should not have land use restrictions different from other legal crops, and expressing concerns about the precedent that this action could set for future regulation of other agricultural commodities. On July 16, 2019, the Board voted to extend the urgency ordinance through June 2020. At that same meeting the Board directed staff to work with ALAB to serve as the advisory group for drafting the permanent hemp ordinance.

At the August 5, 2019 ALAB meeting, a subcommittee was formed to work with the Department of Planning and Building (“Department”) to draft the permanent hemp ordinance. Members of the original subcommittee consisted of representatives of the hemp industry, wine grape industry, ALAB members, vegetable industry members, and representatives of the Farm Bureau. Other industry members, interested members of the public, representatives of the Department and the Department of Agriculture/Weights and Measures were also in attendance. The subcommittee discussions focused on the Board-directed topics of zoning limitations, setbacks, and minimum parcel size. The subcommittee met three times in August 2019 and presented their recommendations and areas of consensus to ALAB.

The subcommittee had consensus on:

- Both indoor and outdoor hemp cultivation should be allowed on Agriculture (“AG”) and Rural Lands (“RL”) zoned parcels.
- Limitations to outdoor cultivation for transplants only in Residential Rural (“RR”) because of their lack of odor before the flowering stage.
- Setbacks should be measured from particular identified off-site uses, rather than from a grower’s property lines.

The subcommittee did not have consensus on:

- What distance setbacks or buffers should be established. Discussions ranged from 50 feet to ½ mile (2,640 feet).
- What the sensitive uses should be. Most of those discussed were included in the Public Hearing Draft as presented at the Planning Commission (“Commission”).

At the September 9th ALAB meeting, it was recommended the hemp subcommittee continue to meet, recognizing that the meetings would continue in parallel to staff developing a Public Review Draft. The subcommittee met three subsequent times from October – December 2019. A summary of both rounds of subcommittee meetings along with ALAB’s letter of recommendation from their December 18th meeting has been attached (Attachment 12).

Proposed Ordinance Summary

The proposed ordinance amendments were developed based on research, input from the ALAB subcommittee, public comment, and Planning Commission recommendations. As stated above, the Board provided direction to the Department of Planning and Building during the urgency ordinance extension hearing as summarized in the table below. Ministerial review based on Planning Commission recommendation is included in the proposed ordinance summary in Table 1 below.

TABLE 1: SUMMARY OF BOARD DIRECTION & PROPOSED ORDINANCE	
Board Direction	Proposed Ordinance based on Board Direction, ALAB subcommittee, public comment, and Planning Commission Recommendation
Ministerial approval process	<ul style="list-style-type: none"> • Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing • Industrial Hemp Cultivation will be allowed by-right insofar as it is not within 1,000 feet of a Urban Reserve Line (“URL”) or Village Reserve Line (“VRL”) and meets other requirements described herein

	<ul style="list-style-type: none"> • Minor Use Permit would be required between 300 and 1,000 feet of URL and VRL for outdoor cultivation • Growers would register with the Ag Commissioner's Office per State requirements
Limits to land use categories	<ul style="list-style-type: none"> • Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories • Residential Rural outdoor cultivation will be limited to non-flowering transplants only
Establish Setbacks	<ul style="list-style-type: none"> • Outdoor industrial hemp cultivation shall not be located within 300 feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family ("RSF"), Residential Multi-Family ("RMF"), Residential Suburban ("RS") land uses categories, Urban Reserve Lines ("URL"), Village Reserve Lines ("VRL"), schools, religious facilities, or existing offsite residences of separate ownership • Indoor industrial hemp cultivation is limited to fully enclosed buildings or greenhouses and setback 100 feet from any existing offsite residence of separate ownership, and require ventilation controls to eliminate nuisance odors
Minimum Parcel Size	<ul style="list-style-type: none"> • 10-acre minimum for outdoor cultivation • 5-acre minimum for indoor cultivation • Ability to allow reduction in minimum parcel sizes with discretionary permitting

Analysis of Planning Commission Recommendations

On January 23, 2020 the Planning Commission met and recommended the Board approve the proposed ordinance changes. The Commission also provided three recommendations for the Board to consider in their deliberations. Planning Commission recommendations #1 and #2 (below) have been incorporated into the revised draft ordinance and attached (Attachments 2-8). Planning Commission Recommendation #3 (below) is discussed below along with two alternate options. The Staff Report for the Planning Commission hearing, which includes more detailed discussions on cultivation standards, processing, manufacturing, and enforcement has also been attached (Attachment 11) for reference.

The following is an analysis of the Planning Commission Recommendations:

Planning Commission Recommendation #1:

The Commission recommended allowing reductions in minimum lot sizes subject to a discretionary permit such as a Minor Use Permit. Previous drafts of the ordinance had established minimum lot sizes based on Board direction, but the point was raised at the hearing that this would be a way to incorporate greater flexibility into the ordinance. Staff is proposing to include the following language in chapter 22.30.244 and chapter 23.08.047 to address the Commission's suggestion (underline and *italicized*):

Outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger. *This limitation may be modified through Minor Use Permit approval.*

Planning Commission Recommendation #2:

The Commission recommended a discretionary permit such as a Minor Use Permit be required for outdoor flowering hemp within 1,000 feet of any Urban Reserve Line (URL) or Village Reserve Line (VRL). The Commission also discussed whether it should be possible to reduce the required 300-foot setback from sensitive uses, but ultimately decided against it. Therefore, if the Board chose to adopt the Planning Commission's recommendation, discretionary permitting would be required between 300-1,000 feet of URLs and VRLs. Farther than 1,000 feet, outdoor flowering hemp could be cultivated by-right (in the identified land use categories except in the Residential Rural Land Use Category), requiring only registration with the Department of Agriculture/Weights and Measures Office per State requirements. Staff incorporated permit requirements in chapter 22.30.244 and 23.08.047 (Attachments 3 – 6) including the following language to address the Commission's suggestion (underline and *italicized*):

Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation within 300-1,000 feet of a URL or VRL.

Planning Commission Recommendation #3:

The Board directed staff to evaluate whether there are special areas of the County where industrial hemp cultivation should be excluded and return to the Planning Commission for review and recommendation to the Board. This topic was a frequent point of discussion in public comment prior to, and at, the Planning Commission hearing. Specifically, members of the public and the wine industry spoke about Edna Valley and the possibility for conflict between industrial hemp cultivation, the residential community, and the existing wine industry. The topic of terpene taint was also discussed. Terpenes are volatile organic compounds that can possess a strong odor and can evaporate from plant oils where they are present and be released into the air. It is important to note that there is a lack of scientific research regarding the effects of hemp terpenes on wine grapes, although that is likely to change in the near future as research is underway. The case was made by some members of the wine industry that the unique geography of the Edna Valley makes the wine industry there especially vulnerable to hemp odors.

The Commission did not provide direction as to which specific characteristics should be considered in defining exclusion areas. Staff recognizes that identifying areas for exclusion based on unique geographic features presents a challenge due to the many micro-climates with unique geography within the county. The Planning Commission also discussed American Viticultural Areas ("AVAs") and whether to not allow hemp within a defined AVA. AVAs are distinguished by specific geographic or climatic features that distinguish them from surrounding regions and affect how grapes are grown. San Luis Obispo County has 5 major AVAs, which include an additional 11 sub-areas within the Paso Robles AVA. Commissioner Multari pointed out that in the case of the Edna Valley AVA, the boundaries cross into the City of San Luis Obispo. The Commission did not suggest that AVAs should be the delineation for exclusion areas. Instead the Commission highlighted the criteria for exclusion areas for discussion by the Board and requested the Board direct staff as to whether exclusion areas should be pursued.

Aside from identifying specific exclusion areas, there is the possibility that some of the concerns identified by public comment and heard at the Planning Commission hearing may be addressed through alternate options as described below for Board consideration.

Planning Commission Recommendation: Require a Minor Use Permit for outdoor industrial hemp cultivation within 300-1,000 feet of a URL or VRL (see Planning Commission Recommendation #2, above). This language is already included in the Public Hearing Draft. Two alternative options are included below.

Option 1: Establish a 1-mile area around URLs and VRLs that would require discretionary permitting. This would expand upon the 300-1,000-foot area recommended by Planning Commission as requiring discretionary permitting for outdoor flowering (non-transplant) hemp. The language could be amended as follows:

Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation within 300 feet - 1,000 feet one mile of a URL or VRL.

Expanding the area around URLs and VRLs would allow for greater discretion in those areas of the county that are more densely populated, while providing for greater flexibility for cultivation than an outright prohibition area. Figure 1 below shows both 1,000-foot and 1-mile discretionary areas from URLs and VRLs. Figure 2 highlights those two discretionary permitting area options shown overlaid with the Edna Valley AVA outline taken from the Alcohol Tobacco Tax and Trade Bureau, while Figure 3 shows the two options overlaid with the Templeton VRL and AVA.

Option 2: Establish an Industrial Hemp Prohibition area for outdoor flowering (non-transplant) industrial hemp cultivation within a certain distance from URLs and VRLs. This option would identify prohibition areas around the county related to population density and the prevalence of sensitive uses. This would be the more restrictive of the two alternative options. This option would be one way of establishing exclusion zones based around proximity to URLs and VRLs within the County.

Figure 1: 1,000-foot and 1-mile setbacks from URLs, VRLs in San Luis Obispo County

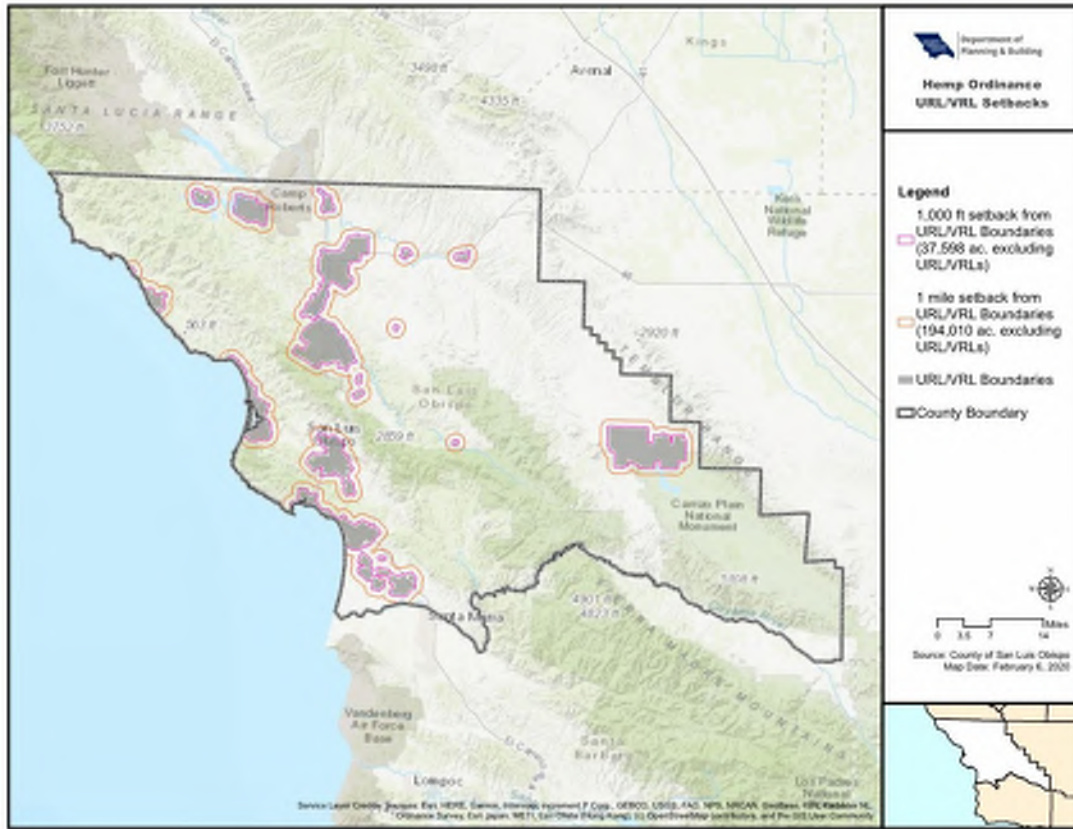


Figure 2: 1,000-foot and 1-mile discretionary area and Edna Valley AVA

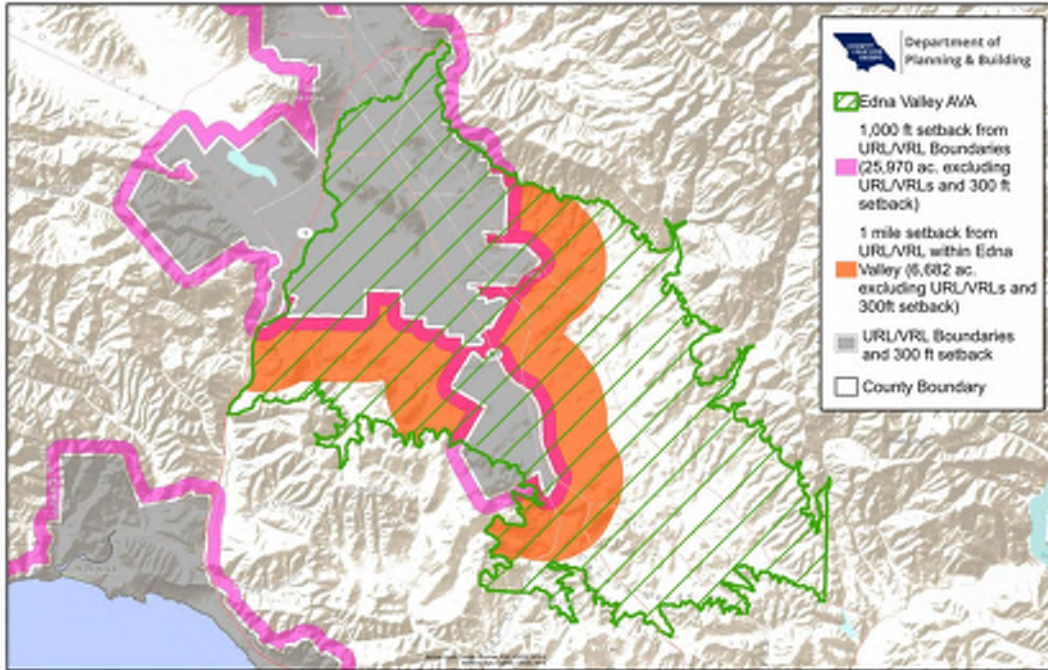
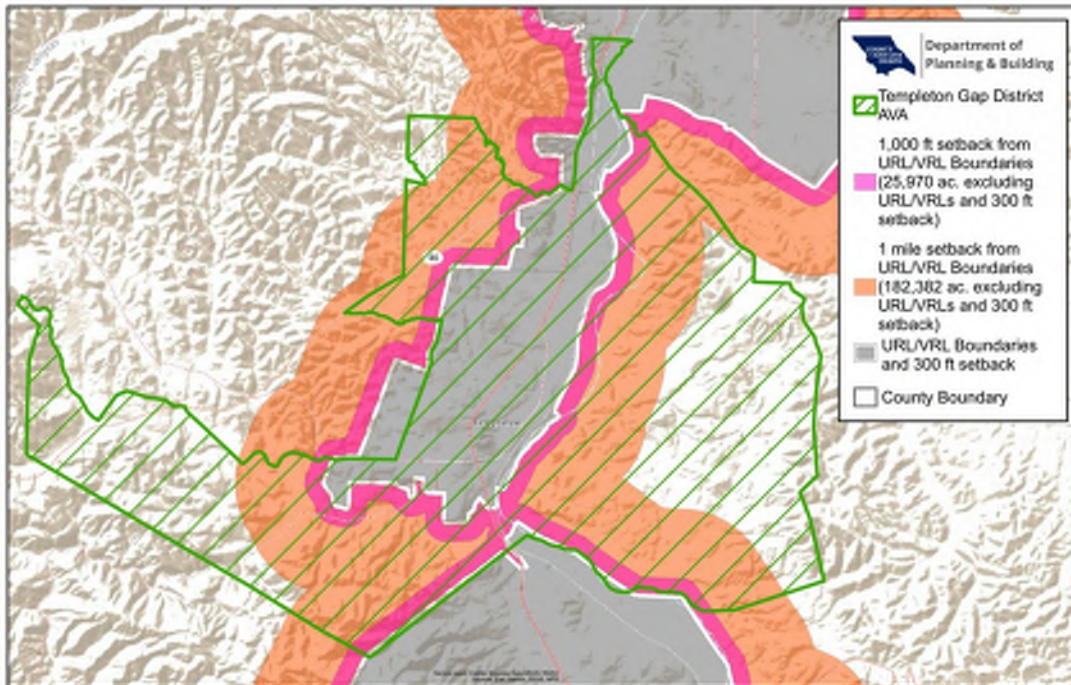


Figure 3: 1,000-foot and 1-mile discretionary area and Templeton VRL and AVA



Environmental Determination

Also, to be considered by your Board is the environmental determination that the project is exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(3), General Rule Exemption. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place limited restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use by-right within the County of San Luis Obispo, and no new uses are proposed. The Environmental Coordinator has determined that it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

Senate Bill No. 18 (SB-18) – Traditional tribal cultural places

Pursuant to the requirements of Senate Bill 18 (SB 18 – 2004), any County that considers a General Plan Amendment must invite representatives from affected local tribes to participate in meaningful consultation with the local government for the purpose of discussing tribal concerns related to the proposed project. SB 18 consultation was initiated for the proposed amendments in October 2019. No requests for consultation were received.

OTHER AGENCY INVOLVEMENT/IMPACT

The Department referred the amendments to all applicable State and local responsible agencies, including the Public Works Department, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Grover Beach, City of Morro Bay, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, All Community Advisory Groups, Air Pollution Control District, California Coastal Commission, Farm Bureau, neighboring counties, California Coastal Commission, California Department of Fish and Wildlife, US Department of Fish and Wildlife, Regional Water Quality Control Board, California Department of Conservation, Agricultural Liaison Advisory Board, and the interested parties e-mail list. Staff received comment letters from various groups and individuals, which are included in the Response to Comments within Attachment 11. The County also participated in workshops with the ALAB Industrial Hemp Subcommittee, which were open to the public and included members of the hemp industry and other agricultural industries. The Planning Commission reviewed and recommended Board adoption of the ordinance amendments with additional recommendations as discussed above. In addition, County Counsel reviewed and approved the resolution and ordinances as to form and legal effect.

BUSINESS IMPACT STATEMENT

Approving this request may result in positive and negative impacts to the Uniquely SLO County Cluster identified in the San Luis Obispo County Clusters of Opportunity Economic Strategy (November 2010). The proposed ordinance amendments will allow for the cultivation of a new crop within the region with restrictions on land use. Allowing the cultivation of Industrial hemp has the potential to benefit farmers in the County who wish to invest in the new hemp market. However, there is the possibility that Industrial hemp cultivation could negatively impact the Uniquely SLO County Cluster, particularly the wine tourism industry, which could potentially be affected by odors caused by Industrial hemp cultivation.

FINANCIAL CONSIDERATIONS

Multiple County departments have been challenged to respond to the legalization of cannabis in California. The Board, the County, and the public have been tasked with developing governance, regulations and oversight to manage how crop cultivation, production, and resell will take place. Because hemp is a cannabis crop not normally associated with THC, the County anticipates similar resources will be required for developing the regulations and providing oversight as cannabis.

Planning and Building has been the primary author of multiple ordinances and revisions for Board adoption for cannabis. Adopted ordinances have included the requirement of land use permits to be processed through the department. Managing the staff and consultants to process these permits through application acceptance and the often-contentious public hearing process continues to require significant department resources. Compliance monitoring and investigation of unpermitted activity has also required significant department resources, which are generally not reimbursed through any cannabis revenues.

Regarding hemp specifically, the Department of Agriculture/Weights and Measures expects to recover the costs to implement the state regulatory program through a contract with the California Department of Food and Agriculture. This is primarily to cover County costs for registering hemp growers and assuring compliance with State law. These contracts rarely recover 100% of the costs, but the General Fund impact is expected to be relatively low. The department also recovers costs through a fee schedule by billing each grower for activities not covered under the contract such as testing hemp crops for THC content. Code enforcement will likely be the largest demand on County resources because the County can expect complaints, as an example, about odor or whether a crop is hemp

or cannabis. It is not possible to predict how much staff time this require until an ordinance has been in place for some period of time.

RESULTS

Approval of the attached resolution would amend Title 22 of the County Code, Title 23 of the County Code, Coastal Framework for Planning Table "O", and Title 1 of the County Code to allow for the regulation and enforcement of the cultivation of Industrial Hemp in the unincorporated areas of the County.

The amendments to Title 22 and Title 1 of the County Code would become effective 30 days after today's date (May 5, 2020).

The Coastal Zone amendments will also require California Coastal Commission approval. The Department will submit the amendments to the California Coastal Commission after final Board action. If the California Coastal Commission approves and certifies the amendments, they will take effect immediately. If the California Coastal Commission approves the amendments with suggested modifications, the Department will return to the Board for consideration and approval of the California Coastal Commission's suggested modifications.

ATTACHMENTS

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Resolution with Exhibit A (LCP Amendment to Coastal Framework)
- Attachment 3 – Amendments to Title 22 (Land Use Ordinance) - Edited
- Attachment 4 – Amendments to Title 22 (Land Use Ordinance) - Clean
- Attachment 5 – Amendments to Title 23 (Coastal Zone Land Use Ordinance) - Edited
- Attachment 6 – Amendments to Title 23 (Coastal Zone Land Use Ordinance) - Clean
- Attachment 7 – Amendments to Title 1 (General Provisions) - Edited
- Attachment 8 – Amendments to Title 1 (General Provisions) - Clean
- Attachment 9 – Hemp PC Letter January 23, 2020
- Attachment 10 – Planning Commission Draft Minutes from January 23, 2020
- Attachment 11 – Staff Report for the January 23, 2020 Planning Commission Meeting
- Attachment 12 – ALAB Letter
- Attachment 13 – Notice of Exemption - Signed



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

**Board of Supervisors
May 5, 2020**

Industrial Hemp Ordinance



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

Background

- November 2017
 - Cannabis Ordinance classifies hemp as Crop Production and Grazing
- 2018 Farm Bill
 - Removed industrial hemp from federal Controlled Substances Act
 - 17 Commercial Growers Registered
 - 9 Research Growers
- June 2018 Urgency Ordinance
 - Temporary moratorium on new cultivation
- July 2018
 - Board directs staff to develop permanent ordinance
 - Work with Agricultural Liaison Advisory Board (ALAB)



COUNTY OF SAN LUIS OBISPO

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Background

Agricultural Liaison Advisory Board

ALAB Subcommittee

- ALAB members
 - Local hemp growers
 - Local vineyard and winery representatives
 - Farmers and ranchers
 - Open to public
-
- 6 meetings in 4 months
 - Public Review Draft



COUNTY OF SAN LUIS OBISPO

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Background

Planning Commission

- January 23, 2020
- Recommended the Board of Supervisors approve the proposed ordinance
- Proposed 3 additional recommendations



COUNTY OF SAN LUIS OBISPO

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Background

Senate Bill 153

- Took effect January 1, 2020
- Institutions of Higher Education as defined by the Federal Higher Education Act
- State law now requires registration with Ag Commissioner's Office



COUNTY OF SAN LUIS OBISPO

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SUMMARY OF BOARD DIRECTION & PROPOSED ORDINANCE

Ministerial approval process	<ul style="list-style-type: none">• Industrial Hemp Cultivation a subcategory of Crop Production and Grazing• Registration with the Ag Commissioner's Office per State requirements
Limits to land use categories	<ul style="list-style-type: none">• Industrial Hemp Cultivation limited to the AG, RL, RR• Residential Rural outdoor cultivation limited to non-flowering transplants only
Minimum Parcel Size	<ul style="list-style-type: none">• 10-acre minimum for outdoor cultivation• 5-acre minimum for indoor cultivation• <i>MUP to allow reduction in minimum parcel sizes (PC Recommendation)</i>



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SUMMARY OF BOARD DIRECTION & PROPOSED ORDINANCE (CONTINUED)

Establish Setbacks

Outdoor cultivation

- 300 feet minimum from sensitive uses
- *MUP required between 300 – 1,000 Ft. of URLs and VRLs for flowering (non transplant) hemp (PC Recommendation)*

Indoor cultivation

- 100 feet from offsite residence or other living area of separate ownership
- Ventilation controls to eliminate nuisance odors.



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Location Standards

Outdoor Cultivation

300 feet from:

- Active crop production or cannabis grow of separate ownership
- Tasting rooms
- RSF, RMF, RR land use categories
- URL and VRL
- Schools
- Religious facilities
- Existing offsite residences

Indoor Cultivation

100 feet from:

- Existing offsite residences or living areas under separate ownership
- Require ventilation controls to eliminate nuisance odors



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Cultivation Standards

Cultivation Type		Minimum Parcel Size	Setbacks by Land Use Category		
			Agriculture	Rural Lands	Residential Rural
Outdoor	Flowering	10 acres	300'	300'	Prohibited
	Transplant	10 acres	300'	300'	300'
Indoor	Flowering	5 acres	100'	100'	100'
	Transplant	5 acres	100'	100'	100'



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Planning Commission Recommendation

Planning Commission recommended the Board adopt the proposed amendments with 3 recommendations:

1. Direct staff to look into identifying specific areas for exclusion that may be appropriate and bring that issue back through Planning Commission for review and recommendation to the Board. (Not included in Public Hearing Draft)
2. Allow reductions in lot size subject to a discretionary permit such as a Minor Use Permit. (Included in Public Hearing Draft)
3. Outdoor flowering hemp within 1,000 feet of the URL or VRL would require a discretionary permit such as a Minor Use Permit. Farther than 1,000 feet would be ministerial/by-right. (Included in Public Hearing Draft)



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PC Recommendation #1

1. Direct staff to look into identifying specific areas for exclusion that may be appropriate and bring that issue back through Planning Commission for review and recommendation to the Board.
 - PC did not specify what criteria to use
 - Edna Valley



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Industrial Hemp Exclusion Areas

Option #1: Discretionary permitting from 300-1,000 feet from URLs and VRLs (Planning Commission Recommendation)

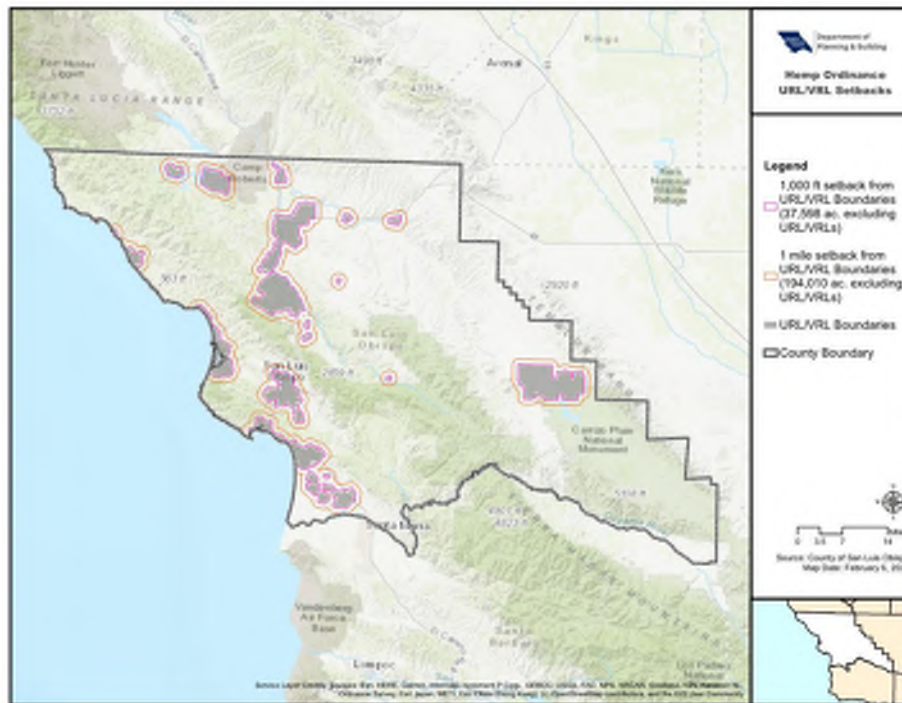
Option #2: Discretionary Permitting from 300 feet to 1 mile from URLs and VRLs

Option #3: Prohibit industrial hemp cultivation within 1 mile of URLs or VRLs



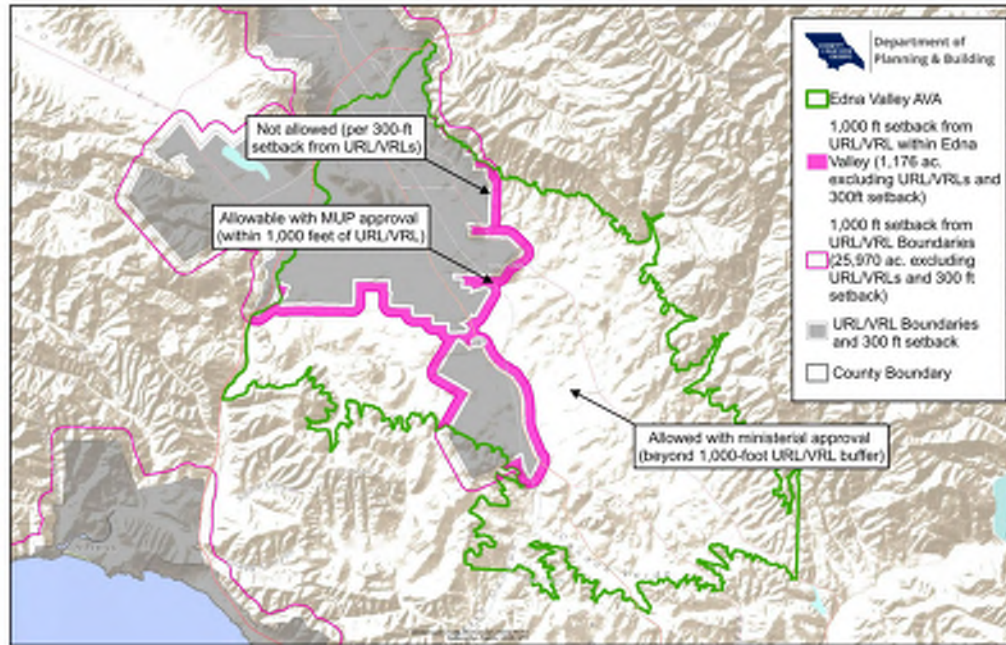
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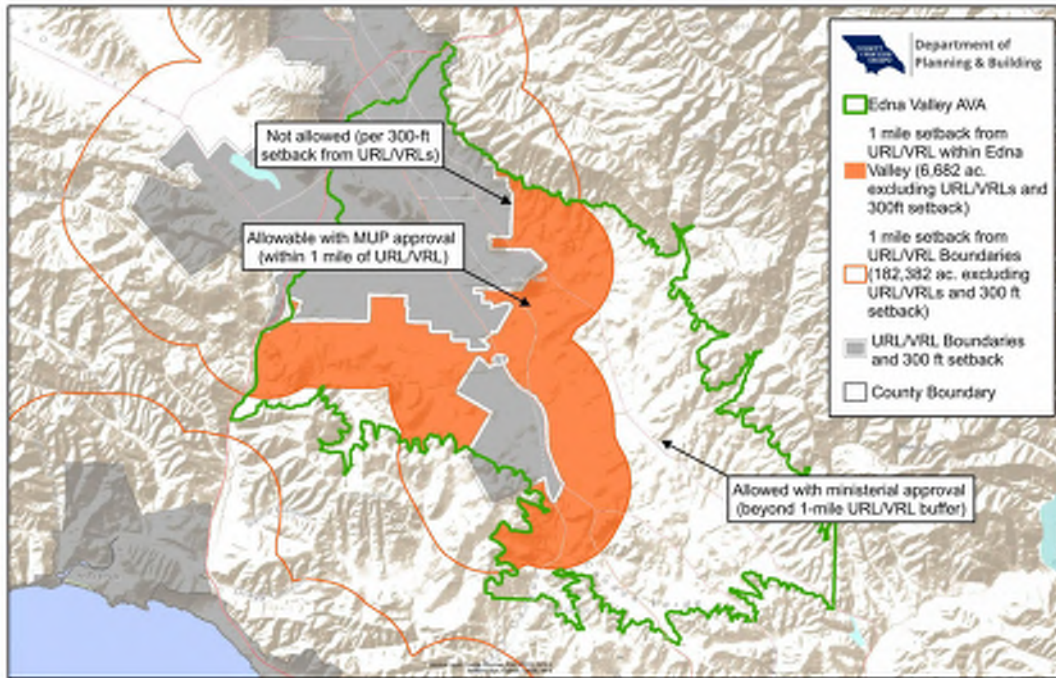
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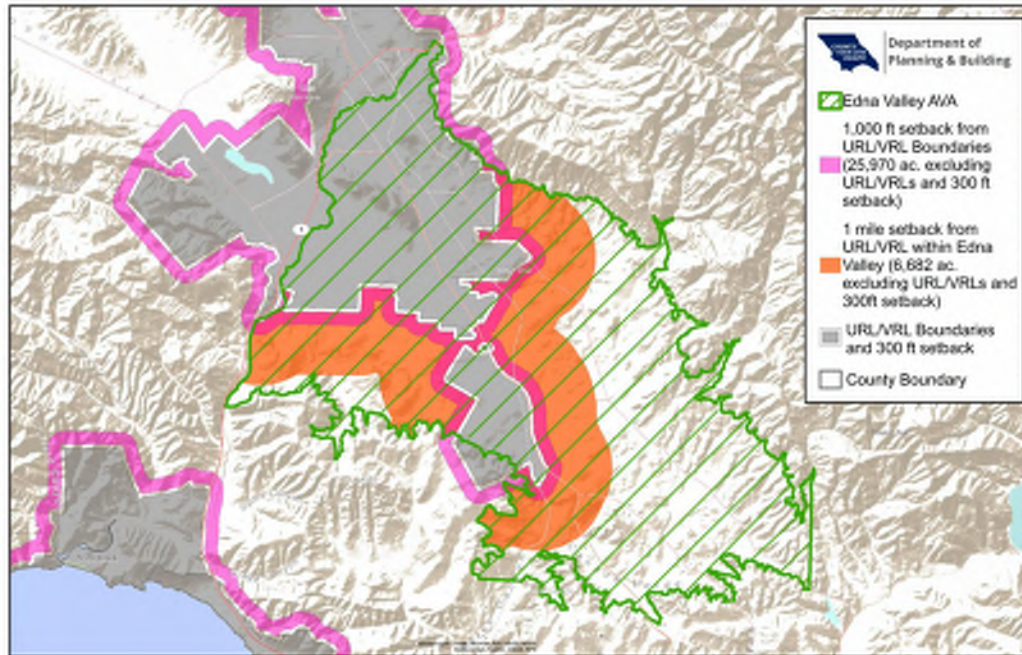
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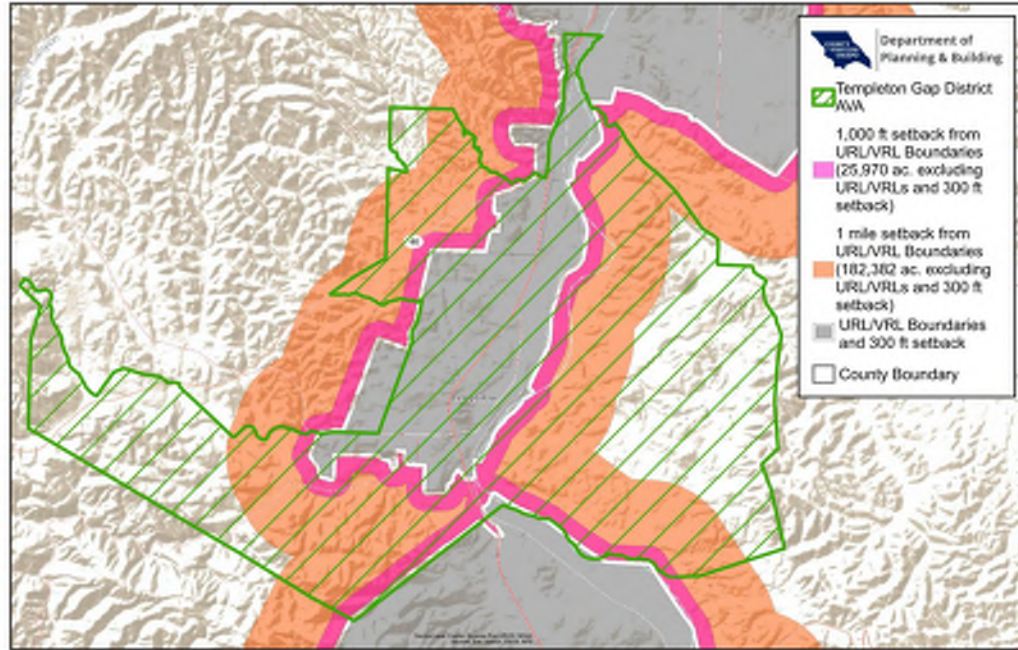
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Recommendation

1. Adopt the resolution to approve the amendments to Title 22 of the County Code, Title 23 of the County Code, Coastal Framework for Planning Table “O”, and Title 1 of the County Code for the Industrial Hemp Ordinance (as set forth in Attachments 2, 4, 6, and 8).
2. If adopted, waive the reading of the ordinances.



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QUESTIONS?



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IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION ADOPTING SPECIFIC AMENDMENTS TO TITLE 22 (LAND USE ORDINANCE), TITLE 23 (COASTAL ZONE LAND USE ORDINANCE), TITLE 1 (GENERAL PROVISIONS) OF THE COUNTY CODE, AND COASTAL FRAMEWORK FOR PLANNING TABLE "O", FOR THE INDUSTRIAL HEMP ORDINANCE

The following resolution is now offered and read:

WHEREAS, pursuant to Article XI, section 7 of the California Constitution, the County of San Luis Obispo may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and,

WHEREAS, the cultivation of industrial hemp without additional land use regulations has the potential to cause land use conflicts unique from other traditional crops because of federal and state regulatory requirements, its genetic similarities to cannabis, the potential for confusion with cannabis, and the potential to be a source of cannabis like odors which has been the subject of significant public testimony and concern, specifically including when nearby residential areas; and,

WHEREAS, the cultivation of industrial hemp without reasonable additional land use regulations could adversely affect the health, safety, and well-being of the County and its residents; and,

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of San Luis Obispo County that amendments be made to existing permanent land use regulations governing industrial hemp; and,

WHEREAS, the enactment of these amendments does not have the potential to cause an increase in industrial hemp or its impacts in the unincorporated area of the County of San Luis

Obispo beyond what would otherwise be allowed under existing permanent land use regulations; and,

WHEREAS, the intent and purpose of these amendments is to establish reasonable restrictions upon the cultivation and processing of industrial hemp in order to protect the environment, public health, safety, and welfare in San Luis Obispo County; and

WHEREAS, on June 18, 2019, the Board adopted an urgency ordinance placing a temporary moratorium on the cultivation of industrial hemp in San Luis Obispo County and directed staff to prepare a permanent ordinance that would allow industrial hemp cultivation to occur within the County; and,

WHEREAS, on January 23, 2020 the Planning Commission reviewed the proposed amendments to Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance), Title 1 (General Provisions) and the Coastal Framework for Planning and recommended the Board of Supervisors approve the amendments as attached hereto; and,

WHEREAS, the Board of Supervisors has duly considered the proposed amendments to Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance), Title 1 (General Provisions), and the Coastal Framework for Planning and finds that the recommendation of the Planning Commission on January 23, 2020 should be accepted.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE Board of Supervisors of the County of San Luis Obispo, State California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.
3. That the Chairperson of the Board of Supervisors sign Ordinance_____ to adopt and enact the amendments to Title 22 (Land Use Ordinance) of the County Code as attached hereto.
4. That the Chairperson of the Board of Supervisors sign Ordinance_____ to adopt and enact the amendments to Title 23 (Land Use Ordinance) of the County Code as attached hereto.

[This document was certified as part of the Local Coastal Program. Therefore, this amendment needs to be submitted to the California Coastal Commission and will become effective only upon certification by the Coastal Commission.]

5. Amend the Coastal Framework for Planning as such amendments appear on Exhibit A attached hereto. [This document was certified as part of the Local Coastal Program. Therefore, this amendment needs to be submitted to the California Coastal Commission and will become effective only upon certification by the Coastal Commission.]

6. That the Chairperson of the Board of Supervisors sign Ordinance ____ to adopt and enact amendments to Title 1 (General Provisions) of the San Luis Obispo County Code as attached hereto.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: April 23, 2020

EXHIBIT A - STRIKETHROUGH

PROPOSED LCP AMENDMENT TO THE COASTAL FRAMEWORK FOR PLANNING

SECTION 1. Chapter 6 Section C (“Allowable Land Uses in the Coastal Zone and Coastal Table O”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

Agriculture - Prime Soils	Agriculture - Non-Prime Soils	Rural Lands	Recreation	Residential Rural	Residential Suburban	Residential Single-Family	Residential Multi-Family	Office & Professional	Commercial Retail	Commercial Service	Industrial	Public Facilities	Open Space
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A) AGRICULTURE																
Ag Accessory Structures	1	6-39	S-3-P	S-3-P	S-3-P	S-3	S-3	S-3					S-3	S-3	S-3	S-14
Ag Processing	2	6-39	S-3	S-3	S-3		S-3						S-3	A		
Animal Raising & Keeping	3	6-40	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Aquaculture	4	6-40		S-3	S-3		S-3						S-3-P	S-3-P		
Crop Production and Grazing	5	6-44	P	P	P	A	A	S-18	S-18	S-18	S-18	S-18	S-18	A	A	A
<u>Industrial Hemp Cultivation</u>			<u>S-3-P</u>	<u>S-3-P</u>	<u>S-3-P</u>		<u>S-3</u>									
Farm Equipment & Supplies	6	6-45		S-3	S-3		S-3						A	A		
Nursery Specialties – Soil Dependent	7	6-51	S-3-P	S-3-P	S-3		S-3	S-3				S-3	S-3	S-3		
Nursery Specialties – Non-Soil Dependent	8	6-52		S-3	S-3		S-3	S-3				S-3	S-3	S-3		
Specialized Animal Facilities	9	6-58	S-3	S-3-P	S-3	S-3	S-3	S-3	S-3		S-3	S-3	S-3	S-3	S-3	

SECTION 2. Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Crop Production and Grazing [A5]

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, "Animal Raising and Keeping."

EXHIBIT A - CLEAN

PROPOSED LCP AMENDMENT TO THE COASTAL FRAMEWORK FOR PLANNING

SECTION 1. Chapter 6 Section C (“Allowable Land Uses in the Coastal Zone and Coastal Table O”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

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A) AGRICULTURE																
Ag Accessory Structures	1	6-39	S-3-P	S-3-P	S-3-P	S-3	S-3	S-3					S-3	S-3	S-3	S-14
Ag Processing	2	6-39	S-3	S-3	S-3		S-3						S-3	A		
Animal Raising & Keeping	3	6-40	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Aquaculture	4	6-40		S-3	S-3		S-3						S-3-P	S-3-P		
Crop Production and Grazing	5	6-44	P	P	P	A	A	S-18	S-18	S-18	S-18	S-18	S-18	A	A	A
Industrial Hemp Cultivation			S-3-P	S-3-P	S-3-P		S-3									
Farm Equipment & Supplies	6	6-45		S-3	S-3		S-3						A	A		
Nursery Specialties – Soil Dependent	7	6-51	S-3-P	S-3-P	S-3		S-3	S-3				S-3	S-3	S-3		
Nursery Specialties – Non-Soil Dependent	8	6-52		S-3	S-3		S-3	S-3				S-3	S-3	S-3		
Specialized Animal Facilities	9	6-58	S-3	S-3-P	S-3	S-3	S-3	S-3		S-3	S-3	S-3	S-3	S-3		

SECTION 2. Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Crop Production and Grazing [A5]

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, "Animal Raising and Keeping."

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS REGARDING
INDUSTRIAL HEMP ACTIVITIES**

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: Section 22.06.030.C, Table 2-2 – Allowable Land Uses and Permit Requirements, of the San Luis Obispo County Code is amended to read as follows (for the new land use subcategory listed below only, uses not listed are not amended by this section):

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

Land Use (1) (2) (10)	Permit Requirements by L.U.C. (3)						Specific Use Standards
	AG (8)	RL	RR	RS	RSF	RMF	
Agriculture, Resource, and Open Space Uses							
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities (4)	A2	A2	A2	A2 (11)	A2 (11)		22.40
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
<u>Industrial Hemp Cultivation</u>	<u>A2</u>	<u>A2</u>	<u>A2</u>				<u>22.30.244</u>
Energy-generating facilities (9)	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves	A1	A1	A1				

[Type here]

[Type here]

SECTION 2: Section 22.06.040 - Exemptions From Land Use Permit Requirements, is hereby amended to read as follows (for the uses listed in subsection E.2. below only; uses not listed are not amended by this section):

E. Agricultural uses:

2. Crop production and grazing. No land use permit is required for crop production, provided that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244, and where an Agricultural Offset Clearance is required for New or Expanded Irrigated Crop Production that overlies the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as shown in Figure 6-1. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties - Intensive).

SECTION 3: Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases of the San Luis Obispo County Code, is hereby amended to read as follows (for the definitions listed below only; definitions not listed are not amended by this section):

Crop Production and Grazing (land use). Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See also, "Animal Keeping."

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal

propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

SECTION 4: Section 22.30.070 - Agricultural Processing Uses, of the San Luis Obispo County Code is hereby amended to read as follows (for subsections A and D listed below only; sections not listed are not amended by this section):

A. Permit requirements.

1. Minor Use Permit approval is required for agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, ~~and~~ commercial composting, and industrial hemp processing, unless Section 22.08.030 (Project-Based Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.

D. Standards for specific uses

5. Industrial Hemp Processing. For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, hoop houses, or trailers is included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile manufacturing, etc.

a. Location. Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

b. Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

c. Design standards. In the Agriculture and Rural Lands land use categories,

all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

SECTION 5: Section 22.30.244 – Industrial Hemp Cultivation, of the San Luis Obispo County Code is hereby added to read as follows:

22.30.244 - Industrial Hemp Cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only.
2. Outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger. This limitation may be modified through Minor Use Permit approval.
3. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Permit Requirements.

1. No permit required except as provided in Subsection A.2 above or Subsection B.2 below.
2. Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation between 300-1,000 feet of a URL or VRL.
3. Use permit applications for industrial hemp cultivation shall include at a minimum:
 - a. Site plan and description of the area, location, amount and type (indoor, outdoor, for food or fiber or for cannabinoid production) of hemp cultivation being requested;
 - b. Evidence documenting that the site has legal access to a public road;
 - c. Size, height, colors, and design of any proposed signage at the site;
 - d. Odor management plan;
 - e. Proof of ownership or lease agreement with landowner's consent;
 - f. A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;
 - g. Waste management plan; and

- h. Vicinity map showing distance of proposed cultivation to sensitive uses or areas listed in C.I.a.

C. Cultivation Standards

1. **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences of separate ownership.

b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residences of separate ownership.

c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

3. **State Industrial Hemp Registration.** Applicants must satisfy the registration requirements specified in the California Food & Agricultural Code. Applicants must submit those registration materials to the Agricultural Commissioner in accordance with state laws and regulation. The registration materials must be accompanied by all required fees.

D. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weights and Measures.

2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 22.40 and 22.74 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 6: Section 22.74.150 – **Nuisance Abatement of the San Luis Obispo County Code** is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

G. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 22.74.150 are hereby delegated to the Cannabis Hearing Officer, established under Section 22.40.130.C, for all violations of Titles 6, 8, 19 or 22 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 22.74.105 or send a Notice of Nuisance under Section 22.74.150.C, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 22.74.150.D, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 22.40.130.B, and with a notice of violation and/or notice of fine under Sections 1.05.030 and

1.05.050. Notwithstanding Section 22.74.150.E.2.a, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

SECTION 7: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 9: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 10: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 11: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

SECTION 12: Interim/Urgency Ordinance No. 3393, and its extending ordinance, No. 3394, as they apply to the Inland portions of the County, shall be repealed and replaced upon this Ordinance becoming effective.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of _____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: April 24, 2020

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS REGARDING
INDUSTRIAL HEMP ACTIVITIES**

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: Section 22.06.030.C, Table 2-2 – Allowable Land Uses and Permit Requirements, of the San Luis Obispo County Code is amended to read as follows (for the new land use subcategory listed below only, uses not listed are not amended by this section):

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

Land Use (1) (2) (10)	Permit Requirements by L.U.C. (3)						Specific Use Standards
	AG (8)	RL	RR	RS	RSF	RMF	
Agriculture, Resource, and Open Space Uses							
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities (4)	A2	A2	A2	A2 (11)	A2 (11)		22.40
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
Industrial Hemp Cultivation	A2	A2	A2				22.30.244
Energy-generating facilities (9)	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves	A1	A1	A1				

[Type here]

[Type here]

SECTION 2: Section 22.06.040 - Exemptions From Land Use Permit Requirements, is hereby amended to read as follows (for the uses listed in subsection E.2. below only; uses not listed are not amended by this section):

E. Agricultural uses:

2. Crop production and grazing. No land use permit is required for crop production, provided that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244, and where an Agricultural Offset Clearance is required for New or Expanded Irrigated Crop Production that overlies the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as shown in Figure 6-1. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties - Intensive).

SECTION 3: Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases of the San Luis Obispo County Code, is hereby amended to read as follows (for the definitions listed below only; definitions not listed are not amended by this section):

Crop Production and Grazing (land use). Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under "Cannabis Cultivation". Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See also, "Animal Keeping."

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

SECTION 4: Section 22.30.070 - Agricultural Processing Uses, of the San Luis Obispo County Code is hereby amended to read as follows (for subsections A and D listed below only; sections not listed are not amended by this section):

A. Permit requirements.

1. Minor Use Permit approval is required for agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, commercial composting, and industrial hemp processing, unless Section 22.08.030 (Project-Based Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.

D. Standards for specific uses

5. Industrial Hemp Processing. For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, hoop houses, or trailers is included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile manufacturing, etc.

a. Location. Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

b. Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

- c. Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

SECTION 5: Section 22.30.244 – Industrial Hemp Cultivation, of the San Luis Obispo County Code is hereby added to read as follows:

22.30.244 - Industrial Hemp Cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only.
2. Outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger. This limitation may be modified through Minor Use Permit approval.
3. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Permit Requirements.

1. No permit required except as provided in Subsection A.2 above or Subsection B.2 below.
2. Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation between 300-1,000 feet of a URL or VRL.
3. Use permit applications for industrial hemp cultivation shall include at a minimum:
 - a. Site plan and description of the area, location, amount and type (indoor, outdoor, for food or fiber or for cannabinoid production) of hemp cultivation being requested;
 - b. Evidence documenting that the site has legal access to a public road;
 - c. Size, height, colors, and design of any proposed signage at the site;
 - d. Odor management plan;
 - e. Proof of ownership or lease agreement with landowner's consent;
 - f. A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;

- g. Waste management plan; and
- h. Vicinity map showing distance of proposed cultivation to sensitive uses or areas listed in C.1.a.

C. Cultivation Standards

1. Location Standards. The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences of separate ownership.
- b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residences of separate ownership.
- c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. Nuisance Odors. All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

3. State Industrial Hemp Registration. Applicants must satisfy the registration requirements specified in the California Food & Agricultural Code. Applicants must submit those registration materials to the Agricultural Commissioner in accordance with state laws and regulation. The registration materials must be accompanied by all required fees.

D. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weights and Measures.

2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 22.40 and 22.74 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 6: Section 22.74.150 – **Nuisance Abatement of the San Luis Obispo County Code** is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

G. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 22.74.150 are hereby delegated to the Cannabis Hearing Officer, established under Section 22.40.130.C, for all violations of Titles 6, 8, 19 or 22 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 22.74.105 or send a Notice of Nuisance under Section 22.74.150.C, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 22.74.150.D, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 22.40.130.B, and with a notice of violation and/or notice of fine under Sections 1.05.030 and

1.05.050. Notwithstanding Section 22.74.150.E.2.a, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

SECTION 7: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 9: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 10: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 11: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

SECTION 12: Interim/Urgency Ordinance No. 3393, and its extending ordinance, No. 3394, as they apply to the Inland portions of the County, shall be repealed and replaced upon this Ordinance becoming effective.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of _____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _____

ORDINANCE NO. _____
AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE,
THE COASTAL ZONE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS
REGARDING INDUSTRIAL HEMP ACTIVITIES

SECTION 1: Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

SECTION 2: Section 23.08.042 – Industrial Hemp Processing is hereby added to Title 23 to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.042 - Agricultural Processing

Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

- a. **General permit requirements.** The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.
- b. **Application content.** Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).
- c. **Minimum site area.** No minimum required.
- d. **Standards for specific uses.**

(4) **Industrial Hemp Processing.** For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non- permanent structure). The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, hoop houses, or trailers is included under Crop Production and Grazing and subject to the standards set forth under 23.08.047. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc.

- (i) **Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

- (ii) Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.
- (iii) Design standards. In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

SECTION 3: Section 23.08.040 – Agricultural Uses – Specialized (S-3) is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.040 - Agricultural Uses - Specialized (S-3)

Specialized agricultural uses ~~other than crop production~~ which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

- 23.08.041 Agricultural Accessory Structures
- 23.08.042 Agricultural Processing Uses
- 23.08.045 Aquaculture
- 23.08.046 Animal Raising and Keeping
- 23.08.047 Industrial Hemp Cultivation
- 23.08.048 Farm Equipment and Supplies
- 23.08.050 Interim Agricultural Uses (S-18)
- 23.08.052 Specialized Animal Facilities
- 23.08.054 Nursery Specialties
- 23.08.056 Roadside Stands

SECTION 4: Section 23.08.047 – Industrial hemp cultivation is hereby added to Title 23 to read as follows:

23.08.047 - Industrial hemp cultivation

a. Limitation on use.

- (1) Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only.
- (2) Outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger. This limitation may be modified through Minor Use Permit approval.

(3) Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

b. Permit Requirements.

(1) No permit required except as provided in Subsection a.2 above or Subsection b.2 below.

(2) Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation between 300-1,000 feet of a URL or VRL.

(3) Use permit applications for industrial hemp cultivation shall include at a minimum:

- (i) Site plan and description of the area, location, amount and type (indoor, outdoor, for food or fiber or for cannabinoid production) of hemp cultivation being requested;
- (ii) Evidence documenting that the site has legal access to a public road;
- (iii) Size, height, colors, and design of any proposed signage at the site;
- (iv) Odor management plan;
- (v) Proof of ownership or lease agreement with landowner's consent;
- (vi) A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;
- (vii) Waste management plan; and
- (viii) Vicinity map showing distance of proposed cultivation to sensitive uses or areas listed in C.I.a.

c. Cultivation Standards

(1) **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- (i) **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, and existing offsite residences of separate ownership.
- (ii) **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite

residences of separate ownership.

(iii) All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

(2) **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

(3) **State Industrial Hemp Registration.** Applicants must satisfy the registration requirements specified in the California Food & Agricultural Code. Applicants must submit those registration materials to the Agricultural Commissioner in accordance with state laws and regulation. The registration materials must be accompanied by all required fees.

d. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

(1) Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weight and Measures.

(2) Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Section 23.08.420 et seq. and Chapter 23.10 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 5: Chapter 23.10.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

g. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and

powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

SECTION 6: The amendments to the Coastal Framework for Planning adopted by Board of Supervisors Resolution No. _____ are hereby adopted and included as part of this ordinance and Section 23.01.022 of the Coastal Zone Land Use Ordinance as though they were fully set forth herein.

SECTION 7: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation

published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 9: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 10: This ordinance shall become operative immediately only upon certification of the Amendments by the California Coastal Commission, as may be certified with suggested modifications by the Coastal Commission and accepted and agreed to by the Board of Supervisors.

SECTION 11: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 12: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

SECTION 13: Interim/Urgency Ordinance No. 3393, and its extending ordinance, No. 3394, as they apply to the Coastal portions of the County, shall be repealed and replaced upon this Ordinance becoming effective and operative.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of _____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____

Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE,
THE COASTAL ZONE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS
REGARDING INDUSTRIAL HEMP ACTIVITIES**

SECTION 1: Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

SECTION 2: Section 23.08.042 – Industrial Hemp Processing is hereby added to Title 23 to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.042 - Agricultural Processing

Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

- a. General permit requirements.** The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.
- b. Application content.** Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).
- c. Minimum site area.** No minimum required.
- d. Standards for specific uses.**
 - (4) Industrial Hemp Processing.** For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non- permanent structure). The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, hoop houses, or trailers is included under Crop Production and Grazing and subject to the standards set forth under 23.08.047. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc.
 - (i) Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

(ii) **Nuisance Odors.** All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

(iii) **Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

SECTION 3: Section 23.08.040 – Agricultural Uses – Specialized (S-3) is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.040 - Agricultural Uses - Specialized (S-3)

Specialized agricultural uses which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

- 23.08.041 Agricultural Accessory Structures
- 23.08.042 Agricultural Processing Uses
- 23.08.045 Aquaculture
- 23.08.046 Animal Raising and Keeping
- 23.08.047 Industrial Hemp Cultivation
- 23.08.048 Farm Equipment and Supplies
- 23.08.050 Interim Agricultural Uses (S-18)
- 23.08.052 Specialized Animal Facilities
- 23.08.054 Nursery Specialties
- 23.08.056 Roadside Stands

SECTION 4: Section 23.08.047 – Industrial hemp cultivation is hereby added to Title 23 to read as follows:

23.08.047 - Industrial hemp cultivation

a. Limitation on use.

- (1) Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only.
- (2) Outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger. This limitation may be modified through Minor Use Permit approval.

(3) Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

b. Permit Requirements.

(1) No permit required except as provided in Subsection a.2 above or Subsection b.2 below.

(2) Minor Use Permit approval is required for all flowering (non-transplant) outdoor industrial hemp cultivation between 300-1,000 feet of a URL or VRL.

(3) Use permit applications for industrial hemp cultivation shall include at a minimum:

- (i) Site plan and description of the area, location, amount and type (indoor, outdoor, for food or fiber or for cannabinoid production) of hemp cultivation being requested;
- (ii) Evidence documenting that the site has legal access to a public road;
- (iii) Size, height, colors, and design of any proposed signage at the site;
- (iv) Odor management plan;
- (v) Proof of ownership or lease agreement with landowner's consent;
- (vi) A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;
- (vii) Waste management plan; and
- (viii) Vicinity map showing distance of proposed cultivation to sensitive uses or areas listed in C.1.a.

c. Cultivation Standards

(1) **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- (i) **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, and existing offsite residences of separate ownership.
- (ii) **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residences of separate ownership.

(iii) All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

(2) **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

(3) **State Industrial Hemp Registration.** Applicants must satisfy the registration requirements specified in the California Food & Agricultural Code. Applicants must submit those registration materials to the Agricultural Commissioner in accordance with state laws and regulation. The registration materials must be accompanied by all required fees.

d. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

(1) Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weight and Measures.

(2) Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Section 23.08.420 et seq. and Chapter 23.10 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 5: Chapter 23.10.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

g. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's

discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

SECTION 6: The amendments to the Coastal Framework for Planning adopted by Board of Supervisors Resolution No. _____ are hereby adopted and included as part of this ordinance and Section 23.01.022 of the Coastal Zone Land Use Ordinance as though they were fully set forth herein.

SECTION 7: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 9: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 10: This ordinance shall become operative immediately only upon certification of the Amendments by the California Coastal Commission, as may be certified with suggested modifications by the Coastal Commission and accepted and agreed to by the Board of Supervisors.

SECTION 11: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 12: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

SECTION 13: Interim/Urgency Ordinance No. 3393, and its extending ordinance, No. 3394, as they apply to the Coastal portions of the County, shall be repealed and replaced upon this Ordinance becoming effective and operative.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of ____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: April 23, 2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 1 OF THE SAN LUIS OBISPO COUNTY CODE BY
AMENDING SECTION 1.05.080 REGARDING INDUSTRIAL HEMP RELATED VIOLATIONS

SECTION 1. Section 1.05.080 Cannabis Activity Related Violations – of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

1.05.080 – Cannabis Activity and Industrial Hemp Related Violations.

For violations which relate to or arise from a cannabis or industrial hemp activity, as ~~that~~ those terms is are defined in Section 22.80.030, the administrative fines identified in a notice of violation issued under Section 1.05.030 by the code enforcement officer shall become effective immediately upon expiration of the correction period identified in the notice of violation, and no further notice of fine is required under Section 1.05.050 in order for the administrative fines to become effective, and the fines shall continue to accrue daily until the violation has been fully abated and verified by the code enforcement officer. The correction period identified in the notice of violation shall be no less than five (5) calendar days after service of the notice. Pursuant to Government Code sections 53069.4 and 27721, for all violations of County Code which relate to or arise from a cannabis or industrial hemp activity, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned, the code enforcement officer may seek final determination of any administrative fines levied pursuant to this Chapter by the Office of County Cannabis Hearing Officer, established under Section 22.40.130.C, in lieu of any appeal rights under Section 1.05.060. In such event, notice to appear before the Cannabis Hearing Officer at a stated time and place not less than five (5) calendar days after service of the notice should be provided to the responsible persons. The notice of violation and/or notice of fine may be consolidated with a notice(s) of nuisance abatement under Sections 22.40.130.B, 22.74.150, 23.08.432.b and 23.10.150. The ~~hearing~~ Cannabis Hearing Officer shall issue a written decision which affirms, reverses or modifies the administrative fines within two (2) calendar days after the hearing. The decision shall be mailed to, or personally served upon, the responsible persons and the code enforcement officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided, and only subject to judicial review in accordance with the timelines and provisions as set forth in Government Code section 53069.4.

SECTION 2: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 3: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 4: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 5: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 6: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of _____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON

Ex-Officio Clerk of the Board of Supervisors

San Luis Obispo County, State of California

By:

Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED

AS TO FORM AND CODIFICATION:

RITA L. NEAL

County Counsel

By: _____

Deputy County Counsel

Dated: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 1 OF THE SAN LUIS OBISPO COUNTY CODE BY AMENDING SECTION 1.05.080 REGARDING INDUSTRIAL HEMP RELATED VIOLATIONS

SECTION 1. Section 1.05.080 Cannabis Activity Related Violations – of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

1.05.080 – Cannabis Activity and Industrial Hemp Related Violations.

For violations which relate to or arise from a cannabis or industrial hemp activity, as those terms are defined in Section 22.80.030, the administrative fines identified in a notice of violation issued under Section 1.05.030 by the code enforcement officer shall become effective immediately upon expiration of the correction period identified in the notice of violation, and no further notice of fine is required under Section 1.05.050 in order for the administrative fines to become effective, and the fines shall continue to accrue daily until the violation has been fully abated and verified by the code enforcement officer. The correction period identified in the notice of violation shall be no less than five (5) calendar days after service of the notice. Pursuant to Government Code sections 53069.4 and 27721, for all violations of County Code which relate to or arise from a cannabis or industrial hemp activity, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned, the code enforcement officer may seek final determination of any administrative fines levied pursuant to this Chapter by the Office of County Cannabis Hearing Officer, established under Section 22.40.130.C, in lieu of any appeal rights under Section 1.05.060. In such event, notice to appear before the Cannabis Hearing Officer at a stated time and place not less than five (5) calendar days after service of the notice should be provided to the responsible persons. The notice of violation and/or notice of fine may be consolidated with a notice(s) of nuisance abatement under Sections 22.40.130.B, 22.74.150, 23.08.432.b and 23.10.150. The Cannabis Hearing Officer shall issue a written decision which affirms, reverses or modifies the administrative fines within two (2) calendar days after the hearing. The decision shall be mailed to, or personally served upon, the responsible persons and the code enforcement officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided, and only subject to judicial review in accordance with the timelines and provisions as set forth in Government Code section 53069.4.

SECTION 2: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 3: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 4: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 5: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 6: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of _____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: April 23, 2020



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, *DIRECTOR*

TO: BOARD OF SUPERVISORS
FROM: PLANNING COMMISSION SECRETARY
DATE: January 23, 2020
SUBJECT: PLANNING COMMISSION ACTION ON AMENDMENTS TO THE LAND USE ORDINANCE, COASTAL ZONE LAND USE ORDINANCE, COASTAL FRAMEWORK FOR PLANNING AND GENERAL PROVISIONS – INDUSTRIAL HEMP ORDINANCE

The Planning Commission of the County of San Luis Obispo held a public hearing on January 23, 2020 to consider proposed amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Coastal Framework for Planning and Title 1 of the County Code to allow for the cultivation of Industrial Hemp. The Planning Commission, at the conclusion of the public hearing on January 23, 2020, adopted findings for the amendments and recommended them for approval.

The Commission recommends the Board of Supervisors approve Land Use Ordinance, Coastal Zone Land Use Ordinance, and Coastal Framework for Planning Amendment LRP2019-00008 based on the findings listed in Attachment 1, accept the changes displayed during staff's presentation, include a discretionary permit requirement for outdoor flowering hemp located within 1,000 square feet from Urban and Village Reserve Lines and allow reductions in lot size subject to discretionary permit approval, and recommends the Board of Supervisors direct staff to evaluate whether there are special areas of the County where Hemp cultivation should be excluded for future consideration by the Commission for review and recommendation to the Board.

On the motion of Commissioner Michael Multari, seconded by Commissioner Dawn Ortiz-Legg, and on the following roll call vote, to wit:

AYES: Commissioners Jay Brown, Michael Multari, and Dawn Ortiz-Legg
NOES: Commissioner Don Campbell
ABSENT: None

976 Osos Street, Room 300 | San Luis Obispo, CA 93408 | (P) 805-781-5600 | 7-1-1 TTY/TRS Relay
planning@co.slo.ca.us | www.sloplanning.org

Thursday, January 23, 2020

The following *draft* action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jay Brown; Mike Multari; Dawn Ortiz-Legg; TBA; and Don Campbell

ABSENT: None

9. Hearing to consider a request by the County of San Luis Obispo for an amendment to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations. Also to be considered is the environmental determination that this project is exempt from CEQA under the Common Sense Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]

County File Number: LRP2019-00008

Project Manager: Kip Morais

Recommendation: Board of Supervisors approval

Kip Morais, Project Manager: presents staff report.

Commissioners: ask questions of staff.

Jay Brown: opens Public Comment.

Frank Brown, Richard Halgren, Ray Poiset, Slater Heil, Rhys Gardiner, Brandon Rivers, John Sordelet, Bill Greenough, Lucas Raines, Sean Donahoe, Sue Sullivan, Robin Baggett, Brent Burchett, Murray Powell, Claire Wineman, Lynda Ziegler, Jena Wilson, Judy Darway, Nick Andre, Crystal Bradshaw, Donna Mehlschau, Collette VanGerwen, George Donati, Bruce Falkenhagen, and Frank Brown: speak.

Jay Brown: closes Public Comment.

Commissioners: begin deliberations.

Michael Multari: suggests treating Hemp as a non-discretionary crop and provides reasoning.

Commissioners: discuss having special areas of the county where Hemp cultivation would be prohibited. Don Campbell is willing to extend the Urgency Ordinance. Michael Multari is inclined to forward staff's recommendation along with additional comments with Dawn Ortiz-Legg and Jay Brown in agreement.

Michael Multari: would like to convey to the Board of Supervisors that if there may be sub areas of the county exempting hemp cultivation then Hemp cultivation should be subject to a Minor Use Permit application.

Don Campbell: cannot support the recommendation until further research has been conducted on the effect Hemp will be on the Wine industry.

Michael Multari: suggests a straw vote for those in favor of forwarding the recommendation to the Board of Supervisors asking them to evaluate special areas within the county where Hemp cultivation would be prohibited and potentially direct staff to further evaluate these areas.

Dawn Ortiz-Legg suggests annual review of these special areas based on possible new scientific information.

Don Campbell: is willing to accept an extension to the Urgency Ordinance due to the research he would like conducted. Cannot straw vote yes or no.

Jay Brown: is inclined to vote with Comm. Multari's recommendation as well as Comm. Ortiz-Legg.

Dawn Ortiz-Legg: would also like to allow a smaller lot minimum size.

Michael Multari: suggests the Board of Supervisors consider that there may be special sub areas of the county that are particularly sensitive where industrial Hemp is not an appropriate use. Additionally, we should allow reductions in the minimum sizes and setbacks subject to a discretionary approval such as a Minor Use Permit.

Don Campbell: understands the intent, however, feels extending the Urgency Ordinance with the same allowances is preferable to him.

Rob Fitzroy, Assistant Director: suggests an option to continue this hearing to give commissioners time to provide direction to staff and return.

Commissioners: deliberate a continuance and an extension of the Urgency Ordinance.

Brian Stack, Deputy County Counsel: explains the limited exemptions adopted for the Urgency Ordinance, in regard to an extension of the Urgency Ordinance.

Commissioners: decide to take an action on the amendments to the ordinance today.

Straw vote on staff's recommendation with additional comments as identified in nos. 1, 2 and 3 below to the Board of Supervisors. Yes=Michael Multari, Jay Brown, and Dawn Ortiz Legg. No=Don

Campbell. Straw vote on additional comment regarding allowing reduction of setbacks via discretionary permit does not pass. Yes = Michael Multari and Dawn Ortiz Legg. No = Jay Brown and Don Campbell.

Commissioners: convey the following recommendations for the Board of Supervisors to consider in their deliberations of the ordinance.

1. The Board direct staff to look into identifying specific areas for exclusion that may be appropriate and bring that issue back through Planning Commission for review and recommendation to the Board.
2. Allow reductions in lot size subject to a discretionary permit such as a Minor Use Permit.
3. Outdoor flowering hemp within 1,000 feet of the URL or VRL would require a discretionary permit such as a Minor Use Permit. Farther than 1,000 feet would be ministerial/by-right.

Motion by: Michael Multari

Second by: Dawn Ortiz-Legg

Commissioners:	AYES	NOES	ABSTAIN	RECUSE
Jay Brown	X			
Michael Multari	X			
Dawn Ortiz-Legg	X			
Don Campbell		X		

The Commission recommends the Board of Supervisors approve Land Use Ordinance, Coastal Zone Land Use Ordinance, and Coastal Framework for Planning Amendment LRP2019-00008 based on the findings listed in Attachment 1, accepts the changes displayed during staff's presentation, recommends the ordinance include a discretionary permit requirement for outdoor flowering hemp located within 1,000 square feet from Urban and Village Reserve Lines and allow reductions in lot size subject to discretionary permit approval, and recommends the Board of Supervisors direct staff to evaluate whether there are special areas of the County where Hemp cultivation should be excluded for future consideration by the Commission for review and recommendation to the Board.



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE January 23, 2020		CONTACT/PHONE Kip Morais (805) 781-5136 kmorais@co.slo.ca.us		APPLICANT County of San Luis Obispo		FILE NO. LRP2019-00008	
SUBJECT Hearing to consider a request by the County of San Luis Obispo for an amendment to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.							
RECOMMENDED ACTION Recommend to the Board of Supervisors approval of Land Use Ordinance, Coastal Zone Land Use Ordinance, and Coastal Framework for Planning Amendment LRP2019-00008 based on the findings listed in Attachment 1.							
ENVIRONMENTAL DETERMINATION This project is exempt from CEQA under the Common Sense Exemption. [Reference: State CEQA Guidelines sec. 15061(b)(3)]							
LAND USE CATEGORY All		COMBINING DESIGNATION Not Applicable		ASSESSOR PARCEL NUMBER Not Applicable		SUPERVISOR DISTRICT(S) All	
PLANNING AREA STANDARDS: Not Applicable							
EXISTING USES: Not Applicable							
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The proposed amendments were referred to: Public Works, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, Community Advisory Groups, Air Pollution Control District, California Coastal Commission, Farm Bureau, neighboring counties, California Coastal Commission, California Department of Fish and Wildlife, US Department of Fish and Wildlife, RWQCB, California Department of Conservation, Agricultural Liaison Advisory Board, interested parties e-mail list.							
TOPOGRAPHY: Not Applicable				VEGETATION: Not Applicable			
PROPOSED SERVICES: Not Applicable				AUTHORIZED FOR PROCESSING DATE: July 16, 2019			
<p align="center">ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</p>							

PROJECT SUMMARY

The Public Hearing Drafts (“PHD Ordinances”) found in Attachment 2 (Redline Version) and Attachment 3 (Clean Version) contain standards for establishing the cultivation and processing of industrial hemp as defined by the PHD Ordinances, regulations for location and operation of that use, and provisions for enforcement activities. Industrial hemp cultivation is regulated through restrictions to land use category, location standards, and parcel size.

DISCUSSION

Background

Industrial hemp as defined by Section 11018.5 of the California Health and Safety Code means a fiber or oilseed crop, or both, that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent (0.3%) tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom. Section 81000 of the California Food and Agricultural Code states “industrial hemp” has the same meaning as that term is defined in Section 11018.5 of the Health and Safety Code. Title 22 and the San Luis Obispo County Coastal Zone Framework for Planning define industrial hemp consistent with Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Prior to the signing of the 2018 Farm Bill, industrial hemp was listed as a controlled substance under the federal Controlled Substances Act. The 2018 Farm Bill removed industrial hemp from the list of controlled substances and designated it as an agricultural commodity, subject to specific regulations. Federal law allows the cultivation of commercial industrial hemp and the cultivation of industrial hemp for research purposes if it is produced in accordance with an approved state program. Specifically, state law requires that commercial growers of industrial hemp register with the County Agricultural Commissioner prior to cultivation. Registration is conducted on an annual basis. The County cannabis ordinance adopted in November 2017 excluded industrial hemp from the definition of cannabis, and specifically placed industrial hemp cultivation in the “crop production and grazing” land use category.

On May 21, 2019, the Board of Supervisors (“Board”) directed staff to draft the Industrial Hemp Urgency Ordinance to address local concerns regarding industrial hemp cultivation in San Luis Obispo County. The Board adopted the urgency ordinance on June 18, 2019, which applied a temporary moratorium on the cultivation of industrial hemp in San Luis Obispo County. Upon adoption of the urgency ordinance, the Department of Agriculture/Weights and Measures ceased issuance of any new industrial hemp registrations aside from those that were issued prior to the urgency ordinance effective date. Registered growers include 17 commercial growers with a total of 452 acres and 9 entities cultivating industrial hemp for research purposes as of the effective date of the urgency ordinance. Under the urgency ordinance, these research growers were allowed to cultivate industrial hemp through December 31, 2019.

On June 18, 2019, the Board directed staff to prepare a permanent ordinance that would allow industrial hemp cultivation to occur within the County with limitations based on land use category, parcel size, and setback requirements. The Board directed that the permanent ordinance should not establish a discretionary use permit process, but only establish a regulatory framework as to

where hemp cultivation may occur by-right. On July 2, 2019, the Agricultural Liaison Advisory Board (ALAB) submitted a letter to the Board of Supervisors with concerns about the land use regulations imposed on industrial hemp production, emphasizing that hemp should not have land use restrictions different from other legal crops, and expressing concerns about the precedent that this action could set for future regulation of other agricultural commodities. On July 16, 2019, the Board of Supervisors voted to extend the urgency ordinance through June 2020. At that same meeting the Board directed staff to work with ALAB to serve as the advisory group for drafting the permanent hemp ordinance.

Board Direction, ALAB input, and public comment

The proposed ordinance amendments were developed based on research, input from the ALAB subcommittee, and public comment. As stated above, the Board provided direction to the Department of Planning and Building during the urgency ordinance extension hearing as summarized in the table below.

TABLE 2: SUMMARY OF BOARD DIRECTION & PROPOSED ORDINANCE	
Board Direction	Proposed Ordinance based on Board Direction, ALAB subcommittee, and public comment
Ministerial approval process	<ul style="list-style-type: none"> Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review.
Limits to land use categories	<ul style="list-style-type: none"> Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories. Residential Rural outdoor cultivation will be limited to non-flowering transplants only.
Establish Setbacks	<ul style="list-style-type: none"> Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences. Indoor industrial hemp cultivation is limited to fully enclosed buildings or greenhouses and setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership, and require ventilation controls to eliminate nuisance odors.

ALAB Hemp Subcommittee

At the August 5, 2019 ALAB meeting, a subcommittee was formed to work with the Planning and Building Department to draft the permanent hemp ordinance. Members of the original subcommittee consisted of representatives of the hemp industry, wine grape industry, ALAB members, vegetable industry members, and representatives of the Farm Bureau. Other industry members, interested parties, representatives of the Planning and Building Department and the Department of Agriculture/Weights and Measures were also in attendance. Three initial subcommittee meetings were held, and the results of those meetings were presented at the September 9, 2019 ALAB meeting (attached). The subcommittee discussions focused on the Board-directed topics of zoning limitations, setbacks, and minimum parcel size. While the subcommittee did not come to consensus on all issues, they agreed on the following:

ZONING LIMITATIONS:

- Agriculture (AG) and Rural Lands (RL) zoned parcels: Hemp cultivation, both indoor and outdoor, should be allowed on these properties.
- On lands zoned Rural Residential (RR), cultivation of transplants should be allowed. Since transplants will be defined as only non-flowering plants, this cultivation should be allowed both indoors and outdoors. It is recognized that transplant growing will typically be done indoors in greenhouses on RR zoned properties, but they may need to move them outside to harden them off prior to shipping and there is no reason to disallow that ability.
- On lands zoned Rural Residential (RR), Industrial (IND), and Commercial Services (CS), growers would have the option of going through the discretionary use permit process (Minor Use Permit) to grow full flowering plants.

SETBACKS or BUFFERS:

- The subcommittee agreed that any setbacks that may be established should be measured from a specific identified uses and boundaries off-site from the hemp grower's parcel and not from the hemp grower's property line. In other words, there is no need for setbacks from a grower's property line if the hemp cultivation is taking place well away from any potential conflicts.
- The subcommittee agreed that any setbacks or buffers that may be established should be measured from a "sensitive site" or "sensitive receptor". There was not an agreement established on exactly what those sensitive receptors should be. Items discussed included schools and state licensed daycares, residential zoned areas or properties (as opposed to a single residence or a couple of residences located on agricultural zoned lands), existing agricultural crops/commodities, wineries, and winery tasting rooms.

MINIMUM PARCEL SIZES:

- The subcommittee agreed that a minimum parcel size was not required. It was discussed that any setbacks or buffers developed would be geared toward alleviating land use conflict between neighbors, and would be more effective than a minimum parcel size (e.g. if there was a minimum parcel size but no setback/buffer established,

than the grower could still plant in a corner of his property close directly adjacent to other residences or established crops and a required minimum parcel size would be ineffective). In addition, by not allowing full flowering hemp plants on those parcels zoned for residential land uses, that alleviates much of the need to establish minimum parcel sizes.

Some of the recommendations of the subcommittee were incorporated into the Public Review Draft. The limiting of Industrial Hemp Cultivation to Agriculture, Rural lands, and Residential Rural land use categories were incorporated, as were restrictions on cultivation of outdoor transplants in the Residential Rural land use category. Per the subcommittee's recommendation, setbacks were established from the areas of cultivation to specific uses rather than from property lines or public right of ways. Broadening the land use categories where cultivation would be permitted through a discretionary permitting process was not incorporated into the draft, as the Board direction was to establish a non-discretionary process. The public review draft also incorporated minimum parcel sizes per Board direction.

Cultivation Standards

The subcommittee did not reach consensus on what the distance setbacks should be. There is a lack of currently available scientific research on hemp odor or the potential for terpene taint affecting crops such as grapes, making it difficult to determine a logical rationale for a specific setback distance. It is likely that this research will be forthcoming in the near future. The setback distances for outdoor (300 ft) and indoor (100 ft) cultivation are consistent with those in the Cannabis Ordinance, although in the Cannabis ordinance these setbacks are from property lines for outdoor cultivation and from specific offsite uses for indoor cultivation. The proposed setbacks for the Industrial Hemp Ordinance are based on setbacks from specific uses rather than property lines. The 1,000-foot setback from "sensitive receptors" in the Cannabis Ordinance was not incorporated into the Industrial Hemp Ordinance for two reasons. The first is that the term "sensitive receptor" has a specific meaning per the California Health and Safety Code. Sensitive receptor provisions under the California Health and Safety Code don't relate to agricultural odors. The second is that the 1,000-foot setback was taken from Proposition 64 aimed at diversion to minors because of Cannabis's status as a federally illegal schedule 1 drug, which is not the case with hemp. This standard was not based on odor.

The subcommittee and Agricultural Commissioner's Office specified that there is an important difference between flowering (odor-causing) and transplant-only cultivation. This distinction informed Staff's recommendation and was incorporated into the setbacks for the public review draft. However, staff determined that having distinct setbacks for only flowering plants rather than transplants would lead to the inability for code enforcement officers to be able to distinguish between them until after plants had flowered. As such, the proposed ordinance has been revised to include setbacks for transplant as well. Setbacks are measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. Per Board direction, minimum parcel sizes were added consistent with the 10-acre outdoor minimum for Cannabis cultivation allowed in the Agricultural Land Use Category. A smaller parcel size is more appropriate for indoor operations provided nuisance odors do not escape offsite. The following table breaks down the setbacks and minimum parcel size by land use category and cultivation type in the public hearing draft.

Cultivation Type		Minimum Parcel Size	Land Use Category		
			Agriculture	Rural Lands	Residential Rural
Outdoor	Flowering	10 acres	300'	300'	Prohibited
	Transplant	10 acres	300'	300'	300'
Indoor	Flowering	5 acres	100'	100'	100'
	Transplant	5 acres	100'	100'	100'

Industrial Hemp Processing and Manufacturing

Industrial hemp processing is treated as an agricultural processing use. It is limited to drying, curing, trimming, packaging, and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). Industrial hemp processing is limited to land use categories where agricultural processing is allowed, and subject to discretionary review. Manufacturing of finished hemp products, including those products that require cannabinoid extraction and infusion, are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, and hemp textiles would be classified as textile manufacturing etc.

Enforcement

Violations of County Code or state law related to industrial hemp constitutes a public nuisance and is subject to code enforcement procedures. Industrial hemp crops are subject to review and inspection at any time, including crop and/or product testing by the Sheriff's Department, Code Enforcement, and Department of Agriculture/Weights and measures. If an industrial hemp crop were to test positive for THC content greater than that established under Section 81000 of the Food and Agricultural Code, the burden to remediate the situation would be on the applicant. Cannabis Hearing Officer duties and powers are proposed to be amended to include industrial hemp abatement hearings and determination of post-abatement costs and assessments.

Public Review Draft Comments

At the September 9, 2019 ALAB meeting it was recognized that although the Planning and Building Department needed to proceed with drafting the ordinance in order to return to the Board by Spring 2020, the subcommittee would continue with three subsequent monthly meetings to provide input on the drafting of the ordinance. Both the ALAB meetings and the subcommittee meeting were open for members of the public to attend and comment. The public review draft of the ordinance was released for public comment on November 11, 2019.

Revisions were made to the ordinance based on comments to the public review draft. Setbacks from religious facilities and cannabis grows were added to the location standards section. Per comments received from County Counsel, setbacks were required for industrial hemp transplants to avoid situations where Code Enforcement would not be able to distinguish between transplants and flowering cultivation until flowering had occurred, making it difficult to determine if there was a setback violation prior to flowering. The majority of comments advocated for changing the proposed setbacks, with the majority in favor of increased setbacks. Staff recognizes that

variability in temperature, wind, and size of grow can effect the distance at which odors would be detectable. The Planning Commission has the discretion to recommend a greater setback distance based on these comments. Response to public comments have been attached for reference.

GENERAL PLAN CONSIDERATIONS AND CONSISTENCY

The proposed amendment was reviewed for consistency with the General Plan and found to be consistent because they include revisions to protect the public safety, health and welfare by preventing the establishment of nuisances by the cultivation of industrial hemp, and they are consistent with the Land Use Ordinance Amendment guidelines in the General Plan.

Framework for Planning – Inland and Coastal Zone

The purpose of the following principles and goals are to better define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns.

Inland

- Principle 1: Protect agricultural land and resources

Coastal Zone

- Goal 1: Conserve agricultural resources and protect agricultural land

The proposed amendment would support and be consistent with the principles and goals. Industrial Hemp Cultivation is currently prohibited by the urgency ordinance. The proposed amendment would reduce barriers for Industrial Hemp Cultivation and establish cultivation standards for industrial hemp designed to reduce conflict with other uses. In addition, the County has formed and consulted with a technical advisory committee and considered public comments.

Agricultural Element

The intent of the Agricultural Element is to promote and protect the agricultural industry of the County, to provide for a continuing sound and healthy agriculture in the County, and to encourage a productive and profitable agricultural industry.

- AG1: Support County Agricultural Production
- AG4: Encourage Public Education and Participation

In developing the draft ordinance, cultivation standards were developed to allow the cultivation of industrial hemp in areas and in a manner that lessens impacts to other crop types and uses. In addition, the ordinance was designed to allow for a registration process with no discretionary review to ensure processing procedures are rapid and efficient.

CEQA REVIEW

This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty

that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo.

REFERRALS

The proposed amendments were referred to: Public Works, Cal Fire, County Environmental Health, City of San Luis Obispo, City of Arroyo Grande, City of Paso Robles, City of Atascadero, City of Pismo Beach, Community Advisory Groups, Air Pollution Control District, California Coastal Commission, Farm Bureau, neighboring counties, California Coastal Commission, California Department of Fish and Wildlife, US Department of Fish and Wildlife, RWQCB, California Department of Conservation, Agricultural Liaison Advisory Board, and the interested parties e-mail list. Staff received comment letters from various groups and individuals, which are included in the attached Response to Comments.

SB18

Pursuant to the requirements of Senate Bill 18 (SB 18 – 2004), any County that considers a General Plan Amendment must invite representatives from affected local tribes to participate in meaningful consultation with the local government for the purpose of discussing tribal concerns related to the proposed project. SB 18 consultation was initiated for the proposed amendments in October 2019. No requests for consultation were received.

ATTACHMENTS

The following attachments include all of the required documentation for amendments to the Local Coastal Plan and County Code to establish Industrial Hemp Cultivation. The proposed amendments are in legislative change format. Following the Planning Commission hearing on this item, the applicable draft resolution language will be prepared/ revised for the Board's review.

1. Findings
2. Proposed Ordinances (Redline Version)
3. Proposed Ordinances (Clean Version)
4. Public Comments Summary and Responses
5. Public Comments
6. Notice of Exemption

Staff Report prepared by Kip Morais and reviewed by Brian Pedrotti and Airlin Singewald.

EXHIBIT A- FINDINGS

Environmental Determination

- A. This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo.

Amendment

- B. The proposed amendments are consistent with the Land Use Element and other adopted elements of the County General Plan the proposed amendment would reduce barriers for Industrial Hemp Cultivation and establish cultivation standards for industrial hemp designed to reduce conflict with other uses.
- C. The proposed amendments are consistent with the guidelines for amendments to the Land Use Ordinance because the amendments are minor in nature and are intended to allow the cultivation of a Federally legal crop.
- D. The proposed amendments will protect the public health, safety and welfare of the area residents by placing restrictions on Industrial Hemp Cultivation and processing that are intended to minimize conflict with other crops and land uses.

COUNTY OF SAN LUIS OBISPO

LRP2019-00008

INDUSTRIAL HEMP ORDINANCE

**PROPOSED AMENDMENTS TO
TITLE 22 (LAND USE ORDINANCE)
FRAMEWORK FOR PLANNING COASTAL
TITLE 23 (COASTAL ZONE LAND USE ORDINANCE)**

And

TITLE 1 (ADMINISTRATIVE FINES)

**PLANNING COMMISSION
PUBLIC HEARING DRAFT**

JANUARY 23, 2020

Item #1

Section 22.06.030.C, Table 2-2 – Allowable Land Uses and Permit Requirements, of the San Luis Obispo County Code is amended to read as follows:

Summary: Add "Industrial Hemp Cultivation (land use)" as a subcategory of crop production and grazing.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

Land Use ⁽¹⁾⁽²⁾⁽⁴⁾	Permit Requirements by L.U.C. ⁽³⁾						Specific Use Standards
	AG ⁽⁵⁾	RL	RR	RS	RSF	RMF	
Agriculture, Resource, and Open Space Uses							
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities (4)	A2	A2	A2	A2 (11)	A2 (11)		22.40
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
<u>Industrial Hemp Cultivation</u>	<u>A2</u>	<u>A2</u>	<u>A2</u>				<u>22.30.244</u>
Energy-generating facilities (9)	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves	A1	A1	A1				

Item #2

Section 22.06.040 - Exemptions From Land Use Permit Requirements, is hereby amended to read as follows (for the uses listed below only; uses not listed are not amended by this section):

Summary: Update land use regulations relating to exemptions from land use permit requirements noting that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

E. Agricultural uses:

2. Crop production and grazing. No land use permit is required for crop production, provided that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244, and where an Agricultural Offset Clearance is required for New or Expanded Irrigated Crop Production that overlies the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as shown in Figure 6-1. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties - Intensive).

Item #3

Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases of the San Luis Obispo County Code, is hereby amended to read as follows (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update land use regulations relating to definitions of land use to include Industrial Hemp Cultivation and other terms associated with the ordinance.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Crop Production and Grazing (land use). Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under "Cannabis Cultivation". Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See also, "Animal Keeping."

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and

preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of "Industrial Hemp Transplant".

Item #4

Chapter 22.30 – Standards for Specific Land Uses, of the San Luis Obispo County Code is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update standards for specific land uses to include Industrial Hemp Processing as a type of Agricultural Processing use, and adding a new Section, 22.30.244, to include standards for Industrial Hemp Cultivation.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

22.30.070 - Agricultural Processing Uses

Agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, commercial composting and olive oil production without the use of solvents, are allowable subject to the following standards.

A. Permit requirements.

1. Minor Use Permit approval is required for agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, ~~and~~ commercial composting, and industrial hemp processing, unless Section 22.08.030 (Project-Based Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.

D. Standards for specific uses

5. Industrial Hemp Processing. For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile manufacturing etc.

a. Location. Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

b. Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected

offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

- c. Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

22.30.244 - Industrial hemp cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only;
2. Outdoor Industrial hemp cultivation is limited to sites of ten (10) acres or larger.
3. Indoor Industrial hemp cultivation is limited to sites of five (5) acres or larger
4. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Cultivation Standards

1. **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
 - a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences.
 - b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership.
 - c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. Nuisance Odors. All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

C. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weights and Measures.

2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 22.40 and 22.74 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

Item #5

Chapter 22.74.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update standards for Cannabis Activity and Industrial Hemp Related Violations to delegate powers to the Cannabis Hearing Officer including the ability to conduct abatement hearings and determination of post-abatement costs and assessments.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

G. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (j) and 27721, the duties and powers of the Board of Supervisors under Section 22.74.150 are hereby delegated to the Cannabis Hearing Officer, established under Section 22.40.130.C, for all violations of Titles 6, 8, 19 or 22 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 22.74.105 or send a Notice of Nuisance under Section 22.74.150.C, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 22.74.150.D, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 22.40.130.B, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 22.74.150.E.2.a, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

Item #6

Chapter 6 Section C (“Coastal Table O – Allowable Land Uses”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

Summary: Add “Industrial Hemp Cultivation (land use)” as a subcategory of crop production and grazing.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Item #7

Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update land use definitions of Framework for Planning to update the definition of Crop Production and Grazing.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Crop Production and Grazing [A5]

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under “Animal Facilities.” The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, “Animal Raising and Keeping.”

Item #8

Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update Coastal Zone Land Use Ordinance Definitions to include Industrial Hemp Cultivation and other terms associated with the ordinance.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

Item #9

Chapter 23.08 – Special (S) Uses is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update Agricultural Processing standards for specific uses to include standards for Industrial Hemp Processing as a type of Agricultural Processing use, and add a new Section, 22.08.047, to include Industrial Hemp Cultivation as a type of Agricultural Use – Specialized (S-3).

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

a. General permit requirements. The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.

Application content. Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).

Minimum site area. No minimum required.

Standards for specific uses.

(1) Industrial Hemp Processing. For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc.

(i) **Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

(ii) **Nuisance Odors.** All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

(iii) **Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

23.08.040 - Agricultural Uses - Specialized (S-3)

Specialized agricultural uses ~~other than crop production~~ which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

23.08.041	Agricultural Accessory Structures
23.08.042	Agricultural Processing Uses
23.08.045	Aquaculture
23.08.046	Animal Raising and Keeping
<u>23.08.047</u>	<u>Industrial Hemp Cultivation</u>
23.08.048	Farm Equipment and Supplies
23.08.050	Interim Agricultural Uses (S-18)
23.08.052	Specialized Animal Facilities
23.08.054	Nursery Specialties
23.08.056	Roadside Stands

23.08.047 - Industrial hemp cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only.
2. Outdoor Industrial hemp cultivation is limited to sites of ten (10) acres or larger.
3. Indoor Industrial hemp cultivation is limited to sites of five (5) acres or larger.

4. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Cultivation Standards

1. Location Standards. The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. These standards do not apply to Industrial Hemp Transplants as defined in Section 22.80.030. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- a. Outdoor Industrial Hemp. Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, and existing offsite residences.
- b. Indoor Industrial Hemp. Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership.
- c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. Nuisance Odors. All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

C. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. **Inspection**

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection, including crop and/or product testing

by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weight and Measures.

2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 23.08.420 and Chapter 10 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

Item #10

Chapter 23.10.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Summary: Update standards for Cannabis Activity and Industrial Hemp Related Violations to delegate powers to the Cannabis Hearing Officer including the ability to conduct abatement hearings and determination of post-abatement costs and assessments.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

- g. Cannabis Activity and Industrial Hemp Related Violations.** Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why

stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

Item #11

Chapter 1.05 – Administrative Fines of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Summary: Update Administrative Fines of the San Luis Obispo County Code to include industrial hemp activity and the process for the application of administrative fines related to industrial hemp activity.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

1.05.080 – Cannabis Activity and Industrial Hemp Related Violations.

For violations which relate to or arise from a cannabis or industrial hemp activity, as ~~that~~ those terms is are defined in Section 22.80.030, the administrative fines identified in a notice of violation issued under Section 1.05.030 by the code enforcement officer shall become effective immediately upon expiration of the correction period identified in the notice of violation, and no further notice of fine is required under Section 1.05.050 in order for the administrative fines to become effective, and the fines shall continue to accrue daily until the violation has been fully abated and verified by the code enforcement officer. The correction period identified in the notice of violation shall be no less than five (5) calendar days after service of the notice. Pursuant to Government Code sections 53069.4 and 27721, for all violations of County Code which relate to or arise from a cannabis or industrial hemp activity, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned, the code enforcement officer may seek final determination of any administrative fines levied pursuant to this Chapter by the Office of County Cannabis Hearing Officer, established under

Section 22.40.130.C, in lieu of any appeal rights under Section 1.05.060. In such event, notice to appear before the Cannabis Hearing Officer at a stated time and place not less than five (5) calendar days after service of the notice should be provided to the responsible persons. The notice of violation and/or notice of fine may be consolidated with a notice(s) of nuisance abatement under Sections 22.40.130.B, 22.74.150, 23.08.432.b and 23.10.150. The hearing Cannabis Hearing Officer shall issue a written decision which affirms, reverses or modifies the administrative fines within two (2) calendar days after the hearing. The decision shall be mailed to, or personally served upon, the responsible persons and the code enforcement officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided, and only subject to judicial review in accordance with the timelines and provisions as set forth in Government Code section 53069.4.

COUNTY OF SAN LUIS OBISPO

LRP2019-00008

INDUSTRIAL HEMP ORDINANCE

**PROPOSED AMENDMENTS TO
TITLE 22 (LAND USE ORDINANCE)
FRAMEWORK FOR PLANNING COASTAL
TITLE 23 (COASTAL ZONE LAND USE ORDINANCE)**

And

TITLE 1 (ADMINISTRATIVE FINES)

**PLANNING COMMISSION
PUBLIC HEARING DRAFT**

JANUARY 23, 2020

Item #1

Section 22.06.030.C, Table 2-2 – Allowable Land Uses and Permit Requirements, of the San Luis Obispo County Code is amended to read as follows:

Summary: Add “Industrial Hemp Cultivation (land use)” as a subcategory of crop production and grazing.

Land Use ⁽¹⁾⁽²⁾⁽⁶⁾	Permit Requirements by L.U.C. ⁽⁹⁾						Specific Use Standards
	AG ⁽⁸⁾	RL	RR	RS	RSF	RMF	
Agriculture, Resource, and Open Space Uses							
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.32.090
Cannabis Activities ⁽⁴⁾	A2	A2	A2	A2 ⁽¹¹⁾	A2 ⁽¹¹⁾		22.40
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
Industrial Hemp Cultivation	A2	A2	A2				22.30.244
Energy-generating facilities ⁽⁹⁾	A2	A2	A2	A2	A2	A2	22.32
Fisheries and Game Preserves	A1	A1	A1				

Item #2

Section 22.06.040 - Exemptions From Land Use Permit Requirements, is hereby amended to read as follows (for the uses listed below only; uses not listed are not amended by this section):

Summary: Update land use regulations relating to exemptions from land use permit requirements noting that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244.

E. Agricultural uses:

2. Crop production and grazing. No land use permit is required for crop production, provided that Industrial Hemp Cultivation is subject to the standards of Section 22.30.244, and where an Agricultural Offset Clearance is required for New or Expanded Irrigated Crop Production that overlies the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as shown in Figure 6-1. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties - Intensive).

Item #3

Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases of the San Luis Obispo County Code, is hereby amended to read as follows (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update land use regulations relating to definitions of land use to include Industrial Hemp Cultivation and other terms associated with the ordinance.

Crop Production and Grazing (land use). Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under "Cannabis Cultivation". Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See also, "Animal Keeping."

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar

non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of "Industrial Hemp Transplant".

Item #4

Chapter 22.30 – Standards for Specific Land Uses, of the San Luis Obispo County Code is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update standards for specific land uses to include Industrial Hemp Processing as a type of Agricultural Processing use, and adding a new Section, 22.30.244, to include standards for Industrial Hemp Cultivation.

22.30.070 - Agricultural Processing Uses

Agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, commercial composting and olive oil production without the use of solvents, are allowable subject to the following standards.

A. Permit requirements.

1. Minor Use Permit approval is required for agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, commercial composting, and industrial hemp processing, unless Section 22.08.030 (Project-Based Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.

D. Standards for specific uses

5. Industrial Hemp Processing. For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile manufacturing etc.

a. Location. Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

b. Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit

application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

- c. **Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

22.30.244 - Industrial hemp cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only;
2. Outdoor Industrial hemp cultivation is limited to sites of ten (10) acres or larger.
3. Indoor Industrial hemp cultivation is limited to sites of five (5) acres or larger
4. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Cultivation Standards

1. **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
 - a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, or existing offsite residences.
 - b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership.
 - c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. Nuisance Odors. All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

C. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weights and Measures.

2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 22.40 and 22.74 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

Item #5

Chapter 22.74.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update standards for Cannabis Activity and Industrial Hemp Related Violations to delegate powers to the Cannabis Hearing Officer including the ability to conduct abatement hearings and determination of post-abatement costs and assessments.

G. Cannabis Activity and Industrial Hemp Related Violations. Pursuant to Government Code sections 25845, subdivision (j) and 27721, the duties and powers of the Board of Supervisors under Section 22.74.150 are hereby delegated to the Cannabis Hearing Officer, established under Section 22.40.130.C, for all violations of Titles 6, 8, 19 or 22 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 22.74.105 or send a Notice of Nuisance under Section 22.74.150.C, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 22.74.150.D, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 22.40.130.B, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 22.74.150.E.2.a, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

Item #6

Chapter 6 Section C (“Coastal Table O – Allowable Land Uses”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

Summary: Add “Industrial Hemp Cultivation (land use)” as a subcategory of crop production and grazing.

ALLOWABLE USES

LOCAL COASTAL PLAN
COASTAL TABLE 'O'

Open Space
Public Facilities
Industrial
Commercial Service
Commercial Retail
Office & Professional
Residential Multi-Family
Residential Single-Family
Residential Suburban
Residential Rural
Recreation
Rural Lands
Agriculture - Non-Prime Soils
Agriculture - Prime Soils

PAGE NUMBER OF USE

USE GROUP

USE GROUP	1	2	3	4	5	6	7	8	9
A) AGRICULTURE									
Ag Accessory Structures	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P
Ag Processing	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Animal Raising & Keeping	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Aquaculture	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Crop Production and Grazing	P	P	P	P	P	P	P	P	P
Industrial Hemp Cultivation	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P
Farm Equipment & Supplies	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Nursery Specialties – Soil Dependent	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P	S-3-P
Nursery Specialties – Non-Soil Dependent	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Specialized Animal Facilities	S-3	S-3-P	S-3	S-3	S-3	S-3	S-3	S-3	S-3

Item #7

Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update land use definitions of Framework for Planning to update the definition of Crop Production and Grazing.

Crop Production and Grazing [A5]

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under “Animal Facilities.” The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, “Animal Raising and Keeping.”

Item #8

Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Summary: Update Coastal Zone Land Use Ordinance Definitions to include Industrial Hemp Cultivation and other terms associated with the ordinance.

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

Item #9

Chapter 23.08 – Special (S) Uses is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Update Agricultural Processing standards for specific uses to include standards for Industrial Hemp Processing as a type of Agricultural Processing use, and add a new Section, 22.08.047, to include Industrial Hemp Cultivation as a type of Agricultural Use – Specialized (S-3).

Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

a. General permit requirements. The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.

Application content. Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).

Minimum site area. No minimum required.

Standards for specific uses.

(1) Industrial Hemp Processing. For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc.

(i) **Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

(ii) **Nuisance Odors.** All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

(iii) **Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

23.08.040 - Agricultural Uses - Specialized (S-3)

Specialized agricultural uses which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

23.08.041	Agricultural Accessory Structures
23.08.042	Agricultural Processing Uses
23.08.045	Aquaculture
23.08.046	Animal Raising and Keeping
23.08.047	Industrial Hemp Cultivation
23.08.048	Farm Equipment and Supplies
23.08.050	Interim Agricultural Uses (S-18)
23.08.052	Specialized Animal Facilities
23.08.054	Nursery Specialties
23.08.056	Roadside Stands

23.08.047 - Industrial hemp cultivation

A. Limitation on use.

1. Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG), Rural Lands (RL), and Residential Rural (RR) land use categories only;
2. Outdoor Industrial hemp cultivation is limited to sites of ten (10) acres or larger.
3. Indoor Industrial hemp cultivation is limited to sites of five (5) acres or larger

4. Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is limited to production of industrial hemp transplants only.

B. Cultivation Standards

1. **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. These standards do not apply to Industrial Hemp Transplants as defined in Section 22.80.030. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- a. **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within three-hundred (300) feet of any active crop production or cannabis grow of separate ownership (excluding pasture or rangeland), any tasting rooms, Residential Single Family (RSF), Residential Multi-Family (RMF), Residential Suburban (RS) land uses categories, Urban Reserve Lines (URL), Village Reserve Lines (VRL), schools, religious facilities, and existing offsite residences.
- b. **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership.
- c. All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.

2. **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

C. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

1. **Inspection**

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection, including crop and/or product testing

by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weight and Measures.

2. Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Chapters 23.08.420 and Chapter 10 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

Item #10

Chapter 23.10.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Summary: Update standards for Cannabis Activity and Industrial Hemp Related Violations to delegate powers to the Cannabis Hearing Officer including the ability to conduct abatement hearings and determination of post-abatement costs and assessments.

- g. Cannabis Activity and Industrial Hemp Related Violations.** Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why

stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County. The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

Item #11

Chapter 1.05 – Administrative Fines of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

Summary: Summary: Update Administrative Fines of the San Luis Obispo County Code to include industrial hemp activity and the process for the application of administrative fines related to industrial hemp activity.

1.05.080 – Cannabis Activity and Industrial Hemp Related Violations.

For violations which relate to or arise from a cannabis or industrial hemp activity, as those terms are defined in Section 22.80.030, the administrative fines identified in a notice of violation issued under Section 1.05.030 by the code enforcement officer shall become effective immediately upon expiration of the correction period identified in the notice of violation, and no further notice of fine is required under Section 1.05.050 in order for the administrative fines to become effective, and the fines shall continue to accrue daily until the violation has been fully abated and verified by the code enforcement officer. The correction period identified in the notice of violation shall be no less than five (5) calendar days after service of the notice. Pursuant to Government Code sections 53069.4 and 27721, for all violations of County Code which relate to or arise from a cannabis or industrial hemp activity, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned, the code enforcement officer may seek final determination of any administrative fines levied pursuant to this Chapter by the Office of County Cannabis Hearing Officer, established under

Section 22.40.130.C, in lieu of any appeal rights under Section 1.05.060. In such event, notice to appear before the Cannabis Hearing Officer at a stated time and place not less than five (5) calendar days after service of the notice should be provided to the responsible persons. The notice of violation and/or notice of fine may be consolidated with a notice(s) of nuisance abatement under Sections 22.40.130.B, 22.74.150, 23.08.432.b and 23.10.150. The Cannabis Hearing Officer shall issue a written decision which affirms, reverses or modifies the administrative fines within two (2) calendar days after the hearing. The decision shall be mailed to, or personally served upon, the responsible persons and the code enforcement officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided, and only subject to judicial review in accordance with the timelines and provisions as set forth in Government Code section 53069.4.

Industrial Hemp Ordinance - Response to Comments

Organization / Public Comment	Comment Notes	Staff Response
ALAB	Minimize ag and business conflicts, sliding scale for setbacks, remove riparian/wetland setbacks, BMPs, annual review	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance. The Commission may look at a sliding scale for setbacks. • Wetland/riparian setback provided to protect sensitive areas.
Agricultural Commissioner	Define tasting room, sliding scale for setbacks, odor enforcement issues	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance. The Commission may look at a sliding scale for setbacks. • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Violations related to industrial hemp subject to code enforcement – see staff report section on "Enforcement".
Air Pollution Control District	Manufacturing will be subject to agency review, noted other APCD permitting requirements	<ul style="list-style-type: none"> • Noted
Creston Advisory Body	Eliminate any type of industrial manufacturing on Ag Zoned land, establish new industrial hemp ag zoning ordinance, locate in hemp industrial park, include residences as sensitive receptors, no exemptions, cultivation limited to indoors	<ul style="list-style-type: none"> • Proposed ordinance allows agricultural processing consistent with other agricultural products • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance. • Proposed use is considered crop production, therefore impacts are generally similar.
Grower-Shipper Association	Hemp not compatible with other agriculture	<ul style="list-style-type: none"> • Proposed use is considered crop production, therefore impacts are generally similar. • Current lack of scientific research on terpene taint risk to vineyards.

Industrial Hemp Ordinance - Response to Comments

Department of Fish and Wildlife	Concerns with impacts to plants and wildlife	<ul style="list-style-type: none"> Hemp cultivation similar to other crop production. Hemp processing subject to similar processing requirements and CEQA.
San Luis Obispo County Farm Bureau	Concerns with odors, contamination of wine grapes, and legal liability from pesticides	<ul style="list-style-type: none"> Current lack of scientific research on terpene taint. Setbacks proposed for sensitive receptors as identified in ordinance. Proposed use is considered crop production, therefore liability issues are similar.
Barbara Baggett	Concern with odors and setbacks	<ul style="list-style-type: none"> Proposed ordinance includes ventilation controls for odors associated with indoor grows. Current lack of scientific research on terpene taint. Setbacks proposed for sensitive receptors as identified in ordinance.
Molly Bohlman	Exclude Edna Valley from allowing hemp due to risk to vineyards	<ul style="list-style-type: none"> Current lack of scientific research on terpene taint risk to vineyards.
Martin and Helen Bretting	Exclude Edna Valley from allowing hemp due to risk to vineyards	<ul style="list-style-type: none"> Current lack of scientific research on terpene taint risk to vineyards.
Michael Cameron	Concerned about setback requirements and ability to grow hemp	<ul style="list-style-type: none"> Current lack of scientific research on terpene taint. Setbacks proposed for sensitive receptors as identified in ordinance.
Howard and Vicki Carroll	Concerns with inadequate setbacks, minimum parcel size, terpenes	<ul style="list-style-type: none"> Current lack of scientific research on terpene taint. Setbacks proposed for sensitive receptors as identified in ordinance.

Industrial Hemp Ordinance - Response to Comments

		<ul style="list-style-type: none"> • Minimum parcel size of 10 acres for outdoor grows consistent with outdoor minimum for cannabis. 5 acre minimum for indoor proposed for indoor grows.
George Donati	Concerns with inadequate setbacks, odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.
Paula Dooley	Concerns with terpene drift, protection of vineyards	<ul style="list-style-type: none"> • Current lack of scientific research on terpene taint.
Roger Eberhardt	Request ban on industrial hemp	<ul style="list-style-type: none"> • Board has directed staff to provide an ordinance regulating industrial hemp.
Bruce Falkenhagen	Concerns with odors, enforcement	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Violations related to industrial hemp subject to code enforcement – see staff report section on “Enforcement”.
Donald Flinn	Concerns with allergies, odors,	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk.
Gerry Judge	Concerns with setbacks, odors, noise	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.
John Goodrich and Janice Odell	Concerns with odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows.
Nancy Greenough	Concerns with inadequate setbacks, odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.

Industrial Hemp Ordinance - Response to Comments

Jean Johnson	Supports setbacks. Concerns with requirements for odor control and minimum site area. Supports in-field sales.	<ul style="list-style-type: none"> • Ventilation controls for odors associated with indoor grows included as appropriate based on public comment. • In-field sales not allowed due to impacts of retail component.
Marjan Kelsey	Concerns with inadequate setbacks, odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.
Larry Knorr	Concerns with odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows.
Marsha Lee	All agricultural crops should be included in odor mitigation, increase setbacks	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • No setbacks are currently proposed for other crops.
Gail Lightfoot	Consider benefits of hemp to local farmers and resident workers	<ul style="list-style-type: none"> • Noted
Andy and Laurie Mangano	Concern with odors, compatibility with vineyards, especially in Edna Valley	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk.
June McIvor (Tolosa)	Concerns with terpenes, odors	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk.
Jeanette Meek	Oppose growing of hemp or cannabis in Edna Valley	<ul style="list-style-type: none"> • Noted
Andy Niner	Edna Valley should be excluded, concerns with setbacks	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance.

Industrial Hemp Ordinance - Response to Comments

Peter Orradre	Concerns with odors, inadequate setbacks	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.
Brad Parkinson	Oppose cannabis and hemp in Edna Valley, setbacks inadequate, economic risk (includes slides)	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Setbacks proposed for sensitive receptors as identified in ordinance.
Richard and Sharon Pescatore	Concern with hemp grows in areas not heavily populated or with significant vulnerable crops such as wine grapes, concern with odors in Edna Valley, discretionary process	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk.
Robert Reid	Concern with odors, health concerns, enforcement, quality of life in Edna Valley, inadequate setbacks.	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk. • Setbacks proposed for sensitive receptors as identified in ordinance. • Violations related to industrial hemp subject to code enforcement – see staff report section on “Enforcement”.
Tim and Sue Rueda	Concerns with economic impact in Edna Valley	See previous responses on impacts of hemp cultivation.
Bob Schiebelhut	Concerns with odors, terpenes, setbacks, enforcement, particularly in Edna Valley	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk. • Setbacks proposed for sensitive receptors as identified in ordinance. • Violations related to industrial hemp subject to code enforcement – see staff report section on “Enforcement”.

Industrial Hemp Ordinance - Response to Comments

Darren Shetler	Clarification on "in-field sales", definitions, concern with prohibition on indoor cultivation in CS and IND, excessive setbacks	<ul style="list-style-type: none"> • In-field sales includes on-site sales transactions. • No definition of outdoor processing because it is not allowed. • Discretionary process provided for CS and IND.
John Sordelet	Hemp is less odorous than cannabis. Concern with not allowing drying of crop in hoop house, requirement of setback from wetland/riparian	<ul style="list-style-type: none"> • Drying of crop in hoop houses considered outdoor processing, which is not allowed. • Wetland/riparian setback provided to protect sensitive areas.
Megan Souza	Concerns with overregulation of hemp. No setbacks should be required.	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance.
William H. Swanson	Concerns with enforceability, inadequate setbacks	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance. • Violations related to industrial hemp subject to code enforcement – see staff report section on "Enforcement".
Julie Tacker	Water offsets should apply, setbacks to watercourses, dust and erosion control concerns, visual concerns, odors, greenhouse gas emissions	<ul style="list-style-type: none"> • Water offsets will apply where appropriate to hemp cultivation • Proposed use is considered crop production, therefore dust and erosion control, visual concerns, impacts from plastics are similar.
Claiborne W. Thompson	Concerns with hemp in Edna Valley. Odors, terpene taint.	<ul style="list-style-type: none"> • Proposed ordinance includes ventilation controls for odors associated with indoor grows. • Current lack of scientific research on terpene taint risk.
Drew Tillman	Concerns with inadequate setbacks	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance.
Agzone Services	Concerns with pollen, inadequate setbacks	<ul style="list-style-type: none"> • Setbacks proposed for sensitive receptors as identified in ordinance.

Industrial Hemp Ordinance - Response to Comments

Lynda Ziegler	Concerns with odors, inadequate setbacks, residential sensitive receptors, particularly in Edna Valley	<ul style="list-style-type: none">• Setbacks proposed for sensitive receptors as identified in ordinance.• Proposed ordinance includes ventilation controls for odors associated with indoor grows.• Current lack of scientific research on terpene taint risk.
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County of San Luis Obispo Agricultural Liaison Advisory Board

2156 Sierra Way, Suite A
San Luis Obispo, CA 93401



**Agricultural Liaison
Advisory Board (ALAB)**

Positions/Members/Terms
CHAIR: Jean-Pierre Wolff
VICE CHAIR: Dan Rodrigues

District One: Peschong Appt.
Craig Pritchard (1/21)
District Two: Gibson Appt.
Lisen Bonnier (1/23)
District Three: Hill Appt.
Tom Ikeda (1/21)
District Four: Compton Appt.
Daniel Chavez (1/23)
District Five: Arnold Appt.
vacant (1/21)
Ag. Finance Rep.
Mark Pearce (8/22)
Cattlemen Rep.
Dick Nock
Coastal San Luis RCD Rep.
Jean-Pierre Wolff (8/22)
Direct Marketing/Organic Rep.
Jutta Thoerner (4/20)
Environmental Rep.
Krista Burke (1/23)
Farm Bureau Rep.
R. Don Warden
Nursery Rep.
Butch Yamashita (4/20)
Upper Salinas-Las Tablas RCD Rep.
George Kendall (4/23)
Vegetable Rep.
Claire Wineman (4/20)
Wine Grape Rep.
Dan Rodrigues (4/20)
Strawberry Rep.
vacant
County Agricultural Commissioner
Marty Settevendemie
Ex-Officio
U.C. Coop. Extension, Farm Advisor
Mark Battany

DATE: December 18, 2019

TO: Kip Morais, Project Manager, and Brian Pedrotti, Senior Planner,
San Luis Obispo County Department of Planning and Building,

SUBJECT: ALAB comments and recommendations on the Public Review Draft of the
Industrial Hemp Ordinance

At the December 9, 2019 Agricultural Liaison Advisory Board (ALAB) meeting, ALAB members discussed the potential adoption of a permanent ordinance regulating the cultivation and processing of industrial hemp within the unincorporated portions of San Luis Obispo County. ALAB members affirmed their support for the growth and success for all agricultural commodities and the majority agreed upon a number of recommendations described below.

ALAB reviewed the information provided by the ALAB hemp subcommittee, a group established by ALAB to specifically address the potential for a local hemp ordinance and assist in providing information to be used for that ordinance development. The hemp subcommittee, a group which included ALAB members, local hemp growers, and local vineyard and winery representatives, met six times in the past four months. Meetings were open to the public and many hemp growers and concerned citizens alike attended and provided comments and input. The ALAB subcommittee provided the full ALAB membership with a few specific recommendations and a number of general areas of consensus that the full ALAB board took under advisement.

After reviewing the input from the ALAB hemp subcommittee and considerable additional discussion amongst members, **ALAB members approved a motion to provide the following five recommendations to County Planning in response to the Public Review Draft of the Industrial Hemp Ordinance:**

- ALAB recommends that County Planning strive to develop this ordinance, and its associated requirements and restrictions, in a manner that minimizes conflicts with existing agricultural operations and businesses.
- ALAB recommends that County Planning consider the implementation of a

sliding scale for setback requirements based upon the number of industrial hemp acres being cultivated. Although ALAB could not come to consensus on exactly what those setback distances should be, it was agreed that it is logical to require smaller setback distances from smaller sized growing sites, relative to the acreage of the hemp growing site.

- **In Section 22.30.244 (B.1.c):** ALAB recommends that riparian and wetland setbacks be struck from the ordinance due to this requirement being duplicative of existing requirements from other agencies that growers must already meet.
- ALAB recommends that direction is given to the Agricultural Commissioner's Office to develop a set of recommended and/or required Best Management Practices (BMP's) for the cultivation of industrial hemp locally. Once these BMP's are developed, ALAB recommends that consideration is given toward incorporating those BMP's into the industrial hemp registration process conducted by the Agricultural Commissioner's Office.
- ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.

Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JP Wolff', written over a horizontal line.

Jean-Pierre Wolff, Ph.D.
ALAB Chair



TO: San Luis Obispo County Planning & Building Department
 FROM: San Luis Obispo County Department of Agriculture
 DATE: December 19, 2019
 SUBJECT: Comments and recommendations on the Public Review Draft of the Industrial Hemp Ordinance

Thank you for the opportunity to comment. The Department of Agriculture appreciates your efforts in putting together this Public Review Draft of the Industrial Hemp Ordinance. We appreciate the straightforward approach and easily understandable ordinance that has been drafted; however, we do have four topics that we would like to comment on and bring to your attention.

- **Section 22.30.244 (B) 1. A – Outdoor Industrial Hemp: “Tasting rooms” definition**
 “Tasting rooms” is not defined within this ordinance. We could not find anywhere else in local land use code that the term was defined. If “tasting rooms” is not defined in the hemp ordinance, or in another section of local land use ordinance, we recommend that “tasting rooms” be defined for the sake of clarity.
- **Section 22.30.244 (B) 1. A – Outdoor Industrial Hemp: Setback established from other crop production**
 With the passage of the 2018 Federal Farm Bill, industrial hemp was classified as an agricultural commodity and removed from the Controlled Substances Act list. Although we recognize that industrial hemp is a unique crop, placing setback requirements from other types of crop production on a legal crop would be an unprecedented step. We submit that setbacks could be modified, by waiver, to address unique, crop-to-crop situations, as current agricultural practices in our area indicate that neighboring growers of different crops can coexist with much smaller distances separating their crops than the 300-foot distance that is currently proposed.

This 300-foot setback requirement from other crop production could result in an unnecessary prohibition on cultivating a legal crop *even in instances where the adjacent existing grower does not believe there is a need for a setback*. For instance, we are aware of several examples of registered industrial hemp growers who cultivated legally within San Luis Obispo County in 2019, who would be impacted by this requirement due to nearby crop production on an adjacent parcel. In at least one of those instances, the neighboring grower has no concern with the industrial hemp cultivation. We suggest exploring a mechanism where the adjacent grower could provide a waiver that would remove this setback requirement for the industrial hemp grower if the adjacent grower did not have any concerns or did not see any need for a 300-foot separation.

- **Section 22.30.244 (B) 1. A – Outdoor Industrial Hemp: Potential for a sliding scale on setback requirements**

Similar to the recommendation made by the Agricultural Liaison Advisory Board (ALAB) in their letter from December 18, 2019, our department also sees the logic and value in having any setbacks that are established utilize a sliding scale based upon the number of industrial hemp acres being cultivated (e.g. if it is decided that setbacks are necessary, those setback distances could be established on a sliding scale for cultivation sites under 1 acre, less than 10 acres, and greater than 10 acres with smaller setback distances established for the smaller acreage categories). Not only does it make logical sense to have smaller setback requirements for smaller cultivation sites, that concept also aligns with the goals set out in AGP4 of the County's *Agriculture Element – Agricultural Use of Small Parcels*, which encourages agricultural uses on small agriculturally zoned parcels as appropriate and allowable.

It is important to recognize that many of the growers interested in cultivating industrial hemp in San Luis Obispo County may be smaller growers. As evidence to this point, 10 of the 16 commercial hemp growers that were registered in 2019 prior to the passage of the temporary moratorium grew 5 acres or less; 7 of those 10 growers cultivated only 2 acres or less. With the potential value of CBD hemp, these smaller cultivation sites may provide a tremendous economic opportunity for local growers that may not have many other options for viable agricultural production at their growing locations.

- **Section 22.30.244 (B) 2 – Nuisance Odors: Potential Enforcement**

The Department of Agriculture is responsible for the enforcement of industrial hemp laws as established in the California Food & Agricultural Code, as well as associated industrial hemp regulations within the California Code of Regulations. However, our Department does *not* typically have any authority over local land use ordinance statutes.

We are seeking clarification on who would enforce this section, specifically in regard to the statement "All structures shall be equipped.....to eliminate nuisance odor emissions from being detected offsite." Growers who fail to eliminate these nuisance odors could be in full compliance with state Food & Agricultural Code requirements, so is this strictly a County Code Enforcement responsibility?

County of San Luis Obispo Department of Agriculture / Weights & Measures

2156 Sierra Way, Suite A | San Luis Obispo, CA 93401 | (P) 805-781-5910 | (F) 805-781-1035
<http://www.slocounty.ca.gov/AgComm> | AgCommSLO@co.slo.ca.us



Air Pollution Control District
San Luis Obispo County

Via Email

December 19, 2019

Kip Morais
San Luis Obispo County Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
kmorais@co.slo.ca.us

SUBJECT: APCD Comments Regarding the SLO County Industrial Hemp Ordinance Draft

Dear Mr. Morais:

Thank you giving the San Luis Obispo County Air Pollution Control District (APCD) an opportunity to comment on the San Luis Obispo County Industrial Hemp Ordinance Draft (Draft). The Draft defined cultivation, processing and manufacturing as follows:

Industrial Hemp Cultivation

- Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing subject to specific land use requirements, but not requiring discretionary review (pg. 2).
- The definition of Industrial Hemp Cultivation is defined on page 13 and states any activity involving the planting, growing, harvesting, or field drying of industrial hemp.
- Industrial Hemp Cultivation will be limited to the Agriculture, Rural Lands, and Residential Rural land use categories (pg. 2).
- Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure, only within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting (pg.13).

Industrial Hemp Processing

- Industrial Hemp Processing will be treated as an Agricultural Processing use and will require discretionary review (pg. 2).
- Indoor Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use (pg.13).

Industrial Hemp Manufacturing

- Manufacturing of hemp products will be classified under existing manufacturing uses according to end-product and scale of operations and subject to permitting requirements accordingly (pg.13).
- Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end-product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as Textile Manufacturing etc. (pg. 14).

The following APCD comments are pertinent to the Draft Ordinance.

The industrial hemp manufacturing requirements described in Paragraph D. 5. Industrial Hemp Processing on page 14, are unclear. The paragraph briefly explains that industrial hemp processing would be subject to permitting requirements based on the "finished hemp products" but does not explain more than two categories of products and what permitting requirements they are subject to. In reference to SLO County Ordinance 23.06.082 - [Air Pollution Control District \(APCD\) Review](#), it is important to convey that manufacturing processes will be subject to other agency discretion, including, but not limited to the APCD, SLO County Environmental Health, and SLO County Fire Department.

Similarly, to the Cannabis Permitting Guide webpage on the SLO County's website, the APCD would like to be a "recommended" agency during the application process because Industrial Hemp cultivation/processing/manufacturing is subject to various APCD permits and rules.

To be as transparent as possible to applicants, the APCD would like the following information conveyed to applicants:

Permit - Agricultural Burning

Since Industrial Hemp Cultivation will be considered a subcategory of Crop Production and Grazing, burning of Industrial Hemp waste will require an APCD Agricultural Burn Permit and burning of waste is only allowed on Permissive Burn Days. All agricultural burning is subject to [APCD Rule 502](#). Verification of THC content may be required upon application. For more information on agricultural burning, visit the following APCD webpage: slocleanair.org/rules-regulations/agriculture/burning.

Permit - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the APCD's permitting requirements:

- All industrial hemp manufacturing facilities.
- All masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing/processing of hemp.

Nuisance - Manufacturing & Masking/Neutralizing of Hemp

The following are subject to the [APCD's Nuisance Rule 402](#) and may result in enforcement action:

- Verified nuisance odors from manufacturing.
- Verified nuisance odors from masking/neutralizing agents used to control or eliminate odors related to the growing and/or manufacturing of hemp.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

JNM/jjh

cc: Brian Pedrotti, Long Range Planning Team
Sarah Wade, APCD

Creston Advisory Body

Chairperson: Sheila Lyons, 805-239-0917, P.O. Box 174 Creston CA 93432, salyons1951@gmail.com
Hemp Committee Chairperson: Steve Almond 713-409-8920 steve.almond52@gmail.com

October 17, 2019

San Luis Obispo County Supervisors
Debbie Arnold – darnold@co.slo.ca.us
John Peschong – jpeschong@co.slo.ca.us
Bruce Gibson – bjibson@co.slo.ca.us
Adam Hill – adhill@co.slo.ca.us
Lynn Compton – lcompton@co.slo.ca.us
San Luis Obispo County Government Center
San Luis Obispo, California 93408

Dear Supevisors:

Please find the following input from the Creston Advisory Body (CAB) with regards to the hemp ordinance that is currently being drafted by San Luis Obispo County.

HEMP DISCUSSION AND PROPOSAL FROM CRESTON ADVISORY BOARD

THE PROBLEM(S)

Applications for permits to build facilities to grow and process hemp are increasing at an alarming rate throughout SLO County and the State. The Applicants are typically non-resident owners interested in our land and water for the sole purpose of profit and no consideration for our communities. There is no interest in protecting the quality of life we experience here in the Central Coast.

Recently, at a Creston Advisory Board (CAB) meeting Supervisor Debbie Arnold informed us the Board of Supervisors had declared a temporary moratorium on the cultivation of industrial hemp within the unincorporated areas of San Luis Obispo county while the County staff determines the impact of such unregulated cultivation and develops reasonable regulations to mitigate such impacts. This was good news to those in attendance but it was clear this was the beginning of another push by hemp growers getting underway. Everyone in attendance expressed concerns that this was very similar to the cannabis problem except hemp does not require approval to grow, making planting easier than for cannabis. The real problem is hemp is a strain of cannabis and contains both THC and CBD the two main active ingredients in cannabis yet hemp growth is non-regulated. Supervisor Arnold also stated that a specific lab must do the testing to determine whether a plant was cannabis or hemp. Only the lower THC concentration seen in hemp distinguishes it from cannabis (i.e., less than 0.3 % THC based on dry weight). In fact, hemp has been raised for years for making rope, etc. without isolating the active ingredients. However, now a new generation of hemp growers are growing hemp to extract and utilize the active ingredient CBD illegally. In short, hemp is cannabis with a lower THC level and should be treated as such. Additionally recent news articles have reported that grows have been found that are labelled as hemp, are actually marijuana grows attempting to forego the licensing process.

There was **no one** in the sizeable crowd at the CAB meeting who was in favor of allowing hemp nor has the CAB received any community support expressing support to be grown in Creston or the Creston community.

The same response was seen during cannabis application reviews. First and foremost, the Creston landowners, residents and neighbors made it quite clear that hemp growth and processing operations are ***not compatible with the community and are not wanted. They know that such operations present a clear and present danger*** to the people who live here and to our country lifestyle, not to mention our investments in our land, our homes and our families. Here are some specifics which would apply equally to where you live.

1. **Safety** - Creston's residents are concerned, first and foremost, for the safety of their families and the sanctity of their homes. As anyone can grow hemp, as the law reads currently, it could be grown anywhere in our community and surrounding area. The residents' safety and that of their children would potentially be under threats to health, crime and otherwise by a single hemp farm or multiple hemp farms. Again, recent news reports of an attempted robbery of a Templeton "hemp" grow due to the burglars believing it was actually marijuana, is a real example of our concern.

Potential mitigation:

At a minimum, residential dwelling units should be included in the county ordinance "sensitive receptor" definition with at least a 1,000 foot setback. The county ordinance for **pig farm/cattle feed lot has 1,000 foot residential dwelling setback and 1 mile setback from residential areas**. Rural residential homes should have the same protection from hemp, and cannabis.

2. **Environmental Impact** - These operations most certainly increase the risks not only to the quiet lifestyle we enjoy but also to our immediate **environment**. It was acknowledged that several dangerous **volatile chemicals and explosively flammable gases** would be used as part of hemp extraction or processing. We were informed that such hazardous materials are **not** allowed for an operation this close to town, homes and schools because of the potential risks of injuries or deaths.

These chemicals may present other risks as well, in the event of spills or mishandling, of **contamination of nearby soils, the surface and underground drinking water supplies across the Paso Robles Groundwater Basin, including the nearby Huero Huero River along with other creeks and streams whose course runs on or adjacent to a growth site**. All residences in the Creston community are on wells and are therefore highly susceptible if contamination should occur.

Potential mitigation –

Keep the cultivation of cannabis/hemp indoors, and limited to sealed greenhouses that do not vent to the atmosphere.

This will limit the impact of air pollution/skunk odor but not completely - do not allow for chemical sprays that cover the plant odors. Outdoor grows can not mitigate the resulting air pollution/skunk odors. Put outdoor grows at least 1 mile away from residential neighborhoods just like the pig farm setback ordinance. **Do not allow what is essentially industrial manufacturing/processing on lands zoned as agricultural or near rural residences.**

Require compliance with the California Environmental Quality Act (CEQA).

End the undue exemptions given to cannabis projects. Hemp as an "agriculture product" must undergo CEQA review, studies and reports for a given project location - so should cannabis since it is the same

plant.

Eliminate all types of potential pollution

It was acknowledged that these operations can result in **night-time light pollution, increased truck and other vehicular traffic, increased noise levels, escaping chemicals, hemp plant and production odors.**

3. **Crime**

Hemp growers have historically argued that they are “just another ag. operation”, similar to growing olives, alfalfa or grapes and should be viewed and treated the same way. But that patently is not true. These hemp operations are definitely not just “ag.” operations. The **risk of a significant increase in crime** in and around Creston would be a legitimate concern. This risk has been acknowledged by the County.

Potential mitigation –

Requirements that hemp growth and operations must undergo thorough criminal background checks and operations must have 24 hr. camera surveillance and a security person. The concern about increased crime is real, particularly since law enforcement response times are necessarily longer in rural areas like Creston. The now negligible crime rates in Creston area seem almost certain to skyrocket, if hemp growth is approved.

4. **Economic Damages**

A rural residential area like Creston embedded with and surrounded by hemp growth and operations would result in lower property values and other economic damage to the families who live and work here. For most citizens their investments in their homes will be the largest investments of their lives and these investments would most certainly be damaged. At least one property in Creston went on the market the moment there was an application submitted to the County and discussion of a “grow” on the property next door. The interest by potential buyers has been less than enthusiastic once the potential “grow” was disclosed.

A further, very real, concern for Creston citizen owners of homes and traditional ag. properties, beyond the previously mentioned inherent reduction of our properties' re-sale values if they were to be situated near a cannabis/hemp grow or processing operations, would now include the high risks of court and attorneys' fees and costs of pursuing or defending related (and already threatened) property rights litigations. The Creston community is united in simply wanting to keep they homes and lifestyles they have invested in. None should have to be exposed to threats by the cannabis/hemp industry of, or actually suffer, the financial risks and stress of having to protect ourselves from corporate aggressions and profit motive manipulations. No one purchased their property accepting of the idea that there might be a hemp, or cannabis, operation next door. In no rational sense would these operations be compatible with our community.

In addition, it has been shown there are issues with cannabis/hemp endangering our wine crops which are key economic contributors to our area. This has been proven in a number of areas with references given below. In fact, Napa supervisors prepare to ban cultivation, manufacturing, and sale of commercial cannabis in unincorporated Napa County, recently.

The question of water usage is always of concern as our community sits over the Paso Robles Groundwater Basin. It is our understanding that hemp requires more water per acre than grapes and although we've been told that any hemp grower would have to obtain agricultural offsets, both the agriculturists in our area and the local residents have concerns. At this point in time, it is our understanding that offsets can be obtained from anywhere over the basin, however if hemp is grown in our community it is clear that the pumping will be occurring in our immediate area of the basin thereby impacting the many relatively shallow rural residential wells we have in our community and jeopardizing the family welfare of our residents.

5. Gray area

The majority of hemp being grown now is for the extraction of CBD oil, to be used both for recreational and therapeutic purposes (medicinal in nature), however it was delisted as a Class I, scheduled controlled substance" by the FDA in the 2018 Farm Bill, meaning a prescription by a doctor is no longer required. (i.e., proof of legitimate existing market sources for CBD). It is therefore not a "traditional" type of agricultural crop. Hemp is currently operating in a gray area of the law since it is not categorized as being used as a drug.

Since the CBD oil from hemp is used as a medicine, hemp profits need to be taxed by the county as is cannabis to remove incentives to sell "bad" hemp crops (i.e., having more THC than allowed). There also needs to be penalties paid to the county for "bad" hemp crops since technically they need to be destroyed.

A POSSIBLE WAY FORWARD

Since the county currently has a moratorium on the cultivation of industrial hemp operations within the unincorporated areas of SLO county, we have time to establish and set up proper regulations which protects the public safety health and welfare of Creston and the surrounding community. The sensible, proper and most economic decision for the County on these hemp growth operations should be to simply establish these new hemp regulations before hemp growth takes off. It has been shown the county has moved too fast in allowing cannabis growth to establish itself. So, for hemp growth/ operations let's take our time, put together appropriate regulations by a group made up of both county employees, hemp growers AND county citizens to regulate hemp growth.

One possible idea would be to establish a new "**industrial hemp ag**" zoning ordinance. It would require that these "hemp growth/factory ag." operation be located away from residential, residential ag. and pure ag areas. In fact, the same should be done with cannabis growth.

The truth is, these operations ARE factories and should be zoned accordingly. Their "grows" should be indoors and the processing is done indoors. So, one could arguably say that these operations should be kept away from our towns, our schools, our families and prevented from imposing any health or safety risks upon us. They should be co-located in a specially zoned "hemp industrial park", which would result in **benefits to the taxpayers**. In short, put manufacturing where it belongs in Industrial or Commercial Zoned land.

1. Certainly, it would make the County's application reviews, permit issuance and periodic inspections easier more efficient and less costly, with the sites localized in one place. Fewer personnel would be required, less travel time from property to property and fewer hours needed for inspections or follow ups. And, finally, no further concerns as to whether the zoning for a new operation is correct, no more strings of hearings and debates and waste of County administrative time and money.

2. Law enforcement oversight and/or patrol for criminal activities would be easier, less costly and more efficient with all of the legal operations in one factory-ag zone. Law enforcement response times would be reduced, the burden on law enforcement agencies for monitoring hemp/cannabis related criminal activities reduced and the number of officers and costs needed to patrol would be reduced dramatically.

A win for the County administrative staff and budgets, law enforcement's personnel and budgets and, most importantly, the tax-payers and the safety of their families, their health and their homes.

SUMMARY

It is not surprising that communities like ours find it difficult to not lump cannabis and hemp together regardless of their legal classifications. They are essentially the same plant and thus need to be handled similarly in an agriculturally dominate, family oriented community like Creston. Adopting the following would go a long way towards minimizing the conflicts between rural residents and cannabis/hemp projects being proposed across the county and in our community specifically:

- ☒ **Establish a new "industrial hemp ag" zoning ordinance.**
- ☒ **Eliminate any type of industrial manufacturing on Agricultural Zoned land.**
- ☒ **Include residential dwelling units in the "sensitive receptor" definition and site restrictions.**
- ☒ **Keep the cultivation of cannabis/hemp indoors and limited to sealed facilities and greenhouses that do not vent to the atmosphere.**
- ☒ **Require compliance with the California Environmental Quality Act - do not give exemptions to cannabis projects.**

Cannabis/hemp projects are NOT traditional agriculture for SLO County - these are nuisance crops. Cannabis is incompatible with traditional agriculture due to the risks of pesticide and non-pesticide grows - the proximity of cannabis/hemp to traditional agriculture is not compatible.

Cannabis/hemp projects are not compatible with our town of Creston and local residential agriculture quality of life. Do not force the Santa Barbara County cannabis/hemp un-restricted grows on to San Luis Obispo County residential agriculture neighborhoods, homes and families.

Respectfully submitted:

Sheila Lyons, CAB Chairperson

Steve Almond, CAB Hemp Committee Chairperson

References:

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<https://calcoastnews.com/2019/09/winners-of-grover-beach-pot-shops-quickly-sold-permits/>

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<https://calcoastnews.com/2019/08/proposed-buellton-pot-grows-pit-a-vintner-against-weed-farms/>

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<https://ksby.com/news/local-news/2019/07/09/santa-barbara-county-supervisors-consider-cannabis-cultivation-restrictions>

June 21, 2019: Time Magazine. "The Environmental Downside of Cannabis Cultivation"
<https://time.com/tag/cannabis/>

June 18, 2019: Santa Barbara Independent. "Santa Barbara County in an Uproar Over Cannabis Odors" From Carpinteria to Santa Ynez Valley Lawsuits, Public Hearings and Civil Protests Complain About Smells Emitting from Green Houses and Fields. <https://www.independent.com/2019/06/05/santa-barbara-county-in-an-uproar-over-cannabis-odors>

June 15, 2019: LA Times. "The World's Largest Pot Farms, and How Santa Barbara Opened the Door"
<https://www.latimes.com/local/california/la-me-santa-barbara-pot-grows-20190612-htlstory.html>

Hog Ranch Ordinance 22.30.100 - Animal Facilities - Specialized "E. Hog ranches. The raising or keeping of more than three sows, a boar and their un-weaned litter is subject to the same standards that are required of beef and dairy feedlots by Subsection C. A hog ranch shall be located no closer than one mile from any residential category; and no closer than 1000 feet from any school, or dwelling other than those on the site."

October 12, 2019: "Cannabis farmers argue their crop is compatible with other crops, despite winemakers' concerns"
<http://www.santamariasun.com/cover/18927/cannabis-farmers-argue-their-crop-is-compatible-with-other-crops--despite-winemakers-concerns/>

August 14, 2019: "California's Largest Legal Weed Farms Face Conflict In Wine Country"
<https://www.npr.org/2019/08/14/747441997/californias-largest-legal-weed-farms-face-conflict-in-wine-country>

September 18, 2019: Wine Business Daily News "Napa supervisors prepare to ban cultivation, manufacturing, and sale of commercial cannabis in unincorporated Napa County"
<https://www.winebusiness.com/news/?go=getArticle&dataId=219744>



December 19, 2019

Brian Pedrotti and Kip Morais
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Planning and Building Department:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, wine grapes, vegetable transplants, flowers, and tree fruit. We appreciate the opportunity to comment on the County's consideration of a permanent ordinance regarding industrial hemp cultivation. Our Board of Directors voted unanimously to submit this comment letter.

The Association advocates for thoughtful policy that anticipates and minimizes predictable land use conflicts. Our members have experienced similar conflicts with both hemp and cannabis (marijuana). Both hemp and cannabis cultivation have been the source of significant conflict with established Central Coast agriculture.

Based on the best information we have available and the extent of conflict that our members and others in the agricultural community have experienced in trying to grow near hemp and cannabis, we do not believe that hemp or cannabis cultivation is compatible with organic or conventional Central Coast agriculture.

Our Board of Directors and members have engaged in extensive, focused discussions since August. These extensive discussions and the experience of our members growing in close proximity to hemp and cannabis through a full production cycle have better informed our current policy position. We have actively engaged on this issue by participating in discussions with the Agricultural Liaison Advisory Board (ALAB) and the ALAB Hemp Subcommittee, although we disagree with the recommendations favored by the majority of ALAB because we do not believe that it is adequately protective of the greater agricultural community.

Our policy position has evolved as we have become better informed on the specifics of hemp cultivation, end uses, regulatory context, and experience of nearby agricultural operations. The Association believes in the value of a diverse, vibrant, and robust agricultural economy and communities and we support different types of Central Coast agriculture. We further believe that innovation and adaptation is essential to support agriculture and allow for future generations to continue to be viable in domestic agriculture in the face of increasing challenges related to labor, water, market, and the cumulative effect of regulatory and economic pressures. For these reasons we are open to opportunities that complement and secure a future for agriculture on the Central Coast and are mindful of the potential precedential implications of policy decisions. **However, based on the experience of our members operating in real-world Central Coast conditions, all evidence suggests that hemp is not a similarly situated agricultural crop and these differences are driving severe conflicts.**

GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES
534 E Chapel St • Santa Maria, CA 93454 • (805) 343-2215

Hemp and cannabis are fundamentally different from other agricultural crops. Unlike any other crop, hemp and cannabis have demonstrated that it is virtually impossible to farm next to even when exercising best management practices in a manner consistent with proper and accepted customs and standards and local, State, and Federal rules and regulations.

Our members have reported conflicts with neighbors growing both hemp and/or cannabis in a variety of crops and locations in Santa Barbara and San Luis Obispo Counties. The conflicts that our members have experienced are not isolated to one particular location, individual, or crop type. Although there are some limited locations that have not generated conflict, the majority of our members operating near hemp and/or cannabis have experienced significant and acrimonious conflict. The types of conflict include disputes over normal cultivation activities, such as land cultivation, application of plant protection materials, application of fertilizers, and threatened litigation; other conflicts have included harvest crews reporting concerns from strong odors sometimes several miles away. Crop types that have been embroiled in conflicts have included broccoli, wine grapes, avocado orchards, and citrus orchards. Local businesses and community members that have been impacted by this conflict include farmers, harvesters, rural residents, shippers, custom machine operators, materials applicators, and farm labor contractors. Given the great extent and diversity of intrinsic conflicts, we restate that these experiences of conflict are not isolated events and should give pause to the future of hemp and cannabis cultivation on the Central Coast.

Although the significance of advocating for regulations weighs heavily on our Association, we cannot remain silent in the face of continued increases in the number of members whose ability to exercise best management practices is crippled by their proximity to hemp or cannabis cultivation.

Until we have evidence to the contrary we urge a conservative approach be exercised to maintain the viability of the established, diverse agriculture and a future for food crops on the Central Coast. Examples of policy and information gaps include broader State and Federal licensing of plant protection materials for hemp cultivation, better understanding of odor concerns, and if and how the extreme levels of intolerance for regulatory testing parameters for cannabis will be applied to hemp. We further believe that addressing liability protection for agriculturalists exercising best agricultural practices and their right to farm is a key component for compatibility between hemp and other agricultural food crops.

We hope that the Board of Supervisors reconsiders its direction in developing an Industrial Hemp Ordinance in light of this information and considers the widespread and significant conflicts that hemp and cannabis cultivation have generated on the Central Coast demonstrating their incompatibility with existing food crops in San Luis Obispo County.

Sincerely,



Claire Wineman, President

Grower-Shipper Assoc of SB & SLO



December 18, 2019

Kip Morais
County of San Luis Obispo Planning & Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408

**Subject: County of San Luis Obispo Industrial Hemp Ordinance Public Review
Draft (Ordinance)**

Dear Mr. Morais:

The California Department of Fish and Wildlife (Department) has received a copy of the draft County of San Luis Obispo Industrial Hemp Ordinance. The draft Ordinance addresses cultivation, processing, manufacturing, and in the field sales of hemp in the unincorporated San Luis Obispo County (County) jurisdiction.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Ordinance that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Ordinance the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code (FGC).

As defined in the Ordinance, Section 4, Section 22.30.070, industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories. As defined in the Ordinance, Section 4, Section 22.30.244, industrial hemp cultivation (indoor and outdoor) may be allowed in the AG, RL, and RR land use categories only; outdoor industrial hemp cultivation is limited to sites of ten (10) acres or larger; indoor industrial hemp cultivation is limited to sites of five (5) acres or larger; outdoor industrial hemp cultivation in the RR land use category is limited to production of industrial hemp transplants only.

THE DEPARTMENT ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*id.*, § 1802).

Conserving California's Wildlife Since 1870

COMMENTS AND RECOMMENDATIONS

The Ordinance applies to all of San Luis Obispo (SLO) County which has been identified to contain thousands of acres of protected conservation lands, core population areas for multiple State and federally listed species and supports rare natural communities. The County includes the only known habitat for many special status species and important geographic and topographic habitat areas that have been identified as critical to meet the recovery goals for many State and federally listed species.

The Department is concerned the Ordinance, as drafted, could result in impacts to both unlisted and special status species known to occur in the County, including but not limited to, the special status species listed in the Table 1 and 2. The Department's recommendations are included below to minimize impacts to fish and wildlife resources and their habitat.

Common Name	Scientific Name	State Status	Federal Status
Invertebrates			
Kern primrose sphinx moth	<i>Euproserpinus euterpe</i>		threatened
longhorn fairy shrimp	<i>Branchinecta longiantenna</i>		endangered
Morro shoulderband snail	<i>Helminthoglypta walkeriana</i>		endangered
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>		endangered
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>		threatened
Fish			
arroyo chub	<i>Gila orcuttii</i>	SSC	
Steelhead	<i>Oncorhynchus mykiss</i>		threatened
tidewater goby	<i>Eucyclogobius newberryi</i>	SSC	endangered
Amphibians			
California red-legged frog	<i>Rana draytonii</i>	SSC	threatened
California tiger salamander	<i>Ambystoma californiense</i>	threatened	threatened
Coast Range newt	<i>Taricha torosa</i>	SSC	
foothill yellow-legged frog	<i>Rana boylei</i>	candidate threatened	

Table 1 Special Status Species Known to Occur in San Luis Obispo County			
Common Name	Scientific Name	State Status	Federal Status
lesser slender salamander	<i>Batrachoseps minor</i>	SSC	
western spadefoot	<i>Spea hammondi</i>	SSC	
Reptiles			
blunt-nosed leopard lizard	<i>Gambelia siva</i>	fully protected, endangered	endangered
California glossy snake	<i>Arizona elegans occidentalis</i>	SSC	
California legless lizard	<i>Anniella pulchra</i>	SSC	
coast horned lizard	<i>Phrynosoma blainvillii</i>	SSC	
San Joaquin coachwhip	<i>Masticophis flagellum ruddocki</i>	SSC	
two-striped garter snake	<i>Thamnophis hammondi</i>	SSC	
western pond turtle	<i>Emys marmorata</i>	SSC	
Birds			
bald eagle	<i>Haliaeetus leucocephalus</i>	fully protected, endangered	
burrowing owl	<i>Athene cunicularia</i>	SSC	
California black rail	<i>Laterallus jamaicensis coturniculus</i>	fully protected, threatened	
California condor	<i>Gymnogyps californianus</i>	fully protected, endangered	endangered
California least tern	<i>Sternula antillarum browni</i>	fully protected, endangered	endangered
golden eagle	<i>Aquila chrysaetos</i>	fully protected	
grasshopper sparrow	<i>Ammodramus savannarum</i>	SSC	
least Bell's vireo	<i>Vireo bellii pusillus</i>	endangered	endangered
loggerhead shrike	<i>Lanius ludovicianus</i>	SSC	
long-eared owl	<i>Asio otus</i>	SSC	
mountain plover	<i>Charadrius montanus</i>	SSC	
northern harrier	<i>Circus cyaneus</i>	SSC	
purple martin	<i>Progne subis</i>	SSC	
Swainson's hawk	<i>Buteo swainsoni</i>	threatened	
tricolored blackbird	<i>Agelaius tricolor</i>	candidate endangered	

Table 1 Special Status Species Known to Occur in San Luis Obispo County			
Common Name	Scientific Name	State Status	Federal Status
western snowy plover	<i>Charadrius alexandrinus nivosus</i>		threatened
white-tailed kite	<i>Elanus leucurus</i>	fully protected	
Mammals			
American badger	<i>Taxidea taxus</i>	SSC	
giant kangaroo rat	<i>Dipodomys ingens</i>	endangered	endangered
Monterey dusky-footed woodrat	<i>Neotoma macrotis luciana</i>	SSC	
Morro Bay kangaroo rat	<i>Dipodomys heermanni morroensis</i>	fully protected, endangered	endangered
pallid bat	<i>Antrozous pallidus</i>	SSC	
Salinas pocket mouse	<i>Perognathus inornatus psammophilus</i>	SSC	
San Joaquin antelope squirrel	<i>Ammospermophilus nelsoni</i>	threatened	
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	threatened	endangered
short-nosed kangaroo rat	<i>Dipodomys nitratoides brevinasus</i>	SSC	
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC	
Tulare grasshopper mouse	<i>Onychomys torridus tularensis</i>	SSC	
western mastiff bat	<i>Eumops perotis californicus</i>	SSC	
western red bat	<i>Lasiurus blossevillii</i>	SSC	
Status Definitions State: SSC – Species of Special Concern			

Table 2 Special Status Plant Species Known to Occur in San Luis Obispo County				
Common Name	Scientific Name	CNPS Status	State Status	Federal Status
Abbott's bush-mallow	<i>Malacothamnus abbotti</i>	1B.1		
adobe sanicle	<i>Sanicula maritima</i>	1B.1	rare	
Arroyo de la Cruz	<i>Arctostaphylos</i>	1B.2		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
manzanita	<i>crzensis</i>			
Arroyo de la Cruz mariposa-lily	<i>Calochortus clavatus</i> var. <i>recurvifolius</i>	1B.2		
beach spectaclepod	<i>Dithyrea maritima</i>	1B.1	threatened	
Betty's dudleya	<i>Dudleya abramsii</i> ssp. <i>bettinae</i>	1B.2		
black-flowered figwort	<i>Scrophularia atrata</i>	1B.2		
Blochman's dudleya	<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>	1B.1		
Blochman's leafy daisy	<i>Erigeron blochmaniae</i>	1B.2		
Brewer's spineflower	<i>Chorizanthe breweri</i>	1B.3		
bristlecone fir	<i>Abies bracteata</i>	1B.3		
California jewel-flower	<i>Caulanthus californicus</i>		endangered	endangered
California seablite	<i>Suaeda californica</i>	1B.1		endangered
Camatta Canyon amole	<i>Chlorogalum purpureum</i> var. <i>reductum</i>	1B.1	rare	threatened
Cambria morning-glory	<i>Calystegia subacaulis</i> ssp. <i>episcopalis</i>	4.2		
caper-fruited tropidocarpum	<i>Tropidocarpum capparideum</i>	1B.1		
Carmel Valley malacothrix	<i>Malacothrix saxatilis</i> var. <i>arachnoidea</i>	1B.2		
chaparral ragwort	<i>Senecio aphanactis</i>	2B.2		
Coast woolly-heads	<i>Nemacaulis denudata</i> var. <i>denudata</i>	1B.2		
coastal goosefoot	<i>Chenopodium littoreum</i>	1B.2		
coastal marsh milk-vetch	<i>Astragalus pycnostachyus</i> var.	1B.2		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
	<i>pycnostachyus</i>			
compact cobwebby thistle	<i>Cirsium occidentale</i> var. <i>compactum</i>	1B.2		
Congdon's tarplant	<i>Centromadia parryi</i> ssp. <i>congdonii</i>	1B.1		
Cook's triteleia	<i>Triteleia ixiooides</i> ssp. <i>cookii</i>	1B.3		
Coulter's goldfields	<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	1B.1		
crisp monardella	<i>Monardella undulata</i> ssp. <i>crispa</i>	1B.2		
Cuesta Pass checkerbloom	<i>Sidalcea hickmanii</i> ssp. <i>anomala</i>	1B.2	rare	
Cuesta Ridge thistle	<i>Cirsium occidentale</i> var. <i>lucianum</i>	1B.2		
Davidson's bush-mallow	<i>Malacothamnus davidsonii</i>	1B.2		
Diablo Canyon blue grass	<i>Poa diabolii</i>	1B.2		
diamond-petaled California poppy	<i>Eschscholzia rhombipetala</i>	1B.1		
Dudley's lousewort	<i>Pedicularis dudleyi</i>	1B.2	rare	
dune larkspur	<i>Delphinium parryi</i> ssp. <i>blochmaniae</i>	1B.2		
dwarf calycadenia	<i>Calycadenia villosa</i>	1B.1		
dwarf goldenstar	<i>Bloomeria humilis</i>	1B.2	rare	
dwarf soaproot	<i>Chlorogalum pomeridianum</i> var. <i>minus</i>	1B.2		
Eastwood's larkspur	<i>Delphinium parryi</i> ssp. <i>eastwoodiae</i>	1B.2		
Gambel's water cress	<i>Nasturtium gambelii</i>	1B.1	threatened	endangered
Hall's tarplant	<i>Deinandra halliana</i>	1B.2		
Hardham's bedstraw	<i>Galium hardhamiae</i>	1B.3		
Hardham's evening-primrose	<i>Camissoniopsis hardhamiae</i>	1B.2		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
Hearsts' ceanothus	<i>Ceanothus hearstiorum</i>	1B.2	rare	
Hearsts' manzanita	<i>Arctostaphylos hookeri</i> ssp. <i>hearstiorum</i>	1B.2	endangered	
Hickman's onion	<i>Allium hickmanii</i>	1B.2		
hooked popcornflower	<i>Plagiobothrys uncinatus</i>	1B.2		
Hoover's bent grass	<i>Agrostis hooveri</i>	1B.2		
Hoover's button-celery	<i>Eryngium aristulatum</i> var. <i>hooveri</i>	1B.1		
Hoover's eriastrum	<i>Eriastrum hooveri</i>	4.2		
Indian Knob mountainbalm	<i>Eriodictyon altissimum</i>	1B.1	endangered	endangered
Indian Valley spineflower	<i>Aristocapsa insignis</i>	1B.2		
Jared's pepper-grass	<i>Lepidium jaredii</i> ssp. <i>jaredii</i>	1B.2		
Jones' layia	<i>Layia jonesii</i>	1B.2		
Kellogg's horkelia	<i>Horkelia cuneata</i> var. <i>sericea</i>	1B.1		
Kern mallow	<i>Eremalche kernensis</i>	1B.2		endangered
Koch's cord moss	<i>Entosthodon kochii</i>	1B.3		
La Graciosa thistle	<i>Cirsium scariosum</i> var. <i>loncholepis</i>	1B.1	threatened	endangered
La Panza mariposa-lily	<i>Calochortus simulans</i>	1B.3		
late-flowered mariposa-lily	<i>Calochortus fimbriatus</i>	1B.3		
Lemmon's jewelflower	<i>Caulanthus lemmonii</i>	1B.2		
Lost Hills crownscale	<i>Atriplex coronata</i> var. <i>vallicola</i>	1B.2		
maritime ceanothus	<i>Ceanothus maritimus</i>	1B.2	rare	
marsh sandwort	<i>Arenaria paludicola</i>	1B.1	endangered	endangered
Mason's neststraw	<i>Stylocline masonii</i>	1B.1		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
Mesa horkelia	<i>Horkelia cuneata</i> var. <i>puberula</i>	1B.1		
Mile's milk-vetch	<i>Astragalus didymocarpus</i> var. <i>milesianus</i>	1B.2		
Monterey pine	<i>Pinus radiata</i>	1B.1		
Morro manzanita	<i>Arctostaphylos morroensis</i>	1B.1	threatened	
most beautiful jewelflower	<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	1B.2		
mouse-gray dudleya	<i>Dudleya abramsii</i> ssp. <i>murina</i>	1B.3		
Munz's tidy-tips	<i>Layia munzii</i>	1B.2		
Nipomo Mesa lupine	<i>Lupinus nipomensis</i>	1B.1	endangered	endangered
Ojai fritillary	<i>Fritillaria ojaiensis</i>	1B.2		
Oso manzanita	<i>Arctostaphylos osoensis</i>	1B.2		
oval-leaved snapdragon	<i>Antirrhinum ovatum</i>	4.2		
pale-yellow layia	<i>Layia heterotricha</i>	1B.1		
Palmer's mariposa-lily	<i>Calochortus palmeri</i> var. <i>palmeri</i>	1B.2		
Palmer's monardella	<i>Monardella palmeri</i>	1B.2		
Pecho manzanita	<i>Arctostaphylos pechoensis</i>	1B.2		
perennial goldfields	<i>Lasthenia californica</i> ssp. <i>macrantha</i>	1B.2		
pink Johnny-nip	<i>Castilleja ambigua</i> var. <i>insalutata</i>	1B.1		
Pismo clarkia	<i>Clarkia speciosa</i> ssp. <i>immaculata</i>	1B.1	rare	endangered
popcorn lichen	<i>Cladonia firma</i>	2B.1		
Prostrate vernal pool navarretia	<i>Navarretia prostrata</i>	1B.1		
recurved larkspur	<i>Delphinium recurvatum</i>	1B.2		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
Robbins' nemacladus	<i>Nemacladus secundiflorus</i> var. <i>robbinsii</i>	1B.2		
salt marsh bird's-beak	<i>Chloropyron maritimum</i> ssp. <i>maritimum</i>	1B.2	endangered	endangered
San Benito fritillary	<i>Fritillaria viridea</i>	1B.2		
San Joaquin woollythreads	<i>Monolopia congdonii</i>	1B.2		endangered
San Luis mariposa-lily	<i>Calochortus obispoensis</i>	1B.2		
San Luis Obispo County lupine	<i>Lupinus ludovicianus</i>	1B.2		
San Luis Obispo fountain thistle	<i>Cirsium fontinale</i> var. <i>obispoense</i>	1B.2	endangered	endangered
San Luis Obispo monardella	<i>Monardella undulata</i> ssp. <i>undulata</i>	1B.2		
San Luis Obispo owl's-clover	<i>Castilleja densiflora</i> var. <i>obispoensis</i>	1B.2		
San Luis Obispo sedge	<i>Carex obispoensis</i>	1B.2		
San Simeon baccharis	<i>Baccharis plummerae</i> ssp. <i>glabrata</i>	1B.2		
san mesa manzanita	<i>Arctostaphylos rudis</i>	1B.2		
Santa Lucia bush-mallow	<i>Malacothamnus palmeri</i> var. <i>palmeri</i>	1B.2		
Santa Lucia dwarf rush	<i>Juncus luciensis</i>	1B.2		
Santa Lucia manzanita	<i>Arctostaphylos luciana</i>	1B.2		
Santa Lucia purple amole	<i>Chlorogalum purpureum</i> var. <i>purpureum</i>	1B.1		threatened
Santa Margarita manzanita	<i>Arctostaphylos pilosula</i>	1B.2		
shining navaretia	<i>Navaretia</i>	1B.2		

Common Name	Scientific Name	CNPS Status	State Status	Federal Status
	<i>nigelliformis</i> ssp. <i>radians</i>			
showy golden madia	<i>Madia radiata</i>	1B.1		
slender bush-mallow	<i>Malacothamnus gracilis</i>	1B.1		
southern curly-leaved monardella	<i>Monardella sinuata</i> ssp. <i>sinuata</i>	1B.2		
spiny-sepaled button-celery	<i>Eryngium spinosepalum</i>	1B.2		
splitting yarn lichen	<i>Sulcaria isidiifera</i>	1B.1		
stinkbells	<i>Fritillaria agrestis</i>	4.2		
straight-awned spireflower	<i>Chorizanthe rectispina</i>	1B.3		
surf thistle	<i>Cirsium rhotophilum</i>	1B.2	threatened	
Tejon poppy	<i>Eschscholzia lemmonii</i> ssp. <i>kernensis</i>	1B.1		
Tembler buckwheat	<i>Eriogonum temblorense</i>	1B.2		
twisted short hair lichen	<i>Bryoria spiralifera</i>	1B.1		
umbrella larkspur	<i>Delphinium umbraclorum</i>	1B.3		
woodland woollythreads	<i>Monolopia gracilens</i>	1B.2		
yellow-flowered eriastrum	<i>Eriastrum luteum</i>	1B.2		
Status Definitions California Native Plant Society (CNPS): 1A: Plants presumed extirpated in California and either rare or extinct elsewhere 1B: Plants rare, threatened, or endangered in California and elsewhere 2A: Plants presumed extirpated in California but common elsewhere 2B: Plants rare, threatened, or endangered in California but more common elsewhere 3: Review List: Plants about which more information is needed 4: Watch List: Plants of limited distribution				

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to FGC section 2081. If a project could result in take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue a State Incidental Take Permit (ITP) for the Project.

The Department disagrees that industrial hemp cultivation should be a subcategory of Crop Production and Grazing subject to specific land use requirements, making hemp cultivation a part of the ministerial permitting process, but not requiring discretionary review.

Hemp activities have the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in § 15380 of CEQA). The Department recommends the County remove industrial hemp cultivation from the ministerial permitting process and require discretionary review, thus prompting the County to determine if the project is exempt under the California Environmental Quality Act (CEQA). CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (§§ 21001(c), 21083, Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with FGC section 2080 and would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency chooses not to mitigate impacts to CESA-listed species to less than significant levels, then the Department would become CEQA Lead Agency for ITP issuance, which would result in delays and additional costs to applicants. If there is no CEQA document and the project proponent seeks acquisition of an ITP, pursuant to FGC section 2081(b), the Department would become CEQA Lead Agency for ITP issuance. Furthermore, the issuance of an Exemption or Negative Declaration would preclude the Department from utilizing the CEQA document to support ITP issuance. If the Lead Agency proceeds with an Exemption or Negative Declaration, then the Department would become CEQA Lead Agency for ITP issuance.

Land Conversion: Not all parcels zoned Agriculture, Commercial Service, Residential Rural and Industrial have been developed. Many parcels meeting the land use categories for hemp cultivation or processing are undeveloped and potentially contain suitable habitat and special status species, specifically in the Carrizo Plain. Land conversion may result in habitat loss for special status species, migration/movement corridor limitations, or fragmentation of sensitive habitat. Loss of habitat to development and agriculture are contributing factors to the decline of many special status species and game species.

To further ensure that important fish and wildlife resources are not lost due to hemp cultivation, the Department recommends limiting hemp cultivation and processing to a "Previously Disturbed Area", following is a potential definition. The Department would like to discuss with County staff whether this definition would accomplish our common goals of avoiding new habitat conversions and significant impacts to wildlife due to hemp cultivation and processing: "An area which legally underwent clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation as of August 23, 2016. The extent and intensity of the disturbance must be such that County-approved biologists can readily verify that no rare, threatened, or endangered species occupy the site and that hemp cultivation would not cause impacts to rare, threatened, or endangered species." Some cases may require a qualified biologist to visit the site to make such a determination.

Many areas that have been previously farmed, graded, filled, or otherwise disturbed in the County support fish and wildlife resources, including special status species. For example, most of the Carrizo Plain was cultivated in the past but has been recolonized by multiple special status species. Even recently and currently cultivated lands there support special status species. Coastal prairies in the North Coast Plan Area and other grasslands throughout the County have also mostly been tilled or farmed in the past, yet they support special status plants and animals. Areas on the Nipomo Mesa and elsewhere in the South County that have been "previously disturbed" support Pismo clarkia, which is a State rare and federal endangered species.

Carrizo Planning Area: Carrizo Plain is unique within the County. Located in southeast SLO County, Carrizo Plain is bounded by the Temblor Range to the east, Caliente Range to the west, and contains the Carrizo National Monument. Carrizo Plain is home to multiple special status species, including the fully protected blunt-nosed leopard lizard, San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel and tricolored blackbird, and important game species such as pronghorn (*Antilocapra americana*) and tule elk (*Cervus elaphus*).

Hemp cultivation is incompatible with the fish and wildlife resources that occur in the Carrizo Planning Area. The Carrizo Planning Area harbors the highest concentration of special status species in California, contains designated Critical Habitat, and provides core habitat essential to the recovery of species listed under both the Federal and California Endangered Species Acts. The Department has observed directly that cannabis cultivation has disturbed and displaced habitat for these species in the Carrizo Planning Area, exposed listed species to poisoning, and likely resulted in unlawful take of listed species. These observations were documented in letters to the County dated September 8 and October 31, 2016 and March 6, 2017. It is reasonable to conclude allowing hemp cultivation and processing in the Carrizo Planning Area would have similar effects on the Critical Habitat and special status species in the area. The

Department recommends the County prohibit hemp cultivation and processing in the Carrizo Planning Area.

Riparian Habitat, Wetlands, and Watercourses: The Department concurs with the County's hemp cultivation setbacks of at least 50 feet from the upland extent of riparian vegetation of any watercourse and 100 feet from any wetland. Riparian habitat, wetlands, and watercourses are of extreme importance to a wide variety of plant and wildlife species. Riparian habitat, wetlands, and watercourses are known to exist within the County, including historic seeping from the earth lined canals, shallow first encountered groundwater, and along natural and human made watercourses. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, the Department recommends that impacts to wetlands be compensated with the creation of new habitat, preferably on-site, at a minimum of an acre-for-acre basis. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. In addition, the Department recommends a delineation be conducted for proposed Projects to assess riparian, wetland, and watercourse impacts to guide project proponents in establishing appropriate no-disturbance buffers.

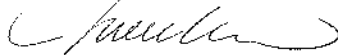
Enforcement: The California Department of Food and Agriculture (CDFA) is the licensing authority for the State for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the State's resources from the adverse impacts of cannabis cultivation (Fish & G. Code, § 12029). Like cannabis cultivation, hemp cultivation has the potential to affect fish, wildlife, plants, and their habitats. Cannabis inspections have led to violations for water diversions and storage, grading, chemical use, wildlife threats, timber conversion, and public safety. The Department's Law Enforcement Division (LED) is a critical component of enforcement. The Department's LED works with cannabis cultivators to bring their facilities into compliance, aids in remediating criminal environmental violations, coordinates with other agencies to remove illegal grows, growers, illegal water impoundments, and extremely toxic chemicals frequently associated with illegal grows, and protects California's unique and diverse natural resources.

The Department recommends amending the inspections section to read as follows: "All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection at any time, **without notice**, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, **The California Department of Fish and Wildlife, California Peace Officers** and Department of Agriculture/Weights and Measures."

Kip Morals
County of San Luis Obispo Planning & Building Department
December 18, 2019
Page 14

The Department appreciates the opportunity to work with County staff and comment on the Ordinance. Questions or further coordination regarding this letter should be directed to Kelley Aubushon, Senior Environmental Scientist (Specialist), at (559) 243-8153 or kelley.aubushon@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

ec: Lieutenant Tyson Quintal
Ryan Mathis
Sarah Paulson
James Rosauer
California Department of Fish and Wildlife



SAN LUIS OBISPO COUNTY FARM BUREAU
4875 MORABITO PLACE, SAN LUIS OBISPO, CA 93401

December 19, 2019

San Luis Obispo County
Department of Planning and Building
Attn: Kip Morais
976 Osos Street Room 200
San Luis Obispo, CA 93408

Submitted by email to pl_LongRangeShared@co.slo.ca.us

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

San Luis Obispo County Farm Bureau represents all of the farmers, ranchers and agribusinesses that make up our \$2.5 billion-dollar county agricultural economy. Like all policy issues, our positions on industrial hemp must reflect our members' diverse perspectives. Our 800 members include hemp and cannabis growers, retailers, rural residents opposed to all cannabis, wine grape growers, and farmers raising other commodities. Since the Urgency Ordinance was passed on June 18, 2019, Farm Bureau has tried to find common ground between stakeholders on this difficult issue both within our membership and through the Agricultural Liaison Advisory Board. Our comments here are to help guide County staff, Planning Commissioners and Supervisors to fairly understand industrial hemp issues and to make this ordinance workable for San Luis Obispo County.

Our principal objective is to preserve our freedom to farm, not to farm any one particular crop. We must prioritize protecting our largest commodity (wine grapes), while being mindful of how any protections enacted today could jeopardize all farmers down the road. We also have a responsibility to attract new people to agriculture and afford smaller farms an opportunity to make a living off of a small amount of land. Industrial hemp has this potential, but sadly, the County's enactment of a temporary moratorium during the 2019 growing season, coupled with the rapidly evolving nature of this new U.S. hemp market, means a potentially lucrative new ag commodity will likely pass San Luis Obispo by. Nonetheless, we are committed to finding a path forward for hemp in SLO County.

Our members have identified three primary issues of concern with industrial hemp, including:

- Odors from hemp cultivation being a nuisance to neighboring residences or businesses;
- Possible contamination of wine grapes by compounds present in the odor emitted by hemp and cannabis (compounds known as terpenes); and
- Legal liability from contaminating hemp and cannabis with pesticides used in neighboring crop fields for non-hemp or cannabis crops.

Issue 1: Odor

First, any setback on a federally legal agricultural crop is a dangerous precedent for all of agriculture. If odors from ag crops are categorized as a nuisance, several longtime staples of our county's crop portfolio (broccoli, leafy greens, etc.) are at risk of being restricted or pushed out. Furthermore, some

routine crop inputs like fertilizers or pesticides also can have an odor. This county has to-date differentiated crop-associated odors that may only be present during certain times of year from livestock odors that may be present year-round. This ordinance deviates from this precedent, and unfortunately puts a path forward for residents unhappy with crop farming odors to seek local land use restrictions on farmers. Odors are inherent in the production of most row crops to some degree or another. Clearly in the background of this hemp conversation, the County is also contending with vocal complaints about odors from cannabis operations; but, where will we draw the line for the rest of agriculture? Farm Bureau opposes banning a federally legal agricultural commodity based on odor, and we believe this ordinance takes our County down an anti-business and anti-agriculture path of overregulation. At what point will we realize the inevitable consequences of the not-in-my-backyard mentality that increasingly drives local policy decisions? We caution our County leaders to not allow current objections to hemp and cannabis odors to open the door for restricting other crops that have an odor some residents find unpleasant or a nuisance.

Issue 2: Possible Contamination of Wine Grapes

Allowing any one crop to negatively impact another crop is also problematic. Frankly, if our policy position has to reflect a choice between protecting an existing crop benefitting a majority of our members and welcoming a new crop, Farm Bureau will have to advocate for preserving our existing leading commodity. But longtime local farmers and residents will recall a time when wine grapes pushed out grain and hay production that was once fundamental to San Luis Obispo County agriculture. Many farmers undoubtedly faced hardship as a result of this change, but arguably wine grapes' proliferation was a net positive for our local economy. If hemp lives up to the hype, do we want to close the door on an opportunity for the next generation of farmers to succeed? Judging by the success of wine grapes today, we should thank our predecessors for having an open mind and regulatory restraint by welcoming a new crop opportunity without a near-sighted determination to protect existing crops.

If cannabis or hemp does cause actual contamination of wine grapes from terpenes, this ordinance will need to be revisited after scientific evidence can guide an appropriate buffer or setback requirement. Concern about hemp and cannabis taint onto wine grapes in SLO County to date has been limited to the Edna Valley region. Hemp has been grown for the past two years immediately adjacent to wine grapes in at least two locations in SLO County (Paso Robles and in southern SLO County near Santa Maria) with no reported issues of terpene contamination. Science in the future may confirm concerns about hemp and cannabis' negative effect on wine grapes, but no such evidence exists today. As a federally legal agricultural crop, hemp should be innocent until proven guilty.

Issue 3: Pesticide Drift Liability

To complicate the issue further, some local farmers have faced legal threats from cannabis or hemp neighbors regarding pesticide drift contamination. Some of the potential drift concern has not come from actual spray migrating to adjoining farms where cannabis or hemp is grown, but from pesticides they believe may be contained in the dust stirred up during routine field work like plowing. Other farmers have been unable to get aerial spraying services performed because the pesticide applicator is afraid of being sued by cannabis or hemp farmers. It is important to note, hemp does not receive the same stringent pesticide residue testing on every lot like cannabis, but pesticide residue tolerance levels for hemp are still being developed by the U.S. Environmental Protection Agency. That is, conventional farmers' pesticide drift concerns are understandably elevated for cannabis, and to a lesser but still

significant extent, hemp. The inability to get spraying services performed could be devastating for farmers, especially crops like avocados or grapes where the crop cannot be easily relocated.

For perspective though, the County does not attempt to shield any crops, be it conventionally or organically grown fruits or vegetables, cannabis, hemp or other crops, from pesticide drift through the Land Use Ordinance; pesticide drift cases are handled by the County Agricultural Commissioner or directly by affected parties through litigation. We understand the frustration felt by non-hemp farmers who are being threatened with lawsuits for pesticide drift. We understand the rationale for dealing with a real and present problem today of avoiding these lawsuits by supporting a large setback requirement for hemp. But we caution those farmers and our County leaders that these setback requirements to mitigate odor and pesticide drift issues could come back later on to these same farms in the future. It is already against the law for any farmer to drift pesticides on to a neighboring farm, but low or non-existing pesticide residue tolerance levels for cannabis or hemp has changed the discussion about how pesticides impact neighbors. If we enact restrictions to prevent cannabis or hemp growers from being contaminated by conventional agriculture's pesticide drift, surely schools, hospitals, residences and about everyone else in our community will want the same pesticide drift protection. Will we now make all farmers using pesticides be two miles from a residence or school? These farmers advocating for hemp to be regulated like cannabis or to subject hemp to large setbacks are our valued Farm Bureau members, but we caution them and our County leaders this may be "cutting off our nose to spite our face."

Specific recommendations:

1. We oppose banning a federally legal agricultural crop based on odor.
2. We oppose a conditional use permit requirement for a federally legal agricultural commodity. Hemp should not be regulated like cannabis.
3. We support the ordinance's proposed standard for indoor cultivation being no detectable odor off site. As minimizing off-site odors is the objective, the ordinance does not need to include specific odor control system components or equipment.
4. We believe language in Section 22.30.244 (B).1.c of the ordinance regarding riparian and wetland setbacks should be removed. These requirements seem unnecessary.
5. We believe the list of locations from which a setback is required may need to be broadened to include event spaces like wedding venues, in addition to protection singled out for tasting rooms.
6. We do not support the minimum site acreage requirement for indoor and outdoor hemp production. Avoiding neighbor-to-neighbor conflicts can be better achieved through some sort of buffer or setback system. For example, a farmer could locate a hemp crop at the edge of a 10-acre site in close proximity to neighbors. A 10-acre minimum also discourages beginning farmers and smaller operations from growing hemp. Placing a minimum acreage requirement may be an expedient political solution to get hemp out of areas where neighbor complaints typically come from, but it disproportionately affects small and beginning growers who cannot afford larger size farms.
7. Recognizing some complaints specific to cannabis cultivation in Residential Rural areas, we support the ordinance's allowance for non-flowering hemp production in the Residential Rural land use category instead of a complete prohibition. To completely disallow hemp in Residential Rural areas would be especially problematic for our local greenhouse industry. While opinions about odors from cannabis and hemp vary, immature hemp transplants should be recognized as less odorous as they do not yet possess female flowers where odors largely originate.

8. We support the ordinance's allowance for temporary structures (hoop houses) to be used for hemp cultivation and for temporary drying or crop storage.
9. Our membership has diverse opinions on what an appropriate setback distance should be, ranging from hemp growers wanting no setback, to other farmers wanting a setback of several thousand feet. As has been borne out by months of stakeholder discussions through the Agricultural Liaison Advisory Board, we do not currently have sufficient science to develop a setback to address all potential concerns. In the absence of this important information, the best option may be to develop a sliding scale based on hemp acreage as was recommended by ALAB. If more science becomes available in coming years regarding cannabis or hemp terpene contamination of grapes, the ordinance setback should be revised. The 300 feet setback as proposed in the ordinance is not ideal, but it is a better compromise than the 1000 feet or two-mile setback being proposed by other stakeholders based on the limited information we have today.

In closing, we want to thank all of our Farm Bureau members, local community groups, and the volunteer members of the Agricultural Liaison Advisory Board for providing input on this challenging issue. We also want to thank Assistant Agricultural Commissioner/Sealer Marc Lea for staffing the Hemp Subcommittee, and Planning and Building Planner Kip Morais for working expeditiously to craft an ordinance in the face of contentious debate and little agreement from stakeholders.


Sincerely,



Brent Burchett
Executive Director
San Luis Obispo County Farm Bureau

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[EXT]Hemp Ordinance

 oo7barb@aol.com
Thu 12/19/2019 9:24 AM
PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold ✕

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

I am a resident of the Edna Valley and have lived SLO for 40 years . I have interests in vineyards and a winery as well.
Hemp and Cannabis are not compatible with other long term crops that have existed here in the Valley for years. Hemp and Cannabis have a horrible smell when they bloom that make many people sick. The smell of the bloom can last many days and drift for miles. I realize other crops can smell. So do dairy cows. This is different. You can have no idea what I am talking about unless you experience yourself.
The staff needs to come out to a hemp grow when it is blooming before making any proposal on how Hemp should be regulated.

The 300' setback proposed by staff is the same as no set back at all.

Barbara Baggett
4750 Moretti Canyon Road
SLO

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[EXT]Industrial Hemp Ordinance

MB

Molly Bohlman <mbohlman@ninerwine.com>

Thu 12/19/2019 2:41 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; Andy

    ...

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Dear SLO County Board of Supervisors,

I am writing to express my concern over the proposed Industrial Hemp Ordinance. As a professional winemaker in SLO County for the past 14 years and a resident of SLO County for over 20 years, I am wary of allowing industrial hemp cultivation in close proximity to commercial vineyard land.

It is not proven whether there is a neutral or negative impact on wine grapes from the growing and/or processing of hemp nearby, and I feel there should be further research done prior to allowing hemp farms in the Edna Valley wine region.

I suggest that the Edna Valley be an exclusionary area for hemp cultivation permits.

Please consider this suggestion when evaluating the hemp ordinance. Thank you for your attention to this issue.


Respectfully,

Molly Bohlman
Winemaker

Niner Wine Estates
805.226.4860 – office
805.226.4861 – fax
www.ninerwine.com

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[EXT]Hemp Ordinance

HB [Helen Bretting <hebretting@gmail.com>](mailto:hebretting@gmail.com) Wed 1/1/2020 10:05 AM 

PL_LongRangeShared; thegpsbrad@gmail.com; George Donati <George@pacificcoastfarming.com> :

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Director Trevor Keith,

As residents of the Edna Valley, we are writing to you to strongly request you permanently ban Marijuana and Hemp growing from the fragile Edna Valley.

We believe there is a risk to our valley for vineyards, for our wonderful ambiance and property values.

Thank you and Happy New Year!
Martin and Helen Bretting
[6076 Pebble Beach Way](#)
[San Luis Obispo, CA 93401](#)

Brian Pedrotti

From: michael cameron <froggiefarms@yahoo.com>
Sent: Thursday, November 21, 2019 8:31 AM
To: PL_LongRangeShared
Subject: [EXT]Industrial Hemp Ordinance - Website

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello my name is Mike I am a small farmer and Atascadero my father and I have 20 acre parcel and we were a licensed hemp cultivator this year. I am concerned with the offsets our property is 400 feet wide and if we have to do a 300 foot offset that will put us out of business so I really really hope you guys will consider making offsets to a existing farm 100 feet offset this would allow us to continue the farm. We had fish and game look at our lot this year and Slo County's officials were out here we had no issues everything went smoothly our neighbor to the south farms squash and he has no problems at all with us farming and continuing on with our hemp business so please take into consideration the small farmer and allow us to continue on please hundred foot 150 foot maximum for offsets thank you so much

Sent from my iPhone

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[EXT]Draft Hemp Ordinance

HC

[Howard Carroll <howardcarroll@icloud.com>](#)

Tue 12/17/2019 4:56 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold ✕



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

To: San Luis Obispo Planning Department

From: Howard & Vicki Carroll

Address: [2175 Biddle Ranch Road](#)
[San Luis Obispo, CA 9401](#)

We are writing to express our concerns on the draft "Hemp Ordinance" which is presently being reviewed by the Planning Department.

We live in the Edna Valley and have a wine grape vineyard surrounding our home. Our family has farmed here since 1874 and we are accustomed to agricultural operations and support our farming community, but hemp is a nuisance and impacts both our home and health. We live over 3,000 feet up wind from the nearest planting and during the early morning time when hemp is flowering our home is filled with "skunk" smell and causes allergy conditions that require antihistamine too correct. The proposed ordinance suggests establishing 300 foot setback - this is totally inadequate! The impacts in residential neighborhoods and locations where people gather, depending on wind and distance from hemp must be intolerable.

The minimum parcel size of 10 acres will only create more conflicts in residential areas. This crop belongs on large rural lands where it will not impact their neighbors.

In addition, the terpenes which the hemp plant produces has an unknown impact, at this time, on the wine grapes that we have been cultivating for 29 years. If we determine a negative impact caused by the terpenes from the hemp crop, it will impact our ability to sell wine grapes.

We have sent emails and called, but there does not appear to be way to protect our home.

The only way is to create a strong ordinance with significant set backs from residential, commercial and other operations. The present draft ordinance is inadequate!

Thank you for your consideration.

Howard & Vicki Carroll

[2175 Biddle Ranch Road](#)
[San Luis Obispo, CA 93406](#)

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[EXT]Draft Industrial Hemp Ordinance

GD George Donati <george@pacificcoastfarming.com> m>

Thu 1/2/2020 8:31 AM PL_LongRangeShared; Adam Hill; John Peschong; Bruce Gibson; Lynn Compton; Debbie Arnold; George

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Kip Morais , Brian Pedrotti and all Planning Commissioners,

I have reviewed the Draft Industrial Hemp Ordinance and I am writing to let you know how inadequate this report is. It was written by the County Staff, and does not at all reflect the views of the Ag Liaison Advisory Board, nor the Committee formed by the ALAB Board, which was formed to make suggested recommendations to the SLO County Board of Supervisors on this new crop.

I am a native of SLO County and I own and operate a Farm Management Company. I employ over 50 full time employees, and up to 100 seasonal workers to operate over 1700 acres of various permanent crops in the Edna Valley and SLO County.

In June of 2019, The Board of Supervisors asked the ALAB board to make recommendations to the Board of Supervisors so that all sides (Existing Agriculture, Residents, existing businesses, the Public, and new Hemp Growers) would be satisfied with the BOS decisions and rules that would be voted upon at the upcoming meeting in the spring of 2020.

The Draft Ordinance suggests a 300' setback for Hemp Growers. This 300' number is totally inadequate, and is not at all what the ALAB board suggested. Staff used this number because this is the Marijuana crop setback. My workers, as well as myself, have experienced the skunky odors that are very prevalent in the early morning air from the flowering Hemp crop. Most of the complaints that we hear from our workers are within 1 mile of the Hemp fields in the Edna Valley. However we have experienced allergic reactions up to 2 miles away from the Hemp fields. With this experience, I know that the staff recommended setback of 300' is going to create many problems with residents, tasting rooms, event centers, schools, churches, existing Ag crops, and with our tourism industry. These allergic reactions are a real health hazard, and need to be studied before any Hemp is allowed to grow.

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[EXT]San Luis Obispo Hemp Ordinance

PD Paula Dooley <paula@stephenrosswine.com> Thu 1/2/2020 12:41 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold

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SLO County Board of Supervisors and Planners:

I am writing to oppose the County of San Luis Obispo Hemp Ordinance as drafted. My husband, Stephen Ross Dooley and I, and many others have invested our lives in the wine industry of the Edna Valley AVA and surrounding area. We have a vineyard of our own in the Edna Valley AVA, and also buy grapes from other vineyards in the area on which we have based our winery, Stephen Ross. We celebrated our 25th vintage this year.

Our concern is that decades-long investment in the \$100 million range in the wine industry, farming, production and tourism sectors, will undeniably be undermined and greatly devalued if hemp is permitted within the AVA or in close proximity to wine grape vineyards. Terpene drift is proven. Smoke taint is proven. Malodorous conditions are proven. (Reference attached letter from UC Davis Enology and Viticulture professor Oberholster.) Why would you undermine your own county by permitting conditions that will wreak havoc on the existing farming, production and tourism that supports the local economy?

Neither the setbacks nor the site specification in the Hemp ordinance are based on science, or any specific conditions within our valley. They seem to mimic the cannabis ordinance, but cannabis relies on the discretionary permit process as a check and balance. This is not the case in the proposed Hemp ordinance. This makes zero sense.

Please. Protect your ag community, your local wine economy, and your constituents. Prohibit hemp farming in the Edna Valley.

Paula

Paula Dooley
Stephen Ross Wine Cellars
Flying Cloud Wines
Jackhammer Wines
805.594.1318

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[EXT]Hemp growing/production in SLO country

RE [Roger Eberhardt <reberhardt99@gmail.com>](mailto:reberhardt99@gmail.com) ...
Tue 12/31/2019 8:41 PM
PL_LongRangeShared; thegpsbrad@gmail.com

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

I request and endorse the immediate banning of hemp growing in SLO County until growing/production can be studied and appropriate regulations can be developed and adopted. There appears to be significant detriments related to hemp growing to allow unregulated growing.
At minimum, establish a temporary growing bane now.

Roger and Kathleen Eberhardt
4955 Caballeros Avenue
SLO

Sent from my iPhone

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[EXT]Draft Hemp Ordinance

BF [Bruce F <brucefal100@gmail.com>](mailto:brucefal100@gmail.com) Thu 1/2/2020 12:56 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; George

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Mr. Moras and Mr. Pedrotti:

In the near future, you will be asking the Planning Commission to amend its ordinances as they pertain to the growing of hemp in San Luis Obispo County. I have issues with what has been presented, primarily with what has happened recently and how your proposed ordinance changes would address and resolve the issues.

We are residents of the County for 38 years. For the past 20 years we have owned a parcel on the southern border of the Edna Valley next to the Cold Canyon Landfill, and lived on it for 15 years as residents.

After being out of the area for a few weeks this last September, we returned the first of October. On October 2nd, my wife smelled hemp/cannabis odors for about 1 hour that were coming from the primary grower in the middle of the Edna Valley. We are 5,800 feet from the hemp/cannabis grow site and 6,300 feet from the hemp growing site. For purposes of this letter, I will use the 5,800 foot distance as the distance to the odor site. I sent a complaint to the County, the Board of Supervisors, the individual Board members, the APCD, the AG Commissioner's office, and the Planning Department.

The only response was from the APCD, who said that since the CA Department of Food and Agriculture has identified cannabis (which includes hemp) as an agricultural product, that have no jurisdiction as agricultural crops are specifically exempted from APCD regulation dealing with nuisance odors.

There was no response from the AG Commissioner's office.

On October 4th, I smelled the hemp/cannabis again, this time for an extended period of about 4 hours. It was smelled by four other people. It was at a higher elevation than the first complaint. I did not report it, because the first nuisance complaint was pending for a County response. That response was never received.

I cite this experience, because it should cause the staff and the decision makers to pause and ask the question, "How does the proposed ordinance address this type of complaint? Would it have been dealt with and resolved?"

Contrary to the comment by one Board member questioning the possibility that these odors could travel over a mile, the odors did travel over a mile. In the case of the first complaint, 5,800 feet. This was at the floor of the Valley, which is about 40 feet above the elevation of the hemp grow site. For the second complaint, it was smelled at an elevation of 420', 120' above the elevation of the grow sites.

1. Enforcement. Clearly, right now there is no enforcement. Unless something changes, the status quo will remain. No enforcement. Parts of new enforcement issues are just now being developed at the State and Federal levels, dealing with testing protocols, time of

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[EXT]Draft Industrial Hemp Ordinance

DF

Donald Flinn <don.flinn@fslo2.com>

Wed 12/18/2019 10:52 AM

PL_LongRangeShared; Adam Hill; John Peschong; Bruce Gibson; Lynn Compton; Debbie Arnold ✕



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Kip Morais, Project Manager
Brian Pedrotti, Senior Planner

I am writing regarding the draft Industrial Hemp Ordinance. My wife, father and I live at 6525 Mira Cielo in Edna Valley and have been unwilling participants in ongoing experiment on the effects of cannabis and industrial hemp in the area. We had no previous exposure to hemp prior to cultivation approximately 2500 feet up the East Corral de Piedra Creek.

I have allergies which have drastically reduced my sense of smell but my wife, like our neighbors, reports the smell makes spending time outside very unpleasant. My 93 year old father, like me, suffers from allergies. At his age, side effects make allergy medications inadvisable. I fly as a commercial pilot and subject to FAA restrictions. FAA regulations make the more effective antihistamines unusable without a period of 2.5 to 5 days after the last dose. There have been periods when I would be unable to fly due to the allergic reactions or barred from flying due to having to take proscribed antihistamines. I consulted with my allergist about adding hemp to the antigen shots I take and was told that due to Federal research restrictions there was no test available for hemp allergy and therefore no antigen available. My father's and my increased allergic reactions correlated with my wife's reports of hemp odor.

You don't explain your methodology for determining setbacks which could prevent movement of hemp pollen and odor. The Association of Official Seed Certifying Agencies recommends up to three miles to avoid hemp cross pollination. We notice the effects of hemp in the air at our house when the air becomes still beginning in the evening, and continuing until the wind begins in the morning. The still air allows the pollen/terpenes to concentrate in the air. As the air cools after sunset it descends, further concentrating the pollen and odoriferous terpenes. The cooler, denser air then flows down slope. In our case it follows the same path as water down the East Corral de Piedra Creek. A 300 foot setback is a nice, definable number, but has no relationship to the movement of pollen and terpenes and their effects on residents.

The draft ordinance obviously takes hemp odor seriously since it requires that odor not escape from an indoor grow. How is the odor from an outdoor grow any less of an issue?

The draft ordinance is clearly inadequate. The Air Force taught me to never complain about a problem without proposing a solution. Proper prediction of the flow of air containing pollen and terpenes requires expensive and time consuming measurement and modeling. It appears the only reliable way to ensure the effects of hemp cultivation do not make existing residences subject to the problems we now face. If that is not cost effective for growers, the three mile

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[EXT]Hemp ordinance

Flag for follow up. Start by 12/17/2019. Due by 12/17/2019.

Gerry <judgegerryb@yahoo.com>
Mon 12/16/2019 8:32 PM
PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Sent from my iPad

On Dec 15, 2019, at 6:57 PM, Gerry <judgegerryb@yahoo.com> wrote:

I have reviewed the proposed ordinance and find it woefully inadequate. I live close to a burgeoning hemp/cannabis project and raise wine grapes. While there are many inadequacies, I will keep it short.

As I understand it, a residence located in an Ag zone will have no setbacks. This constitutes a travesty for a variety of reasons: 1) Noise- hemp seems to require containers with dehumidifiers (or a cooler installed inside containers). These facilities run 24/7 and are especially disconcerting during night hours, interrupting sleep.

2) Odors- several crops per year result in an almost non-stop and unpleasant environment.

As a result of both legislation and voter actions hemp/cannabis operations are new operations and should carry the burden of proof to qualify for legal operation vs. requiring an established residence school or health care facility to complain about odors, noise, and other inconveniences caused by a proposed ordinance, that is without much in the way of guiding principals.

Please go back to the drawing board. Thank you for your efforts.

Sent from my iPad

Sent from my iPad

TO: Jay Brown, Don Campbell, Jim Harrison, Dawn Ortiz-Legg and Michael Multari, commissioners.

Dear Commissioners.

I am writing to you to cite our experiences with an issue which I understand is under your consideration. The issue is the growing of "Industrial Hemp." I do not have any knowledge of the actual value of that crop, nor its relationship to marijuana, and do not comment on those things here.

However, I do live in the Los Osos area and I and my wife and friends regularly bicycle and otherwise travel through our county for both business and recreation. We have watched with curiosity the industrial hemp operations along Los Osos Valley Road, from its initial planting until its harvest.

It is difficult to fault an agricultural crop. They are usually benign, somewhat scenic, and offer evidence of human productivity; all good things.

However, for some reason, industrial hemp production carries with it one very objectionable characteristic. It smells terrible. We, and our neighbors who have discussed the issue with us, agree that the raising of industrial hemp severely interferes with our enjoyment of our environment. Visitors have commented that they strongly dislike the smell of these operations.

In most broadly populated rural areas, cattle feeding and swine production are prohibited; not because of an effort to stop human productivity, but because the resulting smells are inconsistent with livable neighborhoods. There are, of course, hundreds of industrial activities which are similarly restricted by towns because they make neighborhoods unlivable.

I am uncomfortable with excessive regulations, but this particular agricultural production is so offensive to the surrounding community that it seems we should restrict its operation to those areas far from residential environments.

Thank you for considering our concerns.

I would be happy to appear in the event of a public discussion of this issue.

Sincerely,

John B. Goodrich and Janice Odell

3515 Turri Road

San Luis Obispo, CA

December 19, 2019

Nancy Greenough
3180 Biddle Ranch Road
San Luis Obispo, CA 93401

RE: Concerns on Hemp and Cannabis Cultivation in in Edna Valley

As a resident and wine industry business owner, I am very concerned over the current draft recommendations being submitted to the Board. This is a very controversial and far reaching issue on the effects of hemp and cannabis growing for our wine grape growing, winemaking, and tourist destination community and residents.

As this product has been illegal for so long, there is no research, no funding, and no published papers for laws and regulations to be based on. The language of this ordinance should in my mind be restrictive in light of the lack of knowledge and in light of the many concerns brought before the Board of Supervisors. As more knowledge, facts, and effects are known, make changes accordingly based on the experience of our county and others.

The 300' setback is inadequate and has no basis for being determined as an appropriate distance.

Our tasting room on Biddle Ranch Road is **3000'** from the grow site near Price Canyon and Highway 227. On many occasions this year, we have had complaints from customers who find the odor objectionable and from employees who are sickened by the odor during the course of the business days.

The odor is a very real, objectionable disturbance to people's daily lives for multiple days and months of the year.

We have lived in Edna Valley for 34 years and have experienced harvest seasons for many types of agricultural products. None, not Brussel sprouts, not broccoli, not peppers, could ever impact our sensory preceptors as hemp does. A field of turned over vegetables mentioned above during the fall may be unpleasant for a few days a year and is quite localized, typically when you drive by. Hemp odors on the other hand can be throughout the year and travel thousands of feet and have real adverse effects on people. We do not know the health risks associated with these odors as well.

The long term, permanent effects of this ordinance have the strong possibility to change our valley, business and all of SLO County resident's quality of life for decades to come. This ordinance should be very tight until more is known about its effect on nearby children, adults, and seniors and on our local wine industry. The Board must have funding, measurable specifications, and staff in place to monitor grows before the moratorium is lifted. It should not be the other way around. If the county does not have the funds to properly monitor, test, and enforce the ordinance, then we cannot proceed expanding and loosening regulations and permits. Thank you for your attention to this matter.

Respectfully,

Nancy Greenough
805 543-2111
nancy@sauceliticanyon.com

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[EXT]Comments on Proposed SLO Hemp Ordinance

J jean@votehemp.com
Thu 12/19/2019 4:51 PM
PL_LongRangeShared

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Kip and Brian,


Thanks for your good work on the proposed SLO County hemp ordinance. Below find my comments.

- the 300' setbacks proposed are a good balance between the needs of hemp industry stakeholders and concerned neighbors. As you know, existing CA county ordinances in Merced, Sonoma and San Joaquin propose 100'/200' setbacks. Moreover, there are 18 CA counties – including the state's largest hemp producers – that have no setback or land use restrictions on hemp cultivation. The establishment of onerous setbacks in SLO county would have the ultimate impact of preventing development of the hemp industry, thereby eliminating a lucrative source of employment and taxes.
- I recommend that there be the possibility of waiving the required minimum setback between neighbors if this is done with written consent. This is allowed both in Sonoma and Monterey county ordinances.
- there is no CA county ordinance that requires the use of odor control equipment for hemp greenhouse operations. I would recommend that this requirement be removed from the SLO county ordinance.
- Also, the requirement of a 5-acre minimum site for indoor operations is an onerous requirement for a local grower in a region with high land costs. There is also no such requirement found anywhere else in the state.
- I recommend that in-field sales of industrial hemp be allowed. U-pick sales of hemp have been an effective distribution mechanism for farmers in other states. This will be particularly important as hemp cbd profit margins continue to drop.

Thank you for your work on this.

Regards,

Jean Johnson
California Outreach Director


206-853-4353

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[EXT]Outdoor Industrial Hemp Draft Ordinance

MJ

M J <mj@ggslo.com>

Tue 12/17/2019 7:10 PM

Board of Supervisors; PL_LongRangeShared

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ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors, Kip Morais and Brian Pedrotti,

I am writing you today with regard to the San Luis Obispo County's proposed Industrial Hemp Ordinance drafted by county staff members for your consideration. I would like to specifically address my concerns as a business professional running a business in Edna Valley and the negative impacts we've experience from a hemp growing operation that exists less than a mile down the road from our business, located at 300 Green Gate Road in San Luis Obispo.

I have been directly involved with the restoration and development of Greengate Ranch & Vineyard, located in Edna Valley from when it was first acquired by it's new ownership in 2012. Since that time, we worked tirelessly to restore the property and we are now running a very successful Events & Wedding Venue, home rental business and we farm a 90+ acre vineyard. Currently, we host 20- 25 weddings a year with an average guest list of approximately 200 ppl in attendance and during our off season, we have 4 rental homes all of which have few vacancies. Our business operations bring approximately 4-5,000 travelers a year from all over the country and Edna Valley is now nationally recognized as a top location for destination weddings . We currently employ 6 full-time employees and by many standards are considered a small employer to our county's workforce. That said, each year we refer business to over a 50+ various local vendors from the events and wedding industry. These vendors include: Event planners, photographers, caterers, beverage service providers, wineries, florists, lighting/draperies installers, furnishings, linens & service wear rental companies, musicians and DJs. In addition to our vendor referrals, those attending guests also require accommodations, dining experiences and enjoy the very best of SLO County's wine country. I share these business statistics not to boast of our successes, but rather to impress on you how impactful our business is not only to our local business community, but also in boosting tourism and creating lasting impressions with thousands of people every year.

For those reasons, I urge you once again to consider our concerns with the Industrial Hemp Ordinance as drafted and specifically with regard to the cultivation set-backs. The proposed draft does not recognize or sufficiently address potential health concerns and/or safety of any resident, proximity to schools, impacts on businesses, their employees or the air quality due to cultivation and harvesting of Hemp. Our business co-exists on a shared road with a neighboring hemp grower and the simple facts prove a 300 ft set-back does not provide adequate distance to diffuse the smell as we are less than a mile distance away. On several occasions the odor has been so strong it permeates throughout our property & into the homes and our guests have left with a negative experience. This coupled with the potential of multiple grow cycles to push yields, gives us little reprieve from the odors that linger far beyond the initial harvest. Therefore, it is our conclusion that running a business within close proximity to hemp production is harmful to our business, our benefactors, i.e., the vendors we work with as well as the local businesses outside our referral group.

In closing, given the on-going revisions occurring at the State and Federal level, it may prove wise to observe the progression as the regulations evolve and allow time for further research on all the impacts of the Industrial Hemp production. In the meantime, should you move forward with some version of the ordinance, we respectfully ask that you reconsider the proposed set-backs requirements and increase distance far beyond a mere 300 ft. from any

Reply all Delete Junk Block ...

[EXT]Public Draft of Hemp Ordinance dated November 19, 2019

Flag for follow up. Start by 12/17/2019. Due by 12/17/2019.

LK Larry Knorr <larryknorr@hotmail.com> Tue 12/17/2019 2:53 PM PL_LongRangeShared

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

From: Larry Knorr <larryknorr@hotmail.com>
Date: December 17, 2019 at 1:46:40 PM PST
To: "pl_longangeshared@co.slo.ca.us" <pl_longangeshared@co.slo.ca.us>
Cc: "jpeshong@co.slo.ca.us" <jpeshong@co.slo.ca.us>, "bgibson@co.slo.ca.us" <bgibson@co.slo.ca.us>, "darnold@co.slo.ca.us" <darnold@co.slo.ca.us>, "lcompton@co.slo.ca.us" <lcompton@co.slo.ca.us>, "ahill@co.slo.ca.us" <ahill@co.slo.ca.us>
Subject: Public Draft of Hemp Ordinance dated November 19, 2019

To: SLO County Staff and Board of Supervisors

From: Larry Knorr
496 Twin Creeks Way
San Luis Obispo, CA 93401





I have lived in Edna Valley since 1989. Although this area is zoned for agriculture, my property is part of a cluster of about 30 homes that were approved by the County for residential development some 30 years ago. Our home is located about 1000 feet from a nearby commercial hemp and cannabis growing operation, and we've experienced a number of undesirable affects from this operation that we don't experience from the numerous other agricultural crops grown in the area. One significant issue is the offensive odors which can be overpowering, depending on the direction of the wind. We have one family member, and a few guests, whose respiratory allergies force them to remain inside the house during these conditions.

I feel strongly that the County should limit hemp and cannabis growing operations to agricultural areas that are not populated with so much County-approved residential development as is the case here in Edna Valley.

Larry Knorr

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[EXT]Draft Hemp Ordinance comments

ML [m lee <marshaleemjl@gmail.com>](mailto:marshaleemjl@gmail.com)     ...

Wed 12/18/2019 11:36 AM
PL_LongRange@co.slo.ca.us; kmorales@co.slo.ca.us; Brian Pedrotti

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Mr. Morales and Mr. Pedrotti,

The following are comments on the Draft Hemp Ordinance:

1. The ordinance should include ALL THE AGRICULTURAL CROPS IN THE LAND USES CATEGORIES FOR THE COASTAL AND INLAND (not just Hemp) since there are NUISANCE ODORS associated with farming practices in ALL crop production.
2. The Setbacks from RSF, RMF, RS,URL, schools (and add Hospitals/Medical facilities), wetlands, riparian vegetation, (and add Watercourses), should be increased to 1000'.
3. Adding all agriculture crops to this ordinance because of NUISANCE ODORS would provide adjacent residential, schools, and medical uses the healthy quiet enjoyment of living that they are entitled to. Also, it would help to maintain and restore our waterways, wetlands, riparian areas to a healthier condition.

Thank you for your attention to this important matter for the County of San Luis Obispo residents.

Sincerely,
Marsha Lee
resident and concerned citizen

Reply all Delete Junk Block ...

[EXT]Industrial Hemp Ordinance - Website

GL [gail lightfoot <sosvotelp@aol.com>](mailto:gail.lightfoot@sosvotelp@aol.com) Thu 12/19/2019 7:39 AM
PL_LongRangeShared

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Onerous requirements for cannabis and hemp farmers is playing into the hands of big business and corporations who will destroy the lives of countless individual farm workers and owners as the small individual and family operated farms are closed.

Please consider the benefits of small business as opposed to big corporate farmers to the overall economy of San Luis Obispo County.

Also consider the benefits of local owners and current resident workers as opposed to absentee operators of farms in San Luis Obispo County.

Thank you,
Gail K Lightfoot
849 Mesa Dr
Arroyo Grande, CA 93420
gailkft@aol.com
805-48-3434

TO: SLO County Board of Supervisors

FROM: Andy & Laurie Mangano, 5665 Edna Ranch Circle, SLO 93401

RE: Proposed Hemp Ordinance

Typically, you will not find me opposing county projects/business opportunities, as I'm usually the recipient of opposition regarding my project proposals. In this instance however I need to register my opposition to the county proposed hemp ordinance. We oppose for several reasons: One is a concern of compatibility with existing crops, inadequate setbacks, potential spray drift liability issues for existing crops, etc. The existing crop rotation along with permanent vineyards provide a homogeneous atmosphere for the residents in Edna Valley. Second the odor emitting from the hemp is very noticeable and pungent which will have a negative effect on residents and wine tasting venues. While there are numerous other issues with the hemp ordinance, our opposition deserves your support. There are many other areas within the county that could support hemp cultivation, Edna Valley is not one of them. We are requesting your support to prohibit the cultivation of hemp in the Edna Valley.

Andy & Laurie Mangano

pl_longrangeshared@co.slo.ca.us

jpeschong@co.slo.ca.us

bgibson@co.slo.ca.us

ahill@co.slo.ca.us

lcompton@co.slo.ca.us

darnold@co.slo.ca.us

George@pacificcoastfarming.com

Reply all Delete Junk Block ...

[EXT]Proposed Industrial Hemp Ordinance

JM

June McIvor <JMclvor@tolosawinery.com>

Tue 12/17/2019 5:22 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; Board



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors and Planning Department:

I am writing to express my concern about the proposed hemp ordinance. The wine industry is a critical economic driver in our county, and it is incredible to me that the County is willing to take actions to jeopardize it. Hemp grows present real and significant threats to both vineyards and tasting rooms through the potential taint to grapes from hemp terpenes and noxious odors and health concerns to workers and visitors. The ordinance in its current form does not do enough to address these issues. I would urge you to take much more time to study these important issues and craft an ordinance that protects both the wine we sell throughout the state, country, and globe and the experience that wine tourists to our county currently enjoy.

Respectfully,

June McIvor
General Manager

TOLOSA

T 805.782.0300 ext. 117

M 805.748.6039

www.tolosawinery.com

4910 Edna Rd., San Luis Obispo, CA 93401

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[EXT]Industrial Hemp Ordinance - Website

Flag for follow up. Start by 12/17/2019. Due by 12/17/2019.

JM JEANETTE MEEK <landjmeeek@sbcglobal.net> [Like](#) [Reply](#) [Reply all](#) [Forward](#) ...
Mon 12/16/2019 8:32 PM
PL_LongRangeShared

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Gentlemen: I live in Edna Valley and I what you to Know that I am opposed to the growing of hemp and or cannabais in Edna Valley Larry Meek
Sent from [Mail](#) for Windows 10

[Reply all](#) [Delete](#) [Junk](#) [Block](#) ...

[EXT]Hemp Ordinance Comment

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AN **Andy Niner <aniner@ninerwine.com>** [Share](#) [Reply](#) [Reply all](#) [Forward](#) ...
Thu 12/19/2019 4:45 PM
PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold

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Dear SLO County Board of Supervisors,

I'm writing in regard to the proposed Industrial Hemp Ordinance as Niner Wine Estates owns 110 acres off Buckley Road in the Edna Valley AVA, of which 77 acres are planted with wine grapes.

We are in support of establishing an exclusionary area in the new ordinance for the Edna Valley AVA. In short, some of the climactic conditions that result in the area being a wonderful place to grow grapes also contribute to us having a greater concern on the exact set-back distance that would allow both hemp and wine grapes to be farmed without harming each other. We feel there is more research that should be done before a proper set-back distance can be identified and that it is prudent to do so in order to avoid damage to businesses and the costly litigation that has plagued other areas of California.

Thank you for considering our point of view as you develop the ordinance.

Andy Niner
President
www.ninerwine.com
Office | 805.226.4878

Peter M. Orradre

768 Twin Creeks Way, San Luis Obispo, CA 93401
805-441-8944 • porradre@sbloglobal.net

December 16, 2019

To: Kip Morris, Project Manager and Brian Pedrotti, Senior Planner

From: Peter Orradre

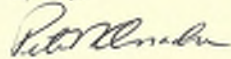
RE: Draft Hemp Ordinance

I am writing to express my concerns with the draft Hemp Ordinance. I live in the Edna Valley and have experienced the first hemp grow by Darren Shetler in the Valley this past summer and fall. It was and continues to be a bad experience. The worst is the ongoing smell of the crop. It has lasted longer than 2 months and still smells. Another part of the Shetler grow is the fact that he is not a kind farmer. I have firsthand knowledge of him threatening neighbor farmers with lawsuits for potential drift issues. This would cause great harm to their livelihood.

The Ordinance is quite weak in being able to address many issues. The setbacks, being one of them, are not enough to keep the smell away from the many residences, public wine tasting venues, schools and event centers. The schools are almost always the first consideration for long distance setbacks. The Valley has become economically viable with beautiful properties that pay significant property taxes, wineries that attract thousands of visitors, and event centers that allow many great memories of weddings and parties. All of these are healthy revenue generators for the county. The presence of hemp near these properties greatly reduces their values and contributions to the county.

The hemp crop does not fit the agricultural landscape of Edna Valley. The crop comes with so many unknowns and should not be allowed to be grown in Edna Valley. I urge you and the rest of the staff to provide a "carve out" of Edna Valley for hemp grows in the ordinance. Thank you for your attention to this most serious matter.

Sincerely,



Peter Orradre
768 Twin Creeks Way
San Luis Obispo, CA. 93401

Eat Beef • Drink Wine • Enjoy Cheese

Reply all Delete Junk Block ...

[EXT]Hemp Ordinance

BP

Brad Parkinson <bradp@stanford.edu>

Tue 12/31/2019 12:22 PM

PL_LongRangeShared; George Donati <George@pacificcoastfarming.com>; Bill Swanson <bill@whscl



Edna Valley and Hemp .pptx
42 KB

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Director Trevor Keith,

I am writing to you to strongly request that you permanently ban Marijuana and Hemp growing from the productive, yet fragile Edna Valley.

I understand why some economic pressure may be against this.

However, I strongly believe any significant risk to our valley for Grape Production, for delightful venues and for property values must be avoided.

I am hoping you will do the right thing.

Specifically:

1. **Planting of Hemp and Marijuana in the fragile and unique Edna Valley should be permanently banned**
2. **A 400-foot setback is clearly inadequate - based on Oregon experience at 1600 feet, it should be at least 1 mile. The foggy, calm evenings in the EV, during growing season, will accumulate and magnify deleterious effects.**
3. **All planting of Hemp in the County should be banned until impacts have been studied and understood; leading to county Ordances regulating such plantings**
4. This will require at least 6 months of studies and assessments of the experiences and techniques in other states and quantifying economic risk to SLO county
5. Failure to completely understand this situation will place substantial economic risk on wine, wine-tasting, event hosting and

Ordinances regarding Hemp in
SLO County and, particularly
Edna Valley (EV)

Insuring new crops do not harm
existing businesses, property
values or our county's ambience

Dr. Bradford Parkinson,
Edna Valley Resident

Background - An example

- Edna Valley (EV) - a Unique Blend
 - Many thousands of acres of high-value grapes and other crops
 - Growers have generally and voluntarily avoided incompatible crops such as garlic and onions
 - At least 13 wine tasting rooms - most partially outside and amid the vineyards
 - Over several hundred houses, carefully comingled with Ag land - many hi-value
 - At least 5 Event Centers - rapidly growing "tourist" revenue business partially outdoors

Hemp

- Not readily distinguishable from Marijuana
- Source of CBD oil
 - Rapidly growing demand for therapeutic properties
 - Crop oil value over \$100,000 an acre
 - As many as three crops a year in our area
- At least two California counties, Shasta and San Joaquin, have banned industrial hemp production. And California hemp law does not allow hemp flower production, eliminating the plant's most valuable use - CBD production (???)
- Most valuable versions give off a pungent smell
- Apparently - a current 70 acre planting in EV
- Have used "Research" to avoid restrictions

An Experience in Oak Grove, Oregon

- For several weeks, a neighbor's skunky smell filled the air, and students at Oak Grove Elementary complained that their heads hurt and they felt nauseated.
- Staff, too, were not pleased. They said the odor followed them to their vehicles and homes.
- From September through October, people at Oak Grove said, they were constantly aware that their neighbors were hemp farms ready for harvest.
- "Many staff, students and families have significant concerns about noxious odor during the harvest season and its impact on the health of the students and the staff," said Michelle Cummings, Medford School District chief academic officer.
- Hemp plants, cousins to marijuana, often release strong smells as their flavor-producing terpenes reach maturity. The scent of even a few rows of plants can travel far, and Oak Grove is within a quarter-mile of at least two industrial hemp grows.

What would be the impact on Tasting Rooms and Weddings?

Potential Extrapolation of Oak Grove to EV

- Wedding or Group Wine Tasting
 - Possible Facebook Post: “don’t go here - the skunk odor is pervasive and ruins the venue”
- All who peruse the web find this and it is reinforced by others
- Only a few instances will poison the well
- Based on Oak Grove, it is a very probable outcome for nearby Hemp plantings

Hemp Precedents and Experience

- Banned in two CA counties
- Monterey County regulates it like Cannabis
- Oak Grove OR experience is pertinent

Issues/Concerns

- What reasonable constraints should be placed on Hemp growing in SLO county?
 - Odor + evolution of volatiles with new varieties
 - Reputation of our tasting rooms - In harms way?
 - Weddings with a skunky smell?
 - Over spraying and our “Organic Farms”
 - Processing of growth products

Recommendations –

There is substantial evidence of problems that could severely impact our existing Ag, wine and entertainment industries

1. **Planting of Hemp and Marijuana in the fragile and unique Edna Valley should be permanently banned**
2. **A 400-foot setback is clearly inadequate – based on Oregon experience at 1600 feet, it should be at least 1 mile.**
3. **All planting of Hemp in the County should be banned until impacts have been studied and understood; leading to county Ordnances regulating such plantings**
4. **This will require at least 6 months of studies and assessments of the experiences and techniques in other states and quantifying economic risk to SLO county**
5. **Failure to completely understand this situation will place substantial economic risk on wine, wine-tasting, event hosting and property values in any area that must coexist with Hemp planting.**

Brian Pedrotti

From: slopecatore@yahoo.com
Sent: Wednesday, December 11, 2019 2:31 PM
To: PL_LongRangeShared
Cc: John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; Rich Pescatore; sharon_pescatore@yahoo.com
Subject: [EXT]Proposed Industrial Hemp Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

December 11, 2019

To:
Kip Morais, Project Manager
Brian Pedrotti, Senior Planner
Department of Planning and Building

From:
Richard and Sharon Pescatore
6970 Vina Loma
San Luis Obispo, CA 93401

CC:
SLO County Board of Supervisors: Arnold, Compton, Gibson, Hill, and Peschong

Reference: Proposed Industrial Hemp Ordinance for SLO County

We are writing to voice our opposition to the proposed countywide industrial hemp ordinance.

As SLO natives, we care deeply about the quality of life and economic viability of the community. For the record, we are not opposed to appropriate farming and sales of Hemp and CBD oil. In fact, we are both users of CBD oil.

Our concern lies with the seemingly lower standards allowed in the proposed hemp ordinance vs. those required by the current marijuana ordinance, thereby providing a lower level of protection for residential and business neighbors. We further feel that hemp grows should be located in areas that are not heavily populated or contain significant vulnerable crops such as wine grapes.

The marijuana ordinance affords some protection for the general public by requiring a minimum 300-foot setback for both indoor and outdoor grows. We believe this seemingly arbitrary distance is inadequate in populated areas. However, the ordinance requires a discretionary permit subject to a

hearing where impacted residents and businesses can at least voice their concerns with the aim of increasing the set back and limiting the potential off-site odors.

The proposed hemp ordinance lacks these protections as it only requires a maximum 300-foot setback for indoor grows located outside of Ag Zones. No setback is required for grows within Ag Zones. Furthermore, the proposed hemp ordinance seems to only require a ministerial permit which does not provide for a public hearing in which impacted residents and businesses can present their issues and concerns.

Highly populated areas such as Edna Valley are not appropriate for cultivation of hemp which may adversely affect the community by the release of terpenes and odors associated with hemp grows. There is an abundance of lightly populated locations in the county where hemp can be grown without impacting nearby residents or existing businesses.

The current proposal contains too many flaws and deficiencies. We urge you to further evaluate the matter, with due consideration to existing residential and crop lands (especially grapes which seem to be vulnerable to the terpenes from hemp) and, at the very least, provide for the same levels of protection of residential and commercial neighbors as those afforded in the marijuana ordinance.

We respectfully request your consideration to rewrite the proposed ordinance to afford reasonable protections for existing residential and commercial interests.

Brian Pedrotti

From: rmreid2@comcast.net
Sent: Tuesday, December 10, 2019 3:01 PM
To: Board of Supervisors; PL_LongRangeShared
Subject: [EXT]Comments on Proposed Industrial Hemp Ordinance draft

Follow Up Flag: Follow up
Flag Status: Completed

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors, Kip Morais and Brian Pedrotti,

I'm writing to express my concerns with the proposed Industrial Hemp Ordinance draft. After directly experiencing the negative effects of the nearby hemp production over the last 16 months, the proposed draft does not adequately address nuisance odors, health concerns and or enforcement. As drafted, the ordinance will significantly impact the quality of living, the tourism and events industry, wine industry and property values within Edna Valley.

In particular, the proposed ordinance needs significantly greater set-backs from residences (including those zoned rural residential), schools and parks, adjacent crops, tasting rooms and event centers, businesses with onsite customers, and to protect those with sensitive receptors, health issues and allergies. I live approximately 2000 feet away from the field where hemp is grown, and the odor is very strong and requires us to close windows and stay indoors when present. By the way, the belief that the odor is only around a few weeks during harvest is a farce. The odor is prevalent weeks before harvest, and weeks after harvest as the harvest dries and plant remnants remain onsite. Furthermore, as growers will naturally push to harvest multiple crops per year, the amount of time the odors will be a nuisance will dramatically increase in the future.

Additionally, the proposed draft does not address any enforcement of hemp regulations nor complaint resolution. There needs to be clear effective enforcement and complaint resolution processes by the appropriately authorized, and fully funded, local agency. As we've experienced already here in Edna Valley, the lack of enforcement will promote unscrupulous growers to ignore regulations and avoid rectifying complaints leading to further discontent between growers and the community.


Lastly, with the State of California and Federal government currently updating their Industrial Hemp regulations, it seems prudent to wait until the revised regulations are published before approving local ordinance. This would allow for proper consideration of any relevant new regs, and better alignment with the State and Fed regs.

Respectfully

Robert Reid
Twin Creeks Way, SLO

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[EXT]Edna Valley marijuana and hemp crops

SR [Susan rueda <suerueda1@gmail.com>](mailto:suerueda1@gmail.com) ...
Wed 1/1/2020 10:26 AM
PL_LongRangeShared 

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

>
> Dear Director Trevor Keith,
>
> It has been brought to our attention that there is a possibility that marijuana and hemp will be allowed as crops in the Edna Valley, where we live. We feel strongly that these crops should be banned here. Although possibly profitable as crops, we believe the detriment to this beautiful area would be great. In addition, the already thriving grape production, event venues, real estate market, tourist destinations, and pleasant living environment would most certainly be adversely impacted. These local effects would carry over to the entire county. Any positives of these crops are outweighed by the negatives.
>
> Please realize this beautiful valley we call home is a precious and fragile area and that if marijuana and hemp are allowed to be grown here the entire area will be changed for the worse, as has been seen in other areas.
>
> Please do what you can to prevent marijuana and hemp from coming in to the Edna Valley and surrounding area. The supposed economical gains do not balance the tremendous loss to environment, current businesses, and lifestyle.
>
> Thank you,
> Tim and Sue Rueda
> Edna Ranch
>

These comments are further to my comments to the BOS on June 17, 2019 (3:40 pm). As I indicated therein, I have lived at 6235 Orcutt Rd (corner of Biddle and Orcutt) for over 34 years. I co-founded Tolosa Winery (35 full time employees and up to 85 during harvest) and planted and own with the Baggetts over 700 acres of grapes here in the Edna Valley (providing full time employment to 20 workers and up to 100 during harvest). In my June letter, I expressed certain concerns, principally the noxious odors emitted from hemp, the migration of hemp terpenes onto my grapes, causing "skunk" taint on the grapes, and the decrease in value of my property. What I did not anticipate were the adverse health effects I experienced in the fall when a hemp grow was flowering. This grow—2,000 feet away—caused severe watering of my eyes and uncontrollable sneezing when the wind was blowing my way. My neighbors had similarly complained and frankly, I was skeptical. No longer. This problem will be exacerbated when hemp operations reach full scale with 3-4 harvests per year—and a flowering season of 1-2 months with each grow.

I see real inconsistencies in policies between the Cannabis Ordinance (marijuana) and the draft Hemp Ordinance, probably attributable to the staff having to move way too fast, in the face of so many unknowns. For example:

in the Cannabis Ordinance, the County recognized the deleterious effects of offsite odors for both indoor and outdoor grows. Accordingly, it prohibited ANY offsite odors and required all applicants to submit an odor management plan to show how the operation would prevent offsite odors. While the draft Hemp Ordinance prohibits offsite odors from indoor hemp grows, it does not do so for outdoor grows. This makes no sense because marijuana grows are limited to 3 acres, while hemp grows are unlimited in size. The larger the grow, the more intense the odor problem. For consistency, the hemp ordinance should also prohibit offsite odors. The draft hemp ordinance also fails to require a "statement of neighborhood compatibility" together with a plan to address potential compatibility issues. There are 3 verifiable concerns from hemp terpenes:

1. noxious odors;
2. adverse health effects;
3. the real threat of "skunk" taint> (See my letter of behalf of the Edna Valley Growers MWC dated December 19, 2019, enclosing Prof Oberholster's opinion concerning the risks of terpene drift onto grapes).

In contrast, the draft Hemp Ordinance places no burden on the hemp grower to demonstrate a plan to address the incompatibilities of bringing in a new crop to the Edna Valley. Instead, it assumes the burden should be on existing vineyard owners, tasting room owners and event center owners to provide scientific evidence to support their concerns. Who should have the burden of proof here? After the vineyard industry (and related event centers) has invested well over \$100M, should not the hemp growers have the burden to prove hemp will not harm the existing ag owners? We know that even the perception of "skunk" taint has resulted in vineyard owners losing sales contracts. Moreover, the Cannabis Ordinance squarely places the burden on the cannabis grower—so should the Hemp Ordinance.

The Cannabis industry has been banned for 7 decades. Hemp growing just in the last few years became legal as a federal matter, and several states have legalized marijuana. So, there is a real scarcity of studies dealing with the compatibility of cannabis on existing crops, businesses and residences, as well as health effects on cannabis workers in the field and ag field workers nearby.

Neither the setbacks specified in the Hemp Ordinance—300 feet or some other number—nor the specification of site size is based on science or experience. 10 acres seems to be just an arbitrary number and could just as well be 100. Additionally, the 300-foot setback for the Hemp Ordinance was simply adopted from the Cannabis ordinance. But the 300 feet in the Cannabis ordinance is the minimum setback because the process involves a discretionary permit—so the neighbors can argue for a greater setback, whereas the 300-foot setback in the Hemp Ordinance is the maximum—the process is a ministerial over the counter exercise. No discretion to lengthen the setback. This is another discrepancy between the two ordinances.

Also, the Cannabis Ordinance measures the setback from the grower's property line. The Hemp draft measures from the edge of the grow to the edge of the residence. Another discrepancy.

Another shortcoming of the Hemp Ordinance: lack of meaningful enforcement. The elephant in the room is the lack of resources to enforce. Violators to date have been running circles around county enforcement efforts and will continue to do so. Lip service to enforcement is not sufficient. Much larger staff and resources for testing equipment are required for an honest commitment to enforcement. Enforcement will in any event be difficult. For example, the Hemp draft provides that outdoor cultivation "will be limited to non-flowering transplants only". Try and enforce that one.

Bottom line: No other crop grown in the Edna Valley can be grown into an illegal product except hemp. Given all of the above, I respectfully urge that hemp should be prohibited from the Edna Valley.

Facts re: the Edna Valley Appellation and Hemp

1. There are 3 federally approved appellations in the County: Paso Robles (660,000 acres), Arroyo Grande (39,646 acres) and Edna Valley (18,970 acres excluding the City of SLO)
2. The County land mass is 2,111,360 acres. The Edna Valley is a small valley—it represents just 0.008 of the total acreage in the County. It has a high concentration of vineyards, wineries, tasting rooms, and event centers. Also, Los Ranchos School and several dense neighborhoods and ranchettes throughout the Valley.
3. The Edna Valley is unique in California: (a) it is the coldest appellation in California; (b) it is the only appellation with 2 transverse valleys open to the ocean (Morro Bay-Los Osos and Pismo Beach) and (c) it has the longest grape growing season in California with bud break in Feb and harvest to Nov.
4. Because the Edna Valley is truly a valley, generally surrounded by hills, its climatic characteristics are uniform throughout the Valley. This differs from the "open" Paso Robles and Arroyo Grande appellations where the western and eastern portions have dramatically different temperatures, fog and wind. For example, Growing Degree Days ("GDD") for Paso Robles west and east range from 3117 to 3342 (F). For Edna Valley, the GDD is relatively constant 2371 (F). (Note: The GDD numbers were provided by UC Ag Extension, based on 24-hour monitoring. With only one monitoring station in the Arroyo Grande appellation, no GDD range could be provided).
5. With marine air from 2 sources, the Edna Valley experiences relatively high amounts of fog and wind from March to November, as compared to the Paso Robles and Arroyo Grande appellations. Wind records show windy conditions 2/3's of the time—average 7-8 MPH—and 20-30 MPH peak all year. Also, the winds predominately come from 2 directions, thereby creating a mix of wind influence, which is a recipe for broad distribution of hemp terpenes over large distances. Recent flowering from a hemp grow in the Valley was detected over 1 mile in several directions from the grow. The foggy conditions in the Edna Valley—near stagnant air mass—also promote migration of hemp terpenes once the winds kick in later in the day.
6. Health effects: this flowering from a hemp grow this fall in the Edna Valley caused respiratory problems and insomnia for many residents up to 1 mile from the grow. Many complaints were lodged with the County. Odors from cauliflower and broccoli don't have these adverse effects on neighbors.
7. "Smoke" taint from wildfires unfortunately is a reality. The "smoke" taint from wildfires in No Calif has caused immense monetary losses to the wine industry, due to cancellation of contracts and rejection of grape after the wildfires.
8. The predominant terpene in Cannabis (whether marijuana or hemp) is myrcene which emits the strongly noxious "skunk" taint. At the July hearing on the hemp moratorium, we expressed serious concern over the threat of terpene drift on to vineyards resulting in unmerchantable grapes. We were told by the industry they were engaging in "fear mongering". But it turns out the fear of "skunk" taint is well founded. Please see the attached Oct 28, 2019 opinion letter from Prof. Oberholtzer, U.C. Davis, in which she describes that the deleterious effect of smoke volatiles and eucalyptus terpenes have had on grapes and the resulting end product—wine. She strongly suggests the cannabis

- terpenes may have the same adverse effect on grapes, and wine. With the foggy conditions and near continual winds in our "true" valley, the risk of terpene drift is higher than any other location in this County.
9. Prof. Oberholseter stresses the need for research before risking the viability of the vineyard industry. But even without definitive research, the fear of "skunk" taint is taking its toll. In Oregon, grape contracts have been cancelled for fear of "skunk" taint from a marijuana grow on adjacent property. Why would a grape buyer risk "skunk" taint, especially when the defect in the wine may appear much later? Oregon legalized before Calif and forecasts the future for us.
 10. Cannabis growers in Santa Barbara County have threatened and sued over spray drift—cannabis is very sensitive to pesticides, insecticides and fungicides. In fact, this issue of spray drift is even greater in the Edna Valley due to its foggy and windy conditions. The best conditions for spraying are in the morning before the wind picks up. But on foggy mornings the sprays can be suspended in the fog and then distributed when the wind picks up. We can learn from the experience in Santa Barbara. There avocado and citrus growers have been forced to curtail or reduce spraying due to claims/threats from the cannabis growers. These threats have already stopped companies from aerial spraying. And growers have now eliminated spraying near any cannabis grow, just letting some of their crops fail for fear of a lawsuit. In one case, a vineyard owner in Santa Barbara was sued for fungicide drift—she then went organic and lost her crop to mildew.
 11. Vineyards and orchards face existential threats from insects such as the Asian citrus psyllid, the glassy winged sharpshooter etc. To save these permanent crops, we need to use insecticides, and in the case of citrus, need to use "air blasters" to cover the trees. Introducing hemp into the Edna Valley would obviously inhibit these "lifesaving" measures.
 12. The Edna Valley is extremely susceptible to Powdery Mildew. Combined with a very long growing season, the amount of spraying to prevent Powdery Mildew is more than triple the number of sprays a vineyard in the North County receives. This means the Edna Valley grape growers will face far greater risk of spray drift than other growers in the County.
 13. In the Edna Valley, approximately \$140,000,000 has been invested in wine grapes—a permanent crop—together with associated wineries, tasting rooms and event center—supporting a large ag tourism industry. Why risk this long-term investment for a seasonal crop, before definitive research is completed?
 14. 25 counties prohibit hemp. Napa is banning both hemp and marijuana. Monterey severely restricts hemp in a pilot program. Some counties and states severely restrict hemp due to concerns of cross-pollination—cannot be grown within 5 miles of marijuana (Washington state) and 4 miles in Yolo County.

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FAX: (530) 752-0380

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AGRICULTURAL EXPERIMENT STATION
DAVIS, CALIFORNIA 95616-0399
PHONE: (530) 752-0390

October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effect that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards.

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or odor abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kennison et al., 2009; Krstic et al., 2015) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Caponé et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashy-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 10% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or Eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, fresh/minty/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (materials other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/L. Herve et al., (2003) reported a recognition threshold of 3.2 µg/L in red wine. In respective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 15.5 µg/L). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kennison et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Capone also found that *Eucalyptus* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with no MOG included, including no *Eucalyptus* leaves and/or bark, produced wines with above aroma threshold levels of 1,8-cineole if made from winegrapes grown within the first 50 meters from *Eucalyptus* trees, including grape stems and some grape leaves as will be normal during most fermentations, will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Aizpurua-Olaizola et al., 2016). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The chemotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Aizpurua-Olaizola et al., 2016). This is a 10⁶ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 8.7 µgC g⁻¹ hr⁻¹ depending on the strain of *Cannabis spp.* (Wang et al., 2019). Additionally, β-myrcene, eucalyptol and d-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, linalool, α-terpineol, β-caryophyllene, humulene, α-humulene and more. New terpenes are continually being identified in cannabis plants.

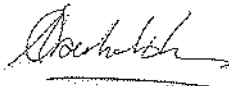
Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Cartau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, absorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616



Via Email Only to:
pl_LongRangeShared@co.slo.ca.us

December 19, 2019

Re: County of San Luis Obispo Industrial Hemp Ordinance Public Review Draft

Dear Mr. Pedrotti,

Hemp Agricultural & Environmental Research Organization, LLC (HempAERO) is an established agricultural research institution duly formed and registered pursuant to California Food and Agriculture Code Sections 81000, *et seq.* HempAERO currently grows industrial hemp on AG-zoned farmland in San Luis Obispo County as a part of its research into agricultural best practices. HempAERO's goal is to provide California with the blueprint for a sustainable and beneficial industrial hemp agriculture model. Although HempAERO does not currently engage in indoor processing, our model may evolve to do so in the future.

With that context in mind, we hope that Planning Staff will consider the following comments and thoughts on the County's Industrial Hemp Ordinance Public Review Draft:

Section 22.80.030: It would be helpful if the ordinance could provide a definition of "in the field sales," since these are prohibited. Does it mean that the hemp may not be sold until it is harvested and removed from the field? Or does it mean that sales transactions may not take place on the same site where industrial hemp is being grown? It would be helpful to have this ambiguity clarified in the ordinance itself. As to the rationale, we presume that the reason for prohibiting "in the field" sales for industrial hemp but not other types of agricultural crops is due to the testing protocols required for hemp. If that is the case, perhaps that could be addressed in more detail in the Staff Report at the public hearings, so that it does not seem like an arbitrary or discriminatory prohibition.

Definitions: Consider adding a definition for "Outdoor Industrial Hemp Processing" in this list and then cross-referencing to the description of those activities in Section 22.30.070.D.5. Providing a definition for indoor processing but not the contrary may cause confusion for those applicants looking for guidance who only intend to process outdoors and in hoop houses, before they ever get to Section 22.30.070.D.5. It is also confusing because the ordinance goes on to make multiple references to "Industrial Hemp

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Processing,” but there is no definition for that term, only a definition for “Indoor Industrial Hemp Processing.” If an “Outdoor Industrial Hemp Processing” definition is inserted, thereafter, the ordinance should refrain from using the term “industrial hemp processing” without prefacing it with the words “indoor” or “outdoor.”

As an alternative, however, the County could simply remove the word “indoor” from the “Indoor Industrial Hemp Processing” definition, and clarify in that definition that “the drying, curing, trimming, packaging, and preparing for further processing of industrial hemp grown onsite that is performed with mobile equipment and involving non-permanent structures is included under Crop Production and Grazing and is subject to the standards set forth under 22.30.244.” Thereafter in the ordinance, it would be clear that all references to “Industrial Hemp Processing” mean processing that takes place in permanent structures.

Section 22.30.070.A.1: Again, as written, the reference here to “industrial hemp processing” requires some distinction between “indoor” and “outdoor.” Without this clarification, this section may create confusion about whether a minor use permit is required for an outdoor hemp operation that involved processing before the reader ever gets to the clarifications in subsection D.5.

Section 22.30.070.D.5: Again, under the current definitions, title of this subsection should be prefaced with “indoor,” as should all references to “industrial hemp processing” in subparts a-e, below.

Regardless of how the County cleans up the definitions, the words “in the field” in this subsection could be problematic. Although the intent can be reasonably presumed, as a literal and practical matter, the drying, curing, trimming, packaging, and preparation of hemp for further processing does not take place in the same “field” where the hemp is grown. If the words “in the field” are stricken, it will still be clear that all such activities must take place on the same site where the hemp is grown and involve only mobile equipment and non-permanent structures in order to be considered part of crop production and not trigger a minor use permit.

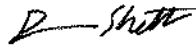
Section 22.30.244.A.1, 3: The prohibition of indoor cultivation on CS and IND lands is perplexing, given that the entire operation will be occurring indoors, and given that industrial hemp processing is allowed on such parcels. Similarly, the requirement that indoor cultivation take place on parcels of at least 5 acres in size seems nonsensical. If the operation is indoors, odors are controlled, and the parcel is appropriately zoned, the size of the parcel is irrelevant. We bring these cognitive dissonances to the County’s attention only because, as the science behind hemp cultivation evolves in the future, the County may find it preferable to approve indoor grows in CS or IND areas where they can make use of large, otherwise vacant buildings and be combined with an indoor processing operation.

Section 22.30.244.B.1.A: The required setback of 300 feet from other crop cultivation seems excessive, given that state law has expressly approved industrial hemp as an agricultural commodity, only requires a minimum parcel size of 1/10th of an acre for seed breeders. (Cal. Food & Ag. Code § 81006(a).) We look forward to some scientific justification of this unusually large setback in the Staff Report.

Chapter 22.74.150.G: Given the express statement in Section 22.30.244.C.2 that producing a crop that tests over the allowable limits for THC shall **not** constitute a violation of the County Code so long as the remedial actions required by State law are

being followed, it is inconsistent and unjustified to require that all industrial hemp activity violations be handled by the Cannabis Hearing Officer. To the contrary, the Cannabis Hearing Officer should be charged with handling *only* those violations that involve a crop with an unlawful THC content and a grower who is not following the remedial actions required by state law. All other violations should be handled in the same manner as any other agricultural product or processing activity.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Shetler".

Darren Shetler
Manager

To the members of the Board of Supervisors, Planning Commission, and Building and Planning Department, as well as Whom it May Concern;

My name is John Sordelet. I live and operate business in Supervisor Compton's District, who is familiar with me and my site from public meetings last year. I write today to be helpful in this matter. This Hemp Ordinance, if necessary, needs to have the input of the few, registered, local hemp farmers. My experience is limited but true & tested.

Early summer of 2019, I was granted a cultivation permit for Industrial Hemp here in SLO. I was told that the crop was going to look and smell just the same as cannabis. This is only partially true; the plant in its vegetative state, if touched, smells exactly the same. However, during the flowering stage, cannabis becomes very fragrant as THC levels rise. On the other hand, hemp is missing the concentrated THC ingredient (chemical) that produces the pungent, familiar cannabis smell. The flowers of Hemp do not smell just like cannabis, they are much less odoriferous. The whole smell issue is not the same as cannabis. This info is based on the five different Hemp cultivators I registered and trialed this year.

Now that I have had a successful year 2019 and have committed full time to my hemp farm, any changes to my existing site could be detrimental to my family owned and operated business. There is no reason for that to happen. I have two concerns in the draft I must address:

First, the draft states that hoop-structures would not be allowed for drying the crop. This is totally uncalled for. This crop, grown for CBD, can and should be grown like a cut-flower for maximum quality control and medical value. This means it needs to be harvested differently than other field crops. Hoop structures are designed and used for climate control and storage. They are cost effective, easy on the eyes, and multifunctional. There is no sound reasoning to not allow an agricultural structure for agricultural use with this one crop. The hoop structure is one of many non-permanent, engineered structures used for agricultural purposes, to alleviate the costs farmers face producing various commodities. The cut-flower industry in the USA has been almost lost to South America due to the many costs of production. Let's make sure that our San Luis Obispo cut flower experts have a new outlet for their skills, unlimited by unnecessary restrictions.

Secondly, I see a set-back recommendation for wetlands and riparian areas. For 18 years now I have been expanding my very small farm as all farmers that can, do. I have had the opportunity to see the County, State, and USDA management of the riparian area where I have lived these years. I also have had the NRCS and Fish & wildlife out on-site several times and been advised. I have farmed the same fields where my hemp crop was grown for many years. Activities Fish & Wildlife consider to have 'environmental impact' and 'heavy equipment' use in the riparian areas have a 25 foot set-back. This is the Standard I and other farmers, contractors, excavators have been held to. I am aware of a 100 ft setback for septic leach fields, not crops. Look as you drive through the beautiful Central Coast vineyards and farms; there is a 25 foot setback standard to drive and work between crops and the riparian creeks and water flows everywhere crops are grown. There is no reason for this crop and its farms to have any discriminatory standards differing from that of other existing crops and farms.

Thank you for the opportunity to share my experiences and thoughts.

Sincerely,

John Sordelet
Green Thumb Services

[Reply all](#) [Delete](#) [Junk](#) [Block](#) ...

[EXT]Industrial Hemp Ordinance

MS

Megan Souza <megan.is.souza@gmail.com>

Wed 12/18/2019 7:51 PM

PL_LongRangeShared



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

To Whom It May Concern:

I'm a 31-year SLO County resident, a 5th generation farmer/rancher, a local business owner, and Cal Poly alum. I believe hemp should be treated like every other row crop. The proposed setbacks are onerous and they'll significantly hinder farmers' ability to grow hemp in SLO County.

An appropriate setback from wine tasting facilities is 0". Hemp farming is agriculture and ag zoned land should be used for farming. Wine tasting room facilities can be located anywhere—why protect their interests over the interests of farmers who want to grow food, fiber, and medicine on ag zoned land? Is it because 'Big Wine' has undue influence on County policymaking?

An appropriate setback from active crops of other ownership is 0". Bad actors who regularly practice over-spraying pesticides and contaminate their neighbors' land and crops ought to be enforced upon. It's preposterous to protect the interests of these irresponsible farmers over the interests of farmers who want to grow hemp to fill the consumer demand for organic hemp seed oil and organic CBD medicine.

Hemp is a boon for small family farmers. A few acres of CBD-rich hemp can provide a living—what other crop can be grown profitably on a small scale? Struggling farmers like me want to grow hemp, please don't take away our opportunity to participate in this new industry by imposing unreasonable regulations on local hemp farmers.

Hemp is quickly becoming an important tool for carbon mitigation in our struggle against global climate disaster. Cement accounts for 8% of total global carbon emissions yet hempcrete (hemp-based concrete) is carbon negative! One SLO County contractor is currently in the process of establishing a hemp manufacturing facility in Santa Margarita to process whole hemp plant into hempcrete lego blocks for fire-safe, earthquake-safe, carbon-negative building. Several more exciting projects just like this are evolving right now right here in SLO County and it would be tragic to crush these entrepreneurs' opportunity to bring environmentally sustainable economic development to our County.

Thank you for your consideration,

Megan Souza

Brian Pedrotti

From: bill@whscks.com
Sent: Friday, December 6, 2019 2:50 PM
To: PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold
Subject: [EXT]Country of San Luis Obispo Industrial Hemp Ordinance as drafted
Follow Up Flag: Follow up
Flag Status: Flagged

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

The Board of Supervisors is to be thanked for the current moratorium on approving new plantings of hemp in San Luis Obispo County. As I stated in my first note to the Board this summer there isn't a lot of scientific study on this crop as there is for produce, fruit, or grapes so we really don't know the short and long-term effects.

Having grown up in the area and a business owner in San Luis Obispo Country since 2008 with employees in the Edna Valley where we farm our vineyards, have winery operations, along with tasting rooms and event areas we are concerned with the proposed Country of San Luis Obispo Industrial Hemp Ordinance as drafted. This response is being sent to you and the planning staff to make sure all parties know our concerns with the draft as asked.

Currently conversation in our area is about what is happening in other areas around the state as they granted approval without drafting the proper regulations for insuring the Health and Environmental Concerns, Noise Pollution, Air Quality Degradation and side effects on sustainable Farming. More and more individuals are getting concerned as the effects are being understood. The Board of Supervisors thoughtfully has asked for this to be addressed by the planning staff.

Having read the draft legislation what is needed for the ordinance to be effective, it must be enforceable along with the responsible organization or organizations having the proper equipment, funding and authority to hold violators accountable in a timely manner. This was not addressed adequately in the planned ordinance. It is no secret that the valley has those that don't follow the rules and frustration exists with the lack of enforceability and compliance. In essence it encourages some to operate out side the rules.

Which ties to the concern of sustainable farming. Established crops in the valley spray for things we all understand like mildew for example. It's a given that we experience this condition in the Edna Valley. Given our transverse valley with various wind patterns the set back is inadequate for those of us that have been doing business in the area. A set back of 300 feet is inadequate it's only a football field away. I have been looking for the scientific proof why this is the right distance. Which is back to my initial point it doesn't exist. So why would you not make this a larger setback number or restrict plantings until you have facts and data. The county puts its self at risk and others at risk with lax standards and litigation as the only answer.

Finally, direction was provided to the staff to address the following issues which the draft ordinance does not properly address which are the health issues, event centers, churches, schools, and residences that are in AG zoned properties.

Again, thank you for your attention to this issue and willingness to listen to the citizens of San Luis Obispo County. You make it possible to voice our concerns.

Respectfully,

William H Swanson

Proprietor Center of Effort

Edna Valley

From the Desk of Julie Tacker

December 18, 2019

San Luis Obispo County Planning and Building
Attn: Kip Morais, Brian Pedrotti
Submitted by e-mail pl.LongRangeShared@co.slo.ca.us

RE: COUNTY OF SAN LUIS OBISPO INDUSTRIAL HEMP ORDINANCE PUBLIC REVIEW
DRAFT

Dear Sirs,

Thank you for this opportunity to make comment on the Industrial Hemp Ordinance Public Review Draft.

On a general note, whatever form the ordinance ultimately takes, it should be harmonized with the Cannabis Ordinance given virtually all of the impacts are identical.

My comments here are inspired by the recent hemp grows in the Los Osos Valley and the deleterious impacts they presented in the valley over these past six (6) months.

1. Water – all hemp farms, inland or coastal, should be required to offset their water use. Hemp grows in adjudicated basins (i.e. Los Osos, etc.) and in impaired basins (i.e. San Luis Obispo Basin, etc.) should be required to offset their use on a 2:1 ratio to actually help improve the management of the basins. These offsets should be accomplished through exchanges with other agricultural activity.
2. Watercourse – setbacks from watercourses should be no less than 100 feet. The operations associated with cultivation trigger soil disturbance that runs off into these waterways. Drainage plans including best management practices and mitigations should be put in place as part of the conditions of approval for each project.
3. Watershed – Hemp farm equipment and vehicles tracked out soil and mud during the entire operation, especially when the rains began. This track out gets carried down the road by passing traffic only to end up as dust in the air and/or silt in the watershed.
4. Visual – acres of plastic on the ground, hoop houses, security screening and windscreens obstruct the views from the passersby. Screening should be natural (trees/shrubs) and grow structures (hoop houses or green houses) should be agrarian in architectural style.

P.O. Box 6070 Los Osos, CA 93412

805.235-8262

1


From the Desk of Julie Tacker

5. Odors – no offsite odors should be detected, as with the Cannabis Ordinance.
6. Greenhouse Gas (AB 32) – “Plasticulture” or ag plastics include soil fumigation film, irrigation drip tape/tubing, nursery pots and silage bags, this term is most often used to describe all kinds of plastic plant/soil coverings. The appearance is the various plastic materials are being used one time. These plastics are prevalent in the operation of hemp and cannabis; including on the ground, hoop houses, drip irrigation, potted seedlings, windscreens and more. Tons of plastic exposed to the elements break down in the sun and wind where its particles enter the air and watercourses. These tons of plastic are not recycled and are hauled and dumped at the local landfill. These impacts should be calculated and offset with mitigations in connection with Green House Gases and the respective carbon foot print.

Again, thank you for the opportunity to comment.

Please feel free to contact me with any questions you may have.

Sincerely,



Julie Tacker

 Reply all  Delete  Junk  Block ...

[EXT]Cannabis in the Edna Valley

CT

Clay Thompson <clay@claibornechurchill.com>

Wed 12/18/2019 3:34 PM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold ✕

    ...

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

I am writing to express my grave concern about the prospect of cannabis/hemp growing in the Edna Valley. My wife and I have lived and worked in the Edna Valley since our arrival in California 1n 1981. We specifically chose the Edna Valley because of its pristine reputation as one of the precious few sites of fine wine growing in California, or in the world for that matter. Under our family label "Claiborne & Churchill" we have been making wine from Edna Valley grapes since 1983, and we have built our winemaking reputation on the unique quality of the grapes grown here, We built our pioneering Straw Bale winery and planted our Estate Riesling Vineyard here, adjacent to our home, in the heart of the Edna Valley.

While I have no moral or entrepreneurial objections to cannabis or hemp growing, I am worried that it poses a threat to our livelihood. Like others, I have noticed the skunk odors wafting in from neighboring crops, off-putting enough to singlehandedly send our robust wine tourism (reputation and income!) into a tailspin. The prospect of terpene taint from nearby cannabis/hemp crops would signal the demise of my and my neighbors' businesses altogether. I respectfully urge you to tackle this threat before it gets out of hand.

Claiborne W. Thompson

Owner

Claiborne & Churchill Winery & Vineyard

[2649 Carpenter Canyon Road](#)

[San Luis Obispo, CA 93401](#)

[Reply all](#) [Delete](#) [Junk](#) [Block](#) ...

[EXT]Hemp Ordinance Comment

DT

[Drew Tillman <dngtillman@msn.com>](#)

Wed 12/18/2019 6:58 PM

PL_LongRangeShared



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

The 300 foot setback from residences will be inadequate. We have experienced health and quality of life impacts in neighborhoods in Ventura County that are 600 feet from growing fields. The County Supervisors are struggling to find the correct setback distance required. We currently have a moratorium on any cultivation within 1/2 mile from any existing residential community. If you enact the 300 foot setback, you will be addressing this item again in the future. I have much more information on this subject and I will be advocating for fair and safe farming practices in Ventura County. I hope this helps you.

Drew Tillman

Sent from [Outlook](#)

Reply all Delete Junk Block ...

[EXT]Industrial Hemp Ordinance - Min. 10 mile Set Backs Needed

AS Agzone Services <agzoneservices2019@gmail.com>
m>
Thu 12/19/2019 12:14 PM
PL_LongRangeShared

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear San Luis Obispo County Honorable Board of Supervisors,

The pollen created from hemp cultivation threatens the value and enormous tax revenue that will be generated from the 141 cannabis cultivation sites that will in due time be approved and established in San Luis Obispo County. A conservative estimate of the 4% tax revenue for County coffers is \$35,532,000 based on a very low \$300 per pound for dried cannabis biomass. Add to this all the other economic benefits from 141 successful, legal, cannabis operations and a 10 mile minimum is an easy decision.





Because of this, I am writing to urge you to establish a minimum of a 10 mile set back for hemp cultivation from any permitted cannabis cultivation operation.

In Colorado, hemp cultivation in areas as far as 30 miles away have been causing massive damage and devaluation to high value, tax generating cannabis operations. see the following -
<https://www.leafly.com/news/industry/legal-hemp-pollen-drift>


According to [Anndrea Hermann](#), an international hemp expert, the minimum safe distance is 10 miles. see the following -
<https://www.thecannabist.co/2015/06/18/safe-distance-hemp-marijuana-pollination/33130/>

Additionally, because thousands of acres of hemp are growing and being planted in lower cost states, the value of CBD Hemp has already dropped to under \$30,000 per acre which isn't much more than that of snap peas. Any upside for hemp cultivation in our county will be short lived at best.

Please consider these factors when you establish your set back minimums for hemp.

 Reply all  Delete  Junk  Block ...

[EXT]Industrial Hemp Ordinance

 Flag for follow up. Start by 12/16/2019. Due by 12/16/2019.

LZ Lynda Ziegler <zieglell@gmail.com>

Sun 12/15/2019 9:34 AM

PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; Georg



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Lynda Ziegler
6348 Mira Cielo
San Luis Obispo

949-616-6546
zieglell@gmail.com

Lived here 7 years and have 2 acres of grapes, indirectly employing 10+ workers

Comments on Ordinance:

Before addressing the specifics of the ordinance a comment on my experience. I have sent notes to the supervisors before regarding the smell from the hemp. Many times when I go outdoors I have an overpowering smell that makes my eyes water.

Generally the ordinance does not address the concerns of the citizens, particularly of Edna Valley.

Nuisance Odors: this term is not defined leaving each situation up to interpretation from different parties. In addition it appears it is only addressed for indoor growth and processing, what about the nuisance odor from outdoor growth. In addition odors are present even when the crop is not in bloom.

Setback: A setback of 300 feet is meaningless. I am not sure how far the hemp is from my property at this point but I clearly have a nuisance odor. I would think that a mile setback would possibly mitigate the odor but am not an expert on scent traveling in the air, however 300 feet clearly does not mitigate the impact.

Residences in ag zones: It is not acceptable to have no setback for residences in agriculture zoned areas. While hemp may currently be categorized as an agriculture crop it is quite different from what is currently grown in the Edna Valley. It clearly has nuisance odor and no one is yet sure of its potential impact on other crops. A significant setback is needed for residences.

Thank you for the opportunity to comment. I would be happy to provide any further comment

https://outlook.office365.com/mail/PL_LongRangeShared@co.slo.ca.us/deeplink?version=2019120803.15&popupv2=1

1/1



Project Title and No.: Agricultural Worker Housing Ordinance Update / LRP2017-00002 / ED19-318

Project Location (Specific address [use APN or description when no situs available]): Countywide	Project Applicant/Phone No./Email: County of San Luis Obispo/805-781-5600/PL_LongRangeShared <hr/> Applicant Address (Street, City, State, Zip): 976 Osos Street, San Luis Obispo, CA 93408
--	--

Name of Public Agency Approving Project: County of San Luis Obispo

Description of Nature, Purpose and Beneficiaries of Project:

Hearing to consider a request by the County of San Luis Obispo to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, the Coastal Framework for Planning Table "O" (LRP2019-00008), and Title 1 Administrative Fines, to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.

Exempt Status/Findings: This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), Common Sense Exemption]

Reasons why project is exempt:

This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place restrictions on the

cultivation of industrial hemp crops. Crop production and grazing is currently an allowed use within the County of San Luis Obispo.

Additional Information: Additional information pertaining to this notice of exemption may be obtained by reviewing the second page of this document and by contacting the Environmental Coordinator, 976 Osos St., Rm 200, San Luis Obispo, CA 93408 (805) 781-5600.

Notice of General Rule Exemption

Project Title and No.: Industrial Hemp Ordinance LRP2019-0008

Pursuant to section 15061 of the State California Environmental Quality Act (CEQA) Guidelines, the preliminary review of a project includes a determination as to whether a project is exempt from CEQA. This checklist represents a summary of this project's review for exemption.

	YES	NO
1. Does this project fall within any exempt class as listed in sections 15301 through 15329 of the State CEQA Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is there a reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the project inconsistent with any Federal, State, or local law or administrative requirement relating to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will the project involve substantial public controversy regarding environmental issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Does the project have the potential to achieve short-term environmental goals to the disadvantage of achieving long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Does the project have adverse impacts which are individually insignificant, but cumulatively significant? Cumulatively significant means that the incremental effects of an individual project are substantially adverse when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

On the basis of this initial evaluation, I find that the proposed project does not have the potential to cause a significant effect on the environment, and is therefore exempt from CEQA.

for Xzandrea, Environmental Planning Manager

Date



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land – Helping to Build Great Communities

Date: January 13, 2020
To: PLANNING COMMISSIONER
From: KIP MORAIS, Project Manager
Subject: Industrial Hemp Ordinance (LRP2019-00008) – Attachment 5 Correction

Based on public comments received, staff has included several revisions to Attachment 5 – Public Comments to include some missing pages and clarify the correct authors of some correspondence. The corrected public comment letters have been attached here in their entirety.

Attachments:

- 1 – January 2, 2020 Falkenhagen
- 2 – December 31, 2019 Parkinson
- 3 – December 19, 2019 Schiebelhut
- 4 – December 18, 2019 Flinn
- 5 – December 17, 2019 Kelsey
- 6 – December 15, 2019 Ziegler

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

planning@co.slo.ca.us • FAX: (805) 781-1242 • sloplanning.org

Kip J. Morais

From: Bruce F <brucefal100@gmail.com>
Sent: Thursday, January 02, 2020 12:55 PM
To: PL_LongRangeShared; John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; George Donati; Ramona Hedges; Marty Settevendemie; Marc Lea; Trevor Keith
Subject: [EXT]Draft Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Mr. Moras and Mr. Pedrotti:

In the near future, you will be asking the Planning Commission to amend it's ordinances as they pertain to the growing of hemp in San Luis Obispo County. I have issues with what has been presented, primarily with what has happened recently and how your proposed ordinance changes would address and resolve the issues.

We are residents of the County for 38 years. For the past 20 years we have owned a parcel on the southern border of the Edna Valley next to the Cold Canyon Landfill, and lived on it for 15 years as residents.

After being out of the area for a few weeks this last September, we returned the first of October. On October 2nd, my wife smelled hemp/cannabis odors for about 1 hour that were coming from the primary grower in the middle of the Edna Valley. We are 5,800 feet from the hemp/cannabis grow site and 6,300 feet from the hemp growing site. For purposes of this letter, I will use the 5,800 foot distance as the distance to the odor site. I sent a complaint to the County, the Board of Supervisors, the individual Board members, the APCD, the AG Commissioner's office, and the Planning Department.

The only response was from the APCD, who said that since the CA Department of Food and Agriculture has identified cannabis (which includes hemp) as an agricultural product, that have no jurisdiction as agricultural crops are specifically exempted from APCD regulation dealing with nuisance odors.

There was no response from the AG Commissioner's office.

On October 4th, I smelled the hemp/cannabis again, this time for an extended period of about 4 hours. It was smelled by four other people. It was at a higher elevation than the first complaint. I did not report it, because the first nuisance complaint was pending for a County response. That response was never received.

I cite this experience, because it should cause the staff and the decision makers to pause and ask the question, "How does the proposed ordinance address this type of complaint? Would it have been dealt with and resolved?"

Contrary to the comment by one Board member questioning the possibility that these odors could travel over a mile, the odors did travel over a mile. In the case of the first complaint, 5,800 feet. This was at the floor of the Valley, which is about 40 feet above the elevation of the hemp grow site. For the second complaint, it was smelled at an elevation of 420', 120' above the elevation of the grow sites.

1. Enforcement. Clearly, right now there is no enforcement. Unless something changes, the status quo will remain. No enforcement. Parts of new enforcement issues are just now being developed at the State and Federal levels, dealing with testing protocols, time of testing, etc. Counties are rethinking their Ordinances. Initial rushes to adopt have been shown to be fraught with errors, as evidenced by Buellton, Carpinteria, and the rest of Santa Barbara County's issues, Oregon school issues, Monterey County's almost complete banning of the products except in remote areas, Napa Valley issues, even former Lieutenant Governor' Maldonado's SLO testing protocol issues to name a few.

2. Nuisance Odors- Processing. Section 22.30.070.D.5.b states:

"Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite."

Since I have detected nuisance odors, reported them, and I am 5,800 feet away, that means no industrial hemp processing facilities can be sited where they are today. It had to be hemp, because if it were cannabis, under 22.74.150.G, the AG Department would be going through the Nuisance Abatement Hearings. I have heard nothing on this potential action.

If the grower was doing processing, what have they (the Ag Department) done to the growing site's Odor Management Plan to make odors undetectable at my home (as it's the offsite location)? If nothing, the Ordinance needs some tweaking.

3. Nuisance Odors- Cultivation- Outdoors. Section 22/30.244.B.2 (Hemp Cultivation) states an odor control requirement for indoor growing, but is mute on outdoor growing. You now have a complaint from 1-1/4 miles away on an outdoor grow, so what will the control requirement be for outdoor grows? The setback of 300 feet clearly will not work for control, as it has been "busted".

With this omission, the County staff is condemning every citizen and business living, operating or being within 5,800 feet of a hemp site of having to put up with these odors. That is a very big radius, and the smell is not pleasant.

Proponents of growing cannabis and/or hemp try to point out that odoriferous vegetables like broccoli, are allowed to grow under Right to Farm Ordinances. However, those other products have been grown for decades here, most likely longer than the County Planning Ordinances even existed. Hemp is a new product.

The AG Ordinance that protects older crops states:

Section 5.16.031. Pre-existing Agricultural Processing Uses Not a Nuisance

(2) If an agricultural processing activity, operation, facility, or appurtenances thereof **substantially increased its activities or operations after January 1, 1993, then a public or private nuisance action may be brought with respect to those increases in activities or operations that have a significant effect on the environment.** For increases in activities or operations that have been in effect more than three years, there is a rebuttable presumption affecting the burden of producing evidence that the increase was not substantial

Hemp does not meet this standard. It is not pre-existing. A public or private nuisance action may be brought.

If broccoli were introduced today, it most likely would not be approved, or as Monterey County did with hemp, approved but isolated to an unpopulated area.

I believe the best way to deal with this issue would be to increase the setback to a greater distance, reflective of the complaints received to date across the State. The 300 foot distance is not based on science, statistics, or real world data. If I am wrong, please provide the hard backup data showing 300' is a statistically significant answer. I would like to offer setting the setback to 2,640 feet (1/2 mile), as I believe the County would eliminate in one fell swoop maybe 70% of the potential complaints.

Then in five years, revisit the ordinance to see what complaints were received, and statistically set the setback distance to protect a certain percentage of the population based on distance. Maybe use the figure that would eliminate 80% of the individual locations complaining of odors.

4. Facilities included in Setback Limits (22.30.244.B.1.a). Permitted Event Centers should be added as an operation to be avoided. "Permitted" because those operations have gone through County review and should be protected.

5. Setbacks for Indoor Hemp Cultivation (22.30.244.B.1.b). 100 feet for a setback is not enough. All the "indoor" part does (the roof and walls) is concentrate and intensify the odors so that when they are released, they are concentrated more than an open outdoor grow that just continually emits the same amount but over a longer time. I suggest that a distance that is 50% of the outdoor setback be used.

I hope that you take these comments under consideration. Thank you very much.

Bruce Falkenhagen

Kip J. Morais

From: Brad Parkinson <bradp@stanford.edu>
Sent: Tuesday, December 31, 2019 12:21 PM
To: PL_LongRangeShared
Cc: George Donati; Bill Swanson; Bob Schiebelhut; Bruce F
Subject: [EXT]Hemp Ordinance
Attachments: Edna Valley and Hemp .pptx

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Director Trevor Keith,

I am writing to you to strongly request that you permanently ban Marijuana and Hemp growing from the productive, yet fragile Edna Valley.

I understand why some economic pressure may be against this.

However, I strongly believe any significant risk to our valley for Grape Production, for delightful venues and for property values must be avoided.

I am hoping you will do the right thing.

Specifically:

1. **Planting of Hemp and Marijuana in the fragile and unique Edna Valley should be permanently banned**
2. **A 400-foot setback is clearly inadequate - based on Oregon experience at 1600 feet, it should be at least 1 mile. The foggy, calm evenings in the EV, during growing season, will accumulate and magnify deleterious effects.**
3. **All planting of Hemp in the County should be banned until impacts have been studied and understood; leading to county Ordnances regulating such plantings**
4. This will require at least 6 months of studies and assessments of the experiences and techniques in other states and quantifying economic risk to SLO county
5. Failure to completely understand this situation **will place substantial economic risk** on wine, wine-tasting, event hosting and property values in **any area** that must coexist with Hemp planting.

In addition, I am attaching a summary presentation that addresses this issue.

I hope you and your planners do not allow substantial risks to the economic health and wonderful ambiance of our beautiful County.

Happy New Year,

Bradford W. Parkinson
Edna Valley Resident

Edward Wells Professor, Emeritus, Aeronautics and Astronautics (Recalled)
Co-Director Stanford Center for Position, Navigation and Time
Stanford University,
thegpsbrad@gmail.com
C: 650 245 9690, O/H 805 594 1529

Ordinances regarding Hemp in SLO County and, particularly Edna Valley (EV)

Insuring new crops do not harm
existing businesses, property
values or our county's ambience

Dr. Bradford Parkinson,
Edna Valley Resident

Background - An example

- Edna Valley (EV) - a Unique Blend
 - Many thousands of acres of high-value grapes and other crops
 - Growers have generally and voluntarily avoided incompatible crops such as garlic and onions
 - At least 13 wine tasting rooms - most partially outside and amid the vineyards
 - Over several hundred houses, carefully comingled with Ag land - many hi-value
 - At least 5 Event Centers - rapidly growing “tourist” revenue business partially outdoors

Hemp

- Not readily distinguishable from Marijuana
- Source of CBD oil
 - Rapidly growing demand for therapeutic properties
 - Crop oil value over \$100,000 an acre
 - As many as three crops a year in our area
- At least two California counties, Shasta and San Joaquin, have banned industrial hemp production. And California hemp law does not allow hemp flower production, eliminating the plant's most valuable use - CBD production (???)
- Most valuable versions give off a pungent smell
- Apparently - a current 70 acre planting in EV
- Have used "Research" to avoid restrictions

An Experience in Oak Grove, Oregon

- For several weeks, a neighbor's skunky smell filled the air, and students at Oak Grove Elementary complained that their heads hurt and they felt nauseated.
- Staff, too, were not pleased. They said the odor followed them to their vehicles and homes.
- From September through October, people at Oak Grove said, they were constantly aware that their neighbors were hemp farms ready for harvest.
- "Many staff, students and families have significant concerns about noxious odor during the harvest season and its impact on the health of the students and the staff," said Michelle Cummings, Medford School District chief academic officer.
- Hemp plants, cousins to marijuana, often release strong smells as their flavor-producing terpenes reach maturity. The scent of even a few rows of plants can travel far, and Oak Grove is within a quarter-mile of at least two industrial hemp grows.

What would be the impact on Tasting Rooms and Weddings?

Potential Extrapolation of Oak Grove to EV

- Wedding or Group Wine Tasting
 - Possible Facebook Post: “don’t go here - the skunk odor is pervasive and ruins the venue”
- All who peruse the web find this and it is reinforced by others
- Only a few instances will poison the well
- Based on Oak Grove, it is a very probable outcome for nearby Hemp plantings

Hemp Precedents and Experience

- Banned in two CA counties
- Monterey County regulates it like Cannabis
- Oak Grove OR experience is pertinent

Issues/Concerns

- What reasonable constraints should be placed on Hemp growing in SLO county?
 - Odor + evolution of volatiles with new varieties
 - Reputation of our tasting rooms - In harms way?
 - Weddings with a skunky smell?
 - Over spraying and our "Organic Farms"
 - Processing of growth products

Recommendations

- There is substantial evidence of problems that could severely impact our existing Ag, wine and entertainment industries

1. Planting of Hemp and Marijuana in the fragile and unique Edna Valley should be permanently banned
2. A 400-foot setback is clearly inadequate - based on Oregon experience at 1600 feet, it should be at least 1 mile.
3. All planting of Hemp in the County should be banned until impacts have been studied and understood; leading to county Ordnances regulating such plantings
4. This will require at least 6 months of studies and assessments of the experiences and techniques in other states and quantifying economic risk to SLO county
5. Failure to completely understand this situation will place substantial economic risk on wine, wine-tasting, event hosting and property values in any area that must coexist with Hemp planting.

Kip J. Morais

From: Bob Schiebelhut <bob@tolosawinery.com>
Sent: Thursday, December 19, 2019 11:17 AM
To: PL_LongRangeShared
Cc: John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; Bob Schiebelhut
Subject: [EXT]Proposed Hemp Ordinance
Attachments: 2475_001.pdf

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Kip Morais, Project Manager

Brian Pedrotti, Senior Planner

Dept of Planning and Building

CC: SLO County Board of Supervisors.

Please find enclosed my comments concerning the referenced matter. Thank you for your consideration.

Bob Schiebelhut
6235 Orcutt Rd
San Luis Obispo, CA 93401

These comments are further to my comments to the BOS on June 17, 2019 (3:40 pm). As I indicated therein, I have lived at 6235 Orcutt Rd (corner of Biddle and Orcutt) for over 34 years. I co-founded Tolosa Winery (35 full time employees and up to 85 during harvest) and planted and own with the Baggetts over 700 acres of grapes here in the Edna Valley (providing full time employment to 20 workers and up to 100 during harvest). In my June letter, I expressed certain concerns, principally the noxious odors emitted from hemp, the migration of hemp terpenes onto my grapes, causing "skunk" taint on the grapes, and the decrease in value of my property. What I did not anticipate were the adverse health effects I experienced in the fall when a hemp grow was flowering. This grow—2,000 feet away--caused severe watering of my eyes and uncontrollable sneezing when the wind was blowing my way. My neighbors had similarly complained and frankly, I was skeptical. No longer. This problem will be exacerbated when hemp operations reach full scale with 3-4 harvests per year—and a flowering season of 1-2 months with each grow.

I see real inconsistencies in policies between the Cannabis Ordinance (marijuana) and the draft Hemp Ordinance, probably attributable to the staff having to move way too fast, in the face of so many unknowns. For example:

in the Cannabis Ordinance, the County recognized the deleterious effects of offsite odors for both indoor and outdoor grows. Accordingly, it prohibited ANY offsite odors and required all applicants to submit an odor management plan to show how the operation would prevent offsite odors. While the draft Hemp Ordinance prohibits offsite odors from indoor hemp grows, it does not do so for outdoor grows. This makes no sense because marijuana grows are limited to 3 acres, while hemp grows are unlimited in size. The larger the grow, the more intense the odor problem. For consistency, the hemp ordinance should also prohibit offsite odors. The draft hemp ordinance also fails to require a "statement of neighborhood compatibility" together with a plan to address potential compatibility issues. There are 3 verifiable concerns from hemp terpenes:

1. noxious odors;
2. adverse health effects;
3. the real threat of "skunk" taint> (See my letter of behalf of the Edna Valley Growers MWC dated December 19, 2019, enclosing Prof Oberholster's opinion concerning the risks of terpene drift onto grapes).

In contrast, the draft Hemp Ordinance places no burden on the hemp grower to demonstrate a plan to address the incompatibilities of bringing in a new crop to the Edna Valley. Instead, it assumes the burden should be on existing vineyard owners, tasting room owners and event center owners to provide scientific evidence to support their concerns. Who should have the burden of proof here? After the vineyard industry (and related event centers) has invested well over \$100M, should not the hemp growers have the burden to prove hemp will not harm the existing ag owners? We know that even the perception of "skunk" taint has resulted in vineyard owners losing sales contracts. Moreover, the Cannabis Ordinance squarely places the burden on the cannabis grower—so should the Hemp Ordinance.

The Cannabis industry has been banned for 7 decades. Hemp growing just in the last few years became legal as a federal matter; and several states have legalized marijuana. So, there is a real scarcity of studies dealing with the compatibility of cannabis on existing crops, businesses and residences, as well as health effects on cannabis workers in the field and ag field workers nearby.

Neither the setbacks specified in the Hemp Ordinance—300 feet or some other number – nor the specification of site size is based on science or experience. 10 acres seems to be just an arbitrary number and could just as well be 100. Additionally, the 300 foot setback for the Hemp Ordinance was simply adopted from the Cannabis ordinance. But the 300 feet in the Cannabis ordinance is the minimum setback because the process involves a discretionary permit—so the neighbors can argue for a greater setback, whereas the 300 foot setback in the Hemp Ordinance is the maximum—the process is a ministerial over the counter exercise. No discretion to lengthen the setback. This is another discrepancy between the two ordinances.

Also, the Cannabis Ordinance measures the setback from the grower's property line. The Hemp draft measures from the edge of the grow to the edge of the residence. Another discrepancy.

Another shortcoming of the Hemp Ordinance: lack of meaningful enforcement. The elephant in the room is the lack of resources to enforce. Violators to date have been running circles around county enforcement efforts and will continue to do so. Lip service to enforcement is not sufficient. Much larger staff and resources for testing equipment are required for an honest commitment to enforcement. Enforcement will in any event be difficult. For example, the Hemp draft provides that outdoor cultivation "will be limited to non-flowering transplants only". Try and enforce that one.

Bottom line: No other crop grown in the Edna Valley can be grown into an illegal product except hemp. Given all of the above, I respectfully urge that hemp should be prohibited from the Edna Valley.

Facts re: the Edna Valley Appellation and Hemp

1. There are 3 federally approved appellations in the County: Paso Robles (660,000 acres); Arroyo Grande (39,646 acres) and Edna Valley (18,970 acres excluding the City of SLO)
2. The County land mass is 2,111,360 acres. The Edna Valley is a small valley--it represents just 0.008 of the total acreage in the County. It has a high concentration of vineyards, wineries, tasting rooms, and event centers. Also, Los Ranchos School and several dense neighborhoods and ranchettes throughout the Valley.
3. The Edna Valley is unique in California: (a) it is the coldest appellation in California; (b) it is the only appellation with 2 transverse valleys open to the ocean (Morro Bay-Los Osos and Pismo Beach) and (c) it has the longest grape growing season in California with bud break in Feb and harvest to Nov.
4. Because the Edna Valley is truly a valley, generally surrounded by hills, its climatic characteristics are uniform throughout the Valley. This differs from the "open" Paso Robles and Arroyo Grande appellations where the western and eastern portions have dramatically different temperatures, fog and wind. For example, Growing Degree Days ("GDD") for Paso Robles west and east range from 3117 to 3342 (F). For Edna Valley, the GDD is relatively constant 2371 (F). (Note: The GDD numbers were provided by UC Ag Extension, based on 24-hour monitoring. With only one monitoring station in the Arroyo Grande appellation, no GDD range could be provided).
5. With marine air from 2 sources, the Edna Valley experiences relatively high amounts of fog and wind from March to November, as compared to the Paso Robles and Arroyo Grande appellations. Wind records show windy conditions 2/3's of the time--average 7-8 MPH--and 20-30 MPH peak all year. Also, the winds predominately come from 2 directions, thereby creating a mix of wind influence, which is a recipe for broad distribution of hemp terpenes over large distances. Recent flowering from a hemp grow in the Valley was detected over 1 mile in several directions from the grow. The foggy conditions in the Edna Valley--near stagnant air mass-- also promote migration of hemp terpenes once the winds kick in later in the day.
6. Health effects: this flowering from a hemp grow this fall in the Edna Valley caused respiratory problems and insomnia for many residents up to 1 mile from the grow. Many complaints were lodged with the County. Odors from cauliflower and broccoli don't have these adverse effects on neighbors.
7. "Smoke" taint from wildfires unfortunately is a reality. The "smoke" taint from wildfires in No Calif has caused immense monetary losses to the wine industry, due to cancellation of contracts and rejection of grape after the wildfires.
8. The predominant terpene in Cannabis (whether marijuana or hemp) is myrcene which emits the strongly noxious "skunk" taint. At the July hearing on the hemp moratorium, we expressed serious concern over the threat of terpene drift on to vineyards resulting in unmerchantable grapes. We were told by the industry they we were engaging in "fear mongering". But it turns out the fear of "skunk" taint is well founded. Please see the attached Oct 28, 2019 opinion letter from Prof. Oberholtzer, U.C.Davis, in which she describes that the deleterious effect of smoke volatiles and eucalyptus terpenes have had on grapes and the resulting end product--wine. She strongly suggests the cannabis

terpenes may have the same adverse effect on grapes, and wine. With the foggy conditions and near continual winds in our "true" valley, the risk of terpene drift is higher than any other location in this County,

9. Prof. Oberholseter stresses the need for research before risking the viability of the vineyard industry. But even without definitive research, the fear of "skunk" taint is taking its toll. In Oregon, grape contracts have been cancelled for fear of "skunk" taint from a marijuana grow on adjacent property. Why would a grape buyer risk "skunk" taint, especially when the defect in the wine may appear much later? Oregon legalized before Calif and forecasts the future for us.
10. Cannabis growers in Santa Barbara County have threatened and sued over spray drift—cannabis is very sensitive to pesticides, insecticides and fungicides. In fact, this issue of spray drift is even greater in the Edna Valley due to its foggy and windy conditions. The best conditions for spraying are in the morning before the wind picks up. But on foggy mornings the sprays can be suspended in the fog and then distributed when the wind picks up. We can learn from the experience in Santa Barbara. There avocado and citrus growers have been forced to curtail or reduce spraying due to claims/threats from the cannabis growers. These threats have already stopped companies from aerial spraying. And growers have now eliminated spraying near any cannabis grow, just letting some of their crops fail for fear of a lawsuit. In one case, a vineyard owner in Santa Barbara was sued for fungicide drift—she then went organic and lost her crop to mildew.
11. Vineyards and orchards face existential threats from insects such as the Asian citrus psyllid, the glassy winged sharpshooter etc. To save these permanent crops, we need to use insecticides, and in the case of citrus, need to use "air blasters" to cover the trees. Introducing hemp into the Edna Valley would obviously inhibit these "lifesaving" measures.
12. The Edna Valley is extremely susceptible to Powdery Mildew. Combined with a very long growing season, the amount of spraying to prevent Powdery Mildew is more than triple the number of sprays a vineyard in the North County receives. This means the Edna Valley grape growers will face far greater risk of spray drift than other growers in the County.
13. In the Edna Valley, approximately \$140,000,000 has been invested in wine grapes—a permanent crop—together with associated wineries, tasting rooms and event center—supporting a large ag tourism industry. Why risk this long-term investment for a seasonal crop, before definitive research is completed?
14. 25 counties prohibit hemp. Napa is banning both hemp and marijuana. Monterey severely restricts hemp in a pilot program. Some counties and states severely restrict hemp due to concerns of cross-pollination—cannot be grown within 5 miles of marijuana (Washington state) and 4 miles in Yolo County.

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October 28, 2019

RE: Potential impact of terpene drift on grape and wine composition

Introduction

I am a faculty member in the Department of Viticulture and Enology at University of California, Davis California. My Department is ranked number one in the world and combines the sciences of viticulture and enology in a single research and teaching unit that encompasses all of the scientific disciplines that impact grape growing and winemaking. The faculty roster includes scientists from the fields of chemistry, genetics, microbiology, chemical engineering, horticulture, biochemistry, plant physiology, and sensory science. Multidisciplinary and strategic research and teaching programs cover all major aspects of viticulture and enology. The Department's research is aimed at expanding knowledge of the factors that impact grape and wine characters so that the winemaking processes could be tailored by individual winemakers to achieve the desired flavor and aroma profiles in the finished wine. This allowed the industry to move beyond mere commercial acceptability to the production of intricately crafted fine wines. Objective methods of sensory evaluation of wines were developed in the Department that is now widely used throughout the food and beverage industries. Descriptive analysis of wines has now become a standard procedure for wine evaluation and has had the added benefit of making wines less intimidating for the consumer. Marketplace interest in wine has further increased due to recent Department research that point to various components in wine that may have beneficial human health effects.

Today, there are considerable concerns regarding the adverse effect that high concentrations of certain terpenes can have on wine flavor, including terpenes commonly emitted from cannabis plants. Some common cannabis terpenes are associated with other plants and have been demonstrated to adversely affect wine quality.

The California grape and wine industry is a \$31.9 billion dollar industry, with 637,000 acres of winegrapes planted. Based on a Stonebridge Research report published in December 2015, the Santa Barbara County wine industry has a \$1.7 billion dollar economic impact on the region. Recent legislation adopted by the Santa Barbara County Board of Supervisors established regulations for the cultivation of recreational cannabis within the unincorporated regions of the Santa Barbara County. In part, these regulations permit outdoor cultivation of cannabis, including in regions where the primary agriculture are vineyards.

Santa Barbara County wine industry stakeholders have expressed concern regarding the potential impacts that outdoor cannabis cultivation may have on vineyards, winegrapes, and the resulting wines. Concerns focus on the extent that a concentration of terpenes emitted from outdoor cannabis cultivation and proposed odor abatement systems that utilize odor neutralizing essential oils (namely, the system marketed by Byers Scientific & Manufacturing) will be absorbed by winegrapes and ultimately impact resulting wine style and quality. Despite these changes in local policy regarding cannabis cultivation, the federal government has not legalized cannabis and continues to enforce restrictive policies and regulations on research into the impacts of cannabis on both health and public welfare. As a result, research on cannabis generally has been limited in the United States. The effects of cannabis on adjacent crops, including crops with sensitive characteristics like grapes, has also been limited, leaving grape and wine industry stakeholders and policy makers without the evidence they need to make sound decisions regarding the permitting of outdoor cannabis cultivation and odor abatement systems that utilize essential oils near vineyards and in designated American Viticultural Areas.

This lack of evidence-based information on the potential impacts of the cannabis industry on established vineyards is a risk to the future viability of the grape and wine industry in Santa Barbara County and other counties that have or may adopt regulations allowing outdoor cannabis cultivation and/or odor abatement systems that use vaporized essential oils sited near vineyards. Santa Barbara County is currently considering permits for outdoor cannabis cultivation that rely upon vaporized essential oil odor abatement systems which individually and cumulatively could have potentially significant impacts if sited near established vineyards. Until further research can be conducted, the wine industry and policymakers must rely on previously conducted research into how winegrapes react to volatile compounds from the atmosphere to draw conclusions about potential impacts of cannabis and essential oil vapors to existing vineyards and resulting wine quality.

Research has conclusively shown that winegrapes have porous skins and can absorb volatile compounds from the atmosphere. Well-known examples are volatile phenols from wildfire smoke (Kennison et al., 2009; Krstic et al., 2015) and Eucalyptol (1,8 cineole) from *Eucalyptus* trees (Capone et al., 2012). Research has further shown that cannabis emits volatile terpenes into the atmosphere (Wang et al., 2019). As such, we may use this existing research to analogize and draw conclusions regarding the potential impacts of cannabis terpenes and essential oils on winegrapes.

Impacts of Smoke Taint

In the case of wildfires, large amounts of volatile phenols are released into the air during wildfires due to the thermal degradation of lignin in wood. Volatile phenols are naturally synthesized in winegrapes and are also released into wine during barrel aging, as toasting of the oak barrels will release the same compounds. However, during wildfires, the amount of volatile phenols absorbed by the grape berry as well as vine leaves are excessive, resulting in an undesirable effect called "smoke taint" in the wine. This can greatly impact the salability of the impacted winegrapes and can make the resulting wine, if smoke impacted, unmarketable. Smoke taint is characterized as a wine with excessive smoky aroma and an ashtray-like aftertaste. Additionally, it has been shown that the risk of smoke taint increases with repeated and continual

exposure to volatile phenols. These compounds absorb continually on to grapes with each exposure and are stable within the grapes until harvest and processing when these compounds are released within the fermenting must (crushed grapes undergoing alcoholic fermentation). The grape and wine industry have been significantly impacted by smoke exposure in the last three years. Even the current fires in California will impact grapes that were still on the vines when the fires started (about 5% to 10% depending on the county).

Impacts of Eucalyptus Taint

Eucalyptus taint is mainly caused by a terpene called 1,8-cineole or Eucalyptol. Terpenes are a large and diverse class of volatile organic compounds, produced by a variety of plants. They often have a strong odor and their function in the plant can be to protect the plant against herbivores or attract pollinators. Because these terpene compounds are "volatile", at ambient temperature they can be released in the air (can evaporate from the plant oils where they are present) and travel with atmospheric conditions. Capone and coworkers showed during a three-year vineyard study that the Eucalyptus taint in wine was not only caused by 1,8-cineole but also that this terpene originated from *Eucalyptus* trees nearby vineyards (Capone et al., 2012). Eucalyptus oils consist mostly of 1,8-cineole, although depending on the species this can vary from a 60% to 90% contribution. Eucalyptol in wine is described as a medicinal, camphoraceous, fresh/minty/cool character. In high concentrations this is seen as a taint as it overpowers the wine and is not a winegrape varietal characteristic. Another study by Capone (Capone et al., 2011) showed that Eucalyptol can also be present in grape skins and MOG (materials other than grapes such as the stems and leaves). Eucalyptol, or 1,8-cineole, is present at significant concentrations in the emissions from some strains of cannabis.

Terpenes have very low aroma detection threshold levels and ETS Laboratories determined that the aroma detection threshold level for California Merlot is 1.1 µg/L. Herve et al., (2003) reported a recognition threshold of 3.2 µg/L in red wine. Irrespective, these are detection threshold levels in the parts per billion range.

The first part of the Capone study focused on making wines from grapes from two different vineyards harvested at set distances from the *Eucalyptus* trees. Their results clearly indicated a large impact due to distance from the terpene source, which in this case is the *Eucalyptus* trees. Above aroma threshold levels of 1,8-cineole were present in the wines made from grapes up to 50 meters from the *Eucalyptus* trees. An important fact to remember is that diffusion of volatile compounds depends on several factors including temperature, air pressure and movement. It will diffuse until the environment is in equilibrium. Thus, the distance of travel will depend on initial concentration as well as the listed environmental conditions which will be unique for each site.

In the Capone study, only two sites were utilized, which resulted in different levels of 1,8-cineole in the wines (9.5 – 15.5 µg/L). The study confirmed the airborne transfer of volatile organic compounds as found by other studies (Kennison et al., 2009). The study also showed that even higher concentrations of 1,8-cineole were present in winegrape stems and leaves, potentially due to their larger surface area or difference in exposure to the atmosphere or epidermis (outer layer of tissue in a plant). Thus MOG (material other than grapes, including winegrape stems and leaves) can also be a source of 1,8-cineole. This is particularly concerning due to labor costs and shortage which often necessitates the use of mechanical harvesters where more MOG are included.

Capone also found that *Eucalyptus* leaves and bark can lodge in the grapevines and be included during harvest which made a significant contribution to the 1,8-cineole composition of the wine when included in the must. However, even wines made from hand-picked grapes with no MOG included, including no *Eucalyptus* leaves and/or bark, produced wines with above aroma threshold levels of 1,8-cineole if made from winegrapes grown within the first 50 meters from *Eucalyptus* trees. Including grape stems and some grape leaves as will be normal during most fermentations, will result in even higher levels of 1,8-cineole. This study confirmed that terpenes can become airborne and adsorb on to other plant surfaces such as grape berries, leaves and stems. Similar to smoke taint development, continued exposure will result in an increase in 1,8-cineole in the grapes until harvest. Studies have shown that some cannabis strains can contain high levels of 1,8-cineole which may similarly impact winegrape production (Aizpurua-Olaizola et al., 2016). Cannabis produces large amounts of terpenes (as discussed below) and further research is needed to determine if any other cannabis-specific terpenes can adversely affect wine flavor. Additionally, research is needed to determine mitigation steps if needed.

Terpene Drift and Potential Impact

Cannabis plants are known for their strong smell due to high concentrations of a range of different terpenes. The chemotype, growing time, and canopy area effects the concentration of terpenes emitted into the air (mostly monoterpenes, C₁₀ compounds, and sesquiterpenes, C₁₅ compounds). Terpene concentrations in Cannabis plants are in the range of mg/g quantities, whereas the threshold levels of these compounds are in the µg/kg range (Aizpurua-Olaizola et al., 2016). This is a 10⁶ order difference between the cannabis terpene concentration and terpene odor detection levels. Research has shown terpene emission rates of up to 8.7 µgC g⁻¹ hr⁻¹ depending on the strain of *Cannabis spp* (Wang et al., 2019). Additionally, β-myrcene, eucalyptol and d-limonene were the most dominant terpenes in the emissions for the four strains evaluated. Other important terpenes in cannabis plants are α-pinene, β-pinene, linalool, α-terpineol, β-caryophyllene, hashishene, α-humulene and more. New terpenes are continually being identified in cannabis plants.

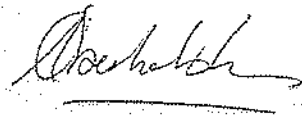
Terpenes are biosynthesized in winegrapes and can play an important role in the varietal character of a winegrape variety. Additionally, during the winemaking process, yeast and bacteria can also synthesize small amounts of terpenes (Carrau et al., 2016). The specific combination of terpenes present in winegrapes depends on the variety, but the total terpene levels will be in the order of µg/kg and µg/L amounts in winegrapes and wines respectively (Waterhouse et al., 2017). Changing the level, relative ratio, and combination of terpenes within winegrapes and thus the resulting wines, could change the character of the wine significantly. Additionally, if one terpene or a combination of terpenes overpowers the wine, making it one-dimensional or imparting unpleasant characters to the wine, the wine may be considered tainted. Furthermore, absorption of terpenes on to the winegrapes will be over the full growth period of the winegrapes, which is several months from pea size to maturity. Thus, a build-up effect is possible within the winegrapes. This means that there may be no specific high terpene odor period needed for potential impact on the winegrape's natural terpene composition.

Furthermore, research into the effects of nearby *Eucalyptus* trees on winegrapes showed absorption by winegrapes at 1 µg/kg to 5 µg/kg levels of Eucalyptol, whereas initial preliminary data on winegrapes show increases of 200 µg/kg to 500 µg/kg of key cannabis terpenes in winegrapes grown close to cannabis plants. This could indicate a much larger impact of cannabis than those determined for Eucalyptus.

Conclusion

Based on the foregoing analysis using the research available to date on the impacts of airborne volatile compounds on winegrapes, outdoor cannabis cultivation, particularly on large scale with large canopy area, could have a potentially significant impact on the terpene composition of winegrapes grown near such cannabis cultivation sites. Changes to the terpene composition of winegrapes has been shown to impact resulting wine quality. In light of the cultural significance and economic impact of the wine industry in California, it is important that care be taken to avoid adverse impacts while research seeks to provide objective metrics of allowable concentrations and appropriate strains of cannabis grown in proximity to high quality wine grapes.

Submitted by,



Anita Oberholster, PhD
Associate Cooperative Extension Specialist
Enology Department of Viticulture and Enology
University of California, Davis California, 95616

Kip J. Morais

From: Donald Flinn <don.flinn@fslo2.com>
Sent: Wednesday, December 18, 2019 10:52 AM
To: PL_LongRangeShared
Cc: Adam Hill; John Peschong; Bruce Gibson; Lynn Compton; Debbie Arnold
Subject: [EXT]Draft Industrial Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Kip Morais, Project Manager
Brian Pedrotti, Senior Planner

I am writing regarding the draft Industrial Hemp Ordinance. My wife, father and I live at 6525 Mira Cielo in Edna Valley and have been unwilling participants in ongoing experiment on the effects of cannabis and industrial hemp in the area. We had no previous exposure to hemp prior to cultivation approximately 2500 feet up the East Corral de Piedra Creek.

I have allergies which have drastically reduced my sense of smell but my wife, like our neighbors, reports the smell makes spending time outside very unpleasant. My 93 year old father, like me, suffers from allergies. At his age, side effects make allergy medications inadvisable. I fly as a commercial pilot and subject to FAA restrictions. FAA regulations make the more effective antihistamines unusable without a period of 2.5 to 5 days after the last dose. There have been periods when I would be unable to fly due to the allergic reactions or barred from flying due to having to take proscribed antihistamines. I consulted with my allergist about adding hemp to the antigen shots I take and was told that due to Federal research restrictions there was no test available for hemp allergy and therefore no antigen available. My father's and my increased allergic reactions correlated with my wife's reports of hemp odor.

You don't explain your methodology for determining setbacks which could prevent movement of hemp pollen and odor. The Association of Official Seed Certifying Agencies recommends up to three miles to avoid hemp cross pollination. We notice the effects of hemp in the air at our house when the air becomes still beginning in the evening, and continuing until the wind begins in the morning. The still air allows the pollen/terpenes to concentrate in the air. As the air cools after sunset it descends, further concentrating the pollen and odoriferous terpenes. The cooler, denser air then flows down slope. In our case it follows the same path as water down the East Corral de Piedra Creek. A 300 foot setback is a nice, definable number, but has no relationship to the movement of pollen and terpenes and their effects on residents.

The draft ordinance obviously takes hemp odor seriously since it requires that odor not escape from an indoor grow. How is the odor from an outdoor grow any less of an issue?

The draft ordinance is clearly inadequate. The Air Force taught me to never complain about a problem without proposing a solution. Proper prediction of the flow of air containing pollen and terpenes requires expensive and time consuming measurement and modeling. It appears the only reliable way to ensure the effects of hemp cultivation do not make existing residences subject to the problems we now face. If that is not cost effective for growers, the three mile cross pollination distance measured by the Association of Official Seed Certifying Agencies should apply.

Kip J. Morais

From: M J <mj@ggslo.com>
Sent: Tuesday, December 17, 2019 7:10 PM
To: Board of Supervisors; PL_LongRangeShared
Subject: [EXT]Outdoor Industrial Hemp Draft Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear Board of Supervisors, Kip Morais and Brian Pedrotti,

I am writing you today with regard to the San Luis Obispo County's proposed Industrial Hemp Ordinance drafted by county staff members for your consideration. I would like to specifically address my concerns as a business professional running a business in Edna Valley and the negative impacts we've experience from a hemp growing operation that exists less than a mile down the road from our business, located at 300 Green Gate Road in San Luis Obispo.

I have been directly involved with the restoration and development of Greengate Ranch & Vineyard, located in Edna Valley from when it was first acquired by it's new ownership in 2012. Since that time, we worked tirelessly to restore the property and we are now running a very successful Events & Wedding Venue, home rental business and we farm a 90+ acre vineyard. Currently, we host 20- 25 weddings a year with an average guest list of approximately 200 ppl in attendance and during our off season, we have 4 rental homes all of which have few vacancies. Our business operations bring approximately 4-5,000 travelers a year from all over the country and Edna Valley is now nationally recognized as a top location for destination weddings . We currently employ 6 full-time employees and by many standards are considered a small employer to our county's workforce. That said, each year we refer business to over a 50+ various local vendors from the events and wedding industry. These vendors include: Event planners, photographers, caterers, beverage service providers, wineries, florists, lighting/draperies installers, furnishings, linens & service wear rental companies, musicians and DJs. In addition to our vendor referrals, those attending guests also require accommodations, dining experiences and enjoy the very best of SLO County's wine country. I share these business statistics not to boast of our successes, but rather to impress on you how impactful our business is not only to our local business community, but also in boosting tourism and creating lasting impressions with thousands of people every year.

For those reasons, I urge you once again to consider our concerns with the Industrial Hemp Ordinance as drafted and specifically with regard to the cultivation set-backs. The proposed draft does not recognize or sufficiently address potential health concerns and/or safety of any resident, proximity to schools, impacts on businesses, their employees or the air quality due to cultivation and harvesting of Hemp. Our business co-exists on a shared road with a neighboring hemp grower and the simple facts prove a 300 ft set-back does not provide adequate distance to diffuse the smell as we are less than a mile distance away. On several occasions the odor has been so strong it

permeates throughout our property & into the homes and our guests have left with a negative experience. This coupled with the potential of multiple grow cycles to push yields, gives us little reprieve from the odors that linger far beyond the initial harvest. Therefore, it is our conclusion that running a business within close proximity to hemp production is harmful to our business, our benefactors, i.e., the vendors we work with as well as the local businesses outside our referral group.

In closing, given the on-going revisions occurring at the State and Federal level, it may prove wise to observe the progression as the regulations evolve and allow time for further research on all the impacts of the Industrial Hemp production. In the meantime, should you move forward with some version of the ordinance, we respectfully ask that you reconsider the proposed set-backs requirements and increase distance far beyond a mere 300 ft. from any business, residences (to include those zone rural residential), schools/parks and any business bringing consumers to the area.

Thank you very much for your thoughtful consideration and I would like to express our sincere appreciation to the Board of Supervisors, county staff and all those working hard to ensure the safety and well being of our community and our local businesses.

Most sincerely,

MARJAN KELSEY

[Greengate Ranch & Vineyard](#)

300 Green Gate Rd | SLO, CA | 93401

e | mj@ggslo.com

c | 805.441-0255

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Kip J. Morais

From: Lynda Ziegler <zieglell@gmail.com>
Sent: Sunday, December 15, 2019 9:35 AM
To: PL_LongRangeShared
Cc: John Peschong; Bruce Gibson; Adam Hill; Lynn Compton; Debbie Arnold; George Donati
Subject: [EXT]Industrial Hemp Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

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Lynda Ziegler
6348 Mira Cielo
San Luis Obispo

949-616-6546
zieglell@gmail.com

Lived here 7 years and have 2 acres of grapes, indirectly employing 10+ workers

Comments on Ordinance:

Before addressing the specifics of the ordinance a comment on my experience. I have sent notes to the supervisors before regarding the smell from the hemp. Many times when I go outdoors I have an overpowering smell that makes my eyes water.

Generally the ordinance does not address the concerns of the citizens, particularly of Edna Valley.

Nuisance Odors: this term is not defined leaving each situation up to interpretation from different parties. In addition it appears it is only addressed for indoor growth and processing, what about the nuisance odor from outdoor growth. In addition odors are present even when the crop is not in bloom.

Setback: A setback of 300 feet is meaningless. I am not sure how far the hemp is from my property at this point but I clearly have a nuisance odor. I would think that a mile setback would possibly mitigate the odor but am not an expert on scent traveling in the air, however 300 feet clearly does not mitigate the impact.

Residences in ag zones: It is not acceptable to have no setback for residences in agriculture zoned areas. While hemp may currently be categorized as an agriculture crop is it quite different from what is currently grown in the Edna Valley. It clearly has nuisance odor and no one is yet sure of its potential impact on other crops. A significant setback is needed for residences.

Thank you for the opportunity to comment. I would be happy to provide any further comment or participate in discussion.

Sincerely,

Lynda Ziegler
Chair of the Board of Directors



MEMO

DATE: January 21, 2020

TO: Planning Commission

FROM: Kip Morais, Project Manager

SUBJECT: Industrial Hemp Ordinance (LRP2019-00008) – Industrial Hemp Processing

Staff would like to highlight the proposed Industrial Hemp Processing Standards for discussion. The Public Hearing Draft (PHD) ordinance currently defines industrial hemp processing as the following:

5. Industrial Hemp Processing. For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The drying, curing, trimming, packaging and preparing for further processing of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings are included under Crop Production and Grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile manufacturing etc.



The drying, curing, trimming, packaging and preparing for further processing within a permanent building is considered an Agricultural Processing use. However, the PHD ordinance makes a distinction for processing industrial hemp grown onsite performed in the field with mobile equipment not involving permanent buildings. The ordinance classifies these activities as crop production and grazing.

This distinction was made in the PHD in an effort to be consistent with the Definition for Ag Processing found in the definition sections of Title 22 (Land Use Ordinance) and the Coastal Zone Framework for Planning that specifically states that processing performed in the field with mobile equipment not involving permanent buildings is included under crop production and grazing, as follows:

Ag Processing (land use). Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; precooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries, production of olive oil without the use of solvents, alcohol fuel production; and receiving and processing of green material, other than that produced on-site (commercial composting). Green material is any wastes which are derived from plant material, including but not limited to, leaves, grass clippings, weeds, tree trimmings or shrubbery cuttings. ***Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings (with the exception of the receiving and processing of green material other than that produced on-site) are included under "Crop Production and Grazing."(emphasis added)*** Olive oil produced with the use of solvents is included under "Food and Beverage Products". (SIC: 0723, 0724) [Amended 1995, Ord. 2740; 2012, Ord. 3235]

Furthermore, the definition for crop production includes #9: Field Processing:

Field Processing. Mechanical processing of crops in the field at harvest, when such activities do not involve a permanent structure. Such activities include but are not limited to hay baling and field-crushing of grapes



Two issues were raised that may warrant further clarification in the PDH Industrial Hemp section as written. In discussions with the County Counsel and the Building Division it became apparent that any processing (including drying and curing) performed in a hoop house would create a change of occupancy per Title 19 and would therefore not be allowed in such a non-permitted structure. The second issue that merits discussion is the process of field drying. This practice does have the potential to produce odors and would lengthen the amount of time odors are present on-site possibly by several weeks. To address these two items, one possible revision would be as follows:

Industrial Hemp Processing. For the purposes of this section the processing of Industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). ~~The drying, curing, trimming, packaging and preparing for further processing of~~ The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, ~~hoop houses, or trailers are is~~ included under Crop Production and Grazing and subject to the standards set forth under 22.30.244.

This possible revision language would eliminate field drying and curing of industrial hemp and clarify up front that the use of hoop houses and trailers is not appropriate for industrial hemp processing either as an Agricultural Processing Use nor under Crop Production and Grazing. Staff is requesting that the Planning Commission discuss the issue and provide feedback to staff.

Item 9

DATE: January 3, 2020
RE: Comments for Draft Hemp Ordinance
TO: Kip Morais, Project Manager
Brian Pedrotti, Senior Planner
FROM: Susan Huls, Nipomo Resident

The Hemp Ordinance is an opportunity to “get it right” after the debacle of the cannabis ordinance. Compatible land use needs to be the driving premise in the development of the ordinance in order to protect the \$2.54 billion traditional agriculture industry in San Luis Obispo county.

After attending the ALAB hemp sub-committee meetings and conducting research on the cultivation of hemp, I offer the following comments and assertions for consideration for inclusion in the final hemp ordinance:

- The similarities of cannabis and hemp, they are basically the same plant, and the issues associated with both - odor, appearance, water usage, potential for cross pollination with the increase/reduction of THC content, requires careful consideration for the successful cultivation, compatibility with traditional agriculture and surrounding residents.
- The hemp ordinance must protect a thriving and valuable wine industry especially with the shift in tourism from the Sonoma/Napa to SLO (Paso, Edna Valley, etc.) due to the wildfires. Nat Geo.com, Los Angeles Times Oct. 27, 2019, Fortune Nov. 6, 2019
- There is not enough data on the effect of cannabis/hemp terpenes on wine grapes as the research is in progress with several years before the results are known. (See letter from UC Davis) Therefore setbacks need to be most restrictive until research data proves otherwise.
- The pesticide drift issue is threatening traditional ag with lawsuits by the hemp/cannabis for liability, pesticide contractors refusal to apply required pesticides, has become a major concern of the Santa Barbara/SLO County Shippers and Growers Association.
- Sensitive receptors: MUST include single/multi family residences as well as locations including wineries, event venues, concert venues, etc.
- No-grow zones of a 3 mile radius to address the cross pollination issue such as implemented in Monterey County.
- Must include restrictions/mitigations for 24 lighting of indoor cultivations such as those established in the cannabis ordinance for consistency.
- Must include restrictions for noise resulting from fans used with indoor cultivations such as those established the cannabis ordinance for consistency. Minimum decibel levels as well time of day/night restrictions of operation.
- Signage: (from the San Joaquin Co. ordinance) (Hopefully to prevent theft and vandalism from those mistaking hemp for cannabis)
 - i. Be of size so that the wording on the sign is clearly visible and readable to a person with normal vision from a distance of twenty-five (25) feet; and

- ii. Use letters and symbols that are of a color that sharply contrasts with their Immediate background; and
- iii. Be posted at the corners of the parcel and at all usual points of entry to the parcel, including each road, footpath, walkway, or aisle that enters the cultivation area.
When a parcel is adjacent to a public right-of-way, such as a road, trail, path, signs
Shall be posted at intervals not exceeding 600 feet along the parcel's border with the right-of-way.
- Odor mitigation must be consistent with cannabis ordinance for indoor/greenhouse cultivation. Odor mitigation methods used must address the odor before it leaves the greenhouse. No nuisance odors are to be detected outside the building.
- Minimum parcel size (acres): Outdoor cultivations - 30 acres
Indoor cultivation - 20 acres
- Zoning: No hemp cultivation in rural residential zones
Outdoor cultivation in general agricultural zones only
Manufacturing and process in commercial/industrial zones only
- All setbacks must be from the property line for consistency with the hemp and cannabis ordinance.

Hemp maybe classified as an agricultural crop, BUT the reality is it possesses unique characteristics that differentiates it from a traditional ag crop. Therefore hemp requires a thoughtful, fact based ordinance to ensure compatibility with current land use and the valuable, existing agricultural industry in the county.

Respectfully,
Susan Huls

cc: Planning Commission

DATE: January 3, 2020

TO: Kip Morais, Project Manager
Brian Pedrotti, Senior Planner

FROM: Stephanie Shakofsky, District 1 Resident

RE: Comments on the County Draft Hemp Ordinance

On Tuesday, June 18, 2019, the San Luis Obispo County Board of Supervisors passed an Urgency Ordinance placing a temporary moratorium on the cultivation of industrial hemp. On July 16, 2019, the Board extended that urgency ordinance through June 2020. At that same meeting, the Board directed the County Planning Department, with input and assistance from the Agricultural Liaison Advisory Board (ALAB) hemp industry representatives, and concerned citizens, to develop a permanent ordinance governing hemp cultivation.

On December 18, 2019, ALAB sent a letter to the County making five recommendations, which were generally supportive of hemp cultivation, but clearly lacking in any definitive policy recommendations. The strongest recommendation made by ALAB states:

“ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.”

This comment clearly reflects the concerns expressed by ALAB members, and “concerned citizens” who attended the policy meetings, that there simply is not enough reliable or scientific information to assess the environmental and human health impacts of hemp cultivation.

The San Luis Obispo County Farm Bureau in their comment letter to the County, dated December 19, 2019, regarding the hemp ordinance states:

- “Our members have identified three primary issues of concern with industrial hemp, including:
- Odors from hemp cultivation being a nuisance to neighboring residences or businesses;
 - Possible contamination of wine grapes by compounds present in the odor emitted by hemp and cannabis (compounds known as terpenes); and
 - Legal liability from contaminating hemp and cannabis with pesticides used in neighboring crop fields for non-hemp or cannabis crops.”

The issues raised by ALAB and the Farm Bureau reflect the agricultural and farming community’s concerns about the environmental impacts caused by the cultivation of hemp.

Further, the County’s Urgency Ordinance #3393, which declared a moratorium on hemp cultivation, the County states in Sec 2 (N):

“As cannabis cultivation permits have been processed, the County has received substantial amounts of public testimony regarding the potential harmful effects of cultivating cannabis,

specifically, odor nuisance and public safety concerns. Individuals opposing either existing or proposed cannabis cultivations, cite foul “skunk-like” smells emanating from the operation, the need to close windows, people unable to go outside due to the noxious skunklike odor, and people experiencing irritated eyes because of the odor. Cannabis cultivation projects are therefore individually reviewed to look at setbacks and locations of sensitive receptors in order to minimize odor nuisance. Individuals also cite similar odor complaints regarding certain odor “masking” systems which are often used in the growing of cannabis identifying an “overwhelming Febreze like smell” which is similarly annoying and causing eye irritation. At this point, it is unclear if industrial hemp has similar odors thus implicating these same potential impacts and further study and analysis is needed in order to assess those potential risks to the public health, safety and welfare and impose any reasonable regulations which may be needed.

It is not clear that the County has conducted the appropriate studies to determine the potential risks to the environment and human health raised by ALAB, the Farm Bureau, and your own Ordinance (#3393, Sec 2(N)). I trust that the County will conduct an appropriate environmental review of this draft ordinance prior to any administrative vote.

Thank you for the consideration.

January 1, 2020

To: San Luis Obispo County Supervisors:

John Peschong
Bruce Gibson
Adam Hill
Lynn Compton
Debbie Arnold

From: Judy Darway

Business owner (C & J Darway, Inc.), landowner, farmer, and resident in Edna Valley
758 Twin Creeks Way
San Luis Obispo, CA 93401
(805) 459-6175

Supervisors:

This letter is in response to your Hemp Ordinance dated November 19, 2019:

Your mission statement published on your website states that your goal is the “implementation of policies and provision of services that will enhance the economic, environmental, and social quality of life in San Luis Obispo County.” Sadly, your hemp ordinance does not meet any of those goals.

1. The biggest problem with your ordinance is that there is no provision for an enforcement division and there are no specific consequences to enforce. A “cannabis hearing officer” is mentioned, but there is no such office currently active, funded, or defined. If this job falls under the jurisdiction of a board or office already established, how is it funded and provided for? Do we have equipment to test crops? Do we have exact consequences for crops that do not meet testing levels? Basically—who goes out into the field to find violations and has the power and resources to correct them? What exactly are the violations? An active, working enforcement division must be in place before permits are granted and growers can operate. Growers cannot stay within a standard that is not clearly stated with consequences established for violation. Until the infrastructure is established and an enforcement body implemented, hemp/cannabis growers have nothing to be accountable for.
2. What constitutes a “nuisance?” Is there a measure of terpene levels in the air or distance of travel through the air that can be measured? Residents of Edna Valley have learned that the molecular structure of cannabis terpenes causes them to “sink” in the atmosphere and our unique environmental structure allows the odor and allergens, to travel air streams to the lowest place. Simply put, you could be right next to a hemp field, but slightly elevated and not smell it at all, but depending on wind currents, you

could be over a mile away and with a shift in current be blinded by sneezing, watery eyes, and breathing difficulty. How are your set-backs determined? Distance is meaningless in the Edna Valley's unusual environment. Odor is a part of agriculture, but intense allergens is not.

3. Due to its unique weather and environmental conditions, one solution might be to "carve out" the Edna Valley as a cannabis free area until conflicts with established crops can be identified. If the conflicts with established crop can be managed, then that needs to be set in place. If conflicts remain detrimental to existing operations, then locations of hemp/cannabis operations will need to be restricted. The reason that the Edna Valley has been established as a perfect place for certain varieties of grapes, citrus, and vegetable crops is its unique characteristics. Cannabis is known to interfere with some of these established crops and some of the methods of farming, materials used in growing, and timing for applications of amendments to established crops and cannabis crops are in currently conflict.
4. The state of California CFDA new rules now include the addition of the word "all" in their regulations regarding cannabis and hemp. The latest state documents say "all hemp cultivation", "all cannabis operations" instead of leaving cannabis and hemp operations with multiple and confusing designations that lead to unregulated operations. Anyone or any group, organization, or institution who cultivates, grows, or transplants hemp/cannabis is included in regulations. We have had a serious problem with unregulated spraying, threats to established farmers, drift to bordering crops, lack of protection to farm workers, use of unidentified amendments, and claims of organic crops that do not meet organic requirements in the Edna Valley. There are some issues that come up because hemp/cannabis cultivation is new to our county. Just because something has been overlooked in regulations, it should not become an "unregulated" use or entity that is outside regulation. Use of the word "all" and addressing known current types of licenses and permits would help alleviate the "Wild West" conditions we met with this year.

If all hemp and cannabis operations meet the same requirements as other farmed crops for testing, spraying, contamination of neighboring properties, creek setbacks, CA Water Board reporting and testing, run-off regulations, the enforcement of standards would be much simpler. If these are truly agricultural crops, they should be required to meet all farming regulations regardless if they grow for industrial, medical, research, or personal use.

5. Why are rural residential structure not included in setbacks and protections? Just because someone farms vegetables and has a home on their farm does not mean they do not need protection and consideration. If something is dangerous for school children,

wine tasters, and wedding guests—it is dangerous to residents who are there every day. Please include Rural Residential structures in your document.

In conclusion, these are only a few of the many problems with the currently proposed Hemp Ordinance. When the State declared hemp and cannabis to be legally grown in California, it gave counties the responsibility to regulate the crops. That was a huge responsibility for counties and has resulted in terrific problems where a structure is not in place. San Luis Obispo County needs specific rules and protections for both the hemp/cannabis growers and the established business/residents/farmers that are already here. Without rules, consequences, and enforcement no one is protected. This document has nothing but a vague outline. It does not address the concerns and complaints that have arisen this last year as we tried to move forward without structure. Law enforcement cannot enforce rules that do not exist. Loopholes allow farmers to operate in unsafe manners. It is not the job of the Board to be everyone's friend, it is the job of the Board to create and implement policies that are best for the whole county. Please create a document that has specific rules and consequences for the cannabis/hemp growers so that we can all work together like we did when the new wine, citrus, and avocado growers came into our area and when we moved from cattle barons to include hay, vegetables, and growing crops. Please be sure that there is a funded, active, established agency that has the power and staffing to deal with issues that arise. Please include all growers in your documents.

There should be a way to have hemp/cannabis as part of our San Luis Obispo agricultural plan. Whether it means carving out sensitive areas, increasing setbacks, or something else, we cannot go on with the reckless abandon that has occurred in 2018 and 2019. Most hemp/cannabis growers want to fit into the community without being a nuisance. Most established farmers are open to bringing in new crops to enhance and strengthen our agricultural community. We can't work together if we do not know what we are and are not allowed to do and what things we may need to adjust to make it all happen.

Thank you for your diligence in making this document an enforceable, effective plan for our county.

Judy Darway
Concerned resident, property owner, farmer of Edna Valley

Kip J. Morais

From: Slater Heil <slater.heil@bloomsie.farm>
Sent: Saturday, January 04, 2020 10:32 AM
To: PL_LongRangeShared
Subject: [EXT]Industrial Hemp Permanent Ordinance Comments

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello,

I was one of the applicants that was rejected in SLO county when the ordinance last year. Since then, we have moved our business elsewhere where we are cultivating indoors

If SLO opens back up, we would certainly like to move our business back here. However, 5 acres of indoor cultivation is too large of a permit requirement.

Why?

Because indoor growers do not grow large scale hemp biomass. It would not make any sense, given how much more expensive it is to grow indoors. It only makes sense to grow indoors when you are trying to grow high quality hemp flowers, which require controlled conditions.

And to have a company selling flower products, you just don't need very much acreage.

My company sells tens of thousands of 1 gram units wholesale monthly, and we only require .25 acres of grow operation to supply that business.

Plus, you will almost never be able to smell indoor grows, or see them. Unless they are massive.

I'd invite you down to my current grow operation in Santa Maria if you would like to get a feel for the smell and see what .25 acres of indoor looks like.

To summarize: even a strong and relatively large indoor grow company will rarely ever use 5+ acres of indoor grow space, due to costs and the product you tend to develop indoors. We should remove the size limit or decrease it significantly to accommodate these companies.

--

Slater Heil

Founder and CEO | Bloomsie Inc.

www.bloomsie.farm

(805) 458-6860

Ramona Hedges

From: Hannah Miller
Sent: Thursday, January 09, 2020 5:41 PM
To: Ramona Hedges
Subject: FW: [EXT]Re: Draft Hemp Ordinance

FYI

From: Bruce F <brucefal100@gmail.com>
Sent: Thursday, January 9, 2020 4:58 PM
To: PL_LongRangeShared <PL_LongRangeShared@co.slo.ca.us>; John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; George Donati <George@pacificcoastfarming.com>; Ramona Hedges <rhedges@co.slo.ca.us>; Marty Settevendemie <msettevendemie@co.slo.ca.us>; Marc Lea <mlea@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>
Subject: [EXT]Re: Draft Hemp Ordinance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Mr. Pedrotti and Mr. Moras:

I have reviewed your agenda package for the hemp hearing on January 23, 2020. In the Public Comments Section, you cut my letter to one page, leaving out 2 or 3 additional pages. It is Page #42. You also cut off the author of Page 48 (from mj@ggslo.com) and Page 57 (from Dr. Brad Parkinson). Then you have some floating pages, #70, #71, #72, and #73 that are not connected to any letter.

I ask that you please correct the attachment to include ALL pages of the comment letters you received, and please notify all of the Commissioners of your error. Not including some of the Public Comment could be inferred as bias, and should cause the Commissioners to pause and do some soul searching as to the question if they are getting all the story.

As this letter is being received before the 5:00 deadline for issuing the agenda, I see no reason not to act, and act fast.

Bruce Falkenhagen
(805) 541-1895

On Thu, Jan 2, 2020 at 12:55 PM Bruce F <brucefal100@gmail.com> wrote:

Mr. Moras and Mr. Pedrotti:

In the near future, you will be asking the Planning Commission to amend it's ordinances as they pertain to the growing of hemp in San Luis Obispo County. I have issues with what has been presented, primarily with what has happened recently and how your proposed ordinance changes would address and resolve the issues.

We are residents of the County for 38 years. For the past 20 years we have owned a parcel on the southern border of the Edna Valley next to the Cold Canyon Landfill, and lived on it for 15 years as residents.

After being out of the area for a few weeks this last September, we returned the first of October. On October 2nd, my wife smelled hemp/cannabis odors for about 1 hour that were coming from the primary grower in the middle of the Edna Valley. We are 5,800 feet from the hemp/cannabis grow site and 6,300 feet from the

hemp growing site. For purposes of this letter, I will use the 5,800 foot distance as the distance to the odor site. I sent a complaint to the County, the Board of Supervisors, the individual Board members, the APCD, the AG Commissioner's office, and the Planning Department.

The only response was from the APCD, who said that since the CA Department of Food and Agriculture has identified cannabis (which includes hemp) as an agricultural product, that have no jurisdiction as agricultural crops are specifically exempted from APCD regulation dealing with nuisance odors.

There was no response from the AG Commissioner's office.

On October 4th, I smelled the hemp/cannabis again, this time for an extended period of about 4 hours. It was smelled by four other people. It was at a higher elevation than the first complaint. I did not report it, because the first nuisance complaint was pending for a County response. That response was never received.

I cite this experience, because it should cause the staff and the decision makers to pause and ask the question, "How does the proposed ordinance address this type of complaint? Would it have been dealt with and resolved?"

Contrary to the comment by one Board member questioning the possibility that these odors could travel over a mile, the odors did travel over a mile. In the case of the first complaint, 5,800 feet. This was at the floor of the Valley, which is about 40 feet above the elevation of the hemp grow site. For the second complaint, it was smelled at an elevation of 420', 120' above the elevation of the grow sites.

1. Enforcement. Clearly, right now there is no enforcement. Unless something changes, the status quo will remain. No enforcement. Parts of new enforcement issues are just now being developed at the State and Federal levels, dealing with testing protocols, time of testing, etc. Counties are rethinking their Ordinances. Initial rushes to adopt have been shown to be fraught with errors, as evidenced by Buellton, Carpinteria, and the rest of Santa Barbara County's issues, Oregon school issues, Monterey County's almost complete banning of the products except in remote areas, Napa Valley issues, even former Lieutenant Governor' Maldonado's SLO testing protocol issues to name a few.

2. Nuisance Odors- Processing. Section 22.30.070.D.5.b states:

"Nuisance Odors. All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite."

Since I have detected nuisance odors, reported them, and I am 5,800 feet away, that means no industrial hemp processing facilities can be sited where they are today. It had to be hemp, because if it were cannabis, under 22.74.150.G, the AG Department would be going through the Nuisance Abatement Hearings. I have heard nothing on this potential action.

If the grower was doing processing, what have they (the Ag Department) done to the growing site's Odor Management Plan to make odors undetectable at my home (as it's the offsite location)? If nothing, the Ordinance needs some tweaking.

3. Nuisance Odors- Cultivation- Outdoors. Section 22/30.244.B.2 (Hemp Cultivation) states an odor control requirement for indoor growing, but is mute on outdoor growing. You now have a complaint from 1-1/4 miles away on an outdoor grow, so what will the control requirement be for outdoor grows? The setback of 300 feet clearly will not work for control, as it has been "busted".

With this omission, the County staff is condemning every citizen and business living, operating or being within 5,800 feet of a hemp site of having to put up with these odors. That is a very big radius, and the smell is not pleasant.

Proponents of growing cannabis and/or hemp try to point out that odoriferous vegetables like broccoli, are allowed to grow under Right to Farm Ordinances. However, those other products have been grown for decades here, most likely longer than the County Planning Ordinances even existed. Hemp is a new product.

The AG Ordinance that protects older crops states:

Section 5.16.031. Pre-existing Agricultural Processing Uses Not a Nuisance

(2) If an agricultural processing activity, operation, facility, or appurtenances thereof **substantially increased its activities or operations after January 1, 1993, then a public or private nuisance action may be brought with respect to those increases in activities or operations that have a significant effect on the environment.** For increases in activities or operations that have been in effect more than three years, there is a rebuttable presumption affecting the burden of producing evidence that the increase was not substantial

Hemp does not meet this standard. It is not pre-existing. A public or private nuisance action may be brought.

If broccoli were introduced today, it most likely would not be approved, or as Monterey County did with hemp, approved but isolated to an unpopulated area.

I believe the best way to deal with this issue would be to increase the setback to a greater distance, reflective of the complaints received to date across the State. The 300 foot distance is not based on science, statistics, or real world data. If I am wrong, please provide the hard backup data showing 300' is a statistically significant answer. I would like to offer setting the setback to 2,640 feet (1/2 mile), as I believe the County would eliminate in one fell swoop maybe 70% of the potential complaints.

Then in five years, revisit the ordinance to see what complaints were received, and statistically set the setback distance to protect a certain percentage of the population based on distance. Maybe use the figure that would eliminate 80% of the individual locations complaining of odors.

4. Facilities included in Setback Limits (22.30.244.B.1.a). Permitted Event Centers should be added as an operation to be avoided. "Permitted" because those operations have gone through County review and should be protected.

5. Setbacks for Indoor Hemp Cultivation (22.30.244.B.1.b). 100 feet for a setback is not enough. All the "indoor" part does (the roof and walls) is concentrate and intensify the odors so that when they are released, they are concentrated more than an open outdoor grow that just continually emits the same amount but over a longer time. I suggest that a distance that is 50% of the outdoor setback be used.

I hope that you take these comments under consideration. Thank you very much.

Bruce Falkenhagen

From: mcberry@aol.com <mcberry@aol.com>

Sent: Wednesday, January 22, 2020 1:03 PM

To: Brian Pedrotti <bpedrotti@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>

Subject: [EXT]Hemp Grow at 1091 Viva Way Nipomo

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Brian how have you been ? I just received an e-mail about the Hemp meeting tomorrow and hopefully it's not too late to register my comments. After ten years of dealing with Plant Source /Viva Farms at this location my neighbors and I have now spent the last ten months putting up with this extremely annoying operation . There are still four non permitted buildings at this location that are part of a demolition permit issued in 2016. The new owners are not only continuing to use them but have installed lights and fifteen huge very loud fans that come on automatically 24 hours a day. The hemp odor generated at this location can be smelled by neighbors as far away as the old Clearwater Nursery on Mesa Road, you can imagine how strong it is at my house just 90 to 100 feet away! I don't know how much time you spent on Granny-Tiny home ordinances but at a SCAC meeting you stated motor homes and travel trailers were not allowed as living quarters but when the employee that is living on the property was presented to Danny DelRio at Code Enforcement he said it was irrelevant. Hopefully my and the other neighbors concerns will be considered and this Hemp Grow can be required to relocate. Thanks Mike Berry

PLANNING COMMISSION APPEARANCE REQUEST FORM

The San Luis Obispo County Planning Commission Welcomes Your Comments

In the interest of time, three (3) minutes will be reserved for your presentation. Please submit this completed form to the Clerk of the Planning Commission prior to the item.

Public Comment remarks should be directed to the Chairman and the Commission as a whole and not to any individual thereof. No person will be permitted to make slanderous, profane or personal remarks against any individual.

NAME:

AGENDA ITEM:

ISSUE:

SIGNATURE:

DATE:



PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME:

RICHARD HALGREN

AGENDA ITEM:

HEMP

ISSUE:

HEMP PLANTING

SIGNATURE:

Richard Halgren

DATE:

1-23-20



PLANNING COMMISSION APPEARANCE REQUEST FORM

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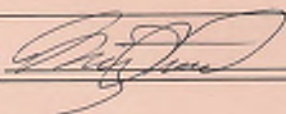
NAME:

Ray Poiset

AGENDA ITEM:

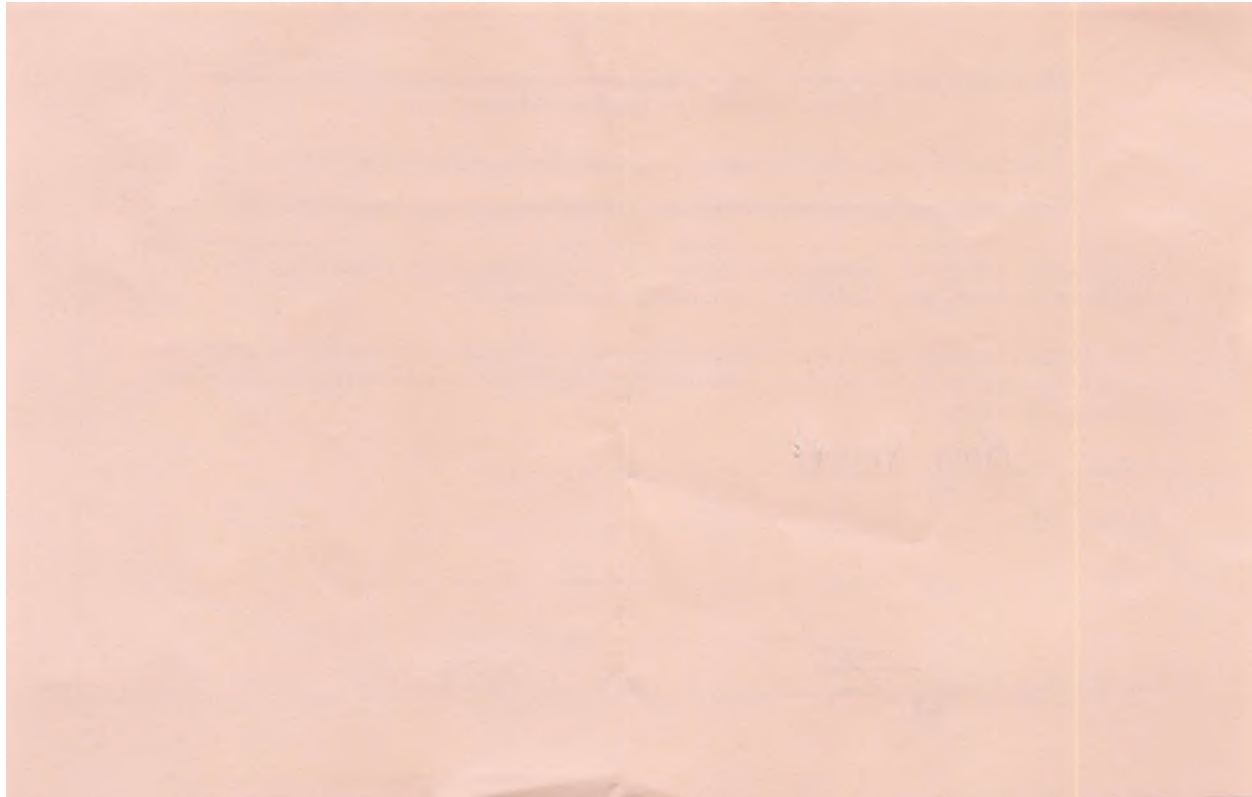
ISSUE:

SIGNATURE:



DATE:

1-23-20



PLANNING COMMISSION APPEARANCE REQUEST FORM

The San Luis Obispo County Planning Commission Welcomes Your Comments

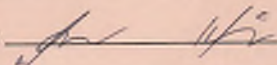
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NAME: Slater Heil

AGENDA ITEM: Hemp Ordinance

ISSUE: Indoor grow requirements

SIGNATURE:  1/23/20 DATE: 1/23/20



PLANNING COMMISSION APPEARANCE REQUEST FORM

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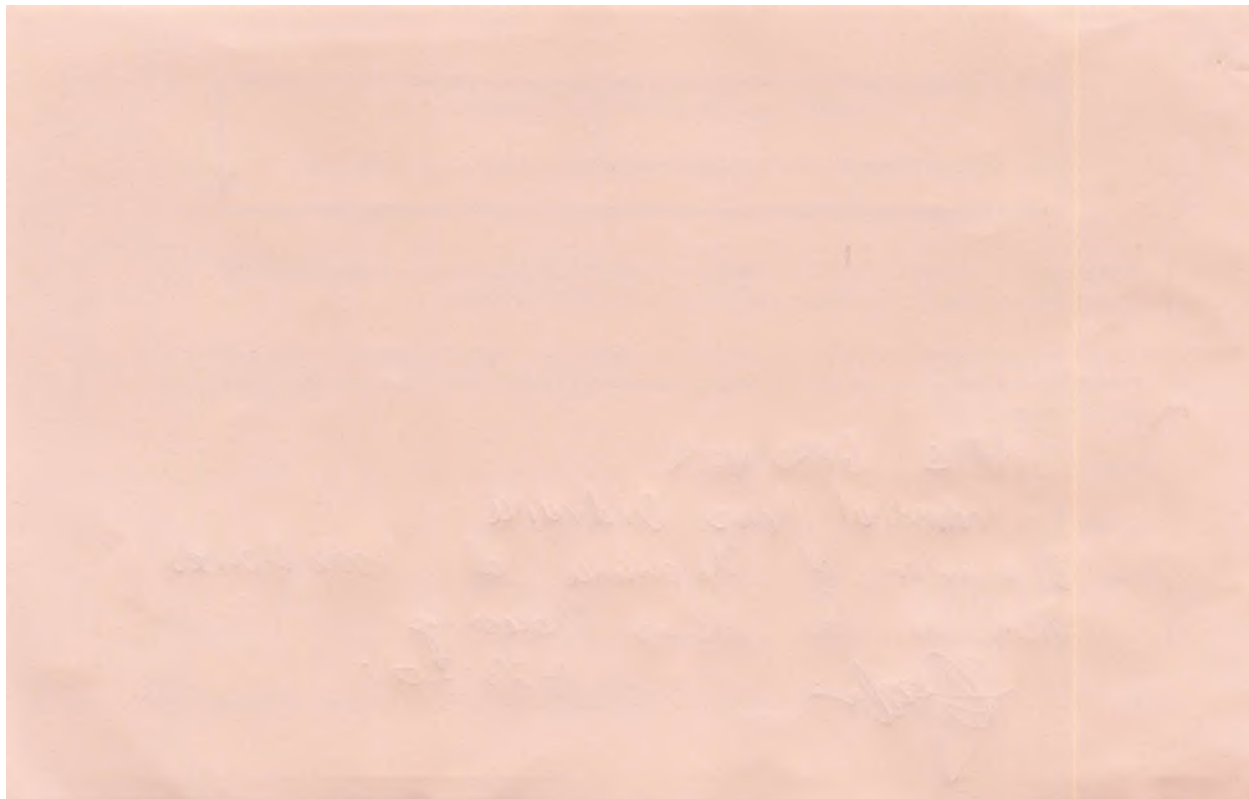
Public Comment remarks should be directed to the Chairman and the Commission as a whole and not to any individual thereof. No person will be permitted to make slanderous, profane or personal remarks against any individual.

NAME: RHYS GARDINER

AGENDA ITEM: Industrial Hemp Ordinance

ISSUE: Elimination of Allowance of Hoop Houses
from as for Hemp Processing

SIGNATURE:  DATE: 1-23-20



PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME: Brandon Rivers

AGENDA ITEM: INDUSTRIAL HEMP

ISSUE: ordinance Draft

SIGNATURE: Brandon Rivers DATE: 1/27/20



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NAME: John Sordelet

AGENDA ITEM: Hemp

ISSUE: _____

SIGNATURE: John Sordelet DATE: _____



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NAME: Bill GREENOUGH

AGENDA ITEM: 8

ISSUE: _____

SIGNATURE: _____

DATE: 1/23/20

Bill Bryson

PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME: Lucas Baines

AGENDA ITEM: DRC 2017-00017

ISSUE: Hemp Ordinance

SIGNATURE:  _____ DATE: 4/23/2020



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NAME:

Sean Ponahoe

AGENDA ITEM:

9 hemp

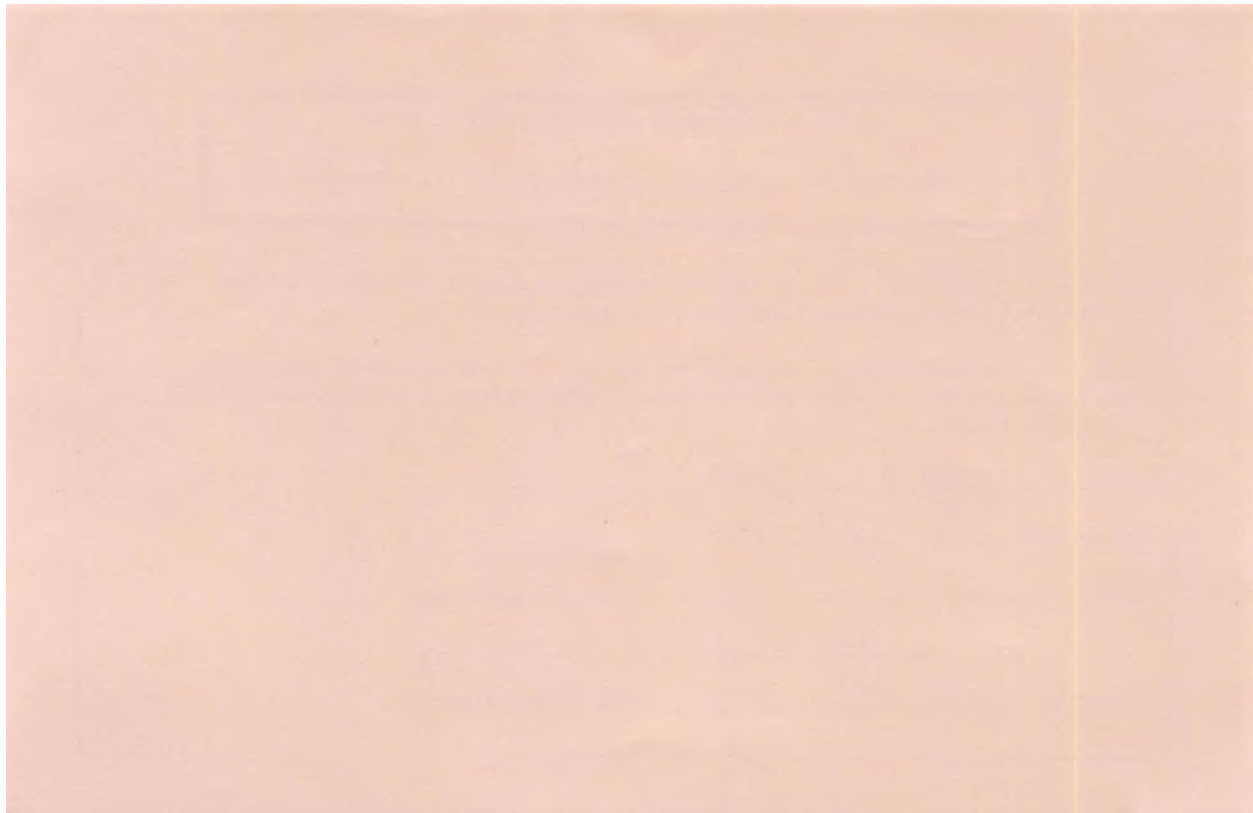
ISSUE:

SIGNATURE:

Sean Ponahoe

DATE:

1/23/20



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NAME:

Sue Sullivan

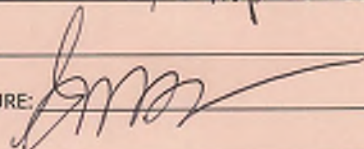
AGENDA ITEM:

9

ISSUE:

Hemp ordinance

SIGNATURE:



DATE:

1/23/20



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NAME: ROBIN BAGGETT

AGENDA ITEM: 9

ISSUE: INDUSTRIAL HEMP ORDINANCE

SIGNATURE: R. Baggett DATE: 1/23/2020



PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME: Brent Burdett, SLO County Farm Bureau

AGENDA ITEM: Hemp Ordinance

ISSUE: _____

SIGNATURE:  DATE: 1/23/2020

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NAME:

Sean Donahoe

AGENDA ITEM:

9

ISSUE:

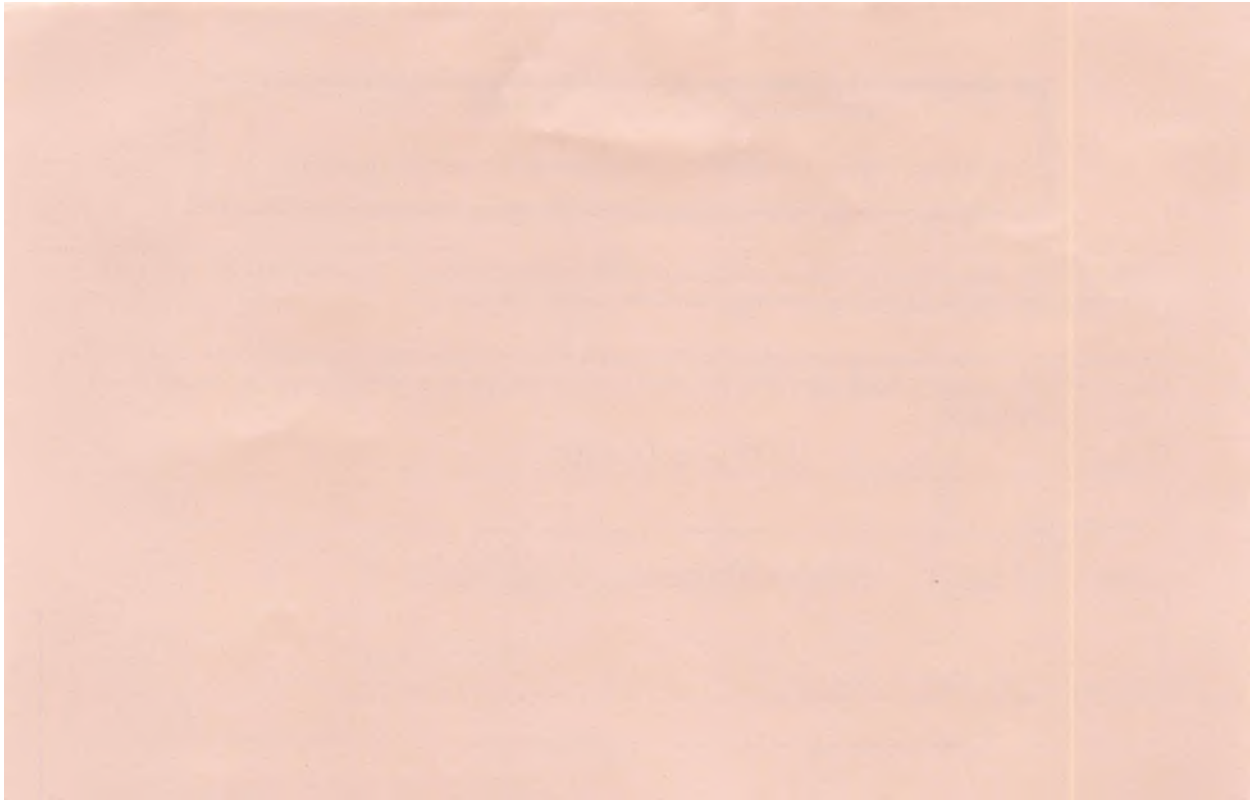
Hemp regulations ordinance

SIGNATURE:

Sean Donahoe

DATE:

11/23/20



PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME: MURRAY POWELL

AGENDA ITEM: #9 - COUNTY HAZARD ORDINANCE DRAFT

ISSUE: VARIOUS PROPOSED PROVISIONS

SIGNATURE: [Signature] DATE: 1/27/2020



PLANNING COMMISSION APPEARANCE REQUEST FORM

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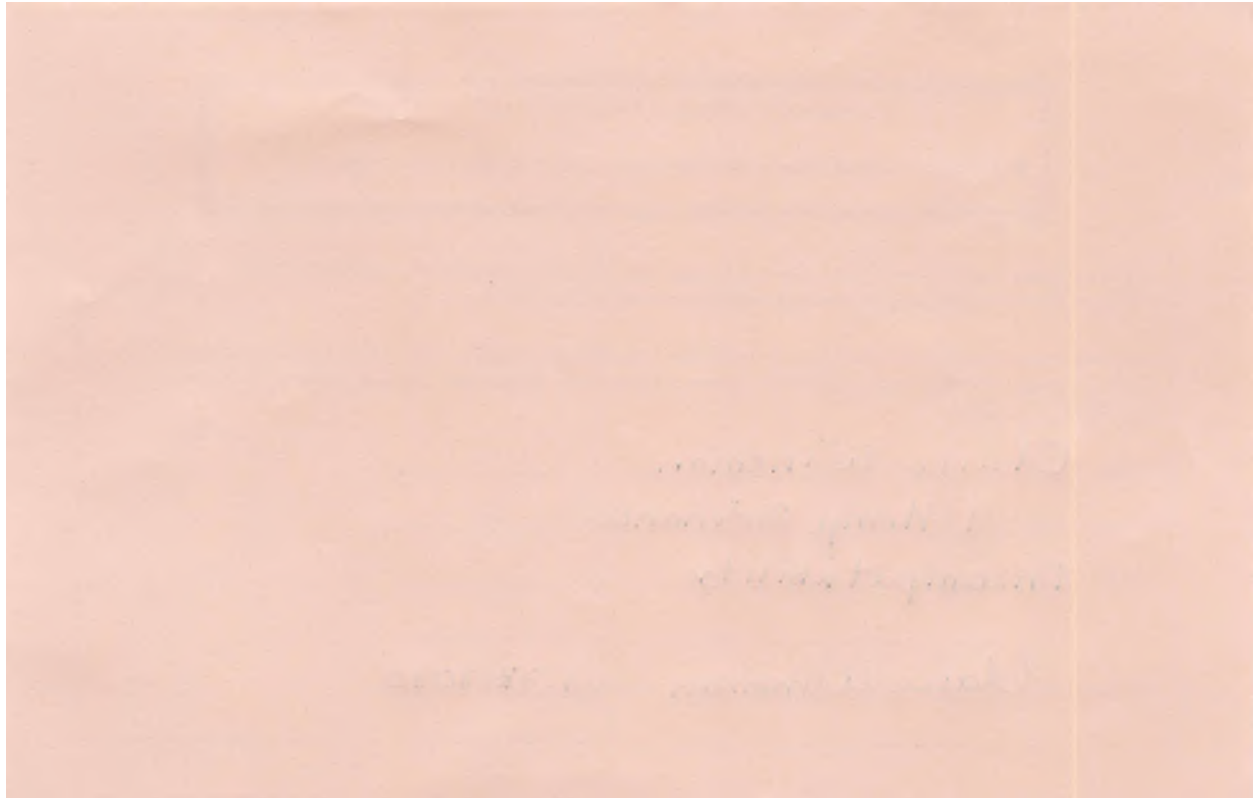
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NAME: Claire Wineman

AGENDA ITEM: 9- Hemp Ordinance

ISSUE: Incompatibility

SIGNATURE: Claire Wineman DATE: 1.23.2020



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NAME:

Lynda Ziegler

AGENDA ITEM:

Hemp Ordinance

ISSUE:

setback - nuisance orders

SIGNATURE

Lynda Ziegler

DATE:

11/23/20



PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME: Lena Wilson

AGENDA ITEM: 9

ISSUE: Hemp grower setback not
sufficient

SIGNATURE: [Signature] DATE: 1/23/2020



PLANNING COMMISSION APPEARANCE REQUEST FORM

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NAME: Judy Darway

AGENDA ITEM: # 9

ISSUE: # ordinance is incomplete

SIGNATURE: Judy Darway DATE: 1-23-2020



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NAME: Nick Andre

AGENDA ITEM: 9

ISSUE: Hemp

SIGNATURE:  DATE: 1/23/20



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NAME: Crystal Bradshaw

AGENDA ITEM: 9

ISSUE: Hemp Ordinance

SIGNATURE: Crystal Bradshaw DATE: 1/23/20



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NAME: Donna Mehlschau

AGENDA ITEM: 9

ISSUE: LRP2019-0000B

SIGNATURE: Donna Mehlschau DATE: _____



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NAME: Collette Van Gerwen

AGENDA ITEM: #9 Industrial Hemp Planning Commission Hearing

ISSUE: Interference of Hemp growth with gurst experience
of wine tasting and evaluation in the Edna Valley

SIGNATURE: Collette DATE: 1/23/2020



PLANNING COMMISSION APPEARANCE REQUEST FORM

The San Luis Obispo County Planning Commission Welcomes Your Comments

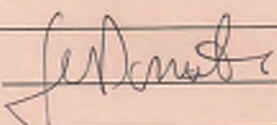
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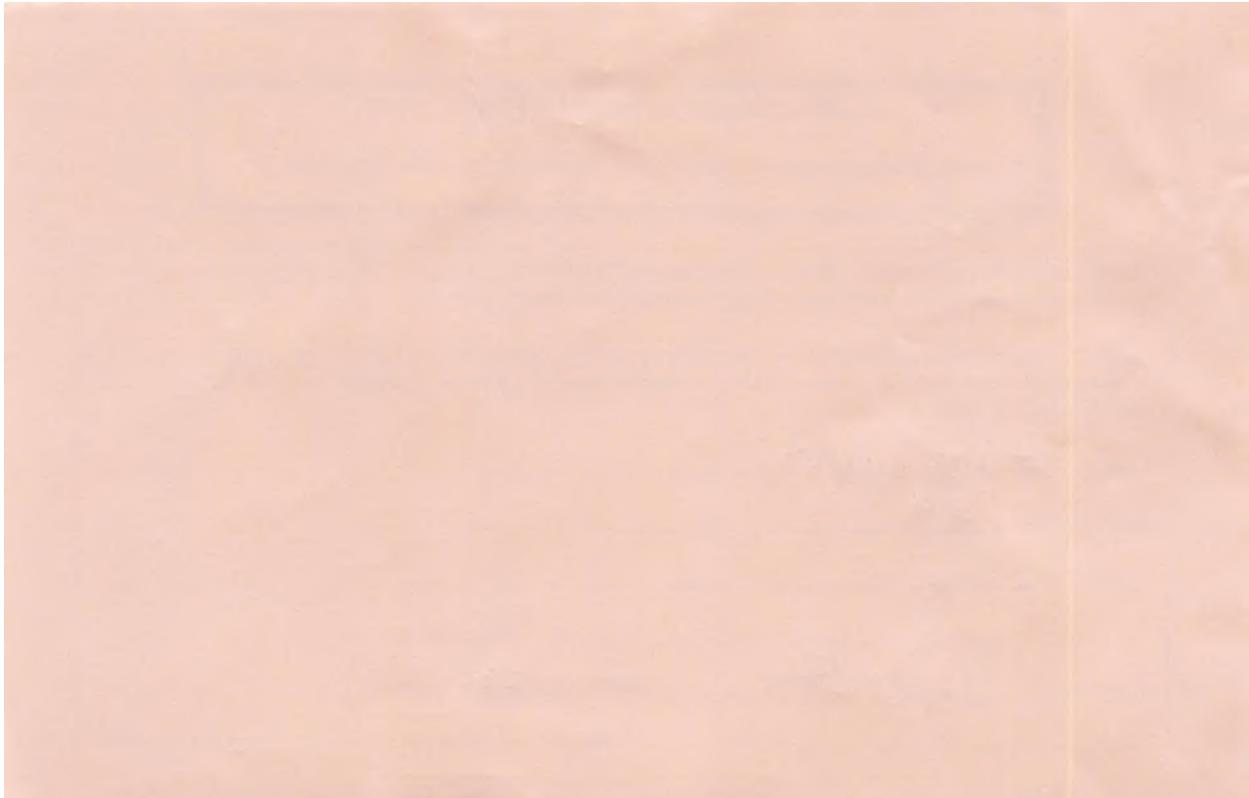
Public Comment remarks should be directed to the Chairman and the Commission as a whole and not to any individual thereof. No person will be permitted to make slanderous, profane or personal remarks against any individual.

NAME: George Dantoli

AGENDA ITEM: # 9

ISSUE: Hemp

SIGNATURE:  DATE: 1-23-2020



PLANNING COMMISSION APPEARANCE REQUEST FORM

The San Luis Obispo County Planning Commission Welcomes Your Comments

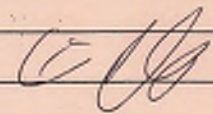
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NAME: Bruce Falkenberg

AGENDA ITEM: Hemp- #9?

ISSUE: _____

SIGNATURE:  DATE: 1/23/20



1-23-2020

My name is Donna Mehlschau and I have lived in Nipomo since 1959.

Our valley area supports various Agricultural crops. Avocado, citrus, wine grapes, row crops, and nurseries are some of the commodities. All ag crops are governed by the California Department of Food and Agriculture and monitored for various reasons. None of the existing crops however has 24 pages devoted to regulations as does the HEMP.

HEMP is NOT JUST ANOTHER AG CROP.

If you approve Hemp as an AG crop then you must evaluate the compatability with existing crops. Is Hemp and Cannabis going to be able to exist side by side????



Donna Mehlschau
101 Mehlschau Rd
Nipomo, CA 93444
805-714-0011



PLANNING COMMISSION

AGENDA ITEM: 9
DATE: 1/23/20

DO NOT REMOVE FROM FILE

CALIFORNIA INDUSTRIAL HEMP LAW AND REGULATIONS

**EXTRACTS FROM THE
CALIFORNIA FOOD AND AGRICULTURAL CODE**
Division 24, Sections 81000-81015

CALIFORNIA CODE OF REGULATIONS
Title 3, Division 4, Chapter 8
Article 1. Registration of Industrial Hemp Growers
Article 2. Regulations for Industrial Hemp Cultivation
Article 3. Abatement and Enforcement

Rev. 01/01/20

TABLE OF CONTENTS

**California Food and Agricultural Code
Division 24. Industrial Hemp**

81000. 1
 81001. 3
 81002. 4
 81003. 5
 81004. 6
 81004.5. 7
 81005. 8
 81006. 9
 81007. 10
 81008. 11
 81009. 11
 81010. 11
 81011. 11
 81012. 12
 81013. 12
 81014. 12
 81015. 13

California Code of Regulations

Article 1. Registration of Industrial Hemp Growers

4900. Registration Fees 14

Article 2. Regulations for Industrial Hemp Cultivation

4920. List of Approved Seed Cultivars 15
 4921. Methodology and Procedure to Update the List of Approved Seed Cultivars 16
 4940. Sampling Timeframe and Pre-Harvest Notification for Industrial Hemp 17
 4941. Sampling Procedures for Testing Industrial Hemp for THC Content 18
 4942. Approved Testing Method for Testing Industrial Hemp for THC Content 19
 4943. Approved Laboratory for Testing Industrial Hemp for Testing Industrial Hemp
 for THC Content 20
 4944. Notification of Laboratory Test Report 20
 4945. Approved Testing Method for Retesting of Industrial Hemp for THC Content 22
 4946. Final Disposition for Registered Industrial Hemp Crops 22

Article 3. Abatement and Enforcement

4950. Destruction of Non-Compliant Industrial Hemp Crops 23
 4950.1. Voluntary Destruction of Industrial Hemp Crops 23



California Industrial Hemp Law

The following sections are extracts from Division 24 the California Food and Agricultural Code. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Food and Agricultural Code published by the California State Legislature.

81000. Definitions.

(a) For purposes of this division, the following terms have the following meanings:

- (1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.
- (2) "Board" means the Industrial Hemp Advisory Board.
- (3) "Cultivar" means a variety of industrial hemp.
- (4) "Established agricultural research institution" means an institution that is either of the following:
 - (A) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers.
 - (B) An institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.
- (5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.
- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.
- (9) "THC" means delta-9 tetrahydrocannabinol.
- (10) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.

(b) This section shall remain operative only until the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), and as of January 1 of the following year is repealed.

(Amended by Stats. 2019, Ch. 838, Sec. 2. (SB 153) Effective January 1, 2020. Repealed on the date prescribed by its own provisions. See later operative version added by Sec. 3 of Stats. 2019, Ch. 838.)

81000. Definitions.

(a) For purposes of this division, the following terms have the following meanings:

- (1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.
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- (4) "Established agricultural research institution" means an institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of agricultural or academic research.
- (5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.
- (6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.
- (7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.
- (8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.
- (9) "Research plan" means a strategy devised by an established agricultural research institution, or applicant established agricultural research institution, detailing its planned approach to growing or cultivating hemp for academic or agricultural research.
- (10) "THC" means delta-9 tetrahydrocannabinol.
- (11) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.

(b) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

(Repealed (in Sec. 2) and added by Stats. 2019, Ch. 838, Sec. 3. (SB 153) Effective January 1, 2020. Operative on the date prescribed by its own provisions.)

81001. (a) There is in the department an Industrial Hemp Advisory Board. The board shall consist of 13 members, appointed by the secretary as follows:

- (1) Five of the board members shall be growers of industrial hemp that are registered pursuant to the provisions of this division.
- (2) Two of the board members shall be members of an established agricultural research institution.
- (3) One member of the board shall be a representative as provided by the California State Sheriffs' Association and approved by the secretary.
- (4) One member of the board shall be a county agricultural commissioner.
- (5) One member of the board shall be a representative of the Hemp Industries Association or its successor industry association.
- (6) Two members of the board shall be representatives of businesses that sell industrial hemp products.
- (7) One member of the board shall be a member of the public.

(b) It is hereby declared, as a matter of legislative determination, that growers and representatives of industrial hemp product manufacturers and businesses appointed to the board pursuant to this division are intended to represent and further the interest of a particular agricultural industry, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that persons who are appointed to the board shall be subject to the conflict-of-interest provisions described in Sections 87100 and 87103 of the Government Code.

(c) The term of office for a member of the board is three years. If a vacancy exists, the secretary shall, consistent with the membership requirements described in subdivision (a), appoint a replacement member to the board for the duration of the term.

(d) A member of the board shall not receive a salary but may be reimbursed by the department for attendance at meetings and other board activities authorized by the board and approved by the secretary.

(e) The board shall advise the secretary and may make recommendations on all matters pertaining to this division, including, but not limited to, industrial hemp seed law and regulations, enforcement, annual budgets required to accomplish the purposes of this division, and the setting of an appropriate assessment rate necessary for the administration of this division.

(f) The board shall annually elect a chair from its membership and, from time to time, other officers as it deems necessary.

(g) The board shall meet at the call of its chair or the secretary, or at the request of any four members of the board. The board shall meet at least once a year to review budget proposals and fiscal matters related to the proposals.

(Amended by Stats. 2019, Ch. 838, Sec. 4. (SB 153) Effective January 1, 2020.)

81002. (a) Except when grown by a registered established agricultural research institution or by a registered hemp breeder developing a new cultivar, industrial hemp shall be grown only if it is on the list of approved cultivars, or produced by clonal propagation of industrial hemp that is on the list of approved cultivars and therefore genetically identical to, and capable of exhibiting the same range of characteristics as, the parent cultivar.

(b) The list of approved cultivars shall include all of the following:

- (1) Industrial hemp cultivars that have been certified by member organizations of the Association of Official Seed Certifying Agencies, including, but not limited to, the Canadian Seed Growers' Association.
- (2) Industrial hemp cultivars that have been certified by the Organization of Economic Cooperation and Development.
- (3) California varieties of industrial hemp cultivars that have been certified by a seed-certifying agency pursuant to Article 6.5 (commencing with Section 52401) of Chapter 2 of Division 18.

(c) (1) Upon recommendation by the board or the department, the secretary may update the list of approved cultivars by adding, amending, or removing cultivars.

(2) The adoption, amendment, or repeal of the list of approved cultivars, and the adoption of a methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars, pursuant to this section shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(3) The department, in consultation with the board, shall hold at least one public hearing with public comment to determine the methodology and procedure by which a cultivar is added, amended, or removed from the list of approved cultivars.

(4) The department shall finalize the methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars and send the methodology and procedure to the Office of Administrative Law. The Office of Administrative Law shall file the methodology and procedure promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The methodology and procedure shall do all of the following:

(A) Indicate that the methodology and procedure are adopted pursuant to this division.

(B) State that the methodology and procedure are being transmitted for filing.

(C) Request that the Office of Administrative Law publish a notice of the filing of the methodology and procedure and print an appropriate reference in Title 3 of the California Code of Regulations.

(d) The department, in consultation with the board, may determine the manner in which the public is given notice of the list of approved cultivars, and any addition, amendment, or removal from that list.

(Amended by Stats. 2019, Ch. 838, Sec. 5. (SB 153) Effective January 1, 2020.)

81003. (a) (1) Except for an established agricultural research institution subject to Section 81004.5 or a hemp breeder subject to Section 81004, and before cultivation, a grower of industrial hemp shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) The approved cultivar to be grown, including the state or county of origin.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew the registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each grower of industrial hemp.

(B) A legal description of the land on which the grower engages in industrial hemp cultivation.

(C) Registration status of the grower of industrial hemp.

(f) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(Amended by Stats. 2019, Ch. 838, Sec. 6. (SB 153) Effective January 1, 2020.)

81004. (a) (1) Except when grown by an established agricultural research institution subject to Section 81004.5, and before cultivation, a hemp breeder shall register with the commissioner of the county in which the hemp breeder intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) A variety development plan, which shall include all of the following:

(i) If a new cultivar is to be certified by a seed-certifying agency, the name of the seed-certifying agency that will be conducting the certification.

(ii) The industrial hemp varieties that will be used and, if applicable, how those varieties will be used in the development of a new cultivar.

(iii) A plan for testing all of the plants grown.

(iv) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(v) The measures that will be taken to prevent the unlawful use of industrial hemp under this division.

(vi) A procedure for the maintenance of records documenting the development of the new cultivar.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a hemp breeder registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) A registrant developing a new cultivar who wishes to change any provision of the variety development plan shall submit to the commissioner the revised variety development plan. Once the commissioner has

received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that the registrant may cultivate under the revised variety development plan.

(f) All records pertaining to the variety development plan shall be kept and maintained by the hemp breeder and be available upon request by the commissioner, a law enforcement agency, or a seed certifying agency.

(g) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each hemp breeder.

(B) A legal description of the land on which the hemp breeder engages in industrial hemp cultivation.

(C) Registration status of the hemp breeder.

(h) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(Amended by Stats. 2019, Ch. 838, Sec. 7. (SB 153) Effective January 1, 2020.)

81004.5. (a) (1) Before cultivating hemp for agricultural or academic research, an established agricultural research institution shall register with the commissioner of the county in which it intends to cultivate.

(2) The registration application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the geographic area where the applicant plans to engage in hemp cultivation or storage, or both.

(C) A research plan that shall include all of the following:

(i) The hemp varieties that will be used and, if applicable, how those varieties will be used for purposes of agricultural or academic research.

(ii) A plan for testing all of the plants cultivated.

(iii) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(iv) The measures that will be taken to prevent the unlawful use of hemp under this division.

(v) A procedure for the maintenance of records documenting the agricultural or academic research.

(3) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration if it will continue cultivating hemp beyond that term.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue an established agricultural research institution registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate hemp on the changed or altered land area.

(d) A registrant conducting agricultural or academic research who wishes to change any provision of the research plan shall submit to the commissioner a revised research plan. Once the commissioner has received the revised research plan, and the commissioner determines that the requirements of this division are met, the commissioner shall notify the registrant that it may cultivate under the revised research plan.

(e) All records pertaining to the research plan shall be kept and maintained by the established agricultural research institution and be available upon request by the commissioner or a law enforcement agency.

(f) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each registered established agricultural research institution.

(B) A legal description of the land on which the established agricultural research institution engages in hemp cultivation.

(C) Registration status of the established agricultural research institution.

(g) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(h) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

(Added by Stats. 2019, Ch. 838, Sec. 8. (SB 153) Effective January 1, 2020. Operative on the date prescribed by its own provisions.)

81005. (a) The department shall establish a registration fee and appropriate renewal fee to be paid by growers of industrial hemp and hemp breeders, not including an established agricultural research institution, to cover the actual costs of implementing, administering, and enforcing the provisions of this division.

(b) Fees established pursuant to subdivision (a) that are collected by the commissioners upon registration or renewal pursuant to Section 81003 or 81004, except for amounts retained pursuant to this subdivision, shall be forwarded, according to procedures set by the department, to the department for deposit into the Department of Food and Agriculture Fund to be used for the administration and enforcement of this division. A commissioner or the county, as appropriate, may retain the amount of a fee necessary to reimburse direct costs incurred by the commissioner in the collection of the fee.

(c) The board of supervisors of a county may establish a reasonable fee, in an amount necessary to cover the actual costs of the commissioner and the county of implementing, administering, and enforcing the provisions of this division, except for costs that are otherwise reimbursed pursuant to subdivision (b), to be charged and collected by the commissioner upon registrations or renewals required pursuant to Section 81003 or 81004 and retained by the commissioner or the county, as appropriate.

(Amended by Stats. 2019, Ch. 838, Sec. 9. (SB 153) Effective January 1, 2020.)

81006. Industrial Hemp Growth Limitations; Prohibitions; Imports; Laboratory Testing.

(a) Except when grown by a registered established agricultural research institution or a registered hemp breeder, industrial hemp shall be grown in acreages of not less than one-tenth of an acre at the same time.

(b) Clandestine cultivation of industrial hemp is prohibited. All plots shall have adequate signage indicating they are industrial hemp.

(c) Industrial hemp shall not be cultivated on a premises licensed by the department to cultivate or process cannabis. Industrial hemp, regardless of its THC content, that is cultivated on a premises licensed by the department for cannabis cultivation shall be considered cannabis as defined in subdivision (f) of Section 26001 of the Business and Professions Code and subject to licensing and regulatory requirements for cannabis pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code.

(d) Industrial hemp shall include products imported under the Harmonized Tariff Schedule of the United States (2013) of the United States International Trade Commission, including, but not limited to, hemp seed, per subheading 1207.99.03, hemp oil, per subheading 1515.90.80, oilcake, per subheading 2306.90.01, true hemp, per heading 5302, true hemp yarn, per subheading 5308.20.00, and woven fabrics of true hemp fibers, per subheading 5311.00.40.

(e) (1) Except when industrial hemp is grown by a registered established agricultural research institution and tested in accordance with an approved research plan or by a registered hemp breeder and tested in accordance with an approved variety development plan, a registrant that grows industrial hemp under this section shall, before the harvest of each crop and as provided below, obtain a laboratory test report indicating the THC levels of a random sampling of the dried flowering tops of the industrial hemp grown.

(2) Sampling shall occur no more than 30 days before harvest.

(3) The sample collected for THC testing shall be taken with the grower or hemp breeder present. The department shall establish, by regulation, the sampling procedures, including all of the following:

(A) The number of plants to be sampled per field, and any composting of samples.

(B) The portions of the plant to be sampled.

(C) The plant parts to be included in a sample.

(D) Additional procedures as necessary to ensure accuracy and the sanitation of samples and fields.

(4) The sample collected for THC testing shall be accompanied by the registrant's proof of registration.

(5) The laboratory test report shall be issued by a laboratory approved by the department, using a department-approved testing method. The testing method shall use postdecarboxylation or similarly reliable methods for determining THC concentration levels. The laboratory test report shall

indicate the percentage concentration of THC on a dry-weight basis, indicate the date and location of samples taken, and state the Global Positioning System coordinates and total acreage of the crop. If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report. If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report.

- (6) If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the laboratory shall provide the person who requested the testing not less than 10 original copies signed by an employee authorized by the laboratory and shall retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.
- (7) If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent and does not exceed 1 percent, the registrant that grows industrial hemp shall submit additional samples for testing of the industrial hemp grown.
- (8) A registrant that grows industrial hemp shall destroy the industrial hemp grown upon receipt of a first laboratory test report indicating a percentage concentration of THC that exceeds 1 percent or a second laboratory test report pursuant to paragraph (7) indicating a percentage concentration of THC that exceeds 0.3 percent but is less than 1 percent. If the percentage concentration of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after receipt of the laboratory test report. If the percentage concentration of THC in the second laboratory test report exceeds 0.3 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after receipt of the second test report.
- (9) A registrant that intends to grow industrial hemp and who complies with this section shall not be prosecuted for the cultivation or possession of marijuana as a result of a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent but does not exceed 1 percent.
- (10) A registered established agricultural research institution or a registered hemp breeder shall obtain laboratory results in accordance with its approved research plan or variety development plan. The secretary may authorize a registered established agricultural research institution or hemp breeder to cultivate or possess industrial hemp with a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent in accordance with its approved research plan or variety development plan if that cultivation or possession contributes to the development of types of industrial hemp that will comply with the 0.3 percent THC limit established in this division.
- (11) A registrant that grows industrial hemp shall retain an original signed copy of the laboratory test report for two years from its date of sampling, make an original signed copy of the laboratory test report available to the department, the commissioner, or law enforcement officials or their designees upon request, and shall provide an original copy of the laboratory test report to each person purchasing, transporting, or otherwise obtaining from the registrant that grows industrial hemp the fiber, oil, cake, or seed, or any component of the seed, of the plant.

(Amended by Stats. 2019, Ch. 838, Sec. 10. (SB 153) Effective January 1, 2020. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64.)

81007. As part of the registration program established pursuant to this division, the department may establish and carry out, by regulation, an agricultural pilot program pursuant to Section 7606 of the federal Agricultural Act of 2014 (7 U.S.C. Sec. 5940) in accordance with the purposes of that section.

(Added by Stats. 2018, Ch. 986, Sec. 6. (SB 1409) Effective January 1, 2019.)

81008. Attorney General Reports; Requirements.

(a) Not later than January 1, 2019, the Attorney General shall report to the Assembly and Senate Committees on Agriculture and the Assembly and Senate Committees on Public Safety the reported incidents, if any, of the following:

(1) A field of industrial hemp being used to disguise marijuana cultivation.

(2) Claims in a court hearing by persons other than those exempted in subdivision (f) of Section 81006 that marijuana is industrial hemp.

(b) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(c) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2023, or four years after the date that the report is due, whichever is later.

(Amended November 8, 2016, by initiative Proposition 64, Sec. 9.5. Section operative January 1, 2017, pursuant to Section 81010. Repealed on January 1, 2023, or later as prescribed by its own provisions.)

81009. Not later than January 1, 2019, or five years after the provisions of this division are authorized under federal law, whichever is later, the board, in consultation with the Hemp Industries Association, or its successor industry association, shall report the following to the Assembly and Senate Committees on Agriculture and the Assembly and Senate Committees on Public Safety:

(a) The economic impacts of industrial hemp cultivation, processing, and product manufacturing in California.

(b) The economic impacts of industrial hemp cultivation, processing, and product manufacturing in other states that may have permitted industrial hemp cultivation.

(Added by Stats. 2013, Ch. 398, Sec. 4. (SB 566) Effective January 1, 2014. Section operative January 1, 2017, pursuant to Section 81010.)

81010. This division, and Section 221 shall become operative on January 1, 2017.

(Amended by Stats. 2017, Ch. 27, Sec. 112. (SB 94) Effective June 27, 2017. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64, making Division 24 (commencing with Section 81000) operative on January 1, 2017.)

81011. Before cultivating industrial hemp, an established agricultural research institution shall provide the Global Positioning System coordinates of the planned cultivation site to the commissioner of the county in which the site is located.

(Added by Stats. 2018, Ch. 986, Sec. 7. (SB 1409) Effective January 1, 2019.)

81012. (a) Enforcement of the approved state plan shall comply with subdivision (e) of Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

(b) A grower of industrial hemp, established agricultural research institution, or hemp breeder that the secretary determines has violated a provision of this division listed in the approved state plan or an additional requirement listed pursuant to subdivision (b) of Section 81015, including, but not limited to, by failing to provide a legal description of the land on which industrial hemp is grown, failing to register as required, or exceeding the 0.3 percent THC limit established in this division, shall be subject to the following consequences:

(1) For a negligent violation, as determined by the secretary, the consequences under state laws for a violation of this division shall be as follows:

(A) If the violation is not a repeat violation subject to subparagraph (B), the grower of industrial hemp, established agricultural research institution, or hemp breeder shall comply with a corrective action plan, to be established by the secretary, that includes both of the following:

(i) A reasonable date by which the grower of industrial hemp, established agricultural research institution, or hemp breeder shall correct the negligent violation.

(ii) A requirement that the grower of industrial hemp, established agricultural research institution, or hemp breeder shall periodically report to the secretary, for a period of at least the next two calendar years, on its compliance with this division or the approved state plan.

(B) A grower of industrial hemp, established agricultural research institution, or hemp breeder that commits a negligent violation three times in a five-year period shall be ineligible to participate in the industrial hemp program for a period of five years beginning on the date of the finding of the third violation.

(2) For a violation committed intentionally, or with recklessness or gross negligence, the secretary shall immediately report the grower of industrial hemp, established agricultural research institution, or hemp breeder to the Attorney General of the United States and the Attorney General of this state, as applicable.

(c) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

(Added by Stats. 2019, Ch. 838, Sec. 11. (SB 153) Effective January 1, 2020. Operative on the date prescribed by its own provisions.)

81013. Any person convicted of a felony relating to a controlled substance under state or federal law before, on, or after January 1, 2020, shall be ineligible, during the 10-year period following the date of the conviction, to participate in the industrial hemp program.

(Added by Stats. 2019, Ch. 838, Sec. 12. (SB 153) Effective January 1, 2020.)

81014. A person that materially falsifies any information contained in an application or registration under Section 81003 or 81004, or other application to participate in the industrial hemp program, shall be ineligible to participate in the industrial hemp program.

(Added by Stats. 2019, Ch. 838, Sec. 13. (SB 153) Effective January 1, 2020.)

81015. (a) On or before May 1, 2020, the secretary, in consultation with the Governor and the Attorney General, shall develop and submit to the United States Secretary of Agriculture a state plan, consistent with this division, pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), including a certification that the state has the resources and personnel to carry out the practices and procedures described in clauses (i) to (iv), inclusive, of subparagraph (A) of paragraph (2) of subsection (a) of that section.

(b) In an annex to the state plan, the secretary shall list the provisions of this division that are included in the state plan, and any additional requirements in the state plan, that shall be subject to enforcement pursuant to Section 81012.

(Added by Stats. 2019, Ch. 838, Sec. 14. (SB 153) Effective January 1, 2020.)

Registration Fees

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

California Code of Regulations
Title 3. Food and Agriculture
Division 4. Plant Industry
Chapter 8. Industrial Hemp Cultivation
Article 1. Registration of Industrial Hemp Growers

4900. Registration Fees

- (a) The Secretary establishes the following fees for registration of growers of industrial hemp for commercial purposes and seed breeders to be submitted along with the registration application as authorized in sections 81003 and 81004 of the Food and Agricultural Code:
 - (1) Prior to cultivation, a fee of nine-hundred dollars (\$900) per applicant shall be submitted with the application to the commissioner.
 - (2) A separate registration is required for each county in which the applicant intends to grow industrial hemp.
 - (3) This registration is valid for one year from date of issuance by the commissioner.
- (b) The Secretary establishes the following fees for registration renewal of growers of industrial hemp for commercial purposes and seed breeders:
 - (1) Upon expiration of registration, a fee of nine-hundred dollars (\$900) per registrant shall be due to the commissioner in each county in which the applicant intends to continue to grow industrial hemp.
 - (2) Renewed registration is valid for one year from date of issuance of renewal by the commissioner.

Note: Authority cited: Sections 407, 483, and 81005, Food and Agricultural Code.
Reference: Sections 81003, 81004, and 81005, Food and Agricultural Code.

Regulations for Industrial Hemp Cultivation

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

California Code of Regulations
Title 3. Food and Agriculture
Division 4. Plant Industry
Chapter 8. Industrial Hemp Cultivation
Article 2. Regulations for Industrial Hemp Cultivation

4920. List of Approved Seed Cultivars

- (a) The Secretary, as provided in Section 81002 of the Food and Agricultural Code, adopts the following list of approved seed cultivars.
 - (1) Industrial hemp seed or propagative materials certified as breeder, foundation, registered, or certified seed or stock by one of the following agencies:
 - (A) Member organizations of the Association of Official Seed Certifying Agencies,
 - (B) Organization of Economic Cooperation and Development, or
 - (C) An officially approved and recognized seed-certifying agency listed in Title 3, California Code of Regulations, Section 3875, as provided in Section 52401 of the Food and Agricultural Code.
 - (2) Industrial hemp seed or propagative materials produced in a quality assurance program approved by one of the following agencies:
 - (A) Member organizations of the Association of Official Seed Certifying Agencies,
 - (B) Organization of Economic Cooperation and Development, or
 - (C) An officially approved and recognized seed-certifying agency listed in Title 3, California Code of Regulations, Section 3875, as provided in Section 52401 of the Food and Agricultural Code.
 - (3) Industrial hemp seed or propagative materials produced by an authorized participant in a state industrial hemp agricultural pilot program, pursuant to Section 7606 of the federal Agricultural Act of 2014 (7 U.S.C. Sec. 5940).
 - (A) The crop from which the seed or propagative materials were harvested from shall have been tested in accordance with a testing method approved by the regulatory authority in the state of origin and found to have no more than three-tenths of one percent tetrahydrocannabinol (THC) on a dry weight basis.
 - (B) The commissioner shall be notified of the importation of all propagative materials into the county. The shipment is subject to inspection by the commissioner and shall not be used for cultivation until released by the commissioner (California Food and Agricultural Code Division 4, Part 2, Chapter 2 § 6401 and § 6501).

- (4) Industrial hemp seeds or tissue culture plants imported from outside the United States that meets federal importation requirements.
 - (A) The crop from which the seeds or tissue culture plants were harvested from shall have been tested in accordance with a testing method approved by the department of agriculture in the country of origin and found to have no more than three-tenths of one percent THC on a dry weight basis.
 - (B) The commissioner shall be notified of the importation of all propagative materials into the county. The shipment is subject to inspection by the commissioner and shall not be used for cultivation until released by the commissioner (California Food and Agricultural Code Division 4, Part 2, Chapter 2 § 6401 and § 6501).
 - (C) For the purposes of this section, the term "tissue culture" means in vitro material introduced into culture from nodal cuttings at a particular time and from a single plant and grown in aseptic conditions to be used as a source of propagative material.
- (5) Industrial hemp seed or propagative materials produced in California in accordance with the provisions of Division 24 of the Food and Agricultural Code and this chapter.
 - (A) The crop from which the seed or propagative materials were harvested from shall have been tested by a department-approved laboratory and found to have no more than three-tenths of one percent THC on a dry weight basis.

Note: Authority cited: Sections 407 and 81002, Food and Agricultural Code. Reference: Sections 81001 and 81002, Food and Agricultural Code

4921. Methodology and Procedure to Update the List of Approved Seed Cultivars

- (a) The Secretary adopts the following methodology and procedure to add, amend or remove a seed cultivar from the list of approved seed cultivars.
 - (1) Upon request from the chair of the Board, or of any four members of the Board, the Department shall schedule a public hearing to consider a proposal to update the list of approved seed cultivars by adding, amending, or removing seed cultivars. A notice and text of the proposal shall be made available to the public no less than 30 days prior to the hearing.
 - (2) The public hearing to consider a proposal to update the list of approved seed cultivars shall be part of a regularly scheduled meeting of the Industrial Hemp Advisory board.
 - (3) The public hearing shall include:
 - (A) Presentation of the proposal to update the list of approved seed cultivars;
 - (B) Presentation of the purpose for the update; and
 - (C) Opportunity for public comment, pursuant to Section 11125.7 of the Government Code.
 - (4) After receiving comments from the public, the Board shall vote to accept, amend and accept, or deny a proposal for recommendation to the Secretary.
 - (5) Upon recommendation by the Board to adopt a proposal and approval by the Secretary, the Department shall amend the list of approved seed cultivars and shall submit the amended list to the Office of Administrative Law to be filed promptly with the Secretary of State. Pursuant

to Section 81002 of the Food and Agricultural Code, the proposal shall not be subject to further review.

- (6) The Department shall post the list of approved seed cultivars to its website and shall provide electronic and/or mail notification of amendments to list of approved seed cultivars to parties that have requested notification. An interested party may go to the Department's website and elect to receive automatic notifications of any changes to the list of approved seed cultivars via an electronic mail listserv.
- (b) The Secretary adopts the following methodology and procedure to add, amend or remove a seed cultivar from the list of approved seed cultivars.
 - (1) By motion, the Board may recommend amending the methodology and procedure in subsection (a). In consultation with the chair of the Board, the Department shall schedule a public hearing to consider the recommendation, and a notice and text of the proposed amendment shall be made available to the public no less than 30 days prior to the hearing.
 - (2) The public hearing to consider a proposal to amend the methodology and procedure shall be part of a regularly scheduled meeting of the Industrial Hemp Advisory Board.
 - (3) The public hearing shall include:
 - (A) Presentation of the proposal to amend the methodology and procedure;
 - (B) Presentation of the purpose for the amendment; and
 - (C) Opportunity for public comment, pursuant to Section 11125.7 of the Government Code.
 - (4) After receiving comments from the public, the Board shall vote to accept, amend and accept, or deny the proposal for recommendation to the Secretary.
 - (5) Upon recommendation by the Board to adopt the amendment and approval by the Secretary, the Department shall amend the methodology and procedure, and shall submit the amended methodology and procedure to the Office of Administrative Law to be filed promptly with the Secretary of State. Pursuant to Section 81002 of the Food and Agricultural Code, the proposal shall not be subject to further review.
 - (6) The Department shall provide electronic and/or mail notification of the amendment to the methodology and procedure to parties that have requested notification. An interested party may go to the Department's website and elect to receive automatic notifications of any changes to the methodology and procedure via an electronic mail listserv.

Note: Authority cited: Sections 407 and 81002, Food and Agricultural Code.
Reference: Sections 81001 and 81002, Food and Agricultural Code.

4940. Sampling Timeframe and Pre-Harvest Notification for Industrial Hemp

- (c) Sampling Timeframe.
 - (7) Sampling shall occur no more than 30 days before harvest.
 - (8) Any changes to the harvest date may require additional testing for THC content prior to harvest.
- (d) Sampling Request and Pre-Harvest Report.

- (1) In order to request sampling, registrants shall submit a pre-harvest report to the commissioner at least 30 days before harvest to initiate the sampling process. The pre-harvest report shall include the:
 - (A) registrant's registration number,
 - (B) name and contact information of the registrant,
 - (C) anticipated harvest date,
 - (D) name of the seed cultivar(s),
 - (E) physical address, Global Positioning System coordinates, general description of the location, and acreage of the crop,
 - (F) Name and contact information of the laboratory to conduct the testing for THC content.
- (2) The commissioner, or a third-party sampler designated by the commissioner, shall schedule a sampling date within 30 days of the anticipated harvest date.
- (3) Registrants shall notify the commissioner of any changes to the above information no less than 5 calendar days prior to the scheduled sampling date.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4941. Sampling Procedures for Testing Industrial Hemp for THC Content

- (a) Collection of Samples.
 - (1) Samples for THC testing shall be collected by the commissioner, or a third-party sampler designated by the commissioner.
 - (2) The commissioner, or designated sampler, shall verify that the sample collection site corresponds to the registered location using GPS coordinates prior to the collection of the samples.
 - (3) The registrant must be present to observe the collection of samples and allow the commissioner, or designated sampler, access to all industrial hemp plants within the registered land area and all areas and facilities used for cultivation.
- (b) Sample Volume and Composition.
 - (1) Each primary sample shall include all parts of the plant, including stems, stalks, flowers, leaves, seeds, and buds from:
 - (A) If two or more lateral branches are present, the terminal 18 inches of the top lateral branch and terminal 18 inches of one lateral branch from the lower one-third of the plant. If any branch is less than 18 inches, the whole branch shall be taken.
 - (B) If two lateral branches are not present, the terminal 18 inches from the terminal bud at the top of the plant. If the plant is less than 18 inches tall, the whole plant shall be taken.
 - (2) A composite sample shall consist of at least five primary samples from different plants.

- (3) A separate composite sample shall be taken for:
 - (A) Each cultivar within each contiguous field, and
 - (B) Indoor and outdoor growing areas shall be treated as separate fields.
 - (4) When feasible, the commissioner, or designated sampler, should not collect samples within 10 feet of field edges.
- (c) Handling of Samples.
- (1) All plant material collected for a composite sample shall be placed together in a permeable bag and kept in a manner not conducive to mold growth.
 - (2) The bag containing the composite sample shall be sealed and labeled in a manner to detect tampering and ensure chain of custody. Sample labels shall be signed by both the registrant and the commissioner or designated sampler.
 - (3) Samples shall be labeled with a unique sample identification number and accompanied by the following documentation:
 - (A) The registrant's proof of registration,
 - (B) The pre-harvest report,
 - (C) Seed certification documentation for the seed cultivar used,
 - (D) The THC testing report for each certified seed cultivar used, and
 - (E) A sample analysis request form with chain of custody information provided by the testing laboratory.
 - (4) Samples shall be delivered to the testing laboratory within 24 hours of collection. The testing laboratory shall document the chain of custody by signing the sample label upon receiving the sample. A copy of the signed chain of custody documentation shall be provided by the testing laboratory to the commissioner or designated sampler.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4942. Approved Testing Method for Testing Industrial Hemp for THC Content

- (a) Sampling Preparation.
- (1) The laboratory shall maintain chain of custody upon receiving the samples.
 - (2) Each composite sample shall be maintained and tested separately for THC content.
 - (3) All parts of the plant included in the composite sample shall be processed and tested as a single sample. No plant parts shall be removed during the sample preparation and testing.
 - (4) All parts of the plant included in the composite sample shall be dried until the weight of the composite sample remains constant after drying intervals. Drying temperature must not

exceed 90 degrees Celsius. Dried composite samples shall be milled to a homogenous powder-like consistency and combined before analysis.

- (b) Suitable analytical instrumentation used to determine THC content in industrial hemp includes the following:
 - (1) Gas chromatography with flame ionization detector
 - (2) Gas chromatography coupled with mass spectrometry
 - (3) Liquid chromatography coupled with mass spectrometry
 - (4) Liquid chromatography coupled with ultraviolet detector
- (c) Analytical instrumentation used must be able to establish a validated limit of quantification (LOQ) of one-tenth of 1 percent or lower for total THC content.
- (d) Sample Retention.
 - (1) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the laboratory shall retain the sample for a minimum of 30 days from the testing date.
 - (2) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent and does not exceed 1 percent, the laboratory shall retain the sample for a minimum of 60 days from the testing date.
 - (3) If the laboratory test report indicates a percentage content of THC that exceeds 1 percent, the laboratory shall retain the sample for a minimum of 90 days from the testing date.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4943. Approved Laboratory for Testing Industrial Hemp for THC Content

- (a) Testing of industrial hemp for THC content shall be conducted by a laboratory with International Organization for Standardization (ISO) / International Electrotechnical Commission (IEC) 17025 accreditation using a validated method for total THC analysis.
- (b) The laboratory shall retain, and make available to the commissioner upon request, a copy of the ISO/IEC 17025 certificate of accreditation.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4944. Notification of Laboratory Test Report

- (a) Laboratories shall provide a laboratory test report to the registrant and commissioner within 10 days of the collection of samples.
 - (1) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the laboratory shall provide the registrant no fewer than 10 original copies with wet signatures and the commissioner one or more copies of the laboratory test report, signed by an employee authorized to sign by the laboratory. The laboratory shall

retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.

- (2) If the laboratory test report indicates a percentage content of THC that exceeds three-tenths of 1 percent, the laboratory shall provide both the registrant and commissioner one or more copies of the laboratory test report, signed by an employee authorized to sign by the laboratory.
- (b) Laboratories shall issue a laboratory test report for each composite sample. The laboratory test report shall include the:
- (1) registration number,
 - (2) unique sample identification number,
 - (3) name and contact information of the registrant,
 - (4) name of the sampler,
 - (5) dates of the sample collection and testing,
 - (6) name of the cultivar tested,
 - (7) physical address, Global Positioning System coordinates, general description of the location, and acreage of the field sampled,
 - (8) name of approved analytical instrumentation used and the limit of quantification (LOQ),
 - (9) name of the person receiving the sample,
 - (10) name of the person testing the sample,
 - (11) percentage content of THC, a post-decarboxylation value or a calculated value using a conversion formula of delta-9-THC and eighty-seven and seven tenths (87.7) percent of THC-acid, on a dry weight basis, and words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" or "FAILED AS CALIFORNIA INDUSTRIAL HEMP" at or near the top of page.
 - (A) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear.
 - (B) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4945. Approved Testing Method for Retesting of Industrial Hemp for THC Content

- (a) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent and does not exceed 1 percent, additional samples for retesting shall be collected in accordance with the sampling procedures outlined in Section 4941 and tested in accordance with the testing procedures outlined in Sections 4942 through 4944.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4946. Final Disposition for Registered Industrial Hemp Crops

- (a) Registrants may harvest the sampled crop upon receipt of a laboratory test report that indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent.
 - (1) Registrants shall submit a harvest report to the commissioner within 72 hours following the completion of the harvest. The harvest report shall include the:
 - (A) registration number,
 - (B) name and contact information of the registrant,
 - (C) date(s) of harvest,
 - (D) name of the cultivar(s) and unique sample identification number(s),
 - (E) physical address, Global Positioning System coordinates, general description of the location, and acreage of the harvested crop.
 - (2) The commissioner may confirm the harvest of the crop by conducting field inspections.
- (b) Registrants shall destroy a crop that does not comply with the three-tenths of 1 percent THC limit in accordance with the provisions of Section 4950 within the following timeframes:
 - (1) If a laboratory test report indicates a percentage content of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after the registrant's receipt of the laboratory test report.
 - (2) If a second laboratory test report indicates a percentage content of THC exceeds three-tenths of 1 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after the registrant's receipt of the second laboratory test report.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

Destruction of Industrial Hemp Crops

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

California Code of Regulations
Title 3. Food and Agriculture
Division 4. Plant Industry
Chapter 8. Industrial Hemp Cultivation
Article 3. Abatement and Enforcement

4950. Destruction of Non-Compliant Industrial Hemp Crops

- (a) Any industrial hemp crop that does not meet the requirements of Division 24 of the Food and Agricultural Code and this chapter shall be destroyed in a manner approved by the commissioner:
 - (1) Unless otherwise specified in 4946 (b), any non-compliant industrial hemp crop shall be destroyed as soon as practical, but no later than 45 days after the registrant's receipt of notification of abatement from the commissioner.
- (b) The grower of the industrial hemp crop shall submit a destruction plan to the commissioner at least 24 hours prior to the start of the destruction. The destruction plan shall include the:
 - (1) Registration number, if applicable;
 - (2) Name and contact information of the grower;
 - (3) Anticipated destruction date(s) of the crop to be destroyed;
 - (4) Name of the cultivar(s) and unique sample identification number(s), if applicable;
 - (5) Physical address, Global Positioning System coordinates, general description of the location, and acreage of the crop to be destroyed; and
 - (6) Proposed destruction method.
- (c) The proposed crop destruction method shall be approved by the commissioner prior to the start of the destruction.
- (d) The commissioner shall confirm the destruction of the crop by conducting inspections.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4950.1 Voluntary Destruction of Industrial Hemp Crops

- (a) Any industrial hemp grower that wishes to voluntarily destroy a crop shall do so in a manner approved by the commissioner.
- (b) The grower of the industrial hemp crop shall submit a destruction plan to the commissioner at least 24 hours prior to the start of the destruction. The destruction plan shall include the:
 - (1) Registration number, if applicable;

- (2) Name and contact information of the grower;
 - (3) Anticipated destruction date(s) of the crop to be destroyed;
 - (4) Name of the cultivar(s) and unique sample identification number(s), if applicable;
 - (5) Physical address, Global Positioning System coordinates, general description of the location, and acreage of the crop to be destroyed; and
 - (6) Proposed destruction method.
- (c) The proposed crop destruction method shall be approved by the commissioner prior to the start of the destruction.
 - (d) The commissioner shall confirm the destruction of the crop by conducting inspections.
- Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

County of San Luis Obispo Agricultural Liaison Advisory Board

2156 Sierra Way, Suite A
San Luis Obispo, CA 93401



**Agricultural Liaison
Advisory Board (ALAB)**

Positions/Members/Terms
CHAIR: Jean-Pierre Wolff
VICE CHAIR: Dan Rodrigues

District One: Peschong Appt.
Craig Pritchard (1/21)
District Two: Gibson Appt.
Lisen Bonnier (1/23)
District Three: Hill Appt.
Tom Ikeda (1/21)
District Four: Compton Appt.
Daniel Chavez (1/23)
District Five: Arnold Appt.
vacant (1/21)
Ag. Finance Rep.
Mark Pearce (8/22)
Cattlemen Rep.
Dick Nock
Coastal San Luis RCD Rep.
Jean-Pierre Wolff (8/22)
Direct Marketing/Organic Rep.
Jutta Thoerner (4/20)
Environmental Rep.
Krista Burke (1/23)
Farm Bureau Rep.
R. Don Warden
Nursery Rep.
Butch Yamashita (4/20)
Upper Salinas-Las Tablas RCD Rep.
George Kendall (4/23)
Vegetable Rep.
Claire Wineman (4/20)
Wine Grape Rep.
Dan Rodrigues (4/20)
Strawberry Rep.
vacant
County Agricultural Commissioner
Marty Settevendemie
Ex-Officio
U.C. Coop. Extension, Farm Advisor
Mark Battany

DATE: December 18, 2019

TO: Kip Morais, Project Manager, and Brian Pedrotti, Senior Planner,
San Luis Obispo County Department of Planning and Building,

SUBJECT: ALAB comments and recommendations on the Public Review Draft of the
Industrial Hemp Ordinance

At the December 9, 2019 Agricultural Liaison Advisory Board (ALAB) meeting, ALAB members discussed the potential adoption of a permanent ordinance regulating the cultivation and processing of industrial hemp within the unincorporated portions of San Luis Obispo County. ALAB members affirmed their support for the growth and success for all agricultural commodities and the majority agreed upon a number of recommendations described below.

ALAB reviewed the information provided by the ALAB hemp subcommittee, a group established by ALAB to specifically address the potential for a local hemp ordinance and assist in providing information to be used for that ordinance development. The hemp subcommittee, a group which included ALAB members, local hemp growers, and local vineyard and winery representatives, met six times in the past four months. Meetings were open to the public and many hemp growers and concerned citizens alike attended and provided comments and input. The ALAB subcommittee provided the full ALAB membership with a few specific recommendations and a number of general areas of consensus that the full ALAB board took under advisement.

After reviewing the input from the ALAB hemp subcommittee and considerable additional discussion amongst members, **ALAB members approved a motion to provide the following five recommendations to County Planning in response to the Public Review Draft of the Industrial Hemp Ordinance:**

- ALAB recommends that County Planning strive to develop this ordinance, and its associated requirements and restrictions, in a manner that minimizes conflicts with existing agricultural operations and businesses.
- ALAB recommends that County Planning consider the implementation of a sliding scale for setback requirements based upon the number of industrial hemp acres being cultivated.

Although ALAB could not come to consensus on exactly what those setback distances should be, it was agreed that it is logical to require smaller setback distances from smaller sized growing sites, relative to the acreage of the hemp growing site.

- **In Section 22.30.244 (B.)1.c:** ALAB recommends that riparian and wetland setbacks be struck from the ordinance due to this requirement being duplicative of existing requirements from other agencies that growers must already meet.
- ALAB recommends that direction is given to the Agricultural Commissioner's Office to develop a set of recommended and/or required Best Management Practices (BMP's) for the cultivation of industrial hemp locally. Once these BMP's are developed, ALAB recommends that consideration is given toward incorporating those BMP's into the industrial hemp registration process conducted by the Agricultural Commissioner's Office.
- ALAB strongly recommends that as new research on the potential impacts of hemp cultivation (and processing) becomes available that this new scientific information is examined in the context of any permanent hemp ordinance that is enacted by the county. ALAB recommends that this review occur annually, and the permanent hemp ordinance be amended to reflect new research information and associated impacts, if necessary and/or warranted.

Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JP Wolff', written over a horizontal line.

Jean-Pierre Wolff, Ph.D.
ALAB Chair

ALAB Meeting – December 9, 2019

Review of the ALAB Subcommittee’s actions regarding the Development of a Permanent Ordinance for Industrial Hemp Cultivation in San Luis Obispo County – updated to reflect the second set of meetings occurring from October – December 2019.

I. BACKGROUND: The ALAB Subcommittee on hemp met three times in August 2019, and then passed their recommendations and areas of consensus along to the entire ALAB group at the September ALAB meeting. At that September ALAB meeting, it was recommended that the hemp subcommittee continue meeting to see if there were any other areas of consensus that could be reached, recognizing that the hemp subcommittee meetings would be a parallel process going on while County Planning worked on developing a draft permanent ordinance.

- SUBCOMMITTEE MEETING DATES: October 9, 2019; November 6, 2019; December 4, 2019

II. SUBCOMMITTEE RESULTS:

- The hemp subcommittee could not reach any areas of consensus on any of the outstanding major issues, such as setback distances or the exact definition of *sensitive receptor*.
- The subcommittee did discuss the possibility of using a sliding scale for setbacks based on the size of the proposed hemp cultivation site. Although consensus could not be agreed upon regarding the exact setback distance, it was generally agreed that having setbacks vary depending on the size of cultivation was a good idea, but that it may be difficult to address within an ordinance framework.
- SETBACKS WITH GENERAL AGREEMENT BUT NO GROUP CONSENSUS

	Acres of hemp cultivated		
	<1	<10	10>
Residential Single	100	200	300
Residential Multiple	100	200	300
Residential Suburban	100	200	300
Tasting Room	500-1000	1000	1000
Urban Reserve line	200	400	600
Village Reserve line	200	400	600

III. COMMENTS ON PUBLIC DRAFT OF PERMANENT HEMP ORDINANCE: County Planning released the Public Draft version of the permanent hemp ordinance on November 19, 2019. The ALAB hemp subcommittee met once after the release of the public draft.

- 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.

ALAB Meeting – September 9, 2019

Review of the ALAB Subcommittee's actions regarding the Development of a Permanent Ordinance for Industrial Hemp Cultivation in San Luis Obispo County

I. BACKGROUND:

- On June 18, 2019, the San Luis Obispo County Board of Supervisors enacted an urgency ordinance placing a temporary moratorium on industrial hemp cultivation (with a few exemptions).
- On July 2, 2019, ALAB submitted a letter to the Board of Supervisors with concerns about the land use regulations imposed on industrial hemp production, emphasizing that hemp should not have land use restrictions different from other legal crops.
http://www.slocounty.ca.gov/Departments/Agriculture-Weights-and-Measures/All-Forms-Documents/Information/Meeting-Minutes/ALAB-Meeting-Agendas,-Minutes,-Presentations/2019/ALAB_2019_07_01-Draft-Mins-plus-Hemp-Letter.aspx
- On July 16, 2019, the Board of Supervisors voted to extend that same urgency ordinance through June 2020. At that same meeting in July, the Board also directed County Planning to develop a permanent ordinance that would allow industrial hemp cultivation within the county with certain restrictions, such as zoning limitations, minimum parcel sizes, and possible setbacks. The Board asked County Planning to prepare a potential permanent ordinance and return sometime in early 2020, with the intention that a permanent ordinance would be enacted by spring 2019 and supersede (e.g. replace) the urgency ordinance. The Board directed County Planning to work with the Agricultural Liaison Advisory Board (ALAB) through an ALAB subcommittee, the County Ag Department, hemp growers, and concerned citizens to develop the permanent ordinance.
- At the August 5, 2019 ALAB meeting, a subcommittee was established to work with County Planning on a draft permanent ordinance to regulate hemp cultivation.

II. ALAB SUBCOMMITTEE ON INDUSTRIAL HEMP

- OFFICIAL MEMBERS: (1) Dan Rodrigues (chair) – ALAB Vice-Chair and wine grape representative; (2) Tom Ikeda – ALAB member, District 3 Representative; (3) Brent Burchett – Farm Bureau Executive Director; (4) Brian Yengoyan – hemp industry; (5) Sean Donahoe – hemp industry; (6) Bob Schielbelhut – vineyard owner in Edna Valley/concerns with hemp cultivation
- OTHER MEETING ATTENDEES: (1) Kip Morais – County Planning; (2) Karen Nall – County Planning; (3) Jean-Pierre Wolff – ALAB Chair and vineyard owner; (4) Marc Lea – Assistant Agricultural Commissioner; (5) Mark Battany – Farm Advisor; (6) Kaylee Ellis – ALAB Member, Vegetable Industry Representative alternate; (7) Kirk Azevedo – hemp industry; (8) Jean Johnson – hemp industry
- SUBCOMMITTEE MEETING DATES: August 13, 2019; August 20, 2019; August 26, 2019

III. SUBCOMMITTEE GOALS

- Subcommittee Chair Dan Rodrigues emphasized that all input should be respectful and civil with the overarching goal of finding areas of consensus. Dan reminded the subcommittee members

that the focus should be on addressing those items specifically identified by the Board of Supervisors: zoning requirements, setbacks, and minimum parcel sizes.

- Dan explained that the entire ordinance would get reviewed at future hearings at ALAB meetings, the Planning Commission, and the Board of Supervisors. Anything recommended could get changed several times prior to any permanent ordinance getting enacted so it makes sense to identify those areas where we can find common ground and not get bogged down in the discussion of very specific details.
- Dan also explained that any subcommittee recommendations that are agreed upon does not necessarily need to be the direction of the ALAB board itself. The full ALAB membership may come to different conclusions than the subcommittee.

IV. SUBCOMMITTEE – AREAS OF CONSENSUS

ZONING LIMITATIONS:

- Agriculture (AG) and Rural Lands (RL) zoned parcels: Hemp cultivation, both indoor and outdoor, should be allowed on these properties.
- On lands zoned Rural Residential (RR), cultivation of transplants should be allowed. Since transplants will be defined as only non-flowering plants, this cultivation should be allowed both indoors and outdoors. It's recognized that transplant growing will typically be done indoors in greenhouses on RR zoned properties, but they may need to move them outside to harden them off prior to shipping and there is no reason to disallow that ability.
- On lands zoned Rural Residential (RR), Industrial (Ind), and Commercial Services (CS), growers would have the option of going through the discretionary use permit process (Minor Use Permit) to grow full flowering plants. It was recognized that this isn't an ideal scenario, but due to concerns with trying to tackle this issue in the permanent ordinance and the detail needed to determine if a grower has an adequate closed system type greenhouse needed to alleviate odor issues, and the goal of staying on track with an expedited timeline, this was a mechanism of at least leaving the door open to those who wanted to grow indoor hemp on parcels zoned RR, IND, or CS.

SETBACKS or BUFFERS:

- The group agreed that any setbacks that may be established should be measured from a particular identified use off-site from the hemp grower's parcel and not from the hemp grower's property line. In other words, there is no need for setbacks from a grower's property line if the hemp cultivation is taking place well away from any potential conflicts.
- The group agreed that any setbacks or buffers that may be established should be measured from a "sensitive site" or "sensitive receptor". There was not an agreement established on exactly what those sensitive receptors should be. Items discussed included schools and state licensed daycares, residential zoned areas or properties (as opposed to a single residence or a couple of residences located on agricultural zoned lands), existing agricultural crops/commodities, wineries, and winery tasting rooms.

MINIMUM PARCEL SIZES:

- The group agreed that a minimum parcel size was not required. It was discussed that any setbacks or buffers developed would be geared toward alleviating land use conflict between neighbors, and would be more effective than a minimum parcel size (e.g. if there was a minimum parcel size but no setback/buffer established than the grower could still plant in a corner of his property close directly adjacent to other residences or established crops and a required minimum parcel size would be ineffective). In addition, by not allowing full flowering hemp plants on those parcels zoned for residential land uses, that alleviates much of the need to establish minimum parcel sizes.

OTHER ITEMS:

- The issue of Agricultural Research Institution exemption growers was not discussed in detail due to the fact that it's likely getting addressed at the state level in the current SB 153 bill and was already addressed at the July 16, 2019 Board of Supervisors hearing through the approval of **Resolution 2019-209**.
- The issue of cross-pollination, specifically the potential for cross-contamination of different hemp varieties as well as hemp and legally grown cannabis, was considered but it was agreed upon that it was not an issue that could adequately be addressed in this subcommittee, especially considering the expedited timeline. It was also pointed out by several subcommittee members that cross-pollination issues in all other agricultural crops is addressed through peer-to-peer notifications and agreements and is not addressed through regulation or ordinance.

V. SUBCOMMITTEE – AREAS ADDRESSED BUT NO CONSENSUS REACHED

SETBACKS or BUFFERS:

- The group could not come to any consensus regarding what distance setbacks or buffers should be established. Due to the lack of any currently available science on hemp odor issues or potential grape taint, it was difficult to determine a logical rationale for a specific buffer distance.
- Setback/buffer distances discussed ranged from 50 feet to ½ mile. Using the current "Agricultural Buffer Policies" in the county's Agriculture Element that is designed for proposed projects near, or adjacent to, existing agriculture was discussed. Those buffer distances range from 50 – 600 feet, but again no consensus could be made by the subcommittee.
- The potential for a tiered buffer system based on the acreage of a particular hemp cultivation site was also discussed with no consensus made.

OTHER

- The potential for an overlay disallowing hemp cultivation in the Edna Valley area was discussed. The rationale proposed for this particular overlay concerned the unique climatic factors that exist in this area, along with the long established wine grape growing region (and the concerns over potential conflicts such as odor affecting tasting room visitors and terpene taint of grapes in the field or in wineries/wine production facilities). No consensus was reached on this proposal.

ATTACHMENT E

Board of Supervisors Minutes

BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, May 5, 2020

PRESENT: Supervisors John Peschong, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

ABSENT: None

Department: Planning and Building

Item 22 - Hearing to consider adoption of a resolution amending the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp; exempt from CEQA. All Districts.

Mr. Kip Morais – Planning and Building: provides the staff powerpoint presentation.

Chairperson Compton: opens the floor to public comment.

Ms. Barbara Bagget; Mr. Brent Aurchett; Mr. Charles Yates; Mr. Don Spare; Mr. Donald Flinn; Ms. Jena Wilson; Mr. John Krelle; Mr. John Wilson; Ms. Kim Spare; Ms. Linda Ziegler; Ms. Marjan Kelsey; Ms. Melissa Babu; Ms. Monica Racz; Mr. Clairborne Thompson; Ms. Nancy Greenough; Mr. Praveen Babu; Ms. Sabine Strobel; Ms. Sheila Meyers; Ms. Taylor Ernst; Mr. Alexis Alvarez Thoma; Ms. Olivia Faris; Ms. Claire Wineman; Ms. Jean Johnson; Mr. Bob Schiebelhut; Dr. Jorge Sellu; Ms. Stephanie Shakofsky; Ms. Diane Matthew; Mr. Adam Laurent; Mr. Ron Dunham; Mr. Ted Fitzgerald; Mr. Frank Brown; Ms. Linde Owen; Mr. Conner Lucky; Mr. Sean Donahoe; Mr. John Davis; Mr. Gary Kirkland; Mr. Brandon Rivers; Mr. Hugh Duggan; Mr. Murray Powell and Ms. Kelly Yates: speak.

Upon Board discussions, Supervisor Arnold, makes a motion to amend industrial hemp ordinance language to implement a 1 strike rule; limit 400 acres minimum site for outdoor grows; apply a 1 mile setback from Urban Reserve Lines and Village Reserve Lines; Apply a 2,000 ft setback from property line; allow outdoor grows in ag and rural land areas; limit rural residential land use categories to indoor grows - prohibiting flowering-transplants; clarifying Manufacturing would be allowed in industrial/commercial zoning; prohibit hoop houses for hemp grows; add language to clarify what happens in case of conflict between regulations on site along the border with Santa Barbara County; and identify Edna Valley as an exclusionary area. Additionally, Supervisor Arnold adds direction to staff to bring back Arroyo Grande and other exclusionary areas in the future and look at well interference and water offset requirements for medium and high priority basins.

The Board agrees to continue the meeting passed 5 pm.

Motion By: Hill, Adam

Second By: Peschong, John

Board Members:	AYES:	NOES:	ABSTAIN:	RECUSE:
Lynn Compton (Chairperson, District 4)	X			
Bruce S. Gibson (Vice-Chairperson, District 2)	X			
John Peschong (Board Member, District 1)	X			
Adam Hill (Board Member, District 3)	X			
Debbie Arnold (Board Member, District 5)	X			

Mr. Brian Stack – Deputy Counsel: speaks to the difficulty enforcing the 1 strike rule and that it will not be applied to the ordinances at this time.

Mr. Morais: reviews language modifications (based on motion) to the Industrial Hemp ordinances as follows, limiting outdoor industrial hemp cultivation sites of four-hundred (400) acres or larger; limiting indoor industrial

hemp cultivation to sites of five (5) acres or larger; not allowing outdoor industrial hemp cultivation to be located within two-thousand (2,000) feet from adjacent property lines and one-mile from Urban Reserve Lines (URL), and Village Reserve Lines (VRL); allowing Industrial hemp cultivation in the Agriculture (AG) and Rural Lands (RL); limiting Industrial hemp cultivation in Rural Residential (RR) land use categories to indoor cultivation of industrial hemp transplants; adding Edna Valley as an exclusionary area; adding clarifying language regarding industrial hemp manufacturing prohibiting Industrial hemp cultivation in hoop houses. Furthermore, presents new findings for adding the Edna Valley as an exclusion area to the resolution recitals for adoption.

Supervisor Hill seconds the motion on the floor.

Supervisor Gibson: addresses the changes made; and questions the findings that state we are consistent with general plan and goals and policies of the ag element and if a policy consistency analysis is necessary, with Mr. Stack and Mr. Jon Ansolabehere – Chief Deputy Clerk responding and suggesting a finding be added.

Mr. Morais: presents Exhibit A - Findings that were made by the Planning Commission with added language as Finding E. that reads “The proposed amendments do not constitute a de-facto prohibition on industrial hemp cultivation because they will allow for industrial hemp cultivation subject to certain limitations (e.g. minimum parcel size, setbacks, etc.) to address land use compatibility impacts”, with Supervisor Gibson stating upon the many reasons he cannot support the motion, he cannot support Finding E. and B.

The Board amends the resolution to include findings for adding the Edna Valley as an exclusion area; amends the ordinances to Titles 22 and 23 to reflect the changes presented by staff; and adopts as amended RESOLUTION NO. 2020-118, a resolution adopting specific amendments to Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance), Title 1 (General Provisions) of the county code, and Coastal Framework For Planning Table “O”, for the industrial hemp ordinance; adopts as amended Exhibit A - Findings from the Planning Commission; waives the reading of the proposed ordinances and said ordinances are read by title only; adopts as amended ORDINANCE NO. 3414 – Ordinance Amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, by amending various sections regarding Industrial Hemp Activities; adopts as amended ORDINANCE NO. 3415 – Ordinance Amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, By Amending Various Sections Regarding Industrial Hemp Activities and adopts ORDINANCE NO. 3416- an ordinance Amending Title 1 of the San Luis Obispo County Code by amending Section 1.05.080 Regarding Industrial Hemp Related Violations. Furthermore, the Board directs staff to bring back Arroyo Grande and other exclusionary areas in the future and look at well interference and water offset requirements for medium and high priority basins.

Motion By: Arnold, Debbie

Second By: Hill, Adam

Board Members:	AYES:	NOES:	ABSTAIN:	RECUSE:
Lynn Compton (Chairperson, District 4)	X			
Bruce S. Gibson (Vice-Chairperson, District 2)		X		
John Peschong (Board Member, District 1)	X			
Adam Hill (Board Member, District 3)	X			
Debbie Arnold (Board Member, District 5)	X			

I, **WADE HORTON**, Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, May 5, 2020, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

Witness, my hand and seal of said Board of Supervisors on Thursday, May 28, 2020.



WADE HORTON, Ex-Officio Clerk of the Board of Supervisors

By: Annette Ramirez

Deputy Clerk

ATTACHMENT F

Adopted Ordinance

- **Ordinance No. 3415 Adopted Ordinance (Ordinance 3415), Resolution 2020-118, Exhibit A to Resolution**

ORDINANCE NO. 3415
AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE,
THE COASTAL ZONE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS
REGARDING INDUSTRIAL HEMP ACTIVITIES

SECTION 1: Section 23.11.030 – Coastal Zone Land Use Ordinance Definitions is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Industrial Hemp. As defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended.

Industrial Hemp Cultivation (land use). Any activity involving the planting, growing, harvesting, or field drying of industrial hemp.

Indoor Industrial Hemp Cultivation. The cultivation of hemp within a permanent structure using a combination of natural light, light deprivation, and/or artificial lighting. Indoor Industrial Hemp Cultivation does not include cultivation within a hoop structure.

Industrial Hemp Processing. The drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure); considered an agricultural processing use.

Industrial Hemp Transplant. An industrial hemp cultivar grown from seed or clonal propagation for the purpose of planting at a separate location away from its original place of production. Plants are limited to the germination and vegetative stages; plants entering any portion of the budding or flowering stage do not meet the definition of “Industrial Hemp Transplant”.

SECTION 2: Section 23.08.042 – Industrial Hemp Processing is hereby added to Title 23 to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.042 - Agricultural Processing

Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:

- a. General permit requirements.** The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.
- b. Application content.** Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).
- c. Minimum site area.** No minimum required.
- d. Standards for specific uses.**

(4) Industrial Hemp Processing. For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non- permanent structure). The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, hoop houses, or trailers is included under Crop Production and Grazing and subject to the standards set forth under 23.08.047. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Extraction of cannabinoids from industrial hemp is considered Chemical Manufacturing. Manufacturing of finished hemp products are classified under existing Industry, Manufacturing, and Processing uses according to their end product and scale of operations. For example and not limitation, manufacturing of CBD infused chemical products would be considered Chemical Manufacturing, hemp cloth manufacturing would be classified as textile products and Manufacturing of CBD infused food and beverage products, once allowed under state law, would be included under Food and Beverage products.

- (i) Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

(ii) **Nuisance Odors.** All Industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

(iii) **Design standards.** In the Agriculture and Rural Lands land use categories, all new structures associated with onsite Industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.

SECTION 3: Section 23.08.040 – Agricultural Uses – Specialized (S-3) is hereby amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

23.08.040 - Agricultural Uses - Specialized (S-3)

Specialized agricultural uses which are identified as allowable S-3 uses (see Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

- 23.08.041 Agricultural Accessory Structures
- 23.08.042 Agricultural Processing Uses
- 23.08.045 Aquaculture
- 23.08.046 Animal Raising and Keeping
- 23.08.047 Industrial Hemp Cultivation
- 23.08.048 Farm Equipment and Supplies
- 23.08.050 Interim Agricultural Uses (S-18)
- 23.08.052 Specialized Animal Facilities
- 23.08.054 Nursery Specialties
- 23.08.056 Roadside Stands

SECTION 4: Section 23.08.047 – Industrial hemp cultivation is hereby added to Title 23 to read as follows:

23.08.047 - Industrial hemp cultivation

a. Limitation on use.

- (1) Industrial hemp cultivation (indoor and outdoor) may be allowed in the Agriculture (AG) and Rural Lands (RL)
- (2) Industrial hemp cultivation in Residential Rural (RR) land use categories is limited to indoor cultivation of industrial hemp transplants.
- (3) Outdoor industrial hemp cultivation is limited to sites of four-hundred (400) acres or larger. Indoor industrial hemp cultivation is limited to sites of five (5) acres or larger.

(4) Outdoor industrial hemp cultivation in the Residential Rural (RR) land use category is prohibited.

b. Permit Requirements.

No permit required.

c. Cultivation Standards

(1) **Location Standards.** The location standards in this Section shall be measured from the location of the proposed outdoor or indoor hemp cultivation to the nearest point of the existing sensitive use or area boundary. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.

- (i) **Outdoor Industrial Hemp.** Outdoor industrial hemp cultivation shall not be located within two-thousand (2,000) feet from adjacent property lines and one-mile from Urban Reserve Lines (URL) and Village Reserve Lines (VRL). For any properties adjoining parcels located within the jurisdiction of another agency and the agency allows industrial hemp cultivation, the setback shall be the lesser of the setback set forth above or the setback required by the other agency. For any properties adjoining parcels located within the jurisdiction of another agency and the agency does not allow industrial hemp cultivation, the setback set forth above shall control.
- (ii) **Indoor Industrial Hemp.** Indoor industrial hemp cultivation shall be within a fully enclosed permitted building or greenhouse that has been setback as set forth in Section 22.30.060. In addition, indoor hemp cultivation shall be setback 100 feet from any existing offsite residences of separate ownership.
- (iii) All industrial hemp cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.
- (iv)

(2) **Nuisance Odors.** All structures utilized for indoor hemp cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

(3) **State Industrial Hemp Registration.** Applicants must satisfy the registration requirements specified in the California Food & Agricultural Code. Applicants must submit those registration materials to the Agricultural Commissioner in accordance with state laws and regulation. The registration materials must be accompanied by all required fees.

(4) Industrial hemp cultivation is prohibited in hoop houses.

d. Enforcement

The remedies provided by this Subsection are cumulative and in addition to any other remedies available at law or in equity.

(1) Inspection

All industrial hemp operations in the unincorporated territory of San Luis Obispo County are subject to review and inspection, including crop and/or product testing by agents of the County of San Luis Obispo Sheriff's Department, Code Enforcement, and Department of Agriculture / Weight and Measures.

(2) Violations

Any violation of County Code or state law related to industrial hemp constitutes a public nuisance and shall be subject to the enforcement procedures and provisions set forth in Section 23.08.420 et seq. and Chapter 23.10 of this Code and by any other means available by law. In the event any test of industrial hemp grown by an industrial hemp operation who holds a valid registration with the County Agricultural Commissioner's Office pursuant to Food and Agricultural Code section 81000 et seq. indicates a tetrahydrocannabinol (THC) content greater than that established under Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as they may be amended, that crop shall not constitute a violation of County Code so long as the remedial actions required or available under state law are being followed by the registrant and verified by the County Agricultural Commissioner's Office in compliance with state law, and the operation otherwise complies with the standards of this Section.

SECTION 5: Chapter 23.10.150 – Nuisance Abatement of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

- g. Cannabis Activity and Industrial Hemp Related Violations.** Pursuant to Government Code sections 25845, subdivision (i) and 27721, the duties and powers of the Board of Supervisors under Section 23.10.150 are hereby delegated to the Office of County Cannabis Hearing Officer, established under Sections 22.40.130.C and 23.08.432.c, for all violations of Titles 6, 8, 19 or 23 of this Code which relate to or arise from a cannabis or industrial hemp activity in the County's discretion, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned. Such duties and powers include conducting abatement hearings and determination of post-abatement costs and assessments. For violations which relate to or arise from a cannabis or industrial hemp activity, the Code Enforcement Officer is not required to first pursue the procedures of Section 23.10.105 or send a Notice of Nuisance under Section 23.10.150.c, and instead, upon a determination that a nuisance exists, may proceed immediately with a Notice of Nuisance Abatement under Section 23.10.150.d, with a notice to appear before the Cannabis Hearing Officer at a stated time and place not less than 5 days after service of the notice, to show cause why stated conditions should not be found to be a nuisance, and why the nuisance should not be abated by the County.

The foregoing notice may be consolidated with a notice of nuisance abatement under Section 23.08.432.b, and with a notice of violation and/or notice of fine under Sections 1.05.030 and 1.05.050. Notwithstanding Section 23.10.150.e.2.i, the Cannabis Hearing Officer may order that the owner or other affected person abate the nuisance within two (2) calendar days of the date of service of the decision of the Cannabis Hearing Officer, and, in the event the abatement is not completed, the Code Enforcement Officer is empowered and authorized to enter upon the property and abate the nuisance. Nuisances subject to abatement under this subsection include, but are not limited to: wood or chain link fences with tarp, plywood or similar screening; storage structures; raised or ground-level plant beds and pots; above ground water storage tanks or pools; hoop structures, greenhouses and frames, irrigation lines; generators; small and large machinery; manufacturing and processing equipment or implements; artificial lighting; pesticides; fertilizers; trash or refuse; and, tents, RVs or other unpermitted structures used for living quarters.

SECTION 6: The amendments to the Coastal Framework for Planning adopted by Board of Supervisors Resolution No. 2020-118 are hereby adopted and included as part of this ordinance and Section 23.01.022 of the Coastal Zone Land Use Ordinance as though they were fully set forth herein.

SECTION 7: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 9: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 10: This ordinance shall become operative immediately only upon certification of the Amendments by the California Coastal Commission, as may be certified with suggested modifications by the Coastal Commission and accepted and agreed to by the Board of Supervisors.

SECTION 11: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 12: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

SECTION 13: Interim/Urgency Ordinance No. 3393, and its extending ordinance, No. 3394, as they apply to the Coastal portions of the County, shall be repealed and replaced upon this Ordinance becoming effective and operative.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 5th day of May, 2020, by the following roll call to vote, to wit:

YES: Supervisors Debbie Arnold, Adam Hill, John Peschong, and Chairperson Lynn Compton

NOES: Supervisor Bruce S. Gibson

ABSENT: None

ABSTAINING: None

Lynn Compton

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:
RITA L. NEAL
County Counsel

By: /s/ Brian Stack
Deputy County Counsel

Dated: April 23, 2020

The undersigned Deputy Clerk of the Board of Supervisors certifies that, pursuant to Section 25103 of the Government Code, delivery of this document has been made on May 26, 2020.

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **WADE HORTON**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on May 26, 2020.

WADE HORTON,
Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, May 5, 2020

PRESENT: Supervisors John Peschong, Bruce S. Gibson, Adam Hill, Debbie Arnold and
Chairperson Lynn Compton

ABSENT: None

RESOLUTION NO. 2020-118

RESOLUTION ADOPTING SPECIFIC AMENDMENTS TO TITLE 22 (LAND USE ORDINANCE), TITLE 23 (COASTAL ZONE LAND USE ORDINANCE), TITLE 1 (GENERAL PROVISIONS) OF THE COUNTY CODE, AND COASTAL FRAMEWORK FOR PLANNING TABLE "O", FOR THE INDUSTRIAL HEMP ORDINANCE

The following resolution is now offered and read:

WHEREAS, pursuant to Article XI, section 7 of the California Constitution, the County of San Luis Obispo may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and,

WHEREAS, the cultivation of industrial hemp without additional land use regulations has the potential to cause land use conflicts unique from other traditional crops because of federal and state regulatory requirements, its genetic similarities to cannabis, the potential for confusion with cannabis, and the potential to be a source of cannabis like odors which has been the subject of significant public testimony and concern, specifically including when nearby residential areas; and,

WHEREAS, the cultivation of industrial hemp without reasonable additional land use regulations could adversely affect the health, safety, and well-being of the County and its residents; and,

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of San Luis Obispo County that amendments be made to existing permanent land use regulations governing industrial hemp; and,

WHEREAS, the enactment of these amendments does not have the potential to cause an increase in industrial hemp or its impacts in the unincorporated area of the County of San Luis Obispo beyond what would otherwise be allowed under existing permanent land use regulations; and,

WHEREAS, the Edna Valley American Viticultural Area (AVA) has unique topographical and climatic features which are prized for their unique ability to grow high quality cool-season grapes such as Pinot Noir and Chardonnay, including being among the coldest AVA's in California, having one of the longest grape growing seasons in California, being the only appellation in the County with two transverse valleys open to the ocean, and having generally consistent weather patterns from March to November consisting of overnight inversion layers and afternoon onshore winds; and,

WHEREAS, due in large part to these unique topographical and climatic features, the predominate agricultural use in the Edna Valley AVA consists of vineyards and wineries specializing in cool-season grapes such as Pinot Noir and Chardonnay; and

WHEREAS, although the Edna Valley AVA is predominantly agricultural use, residential buildout in this area has included several cluster residential and agricultural subdivisions which are intertwined in and around the agricultural uses of the Edna Valley AVA, including, but not limited to, the areas of Twin Creeks Way, Country Club Drive, Tiffany Ranch Road, Camino Edna, and Edna Ranch Circle; and

WHEREAS, due to Edna's Valley AVA's recognition as a unique cool-season appellation and ability to grow high quality cool-season grapes, there is a concentration of established vineyards, wineries, and tasting rooms that rely on the unique features of the area to grow, produce and sell high quality wines, as well as offer prized venues for events such as weddings; and

WHEREAS, having a high quality cool-season appellation is integral to the success of the County's diversified wine industry and supporting industries because it allows wineries to produce and market a wide range of grape varieties grown in the County; and

WHEREAS, previous cultivation of industrial hemp in the Edna Valley AVA resulted in numerous complaints and substantial public testimony by wine industry representatives and residents in the area raising nuisance odor and pesticide related concerns and the impacts

industrial hemp cultivation was having on established agricultural operations, employees and residents in the area; and

WHEREAS, the cultivation of industrial hemp in the Edna Valley AVA has the potential to cause land use conflicts due to the same unique topographical and climatic features which are prized for their ability to grow high quality cool-season grapes and have resulted in the concentration of vineyards and wineries in the appellation, including a greater risk for odor and pesticide related conflicts, and

WHEREAS, prohibiting the cultivation of industrial hemp in the unincorporated areas of the Edna Valley AVA is in the best interests of the health, safety, and welfare of County residents; and

WHEREAS, the intent and purpose of these amendments is to establish reasonable restrictions upon the cultivation and processing of industrial hemp in order to protect the environment, public health, safety, and welfare in San Luis Obispo County; and

WHEREAS, on June 18, 2019, the Board adopted an urgency ordinance placing a temporary moratorium on the cultivation of industrial hemp in San Luis Obispo County and directed staff to prepare a permanent ordinance that would allow industrial hemp cultivation to occur within the County; and,

WHEREAS, on January 23, 2020 the Planning Commission reviewed the proposed amendments to Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance), Title 1 (General Provisions) and the Coastal Framework for Planning and recommended the Board of Supervisors approve the amendments as attached hereto; and,

WHEREAS, the Board of Supervisors has duly considered the proposed amendments to Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance), Title 1 (General Provisions), and the Coastal Framework for Planning and finds that the recommendation of the Planning Commission on January 23, 2020 should be accepted.

WHEREAS, the Board of Supervisors adopts the findings in Exhibit A1 and finds that the proposed amendments are consistent with the Land Use Element and other adopted elements of the County General Plan and the proposed amendments will protect the public health, safety and welfare of residents by placing restrictions on Industrial Hemp Cultivation and processing that are intended to minimize conflict with other crops and land uses.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE Board of Supervisors of the County of San Luis Obispo, State California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.
3. That the Chairperson of the Board of Supervisors sign Ordinance 3414 to adopt and enact the amendments to Title 22 (Land Use Ordinance) of the County Code as attached hereto.
4. That the Chairperson of the Board of Supervisors sign Ordinance 3415 to adopt and enact the amendments to Title 23 (Land Use Ordinance) of the County Code as attached hereto.

[This document was certified as part of the Local Coastal Program. Therefore, this amendment needs to be submitted to the California Coastal Commission and will become effective only upon certification by the Coastal Commission.]

5. Amend the Coastal Framework for Planning as such amendments appear on Exhibit A attached hereto. [This document was certified as part of the Local Coastal Program. Therefore, this amendment needs to be submitted to the California Coastal Commission and will become effective only upon certification by the Coastal Commission.]

6. That the Chairperson of the Board of Supervisors sign Ordinance 3416 to adopt and enact amendments to Title 1 (General Provisions) of the San Luis Obispo County Code as attached hereto.

Upon motion of Supervisor Arnold, seconded by Supervisor Hill, and on the following roll call vote, to wit:

AYES: Supervisors Arnold, Hill, Peschong and Chairperson Compton

NOES: Supervisor Gibson

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted.

Jynw Compton
Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: Annette Ramirez
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Brian Stack
Deputy County Counsel

Dated: April 23, 2020

<p>STATE OF CALIFORNIA) ss.</p> <p>COUNTY OF SAN LUIS OBISPO)</p> <p>I, WADE HORTON, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.</p> <p>Witness, my hand and seal of said Board of Supervisors on May 26, 2020.</p> <p style="text-align: center;">WADE HORTON, Ex-Officio Clerk of the Board of Supervisors</p> <p>By: <u>Annette Ramirez</u> Deputy Clerk</p>

EXHIBIT A - STRIKETHROUGH

PROPOSED LCP AMENDMENT TO THE COASTAL FRAMEWORK FOR PLANNING

SECTION 1. Chapter 6 Section C (“Allowable Land Uses in the Coastal Zone and Coastal Table O”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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A) AGRICULTURE																
Ag Accessory Structures	1	6-39	S-3-P	S-3-P	S-3-P	S-3	S-3	S-3					S-3	S-3	S-3	S-14
Ag Processing	2	6-39	S-3	S-3	S-3		S-3						S-3	A		
Animal Raising & Keeping	3	6-40	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Aquaculture	4	6-40		S-3	S-3		S-3						S-3-P	S-3-P		
Crop Production and Grazing	5	6-44	P	P	P	A	A	S-18	S-18	S-18	S-18	S-18	S-18	A	A	A
<u>Industrial Hemp Cultivation</u>			<u>S-3-P</u>	<u>S-3-P</u>	<u>S-3-P</u>		<u>S-3</u>									
Farm Equipment & Supplies	6	6-45		S-3	S-3		S-3						A	A		
Nursery Specialties – Soil Dependent	7	6-51	S-3-P	S-3-P	S-3		S-3	S-3				S-3	S-3	S-3		
Nursery Specialties – Non-Soil Dependent	8	6-52		S-3	S-3		S-3	S-3				S-3	S-3	S-3		
Specialized Animal Facilities	9	6-58	S-3	S-3-P	S-3	S-3	S-3	S-3		S-3	S-3	S-3	S-3	S-3		

SECTION 2. Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Crop Production and Grazing [A5]

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, "Animal Raising and Keeping."

EXHIBIT A - CLEAN

PROPOSED LCP AMENDMENT TO THE COASTAL FRAMEWORK FOR PLANNING

SECTION 1. Chapter 6 Section C (“Allowable Land Uses in the Coastal Zone and Coastal Table O”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to read as follows:

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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A) AGRICULTURE																
Ag Accessory Structures	1	6-39	S-3-P	S-3-P	S-3-P	S-3	S-3	S-3					S-3	S-3	S-3	S-14
Ag Processing	2	6-39	S-3	S-3	S-3		S-3						S-3	A		
Animal Raising & Keeping	3	6-40	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
Aquaculture	4	6-40		S-3	S-3		S-3						S-3-P	S-3-P		
Crop Production and Grazing	5	6-44	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>	S-18	S-18	S-18	S-18	S-18	S-18	A	A	A
Industrial Hemp Cultivation			S-3-P	S-3-P	S-3-P		S-3									
Farm Equipment & Supplies	6	6-45		S-3	S-3		S-3						A	A		
Nursery Specialties – Soil Dependent	7	6-51	S-3-P	S-3-P	S-3		S-3	S-3				S-3	S-3	S-3		
Nursery Specialties – Non-Soil Dependent	8	6-52		S-3	S-3		S-3	S-3				S-3	S-3	S-3		
Specialized Animal Facilities	9	6-58	S-3	S-3-P	S-3	S-3	S-3	S-3			S-3	S-3	S-3	S-3	S-3	

SECTION 2. Chapter 6 Section D (“Land Use Definitions”) of Framework for Planning – Part I of the Coastal Zone Land Use Element of the San Luis Obispo County General Plan is amended to include the following (for the definitions listed below only; definitions not listed are not amended by this section):

Crop Production and Grazing [A5]

Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. In the field sales of industrial hemp are prohibited. Does not include the production of cannabis, which is included under “Cannabis Cultivation”. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 23.08. See also, "Animal Raising and Keeping."

ATTACHMENT H

Public Hearing Notification

- Affidavit of Publication (Legal Ad) - Planning Commission
- Planning Commission Notice
- Affidavit of Publication (Legal Ad) – Board of Supervisors
- Board of Supervisors Notice
- Local Coastal Program Mailing List

NOTICE OF PUBLIC HEARING

WHO: San Luis Obispo County Planning Commission

WHEN: **Thursday, January 23, 2020 at 9:00 a.m.** (All items are advertised for 9:00 a.m. To find out the agenda placement call the Planning Department at 781-5600.)

WHAT: Hearing to consider a request by the **COUNTY OF SAN LUIS OBISPO** to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.

County File Numbers: LRP2019-00008
Supervisory District: Countywide

Assessor Parcel Number: Various
Date Authorized: July 16, 2019

WHERE: The hearing will be held in the San Luis Obispo County Board of Supervisors Chambers, 1055 Monterey St., Room #D170, County Government Center, San Luis Obispo, CA. The Board of Supervisors Chambers are located on the corner of Santa Rosa and Monterey Streets. At the hearing all interested persons may express their views for or against, or to change the proposal.

FOR FURTHER INFORMATION: A copy of the staff report will be available on the Planning Department website, www.sloplanning.org. You may contact **Kip Morais** in the San Luis Obispo County Department of Planning and Building, County Government Center, San Luis Obispo, California 93408, (805) 781-5600 or at kmorais@co.slo.ca.us.

ENVIRONMENTAL INFORMATION: Also to be considered is the determination that this project is exempt from environmental review under CEQA based on the common sense exemption, CEQA Guidelines § 15061(b)(3).

COASTAL APPEALABLE: County action may be eligible for appeal to the California Coastal Commission after all possible local appeal efforts are exhausted. Appeals must be filed in writing as provided by Coastal Zone Land Use Ordinance Section 23.01.043.

****If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this public notice or in written correspondence delivered to the appropriate authority at or before the public hearing. ****

DATED: January 7, 2020

RAMONA HEDGES, SECRETARY
COUNTY PLANNING COMMISSION



1010 Marsh St., San Luis Obispo, CA 93401
(805) 546-8208 • FAX (805) 546-8641

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Luis Obispo,

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party interested in the above entitled matter. I am the principal clerk of the printer of the *New Times*, a newspaper of general circulation, printed and published weekly in the City of San Luis Obispo, County of San Luis Obispo, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of San Luis Obispo, State of California, under the date of February 5, 1993, Case number CV72789; that notice of which the annexed is a primed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

January 9
in the year 2020.

I certify (or declare) under the the penalty of perjury that the foregoing is true and correct. Dated at San Luis Obispo, California, this day 9 of January, 2020.

Patricia Horton
Patricia Horton, New Times Legals

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
NOTICE OF PUBLIC HEARING**

WHO: San Luis Obispo County Planning Commission

WHEN: Thursday, January 23, 2020, at 9:00 a.m. (All items are advertised for 9:00 a.m. To find out the agenda placement call the Planning Department at 781-5600)

WHAT: Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table "O" (LRP2019-00008) to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 - Agricultural Processing Uses, Section 23.08.040 - Agricultural Uses - Specialized, Section 23.10.150 - Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.000 Cannabis Activity and Industrial Hemp Related Violations.

County File Number: LRP2019-00008
Assessor Parcel Number: Various
Supervisorial District: Countywide
Date Authorized: July 18, 2019

WHERE: The hearing will be held in the San Luis Obispo County Board of Supervisors Chambers, 1055 Monterey St., Room #0170, County Government Center, San Luis Obispo, CA. The Board of Supervisors Chambers are located on the corner of Santa Rosa and Monterey Streets. At the hearing all interested persons may express their views for or against, or to change the proposal.

FOR FURTHER INFORMATION: A copy of the staff report will be available on the Planning Department website, www.stoplanning.org. You may contact Kip Morais in the San Luis Obispo County Department of Planning and Building, County Government Center, San Luis Obispo, California 93408, (805) 781-5600 or at kmorais@co.slo.ca.us.

ENVIRONMENTAL INFORMATION: Also to be considered is the determination that this project is exempt from environmental review under CEQA based on the common sense exemption, CEQA Guidelines § 15061(b)(3).

COASTAL APPEALABLE: County action may be eligible for appeal to the California Coastal Commission after all possible local appeal efforts are exhausted. Appeals must be filed in writing as provided by Coastal Zone Land Use Ordinance Section 23.01.043.

****If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this public notice or in written correspondence delivered to the appropriate authority at or before the public hearing****

DATED: January 7, 2020

RAMONA HEDGES, SECRETARY
COUNTY PLANNING COMMISSION

January 9, 2020

SUMMARY

RESOLUTION ADOPTING SPECIFIC amendments to Title 22 Land Use Ordinance, Title 22 Coastal Zone Land Use Ordinance, Title 1 General Provisions of the County Code, AND CERTAIN PROVISIONS FOR PLANNING TABLE "G" FOR THE Industrial Employment DISTRICT

On May 4, 2020, the San Luis Obispo County Board of Supervisors adopted Resolution No. 2020-12 and Ordinance Nos. 2020-12A, 2020-12B, and 2020-12C amending the San Luis Obispo County Land Use Ordinance - Title 22, Title 22A, and Title 1 of the County Code and Coastal Framework for Planning for the Industrial Employment District by the following set out in full:

ISSUE: Supervisors Debbie Arnold, Adam Hill, John Peschong and Christopher Lynn Compton

NOTE: Supervisor Eileen Nave

ISSUES: None

RECOMMENDATION: None

The following amendments are proposed in order to allow for relocation of industrial/employment within unincorporated areas of the county with restrictions to land use category, parcel size, and setbacks as contained in Resolution Nos. 2020-12B and Ordinance Nos. 2020-12A, 2020-12C, and 2020-12D are summarized as follows:

1. Amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 22A of the County Code, Title 1 of the County Code, and the Coastal Framework for Planning Table "G" (LUP2019-0008) to allow for the relocation of industrial/employment.

County File Number: **LUP2019-0008**
Supervisory District: **All**
Business Parcel Number: **N/A**
Date Authored: **June 10, 2019**

DATED: May 4, 2020
PAUL HORTON, by Office Clerk of the Board of Supervisors

By: Debbie Arnold
Deputy Clerk
May 10, 2020

g:\records management\labels\coastal
list rev. nov 2018.docx

SLO COUNTY BUILDERS EXCHANGE
153 CROSS STREET #130
SAN LUIS OBISPO, CA 93401

LEW BONSER
1163 CREEKWOOD DR
SAN JOSE, CA 95129-4224

MRS. D. BOUCHER
75-232 HUALALAI RD #C
KAILUA KONA, HI 96740

CA NATIVE PLANT SOCIETY
P.O. BOX 784
SAN LUIS OBISPO, CA 93406

CRAIG & STEPHANI SMITH
SMITH BROTHERS
2100 BERING DRIVE APT 513
HOUSTON, TX 77057-3726

PUBLIC SERVICES DEPT/PLANNING
CITY OF PISMO BEACH
760 MATTIE ROAD
PISMO BEACH, CA 93449

ANN GARTRELL
817 MERCER AVE.
OJAI, CA 93023

ROBERT O. GIBSON
P.O. BOX 102
PASO ROBLES, CA 93447

MILA VUJOVICH-LA BARRE
650 SKYLINE DRIVE
SAN LUIS OBISPO, CA 93405-1050

MIKE RUDD
P.O. BOX 550
AVILA BEACH, CA 93424

DIV OF OIL, GAS GEOTHERMAL
US DEPT OF CONSERVATION
195 S. BROADWAY, SUITE 101
ORCUTT, CA 93455-4655

NORTH COAST ENGINEERING
725 CRESTON RD STE B
PASO ROBLES, CA 93446

ROMIN LAW FIRM
1200 N. MAIN STREET #910
SANTA ANA, CA 92701

JOHN & IRENE SAURWEIN
1478 3RD STREET
LOS OSOS, CA 93402

COMM DEV. DIRECTOR
CITY OF GROVER BEACH
154 S. 8TH ST
GROVER BEACH, CA 93433

RONALD E. THOMPSON
UNOCAL SANTA MARIA REFINERY
2555 WILLOW ROAD
ARROYO GRANDE, CA 93420

G. M. TAYLOR
P.O. BOX 6383
LOS OSOS, CA 93412

CDFW CENTRAL REGION 4
ATTN: JULIE VANCE
1234 E. SHAW AVENUE
FRESNO, CA 93710

CAMBRIA FORUM
950 MAIN STREET
CAMBRIA, CA 93428

ERIC DUDLEY
441 MINDORO
MORRO BAY, CA 93442

INTEROFFICE:
COUNTY CLERK RECORDER

JOYCE WILLIAMS
8929 SAN SIMEON CREEK ROAD
CAMBRIA, CA 93428

NATURE CONSERVENCY
201 MISSION STREET, 4TH FLOOR
SAN FRANCISCO, CA 94105

USDA-NATURAL RESOURCES CONS
SERVICE
920 E STOWELL ROAD
SANTA MARIA, CA 93454

DIEHL & RODEWALD
1043 PACIFIC STREET
SAN LUIS OBISPO, CA 93406

CHEVRON CO.
PO BOX 1392
BAKERSFIELD, CA 93302-1392

GREENSPACE
P.O. BOX 1505
CAMBRIA, CA 93428-1505

BOB SEMONSEN
1120 4TH STREET
LOS OSOS, CA 93402

DOMINIC PERELLO
1591 SLACK STREET
SAN LUIS OBISPO, CA 93405-1963

NORTH COAST ADVISORY COUNCIL
P.O. BOX 533
CAMBRIA, CA 93428

SAN SIMEON DISTRICT
CA DEPT OF PARKS & REC
750 HEARST CASTLE RD.
SAN SIMEON, CA 93452-9740

DAVE WATSON
WATSON PLANNING CONSULTANTS
P.O. BOX 385
PISMO BEACH, CA 93448

SIERRA CLUB – SANTA LUCIA
CHAPTER
974 SANTA ROSA STREET
SAN LUIS OBISPO, CA 93401

LAND CONSERVANCY OF SLO
COUNTY
1137 PACIFIC STREET SUITE A
SAN LUIS OBISPO, CA 93401

LEAGUE OF WOMEN VOTERS OF
SLO COUNTY
4111 BROAD STREET
SAN LUIS OBISPO, CA 93401

CHEVRON PIPELINE CO.
4000 HWY 1
MORRO BAY, CA 93442

CAROL LARSEN
1101 14TH STREET
LOS OSOS, CA 93402

MANAGER
MESA DUNES MOBILEHOME PARK
765 MESA VIEW DR.
ARROYO GRANDE, CA 93420

OCEANO ADVISORY COUNCIL
P.O. BOX 517
OCEANO, CA 93475-0517

CENTRAL COAST RC&D OFFICE
65 S. MAIN STREET SUITE 105
TEMPLETON, CA 93465

SMALL WILDERNESS AREA PRES.
P.O. BOX 6442
LOS OSOS, CA 93412

GALEN B. RATHBUN
P.O. BOX 70
SAN SIMEON, CA 93452

JAY ROCKEY
ROCKEY & WAHL, LLP
5743 CORSA AVENUE SUITE 116
WESTLAKE VILLAGE, CA 91362

SLO COUNTY AG COMMISSIONER
2156 SIERRA WAY
SAN LUIS OBISPO, CA 93408

THE HEARST CORPORATION
#5 THIRD STREET, SUITE 200
SAN FRANCISCO, CA 94103

LAND DEPARTMENT
SHELL WESTERN, E & P INC.
P.O. BOX 11164
BAKERSFIELD, CA 93389

SOUTH COUNTY SANITATION
DISTRICT
P.O. BOX 339
OCEANO, CA 93475

THE CAMBRIAN
2068 MAIN STREET
CAMBRIA, CA 93428

ENV. DESIGN DIVISION
CA DEPT OF PARKS AND REC
P.O. BOX 942896
SACRAMENTO, CA 94296-0001

SUN BULLETIN
1149 MARKET AVENUE
MORRO BAY, CA 93442

TELEGRAM TRIBUNE
P.O. BOX 112
SAN LUIS OBISPO, CA 93406

LIBRARY, CAMBRIA BRANCH
1043 MAIN STREET
CAMBRIA, CA 93428

LIBRARY, MORRO BAY BRANCH
625 HARBOR ST.
MORRO BAY, CA 93442

REFERENCE LIBRARIAN
LIBRARY, SLO CITY/COUNTY
P.O. BOX 8107
SAN LUIS OBISPO, CA 93403-8107

LIBRARY, SOUTH BAY BRANCH
2075 PALISADES AVE.
LOS OSOS, CA 93402

LIBRARY, SOUTH COUNTY BRANCH
800 WEST BRANCH
ARROYO GRANDE, CA 93420

CAMBRIA COMMUNITY SERVICES
DIST
1316 TAMSEN STREET SUITE 201
CAMBRIA, CA 93428

SAN SIMEON CSD
111 PICO AVENUE
SAN SIMEON, CA 93452

CAMBRIA CEMETERY DISTRICT
6005 BRIDGE STREET
CAMBRIA, CA 93428

CAMBRIA HEALTHCARE DISTRICT
2535 MAIN STREET
CAMBRIA, CA 93428

INTEROFFICE,
PUBLIC WORKS
COUNTY WATERWORKS DIST. #8

CAYUCOS SANITARY DISTRICT
P.O. BOX 333
CAYUCOS, CA 93430

MORRO ROCK MUTUAL WATER CO.
P.O. BOX 757
CAYUCOS, CA 93430

CAYUCOS FIRE DEPARTMENT
P.O. BOX 707
CAYUCOS, CA 93430

CAYUCOS ELEMENTARY SCHOOL
301 CAYUCOS DR.
CAYUCOS, CA 93430

DOUG BIRD
CO. SERVICE AREA #8 & #9;
HYDRAULIC OPERATIONS
COUNTY GOVERNMENT CENTER
SAN LUIS OBISPO, CA 93408

ADMIN OFFICE
SAN LUIS COASTAL UNIFIED
SCHOOL DIST
1500 LIZZIE ST
SAN LUIS OBISPO, CA 93401-3062

PLANNING & BUILDING
DEPARTMENT
CITY OF MORRO BAY
955 SHASTA AVENUE
MORRO BAY, CA 93442

LOS OSOS CHAMBER OF
COMMERCE
P.O. BOX 6282
LOS OSOS, CA 93412

AVILA BEACH COUNTY WATER DIST.
P.O. BOX 309
AVILA BEACH, CA 93424

COORDINATOR OF FACILITIES
LUCIA MAR UNIFIED SCHOOL DIST.
602 ORCHARD AVE.
ARROYO GRANDE, CA 93420

FIRE PROTECTION PLANNING
CA DEPT OF FORESTRY & FIRE
PROTECTION
635 NORTH SANTA ROSA
SAN LUIS OBISPO, CA 93405

ARTHUR VAN RHYN
P.O. BOX 43
CAMBRIA, CA 93428

WILLIAM L. DENNEEN
10175 MANFRE ROAD
MORGAN HILL, CA 95037-9247

JAMEE JORDAN PATTERSON
CA DEPT OF JUSTICE
P.O. BOX 85266
SAN DIEGO, CA 92186-5266

OFFICE OF PLANNING & RESEARCH
PO BOX 3044
SACRAMENTO, CA 95812-3044

CA DEPT OF FOOD & AGRICULTURE
1220 "N" STREET
SACRAMENTO, CA 95814

BUSINESS & TRANSP. AGENCY
1120 "N" ST.
SACRAMENTO, CA 95814

CA DEPT OF HOUSING & COMM DEV
P.O. BOX 952053
SACRAMENTO, CA 94252-2053

PLANNING DIVISION
CALTRANS, DISTRICT 5
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401

CALIFORNIA NATURAL
RESOURCES AGENCY
1416 NINTH ST., SUITE 1311
SACRAMENTO, CA 95814

CA AIR RESOURCES BOARD
P.O. BOX 2815
SACRAMENTO, CA 94812

CA DEPT OF CONSERVATION
801 K STREET, MS 24-01
SACRAMENTO, CA 95814

CA STATE COASTAL
CONSERVANCY
1515 CLAY STREET, 10TH FLOOR
OAKLAND, CA 94612-1401

CA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814

CA DEPT OF FISH & WILDLIFE
P.O. BOX 944209
SACRAMENTO, CA 94244-2090

CA DEPT OF BOATING &
WATERWAYS
P.O. BOX 942896
SACRAMENTO, CA 94296-0001

LOS OSOS ADVISORY COUNCIL
P.O. BOX 6361
LOS OSOS, CA 93412

STATE WATER RESOURCES
CONTROL BOARD
P.O. BOX 100
SACRAMENTO, CA 95812-0100

CENTRAL COAST RWQCB
895 AEROVISTA PLACE, SUITE 101
SAN LUIS OBISPO, CA 93401-7906

NEWS OFFICE
KSBY TV
1772 CALLE JOAQUIN
SAN LUIS OBISPO, CA 93405-7210

CA COASTAL COMMISSION
725 FRONT STREET, STE 300
SANTA CRUZ, CA 95060

DIV. OF OIL, GAS & GEOTHERMAL
RESOURCES
801 K STREET, MS 24-01
SACRAMENTO, CA 95814

USDA FOREST SERVICE
PACIFIC SOUTHWEST REGION
1323 CLUB DRIVE
VALLEJO, CA 94592-1110

USDA - RURAL DEVELOPMENT
430 G STREET DEPT 4169
DAVIS, CA 95616-4169

DISTRICT ENGINEER
US ARMY CORPS ENGINEERS
LOS ANGELES DISTRICT
915 WILSHIRE BLVD.
LOS ANGELES, CA 90017

WESTERN DIV. NAVAL FACILITIES
ENG. COMMAND, ENV PLNG
900 COMMODORE BRANCH 09F2
SAN BRUNO, CA 94066-2402

US EPA (W-4)
75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

US BUREAU OF RECLAMATION
2800 COTTAGE WAY
SACRAMENTO, CA 95825-1898

JOHN L. SANSING, SUPRINT
POINT REYES NATL SEASHORE
1 BEAR VALLEY ROAD
POINT REYES STATION, CA 94956

US FISH AND WILDLIFE SERVICE
2493 PORTOLA ROAD, SUITE B
VENTURA, CA 93003

BUREAU OF INDIAN AFFAIRS
650 CAPITOL MALL, SUITE 8-500
SACRAMENTO, CA 95814

COMMANDER
ELEVENTH COAST GUARD DISTRICT
COAST GUARD ISLAND
1800 DENNISON STREET
ALAMEDA, CA 94501

FED AVIATION ADMINISTRATION
777 S. AVIATION BLVD. #150
EL SEGUNDO, CA 90245-4806

RRM DESIGN GROUP
3765 S. HIGUERA, SUITE 102
SAN LUIS OBISPO, CA 93401

ENV. SERVICES - MARINE
CA DEPT FISH & GAME
4665 LAMPSON AVENUE C
LOS ALAMITOS, CA 90720

AGRICULTURE LIAISON BOARD
C/O SLO COUNTY FARM BUREAU
4875 MORABITO PLACE
SAN LUIS OBISPO, CA 93401

SLO CATTLEMEN'S ASSOC.
P.O. BOX 302
PASO ROBLES, CA 93447

SLO COUNTY FARM BUREAU
4875 MORABITO PLACE
SAN LUIS OBISPO, CA 93401

KCOY TV
1211 W. McCOY LANE
SANTA MARIA, CA 93455

ATTACHMENT I

Environmental Determination



COUNTY OF SAN LUIS OBISPO
 DEPARTMENT OF PLANNING & BUILDING
 Notice of Common-Sense Exemption

PLN-1124
 3/22/2018

Project Title and No.: Industrial Hemp Ordinance / LRP2019-00008 / ED20-040

Project Location (Specific address (use APN or description when no situs available)): Countywide	Project Applicant/Phone No./Email: County of San Luis Obispo/805-781-5600/kmorais@co.slo.ca.us Applicant Address (Street, City, State, Zip): 976 Osos Street, San Luis Obispo, CA 93408
--	--

Name of Public Agency Approving Project: County of San Luis Obispo

Description of Nature, Purpose, and Beneficiaries of Project:

Hearing to consider a request by the County of San Luis Obispo to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, the Coastal Framework for Planning Table "O" (LRP2019-00008), and Title 1 Administrative Fines, to allow for the cultivation of industrial hemp. The requested amendments include: 1) amendments of Title 22 to Section 22.30, Standards for Specific Land Uses, Section 22.30.070 Agricultural Processing Uses, Section 22.74.150 Nuisance Abatement, and various sections throughout Title 22 to update terms and definitions, 2) amendments of Title 23 to Section 23.08.042 – Agricultural Processing Uses, Section 23.08.040 – Agricultural Uses - Specialized, Section 23.10.150 – Nuisance Abatement, and various sections throughout Title 23 to update terms and definitions 3) amendments to Coastal Framework for Planning Table "O" to add Industrial Hemp Cultivation as an allowed use, and 4) Title 1 Section 1.05.080 Cannabis Activity and Industrial Hemp Related Violations.

Exempt Status/Findings: This project is covered by the common-sense rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), Common-Sense Rule Exemption]

Reasons why project is exempt:

This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The proposed amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and County General Plan place limited restrictions on the cultivation of industrial hemp, a current crop production use. Crop production is currently an allowed use by-

right within the County of San Luis Obispo, and the provisions of the ordinance in and of themselves would not result in a physical change to the environment.

Additional Information: Additional information pertaining to this notice of exemption may be obtained by reviewing the second page of this document and by contacting the Environmental Coordinator, 976 Osos St., Rm 200, San Luis Obispo, CA 93408 (805) 781-5600.

Notice of General Rule Exemption

Project Title and No.: Industrial Hemp Ordinance LRP2019-0008

Pursuant to section 15061 of the State California Environmental Quality Act (CEQA) Guidelines, the preliminary review of a project includes a determination as to whether a project is exempt from CEQA. This checklist represents a summary of this project's review for exemption.

	<u>YES</u>	<u>NO</u>
1. Does this project fall within any exempt class as listed in sections 15301 through 15329 of the State CEQA Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is there a reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the project inconsistent with any Federal, State, or local law or administrative requirement relating to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will the project involve substantial public controversy regarding environmental issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Does the project have the potential to achieve short-term environmental goals to the disadvantage of achieving long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Does the project have adverse impacts that are individually insignificant but cumulatively significant? Cumulatively significant means that the incremental effects of an individual project are substantially adverse when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

On the basis of this initial evaluation, I find that the proposed project does not have the potential to cause a significant effect on the environment, and is therefore exempt from CEQA.

Xzandra Fowler Feb. 25, 2020
 Xzandra Fowler, Environmental Planning Manager Date