

ALAB MEETING MINUTES

Monday, July 11, 2016

Members and Alternates Present: Jean-Pierre Wolff, Melanie Blankenship, Sarah Kramer, Lisen Bonnier, Don Warden, Dan Rodrigues, Tom Ikeda, Jerry Diefenderfer, Mark Pearce, Chuck Pritchard, Mark Battany, Joy Fitzhugh, Joe Plummer, Claire Wineman

Staff Present: Airlin Singewald, Jay Johnson – San Luis Obispo County Planning and Building, Marc Lea, Lynda Auchinachie – San Luis Obispo County Department of Agriculture

Absent Members: Greg France, Richard Hawley, Dick Nock, David Pruitt, Nicki Anderson

Guests Present: Patricia Wilmore – Paso Robles Wine Country Alliance, John Wallace – Wallace Group, Devin Best – Upper Salinas-Las Tablas Resource Conservation District (RCD), Kim Routh and Diane Burkhart – Adelaida residents, Jono Kinkade – SLO New Times

1. **Call to Order:** 6:00 Chair Wolff

2. **Open Comment:**

- None.

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

- Marc Lea confirmed that the appointments of Dan Rodrigues and Nicki Anderson had been approved by the Board of Supervisors (BOS). Marc requested ALAB members update the confidential contact information list. Marc Lea indicated adult Asian Citrus Psyllids continue to be found in the County. Most of the county is under quarantine and the State continues the effort to shift to a regional quarantine. Marc also shared medical marijuana will be going back to the BOS on July 26, 2016, for direction.
- Jerry Diefenderfer informed ALAB members that there are at least 100 marijuana grow sites in California Valley and they are starting to become a grave concern. There has been a massive influx of nonresidents on property with no electricity or septic facilities. County law enforcement is monitoring and nothing is hidden. Every morning there is a convoy of trucks delivering mulch and water. Melanie Blankenship shared there are also grows on the Westside and by Nacimiento Lake.

4. **Previous Minutes: MOTION: Warden Approve June 6, 2016: Motion 2nd: Pritchard Approved:** Unanimous by all voting members. No “No” votes. Jean-Pierre Wolff abstained due to absence.

5. **Potential Urgency Ordinance for the Prohibition and/or Limitation of new Agricultural Ponds and Reservoirs (in the Inland areas of the County) – Airlin Singewald Senior Planner, San Luis Obispo County Planning and Building**

- Marc Lea informed ALAB members that the Justin Vineyard situation in which a 21-acre

foot reservoir was built and subsequently generated great concern amongst neighbors prompted the BOS to direct staff to develop an urgency ordinance to address the shortfalls of ag pond/reservoir development under the current permitting process and alternative review. The limited timeframe between BOS direction and the Special Meeting date of July 15, 2016, precluded public input in the development of the ordinance.

- Airlin Singewald indicated that at the June 21, 2016 hearing the BOS directed Planning staff to draft two urgency ordinances to address oak tree removal and agricultural ponds/reservoirs. Airlin highlighted key provisions of the proposed ordinance that would replace the current requirement for a county grading permit or alternative review by the RCD. Airlin noted that the current process does not include a hearing or direct neighbor notification and to address those concerns the proposed ordinance requires a minor use permit (MUP) or conditional use permit (CUP) for ponds 1-acre foot or larger in size. Through this process, issues such as neighboring well interference and evaporation could be addressed.
- Jerry Diefenderfer expressed his concerns with the findings and declarations in the ordinance because agricultural ponds have been an integral part of agriculture and are used to collect water to accommodate efficient use of irrigation systems. While Jerry recognizes the potential for evaporation he indicated it was hard to quantify. ALAB members discussed the differences between a pond and a reservoir. Airlin Singewald indicated that the terms were interchangeable in the land use ordinance. Airlin shared that there are not any current permits in process that the ordinance would apply to.
- Joe Plummer shared he was unclear about the fundamental problem that the ordinance is trying to solve. Airlin Singewald indicated the ordinance is aimed at addressing concerns raised in public testimony.
- Melanie Blankenship informed ALAB members that the Justin reservoir was over fractured rock and not a groundwater basin. A reservoir of this scale created great concern for the neighbors that there wasn't enough water to fill the reservoir and maintain historical use in the surrounding area. Melanie stressed that this was an area with limited water resources and wine grapes are primarily dry farmed. Melanie agreed that it is unfortunate that an ordinance is needed but neighbors have rights too and should be notified when an impactful reservoir is proposed.
- Kim Routh indicated she lives in the Adelaida area and wells and springs have run dry because there isn't much water in the area.
- Chuck Pritchard expressed his concerns that livestock ponds were not separated from the issue of large reservoirs used for vineyards that were filled by pumping groundwater.
- Airlin Singewald indicated an exemption could be included for ponds/reservoirs that did not use ground water.
- Patricia Wilmore indicated the ordinance was problematic for members and that the timing was rushed. Patricia emphasized the need for stakeholder input.
- Chair Jean-Pierre Wolff asked if the RCD alternative review option would be eliminated.

Airlin Singewald indicated that as proposed, ponds/reservoirs would no longer go through the RCD; instead, development of ag ponds/reservoirs would be overseen through the discretionary permit process which would include a hearing and neighbor notification. Jean-Pierre indicated that the root cause of the problem is not the alternative review process. He expressed that the content is being rushed and there is not enough time to comment and enhance the content of the ordinance.

- Diane Burkhart expressed her support for the proposed MUP and indicated it would initially be applicable for only 45 days.
- Devin Best, Executive Director of the Upper Salinas-Las Tablas RCD, shared that they never saw the entire project and did not know there were slopes over 30% that would have required alternative review. They were aware of tree/vegetation removal but not the grading that took place. Devin indicated reservoirs are an important management tool and believes the ordinance has been rushed.
- Jean-Pierre Wolff indicated there was a set of 22 questions that the Coastal San Luis RCD addresses as part of the process. He believes such expertise is important. Jean-Pierre is not critical of the content or the authors due to the rushed timing, but doesn't feel the urgency ordinance, as written, is a wise approach.

MOTION: Wineman: To send a letter to the Board of Supervisors advising to not adopt the urgency ordinance prohibiting new agricultural ponds and reservoirs in its current form. Concerns raised about the proposed ordinance include: elimination of the option for Alternative Review of ponds/reservoirs by the local RCD's; no exemption for ponds/reservoirs that do not include groundwater extraction (i.e. spring fed or rainwater capture); cost of required water studies and discretionary permits; management strategies that are too focused on vineyard operations and not recognizing importance for other ag operations; and while the ordinance is theoretically temporary such requirements would be memorialized in local law. ALAB members strongly encourage continued dialogue with stakeholders. (Claire Wineman, Dan Rodrigues, and Jean-Pierre Wolff will review draft letter): **Motion 2nd: Diefenderfer**
Approved: Unanimous. No "No" votes.

6. Potential Urgency Ordinance for Prohibiting Clear-cutting of Oak Woodlands and Limiting Native Tree Removal (in the Inland areas of the County) – Jay Johnson Senior Planner, San Luis Obispo County Planning and Building

- Marc Lea informed ALAB members the clear-cutting of oak woodland habitat at the Justin site prompted the proposed urgency ordinance. Currently there is nothing that prohibits the clear-cutting activities that occurred on slopes less than 30%. On slopes 30% or greater the proposal is required to go through the RCD alternative review process.
- Jay Johnson acknowledged that due to the urgency nature of the ordinance there was not time for public input, but he was interested in ALAB feedback and answering any questions members may have. Jay highlighted that the ordinance prohibits all clear-

cutting of the nine native tree species that are included in the ordinance. There are also limitations on native tree removal, and Jay described the exemptions for managing land and agricultural operations and that a MUP or CUP could be applied for if a proposal did not meet one of the listed exemptions.

- Joy Fitzhugh questioned the de minimus removal section and learned the agricultural operations section addressed her concerns.
- Chuck Pritchard raised concerns about rangeland management and also learned exemptions for land management purposes were part of the agricultural operations exemption section.
- Jay Johnson clarified that the definition of site is the standard land use ordinance definition which includes all parcels under common ownership. Jay explained that clear-cutting could be described as bringing in equipment to remove everything versus hand selecting trees. One must demonstrate reasonable thought for removing trees.
- ALAB members discussed the potential fines and enforcement proposal. Jay Johnson indicated specifics would need to be answered by county counsel.
- Jerry Diefenderfer highlighted the problems with oak tree replacement plantings associated with the State Water Project. Jay Johnson shared experiences of how the local system has differed from what Jerry observed with the SWP.
- Joe Plummer suggested the ordinance was a knee jerk reaction.
- Diane Burkhart agreed nobody likes new laws but encouraged ALAB members as a leadership body to support the proposed ordinance because it has been demonstrated time and time again to be necessary.
- Jean-Pierre Wolff asked if ALAB members were comfortable with the ordinance.
- Claire Wineman indicated she thought it was problematic and too far reaching.
- Melanie Blankenship stressed that the proposal is not a knee jerk response and that something needs to be done. Melanie observed that since the Eastside has the offset program, pressure for new vineyard plantings has moved to the Westside.
- Lisen Bonnier shared that past experience has demonstrated the clear-cutting will continue and any enforcement fines are just the cost of doing business. Lisen recognizes locals have been good stewards of the land but there are new corporations moving in and the proposed ordinance would protect the land. Lisen indicates she supports approval of the ordinance as drafted.
- Joe Plummer shared that there is no question there should be prohibition of clear-cutting throughout the county but objects to idea that outsiders are the bad actors. Joe indicated that at some point in time oak trees were removed for all vineyards. Joe thought the current proposal was rushed, has resulted in too many questions, and is concerned it will be memorialized.
- Jean-Pierre Wolff indicated he did not have a problem with ordinance because it does not negatively affect standard agricultural operations.

MOTION: Bonnier: To send a letter to the Board of Supervisors indicating ALAB member support for the proposed ordinance prohibiting clear-cutting of oak woodlands and limiting the removal of native trees.: **Motion 2nd: Blankenship**

Approved: Four “Yes” votes (Bonnier, Blankenship, Wolff, Pearce). Two “No” votes (Rodrigues, Wineman). Two abstentions (Warden, Pritchard).

7. Future Agenda Items:

PG& E transmission line update

Next meeting – August 1, 2016

Meeting Adjourned: 8:20 p.m.

Respectfully submitted by Lynda Auchinachie, County Department of Agriculture/Weights and Measures