

DRAFT ALAB MEETING MINUTES

Monday, August 5, 2019

Members and Alternates Present: Dan Rodrigues, Tom Ikeda, Sarah Kramer, Jutta Thoerner, George Kendall, Kaylee Ellis, Don Warden, Mark Battany, and Marty Settevendemie

Staff Present: Marc Lea and Lynda Auchinachie – San Luis Obispo County Department of Agriculture; Kylie Hensley, Karen Nall, and Kip Morais – San Luis Obispo County Planning and Building Department

Absent Members: Jean Pierre-Wolff, Lisen Bonnier, Krista Burke, Mark Pearce, Dick Nock, David Pruitt, Claire Wineman, Craig Pritchard, Mary Bianchi, and Butch Yamashita

Guests Present: James Green, Patricia Wilmore, Jerry Diefenderfer, Brent Burchett, Brain Yengoyan, John Sordelet, Sean Donahoe, Jean Johnson, Peter Orradre, Reggie Collins, Bob Schiebelhut and Jack Ainsworth.

1. **Call to Order:** 5:07 pm Vice Chair Rodrigues
2. **ALAB Members – Organizational Updates**
 - None
3. **Previous Minutes – July 2019**

Motion: Ellis Approve July 2019 minutes.
Motion 2nd: Ikeda
Approved: Unanimous by all voting members.
4. **ALAB Membership Updates – Marc Lea**
 - ALAB positions remain vacant for Districts 4 and 5 and the strawberry representative. There might be a change now that ALAB will be providing input on the hemp ordinance. The strawberry position may be filled soon.
5. **ALAB Operating Guidelines – Marc Lea**
 - Marc Lea highlighted proposed changes to the ALAB Organizational Structure and Operating Guidelines. The changes were minor with the most significant changes being the addition of teleconferencing participation and identifying a process for assuming duties if the Chair were to vacate position mid-term.
 - No further edits or suggested changes were made. The proposed changes will be officially voted on at the September ALAB meeting.
6. **Presentation:** Extension of the Water Neutral New Development programs of the Countywide Water Conservation Program and proposed amendments to the Agricultural Water Offset Program for the Paso Robles Groundwater Basin – Kylie Hensley, Karen Nall and Kip Morais – San Luis Obispo County Planning and Building Department

- Kip Morais summarized the history of the Paso Robles Groundwater Basin Agricultural Offset Program. The intent of the ordinance is to allow for new or expanded irrigated agricultural crops to be planted at a 1:1 ratio. The program is set to expire when the Paso Groundwater Basin Groundwater Sustainability Plan is adopted. The Board of Supervisors (BOS) have directed staff to revise the ordinance to extend the expiration date and modify the program. [Please see the Ag Offset Amendments FAQ sheet for specifics.](#)
- Tom Ikeda requested clarity on the proposed *de minimis* amount. Kip clarified that it should be 25-acre feet per year for one site, not 25-acre feet per acre per year.
- Patricia Wilmore and Dan Rodrigues suggested maintaining off-site transfer of credits made sense and that eliminating that ability was too restrictive.
- Kip Morais reiterated that the proposed expiration of the ordinance is January 2025.

7. Presentation: Recent Extension of the Industrial Hemp Urgency Ordinance and the Development of a Permanent Ordinance for Industrial Hemp Cultivation – Marc Lea, San Luis Obispo County Department of Agriculture and Karen Nall, San Luis Obispo County Planning and Building Department

- Marc Lea indicated that the BOS requested ALAB be the public advisory group for the hemp ordinance effort. Marc played segments of the July 16, 2019, BOS hearing to provide context, particularly since ALAB members wrote a letter expressing their unanimous opinion that hemp should not have land use regulations. Marc shared that one of the reasons ALAB was suggested as an advisory option is because it was an established group that the BOS respected and thought using ALAB would shorten the timeline to complete the ordinance. The targeted completion date of the ordinance is March 2020 to ensure the planting season is not impacted.
- Karen Nall recognized the challenge of ALAB contributing to an ordinance they did not support.
- ALAB members and members of the public raised several questions and discussed various issues including: hemp production and harvesting practices, water use, odor, terpene impact on wine grape quality, ag research hemp enforcement, current requirements for registering for commercial production with the Agriculture Department, clarity that a discretionary permit was not necessary and was not being proposed for hemp cultivation, all hemp is not created equal, testing of THC levels is currently required for commercial hemp but not for ag research hemp, and the BOS direction to consider setbacks, minimum parcel size, and appropriate land use categories for hemp production.
- Marc Lea shared that Chair Jean-Pierre Wolff, who was not able to attend meeting, recommended ALAB forming a subcommittee that would include a hemp grower and a member of the general public as well.
- Sean Donahue sought clarity that the proposed ordinance would address crop production.

- Tom Ikeda raised concerns that the deadline established by County Planning to have a working draft ready in 3.5 weeks was an extremely short timeline; Tom added that an ordinance or legislation developed in a rush could end up having numerous unforeseen consequences.
- Reggie Collins indicated that there is no data to establish setbacks to address odors. He questioned on what basis could a setback be realistically established.
- Brian Yengoyan opined that a 300-foot setback would take a considerable amount of acreage out of production. Brian recommended the setback could be created by placing the access road around the perimeter.
- ALAB members discussed how odor is subjective and that many aspects of agriculture could have an odor someone finds offensive. Concerns about a slippery slope regulating crop production for odor just because hemp smells like marijuana. It was generally agreed that any setback established to reduce the issues surrounding hemp odor would be an arbitrary setback since there isn't any established science that details that issue.
- Bob Schiebelhut shared he had a differing viewpoint to ALAB's slippery slope. Bob indicated there were not any studies regarding terpene migration. Bob suggested that without studies the ordinance could be subject to challenge and delay. Bob stressed the need for a rational setback because a lot of money has been invested in permanent crops such as vineyards and therefore, he is supportive of having those studies conducted and taking into account those results.
- Sean Donahue shared his insights to terpene migration.
- Bob Schiebelhut raised concerns that tasting rooms, such as Chamisal, that are located near the property boundary could have the tasting experience of the visitors negatively impacted by odor. Tasting rooms are necessary to sell wine.
- Dan Rodrigues spoke to perception that terpenes may impact wine grapes. There will be a cost if there is an impact and that needs to be considered.
- Jean Johnson stated that there is not a lot of precedent for setbacks as only three jurisdictions have established them. Jean indicated many jurisdictions are actively promoting the hemp industry.
- Dan Rodrigues, Brent Burchett, Brain Yengoyan, Tom Ikeda and Bob Schiebelhut volunteered to be on a subcommittee to work with Planning on a draft ordinance to regulate hemp.
- Karen Nall reiterated that there will not be a discretionary permit associated with hemp production.

8. Future Agenda Items: Hemp ordinance and phase 2 of the water offset ordinance

Next meeting – September 9, 2019

Meeting Adjourned 7.17 pm

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

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