

DRAFT ALAB MEETING MINUTES

Monday, September 9, 2019

Members and Alternates Present: Dan Rodrigues, Jean Pierre-Wolff, Lisen Bonnier, Krista Burke, Tom Ikeda, George Kendall, Kaylee Ellis, Don Warden, Claire Wineman, Mark Battany, Butch Yamashita, and Dick Nock

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

Absent Members: Jutta Thoerner, Mark Pearce, David Pruitt, and Craig Pritchard

Guests Present: Dan Jones, Mike Owens, Jana Owens, Sue Sullivan, Kim Bankston, Michael Bankston, Brent Burchett, John Sordelet, Sean Donahoe, Ron Dunham, Hugh Dugan, Frank Brown, Darren Shetler, Jean Johnson, and Bob Schiebelhut.

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

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

- On September 25, 2019, California Department of Food and Agriculture (CDFA) will hold a meeting on the specialty crop block grant program at the Farm Bureau office from 9.30 am to 11.30 am.
- September 21st will be Farm Bureau's annual meeting.
- Ron Dunham suggested a moratorium on petrochemicals be established.

3. **Previous Minutes – August 2019**

Motion: Rodrigues Approve August 2019 minutes.

Motion 2nd: Warden

Approved: Unanimous by all voting members. Members Burke and Wolff abstain.

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

- District 4 has nominated Daniel Chavez as the ALAB representative. His nomination is going to the Board of Supervisors on September 10, 2019.

5. **ALAB Operating Guidelines – Marc Lea**

- Marc Lea summarized the housekeeping items that are being revised to reflect operational changes including option to teleconference in to ALAB meetings.
- The proposed changes were discussed at the August meeting and no additional changes or edits were suggested:

http://www.slocounty.ca.gov/getattachment/4e58025d-9bb9-48bc-8582-3d8ded94ae8b/2019_09_09-ALAB-Operating-Guidelines-Proposed-Edits.aspx

Motion: Bonnier – Approve revisions to ALAB Organizational Structure and Operating Guidelines

Motion 2nd: Rodrigues

Approved: Unanimous.

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

- Chair Jean-Pierre Wolff thanked the subcommittee for their time and effort and Farm Bureau for providing a meeting room. Jean-Pierre indicated the subcommittee discussed all the issues and came to consensus on some things, but not others.
- Marc Lea provided a summary of the subcommittee's work. That summary will be made available on the ALAB webpage:
<http://www.slocounty.ca.gov/getattachment/27ce8ba8-a8f4-4926-81e2-8482ce23e495/ALAB-Hemp-Subcommittee-Results.aspx>
- Subcommittee members agreed with Marc's representation of their work. Sean Donahoe added that he believed CDFA's definition of a transplant was superior to a height definition. Bob Schiebelhut identified that no one on the subcommittee was opposed to hemp cultivation. Bob indicated that the key was finding suitable locations for hemp cultivation and that locating them within certain vineyard appellations could impact grape growing, wineries, tasting rooms, and ag tourism. All of these are long-standing businesses. Sean Donahoe agreed that tasting rooms may be impacted by odors, but the science is not available to support impacts to grape production due to potential terpene taint.
- Chair Jean-Pierre Wolff suggested each item Marc outlined be discussed separately. Jean-Pierre indicated it was important to hear from ALAB members and the public. Jean-Pierre emphasized the importance of transparency and public input.
- Claire Wineman questioned if it was necessary to go through each item or did ALAB members think it made sense to: 1) revert to the previous position that ALAB developed in which the recommendation was to not regulate hemp any differently than other legal crops, or 2) would they like to encourage the BOS decision to be scientifically driven. Claire raised the concern that restrictions on hemp could be placed on other crops particularly if no science was behind the decision.
- ALAB members discussed the short timeframe in which a draft ordinance had to be developed and how that did not allow for science driven information. ALAB members discussed requesting additional time. Karen Nall indicated that a draft ordinance had to be completed within the next few weeks to be able to get the final ordinance before the BOS by March 2020. The reason for the March date is to ensure hemp growers can participate in the 2020 growing season. Karen indicated she did not believe there would be additional science driven information available within the next two months.
- ALAB members continued discussing issues associated with developing an ordinance to regulate hemp. Members expressed frustration that a legal plant is being restricted but also expressed concerns about hemp's potential impacts to other crops from terpenes,

limitations on common agricultural practices such as pesticide applications, and impacts to ag tourism.

- Chair Jean-Pierre Wolff acknowledged that having to rush through the process was problematic particularly with a new subject that warrants further investigation. Jean-Pierre noted that there is a recent case in Federal Court in the state of Oregon that will be reviewing claims of terpene taint to wine grapes from a neighboring cannabis cultivation. To date, a study has not been located that clarifies concerns about potential terpene impacts to wine grapes. It is difficult to establish such things as setbacks without adequate information.
- Sean Donahoe clarified that several wine grape taint cases have been thrown out including one in Sonoma wine country.
- Frank Brown invited people to visit his site which is the largest registered hemp cultivation site in the county. Frank indicated there is not an odor problem and he welcomes the opportunity to educate others.
- John Sordelet agreed that rushing things is not a good idea. He also indicated ALAB is the best group to advise the BOS regulating hemp. Other members of the public shared their thoughts and concerns.
- ALAB members agreed that the subcommittee did considerable work bringing together their report and trying to gain consensus. More time would be helpful and perhaps consideration of a sunset provision in the permanent ordinance is warranted. Chair Jean-Pierre Wolff raised concern that if nothing was recommended there would be even more regulation.
- ALAB members asked County Planning for further clarification on the possibility of a sunset provision in any permanent ordinance that is developed. Karen Nall with Planning indicated that the legality of sunset provisions varies based on the type of ordinance -emergency, temporary, permanent ordinances etc. - and needs to be very specifically applied.
- ALAB members took a 5-minute break and returned to share final thoughts.
- Dan Rodrigues indicated he supports the collaborative agreement reached by the subcommittee and believes it provides the Planning Department with a strong foundation for developing the ordinance. Dan suggested once there is more experience growing hemp in this area the ordinance can be modified as necessary. Dan indicated he did not think it was fair for hemp growers to go another year not being allowed to grow a legal crop.
- Lisen Bonnier thought the subcommittee's work was a great start. She was willing to do double time to achieve a more thorough understanding of the subject. Lisen identified terpene taint and pesticide drift as two major concerns.
- Dick Nock admitted the subject was confusing as he was a cattleman not a farmer. Dick shared that he had never seen anything like this happen before and questioned why the BOS has gotten into regulating crop production. Dick thought the subcommittee's work should continue for 3 months to share expertise and come up with more than what is there now.

- The subcommittee came to consensus on the low hanging fruit according to Tom Ikeda. The things that didn't get addressed will cause problems. The subcommittee needs more time for agricultural industry members to work through the issues and go on a little bit longer and to offer solutions to the tougher issues.
- Claire Wineman indicated her organization would be reluctant to support advocating for regulations that may impact growers.
- Butch Yamashita thought it was important that greenhouse growers have the option of changing to a potentially lucrative crop like what has happened in Santa Barbara County.
- George Kendall raised concerns regarding spray residues and how terpenes and odors may impact wine. George thought setbacks are needed but is not certain what distance is appropriate.
- Don Warden agreed with other commenters and that ALAB needs to support the work that the subcommittee has done. Don suggested another 3 months for fine tuning the ordinance and inclusion of a sunset provision. Don also suggested healthcare and/or senior facilities be included as sensitive sites for setbacks.
- Chair Jean-Pierre Wolff discussed the possibility of a concurrent path as Planning moved the ordinance through the system.

Motion: Rodrigues – Approve hemp subcommittee's recommendations along with continuing the subcommittee's work for the next three months.

Motion 2nd: Bonnier

Approved: 8 - Yes. 1 – No. (Burke departed meeting prior to vote)

- ALAB members discussed inclusion of a sunset provision and agreed subcommittee would consider during continued discussions.

7. Presentation and Discussion: Draft Permanent Ordinance Governing the Cultivation of Industrial Hemp in San Luis Obispo County –Karen Nall, San Luis Obispo County Planning and Building Department

- See discussion above.

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

Next meeting – October 7, 2019

Meeting Adjourned 7.45 pm

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