DATE: March 18, 2020

TO: San Luis Obispo County Board of Supervisors and the San Luis Obispo County Department of Agriculture/Weights & Measures

SUBJECT: ALAB’s support of a Condition of Approval waiver and associated findings for certain cannabis cultivation projects, and a recommendation to assess and consider other potential incompatibility issues between existing agricultural operations and proposed cannabis projects

Dear Supervisors,

At the March 2, 2020 Agricultural Liaison Advisory Board (ALAB) meeting, ALAB members discussed the potential conflicts and incompatibilities that could exist between existing agricultural operations and proposed cannabis cultivation projects.

The Department of Agriculture explained recent efforts to develop a “condition of approval” waiver for certain cannabis cultivation discretionary projects that seeks to prevent frivolous lawsuits related to pesticide detections, and insure that cannabis cultivators cannot take legal action against neighboring growers except in cases where pesticide drift to non-target areas has been documented, or in cases of gross negligence or willful misconduct.

ALAB members voted unanimously to affirm this effort to implement a condition of approval waiver on any cannabis project in the direct vicinity of existing agriculture or proximate to properties in the Williamson Act program or under an agricultural easement agreement.

In addition to the Condition of Approval that has been developed to address these pesticide related concerns, ALAB recommends that the County investigate the potential to expand this waiver to address other standard agricultural practices, such as fertilizer applications and ground preparation (tilling), that has been the subject of disputes and disagreements between some cannabis cultivators and existing agricultural operations. The ALAB Committee would like to reiterate the importance of established agricultural operations having the ability to continue accepted customs and standard farming practices without unnecessary or unwarranted harm.
Thank you for your continued support of the local agricultural industry and your consideration of ALAB’s recommendations.

Sincerely,

Dan Rodrigues
ALAB Chair