

ALAB MEETING MINUTES

Monday, November 7, 2016

Members and Alternates Present: Jean-Pierre Wolff, Lisen Bonnier, Don Warden, Dick Nock, Robert Hartzell, Joe Plummer, Sarah Kramer, Jerry Diefenderfer, Melanie Blankenship, Chuck Pritchard, Kaylee Ellis

Staff Present: Marc Lea, Lynda Auchinachie – San Luis Obispo County Department of Agriculture, Airlin Singewald, Megan Martin, Steve McMasters – San Luis County Planning and Building Department, Dick Tzou – San Luis Obispo County Public Works

Absent Members: Greg France, Richard Hawley, David Pruitt, Mark Pearce, Dan Rodrigues, Tom Ikeda, Mark Battany, Claire Wineman, Nicki Anderson

Guests Present: Lisa Bodrogi, Doug Piirto

1. Call to Order: 6:03 Chair Wolff

2. Open Comment:

- Chair Jean-Pierre Wolff informed ALAB members that the Central Coast Regional Water Quality Control Board (CCRWQCB) would be extending the public comment period into next year for the proposed vines and wine regulatory requirements. There is the potential the winery ordinance will be revised to provide a bundling with sustainable certification as a one stop shop approach.
- Chair Wolff also shared the ag waiver expires May 5, 2017. The waiver cannot be extended and instead the order must be renewed. The Water Board continues to have workshops throughout the region to receive public input. Modest revisions are anticipated. A meeting specifically for San Luis Obispo County Farm Bureau members will be held November 10, 2016.
- Chair Wolff indicated that he is now able to vote on ag waiver issues as Chair of the CCRWQCB as a result of his successful appeal of the California Fair Political Practices Commission opinion that as a grower he had a conflict of interest.

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

- Marc Lea indicated that Sudden Oak Death (SOD), a fungal pathogen, has been detected in four different areas of the county. For the past five years a citizen's science group has been sampling bay laurels during the months of April and May. Up until this year, the pathogen had not been detected by the group's samples. There is still the need to obtain an official regulatory confirmation of the pathogen, but it is expected that this positive detection is imminent. Once there is an official confirmation, local nurseries that ship certain types of plants out of the county will be required to receive additional nursery inspections through the County Ag Department.

- Marc shared that staff continues to work on a permanent ordinance for commercial cannabis cultivation. He indicated that about 80 applications have been received from growers that were established prior to August 23, 2016.
 - Marc reminded ALAB members that the extension of the biosolid interim ordinance will be at the Board of Supervisors November 8, 2016. The ordinance is proposed to be extended, without any changes to the existing regulation, until March 31, 2021.
- 4. Previous Minutes: MOTION: Warden Approve September 12, 2016: Motion 2nd: Bonnie Approved:** Unanimous by all voting members. No “No” votes. One abstention due to absence.
- 5. Discussion: ALAB input and/or recommendations on the development of a permanent ordinance prohibiting the clearcutting of Oak Woodlands and Limiting Native Tree Removal (in the Inland areas of the County) – Marc Lea – San Luis Obispo County Department of Agriculture; Megan Martin – San Luis Obispo County Department of Planning and Building**
- Marc Lea provided a brief overview of the Justin Vineyard clearcutting activities that spawned an urgency ordinance that precludes clearcutting of oak woodland habitat and limits removal of native trees in the inland areas of the County. Marc also emphasized the direction of the BOS for a permanent ordinance was limited to prohibiting clearcutting of oak woodlands only.
 - Megan Martin provided ALAB members with an informational handout that provides highlights of the interim zoning ordinance and permanent ordinance process and project scope.
http://www.slocounty.ca.gov/Assets/AG/ALAB/ALAB_Co_Planning_Oak_Ordinance.pdf
Megan emphasized the importance of public outreach and gaining insights from stakeholders who might be affected by a permanent ordinance. Megan indicated that the interim ordinance is far more restrictive than what the BOS directed staff to develop for a permanent ordinance and clarified that when the urgency ordinance expires, so will many requirements for county involvement or permits.
 - Dick Nock raised concerns about what limitations could be placed on a cattle rancher doing necessary rangeland management. Megan Martin indicated there would be no need to contact the county under a permanent ordinance unless more than an acre of clearcutting was proposed.
 - Doug Piirto expressed his concern with the ban on clearcutting because clearcutting is a forest management tool. Doug identified several aspects of the interim ordinance that he found objectionable. Megan Martin explained why clearcutting was part of any proposed future ordinance but would be willing to change terminology based on public input. Megan further explained that the interim ordinance requirements that Doug found problematic were not being proposed as part of the permanent ordinance. Megan indicated the urgency ordinance would expire April 16, 2017.
 - Robert Hartzell indicated he thought that zoning should be a consideration and that ag zoned land should be exempt from any permanent ordinance. Jerry Diefenderfer

pointed out that an ag exemption would not address the issue. There needs to be allowances for reasonable removal but prohibit complete loss. Megan Martin explained the goal is to minimize clearcutting and not allow for tree removal on steep slopes.

- ALAB members discussed that the Wonderful Company did not have the proper permits to grade on steep slopes but had not been fined for the violation.
- Chair Jean-Pierre Wolff suggested the option for mitigation. Megan Martin agreed that such an approach is a viable option used with discretionary permits.
- Dick Nock inquired as to why so many advisory committees were being consulted when they are not involved in agriculture. Megan Martin explained the BOS's direction for broad outreach to ensure feedback from the greater community. Megan was open to scheduling an outreach meeting with the Cattlemen's Association if they were interested.
- Chuck Pritchard suggested that other species be included to encourage management of species.
- Joe Plummer commented that the ordinance started out as interim ordinance going after bad actors to control a particular problem instead of a broad consideration for the best ways to manage the issue. Joe suggested planning staff take a step back from the emotion and ask how to best manage the overall issue rather than protecting or controlling specific actions. Joe shared that more input was needed from professional forestry and rangeland management experts.
- Chair Jean-Pierre Wolff reminded ALAB members that the Justin Vineyard oak story made national news and there are over 1,200 pages associated with the story online. Jean-Pierre agreed there needed to be broad outreach and that engaging experts is important as it will add credibility to the process.
- Melanie Blankenship suggested a forestry expert be hired on County staff.
- Megan Martin indicated the draft ordinance would be available for the December 7, 2016, community meeting being held at the Atascadero Library.

6. Presentation: Update on the development of a permanent ordinance for the permitting of new Agricultural Ponds and Reservoirs (in the inland areas of the County) – Airlin Singewald, San Luis Obispo County Department of Planning and Building

- Airlin Singewald indicated that the BOS directed staff to draft a permanent ag pond ordinance to address the concerns raised by the large reservoir built by the Wonderful Company/Justin Vineyards. The BOS directed staff to require an analysis of reservoir pumping effects on neighboring well levels and evaporation potential as part of the environmental review process. Airlin shared that the BOS recognized the combination of larger proposed ag ponds and drought conditions have increased the complexity of environmental review required for the projects. For this reason, the BOS suggested ag pond grading permits be issued solely by the County and the option to go through the RCD's alternative review program for permitting eliminated. The permitting would be required for groundwater filled ponds only.

- Airlin Singewald indicated that public outreach would continue between now and January, 2017. A draft ordinance incorporating public feedback is anticipated in January. Airlin indicated he would be happy to return to an ALAB meeting with the draft ordinance. Airlin shared that the draft ordinance would be before the Planning Commission in March 2017 and the BOS April 2017.
- Robert Hartzell confirmed that the proposed ordinance would eliminate the alternative review program option for ag ponds only and there are no other proposed changes to the grading ordinance.
- Jean-Pierre Wolff suggested that the two different approaches used by the two local RCD's be reviewed and a consistent approach identified to enable continuation of the RCD alternative review program for ag ponds. Airlin Singewald indicated that such an approach could be considered and continued for the review of smaller ponds, such as those under 5 acre feet, and that could be evaluated for incorporation in the proposed ordinance.
- Kaylee Ellis confirmed that a grading permit was a ministerial permit that included environmental review.
- Joe Plummer suggested stepping back from writing the proposed ordinance and identifying what the actual problem is that needs to be addressed. Joe noted that the incident that caused the adoption of an ordinance was one in which things did not go right. Joe asked why another regulation was necessary.
- Airlin Singewald explained that the RCD alternative review program for ag ponds did not provide for the level of environmental review that is now necessary due to drought and size of proposed ponds. Airlin indicated the county regularly does such environmental review.
- Chair Jean-Pierre Wolff noted that SGMA's groundwater sustainability plans may limit ground water pumping and is not incongruent with the proposed ordinance.

7. Discussion: Central California Power Connect Project Overview – Approval of letter from ALAB to PG&E – Chair Wolff

- Kaylee Ellis raised concerns regarding visual impacts discussion focused on the greenbelt. Jean-Pierre Wolff explained the greenbelt is all encompassing.
- Sarah Kramer suggested some minor wording changes.
- ALAB members discussed how Diablo Nuclear Plant closing does not change the need for the proposed new lines.

MOTION: Bonnier: Approval of letter to PG&E with minor wording changes. **Motion 2nd: Pritchard. Approved:** Unanimous by all voting members. No "No" votes. One abstention.

8. Discussion: Update on recent local activities with regard to compliance with Sustainable Groundwater Management Act (SGMA) –Chair Wolff

- Dick Tzou from public works provided flyers for the upcoming SGMA meetings for the San Luis Obispo/Edna Valley area on November 16, 2016.
- Dick Tzou updated ALAB members on BOS action taken November 1, 2016, providing SGMA policy statement direction. See BOS staff report.
<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/Proposal.html?select=6591>

9. Future Agenda Items:

SGMA updates

Next meeting – December 5, 2016

Meeting Adjourned: 8:15 p.m.

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