

ALAB MEETING MINUTES

Monday – August 7, 2023

SLO County Farm Bureau, 4875 Morabito Place, San Luis Obispo 93401

Members and Alternates Present: Lisen Bonnier, Tom Ikeda, Jerry Diefenderfer, Sarah Kramer, Jeff McKee, Brent Burchett, Claire Wineman, Dan Rodrigues, Matt Merrill

Staff Present: Marc Lea and Ian Landreth – San Luis Obispo County Department of Agriculture, Ben Dore – County Counsel, Eric Hughes – San Luis Obispo County Department of Planning & Building

Absent Members: Craig Pritchard, Jean-Pierre Wolff, Randy Diffenbaugh, Butch Yamashita

Guests Present: Darren Miller, Blake Petrucci, Ingrid Warren, Richard Warren, Patty Smith, Amy Moore, Jim Rean, Claire Mamakos, Patricia Wilmore (Zoom)

I. Call to Order, introductions, quorum determination

The meeting was called to order by Chair Rodrigues at 5:09 p.m. There were enough members present to have a quorum.

II. Open Comment

Members wishing to address the ALAB on matters other than scheduled items may do so at this time, when recognized by the Chairman.

Dan Rodrigues, ALAB Chair: opens comment.

Dan Rodrigues: closes comment.

III. Previous Minutes – June 5, 2023

Thereafter on **Motion by:** Sarah Kramer, **Second by:** Tom Ikeda, and on the following vote:

REPRESENTATIVE:	AYES:	NOES:	ABSTAIN:	RECUSE:
Lisen Bonnier	X			
Tom Ikeda	X			
Jerry Diefenderfer	X			
Sarah Kramer	X			
Jeff McKee	X			
Brent Burchett	X			
Claire Wineman	X			
Dan Rodrigues	X			

The ALAB approved the June 5, 2023, minutes.

IV. ALAB Governance Membership Updates

This is the time set for ALAB Membership Updates.

Marc Lea, Assistant Agricultural Commissioner: states Mary Bianchi has stepped down from the

Upper Salinas – Las Tablas RCD Board; since Mary is no longer a board member of the US-LTRCD then she will not be able to serve as the US-LTRCD’s representative to ALAB. A nomination will be provided by the Upper Salinas-Las Tablas RCD in the coming weeks. The District 4 representative seat remains vacant while Supervisor Paulding looks for a nominee.

V. Development of “Accepted Customs & Standards” for Wind Machines/Frost Protection Devices in San Luis Obispo County

This item was organized for discussion and possible action from the ALAB.

Marc Lea: provides background information on the origin and status of the development of “Accepted Customs and Standards” for wind machines. Reiterates that the Board of Supervisors (BOS) provided informal direction to planning staff in December 2022 about the possibility of developing something to address the recent wind machine complaints. Reports that the Planning & Building Department has decided not to pursue amending the Noise Ordinance. Clarifies that without an amendment to the Noise Ordinance, or Board direction to Planning & Building Staff, any determinations made by the ALAB would be purely advisory.

Jerry Diefenderfer: asks for clarification on the Planning & Building Departments decision not to pursue amending the Noise Ordinance.

Marc Lea: recounts the basis for their decision stemming from low staffing, existing workloads/priorities, and no formal direction having been given by the BOS to amend the noise ordinance. Additionally, the rationale is that it is unclear if the proposed changes to the ordinance would fix the types of complaints currently at issue. Provides background on the June 5, 2023, ALAB meeting where the ALAB voted not to adopt the proposed Accepted Customs & Standards at the time because it was unknown the impact it would have if there was no amendment made to the noise ordinance. Acknowledges Ben Dore with County Counsel.

Ben Dore, County Counsel: believes that creating some best management practices would aid in the civil process.

Marc Lea: reads correspondence from Thomas Warren and Alicia Walker.

Dan Rodrigues: opens public comment.

The following members of the public provided public comment to ALAB members on Agenda Item #5: Patty Smith, Richard Warren, Ingrid Warren, Claire Mamakos, Jim Rean, Amy Moore, and Darren Miller

Dan Rodrigues: closes public comment.

Marc Lea: asks Eric Hughes, Planning & Building Department, to provide the reasoning behind the decision by the Planning & Building Department not to amend the noise ordinance.

Eric Hughes, Planning & Building Department: we are an agriculture community. To change the code, and the potential impacts that may have, is more than something which can be accomplished at the staff level. Amending the ordinance is more than a clean-up item because of the potential impacts that need to be analyzed in accordance with the California Environmental Quality Act. The concern is that regulating wind-machines may extend into other areas of agriculture such as night harvesting. From a regulatory standpoint, measuring with a decibel meter requires training, and staff to work at night. The process for amending the ordinance requires the Board to direct staff. Currently there is no direction so there is nothing staff can do at this time. Encourages members of the public attending the meeting to submit their comments to the BOS in written form or during public comment at a BOS hearing.

Marc Lea: addresses the authority the Agriculture Department has over pesticide use and drift complaints. Reiterates they do not have the authority to require an agricultural operator to shut down equipment. Defers the 300-foot setback in the proposed accepted customs and standards to the ad hoc committee for wind machines.

Brent Burchett: addresses the question about the 300-foot setback. Recounts that 300 feet was the effective distance a wind-machine could be located from a crop to be effective.

Dan Rodrigues: concerned with creeping into other areas of agriculture.

Brent Burchett: asks if the ALAB allowed to reference a decibel level when the ordinance already sets maximum and minimum noise levels.

Ben Dore: the ordinance would take precedent over any standards adopted by the ALAB. If the ordinance was amended to reference standards for wind machines that must be followed, the standards could include a decibel rating for wind machines.

Sarah Kramer: asks if the ALAB comes up with the standards, are people with existing wind machines be grandfathered in or would it be retroactive?

Ben Dore: states that generally, an existing use would be grandfathered in. Wind-machines are more difficult because of the types of construction (i.e., mobile vs fixed) and whether a permit is required. Mentions noise levels are usually assigned to projects requiring a permit and that not all wind machines require permits.

Brent Burchett: asks counsel if ALAB is an advisory board, that means the BOS can do whatever they want with these standards?

Ben Dore: agrees with Burchett and states the standards would have no binding effect unless the BOS directed staff to amend the noise ordinance. If the BOS did, most likely the ordinance would reference the standards the ALAB created.

Thereafter on **Motion by:** Brent Burchett, **Second by:** Lisen Bonnier, and on the following vote:

REPRESENTATIVE:	AYES:	NOES:	ABSTAIN:	RECUSE:
Lisen Bonnier	X			
Tom Ikeda	X			
Jerry Diefenderfer	X			
Sarah Kramer	X			
Jeff McKee	X			
Brent Burchett	X			
Claire Wineman	X			
Dan Rodrigues	X			

The ALAB approved to adopt the Accepted Customs & Standards for Wind Machines presented by the ALAB ad hoc committee for wind machines on June 5, 2023, and to omit the supporting language regarding existing/proposed changes to the noise ordinance from said Accepted Customs & Standards for Wind Machines.

VI. Updated report from the ALAB Ad Hoc Committee on ALAB Membership – Feedback from the Board of Supervisors on potential membership changes

This item was organized for discussion and possible action from the ALAB.

Marc Lea: presents the item to the ALAB, provides a summary. Lea and Lisen Bonnier were able to meet with all five board members, individually. Each of them was supportive of ALAB’s efforts to change some membership positions in order to ensure ALAB runs more effectively, and to broaden the nomination criteria allowing for a larger pool of potential members. County Counsel reviewed the item and will work with ALAB and staff to make the proposed membership changes. We will need to develop a resolution that indicates the changes, citing previous resolutions passed by the BOS that will need to be amended. That resolution will need to be approved by the Board – likely during Consent Agenda. We will also need to adjust the ALAB Operating Guidelines to reflect the membership changes. Lea stated that the ALAB could use this meeting to draft the by-law changes, or members could direct Agriculture Department staff to draft the bylaws and bring them back to a future meeting for the ALAB to review.

Direction to Agricultural Department staff to amend the ALAB bylaws to combine the direct marketing/organic representative and environmental representative seats into single position identified as the Agricultural Stewardship Representative. Further, to combine the vegetable representative and the strawberry representative seats into a single position identified as the Produce Representative.

Thereafter on **Motion by:** Brent Burchett, **Second by:** Sarah Kramer, and on the following vote:

REPRESENTATIVE:	AYES:	NOES:	ABSTAIN:	RECUSE:
Lisen Bonnier	X			
Tom Ikeda	X			

Jerry Diefenderfer	X			
Sarah Kramer	X			
Jeff McKee	X			
Brent Burchett	X			
Claire Wineman	X			
Dan Rodrigues	X			

The ALAB approved to give direction to Agricultural Department staff to 1) Amend the ALAB by-laws to combine the direct marketing/organic representative and environmental representative seats into single position identified as the Agricultural Stewardship Representative. 2) Amend the ALAB by-laws to combine the vegetable representative and strawberry representative seats into a single position identified as the Produce Representative.

VII. Future agenda items/meeting dates, adjournment.

The meeting was adjourned. No future agenda items were identified except for the required membership and bylaw changes. The next monthly ALAB meeting is scheduled for September 11, 2023.

Respectfully submitted by Ian Landreth, San Luis Obispo County Department of Agriculture.