

[EXT]Wind Machines/Bird Distress Devices

Alicia Warren [REDACTED]

Mon 6/5/2023 3:44 PM

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

To whom it may concern,

While I do understand the right to farm ordinances coming from an agricultural background. We need to make vineyard/orchard owners keep the decimal noise level coming from their devices from impeding on neighbors peace of mind. They create health issues for livestock and negatively affect the mental health of people.

-Alicia Walker

[EXT]ALAB meeting

Scott VanDerripe <[REDACTED]>

Mon 6/5/2023 2:30 PM

To: Marc Lea <mlea@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hi Marc,

Can you please add my email to the public comment for tonight's meeting.

Thank You,
Scott VanDerripe

To: Members of the ALAB Committee
From: Scott VanDerripe
Date: June 5, 2023
Re: Agriculture wind fan noise

Members of the ALAB Committee,

This committee had the task of developing 'Accepted Customs and Standards' for wind machines due to a significant increase in complaints from local residents. A meeting was held on Monday April 3rd and the Standards are being presented today Monday June 5th for approval.

I am a local resident and a wind fan was recently installed a few hundred feet from my rear fence with direct visual and sound impact to our residence. We receive decibel (Db) readings above 80 Db in the middle of the night, which is a significant problem to the health and well-being for my family, as well as many other neighbors.

The agricultural property that backs up to our neighborhood is Jack Ranch, and as long as we have been in the neighborhood, the ranch has grown wine grapes. In July of 2021 they began

changing their farming practices and converting part of the property to citrus, namely lemons. In January 2022 they installed a temporary wind fan. It was shockingly loud and a nuisance to the residential neighborhood. We complained about it then and we continue to complain about the nuisance today. Sometimes the fan will run from 11pm until 7am.

Our neighborhood is Pro Ag, we support the industry. Our kids do 4H, FFA, we raise livestock, and grow fruit and vegetables on our properties. We support and appreciate the Jack Ranch, but not at the expense of our well-being. The grapes never required a fan. The lemons were planted in the low point of the property up against the residential neighborhood and they installed a loud wind fan, that changed everything. We were not proactively notified of anything. This will impact our property values as we will now have to disclose the nuisance that the fans create.

As you present these standards tonight, why is the noise level not addressed? This is the single most important component of this whole topic. The noise is what has contributed to all of the complaints and the reason this committee has been tasked with developing these 'Accepted Customs and Standards'. To state that the Noise Standards are not applicable and to leave this unaddressed simply deems this document and the work of this committee incomplete. In addition, who on this committee represents the residents that are providing public comment and addressing the issues that are impacting our neighborhoods. This is a liaison committee that should be working on both sides of these issues.

Thank You,

Scott VanDerripe

[EXT]ALAB Meeting, Monday, June 5, 2023 draft wind machine customs & standards

Claire

Mon 6/5/2023 9:46 AM

To: Marc Lea <mlea@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello Marc.

Could you please forward this email with my input to the ad hoc committee?

Thank you.

Claire

Mamakos

805.455.8111

Members of the ad hoc committee:

Your efforts to draft **acceptable** customs and standards for wind machines are appreciated, but they're not good enough. Since there's not much information available on the internet to base your document, I'm surprised you didn't visit sites, especially those that had complaints, to experience first-hand the power and noise of a wind machine.

First, it sounds like a helicopter hovering non-stop. A 300' distance setback as a one-size-fits-all solution as you suggest, is not appropriate. Here is a link to Orchard-Rite's brochure. It states a 1000' distance for what they term "best decibel level." One of these machines was at Jada Winery and placed approx. 150' from our house.

<https://www.wineindustrynetwork.com/c/orchard-rite?smi=1&fid=FWiLL4Cd3o7zlli2&id=-YU7fcHqiDg.&fid=FWiLL4Cd3o7zlli2>

And you forget that sound travels. Our neighbors on the hills heard it in their homes, and they were several thousand feet away from the offending fan.

Here is a link to the CalCoastNews article on the Jada fan. Please watch the video; it was taken outside our house.
<https://calcoastnews.com/2022/11/new-owners-at-jada-winery-accused-of-unneighborly-behavior/>

Second, you determined that only residences should be considered for setback distance. What about other structures, such as barns? And other land uses that would be negatively affected? For example, we are a member of Harvest Host, and our RV guests park next to our barn. In April, the corporation across the street that owns Jada Winery had the fan sited right across from our barn and RV area. Our guests couldn't sleep.

Third, not only is the noise from the fans unimaginable and insufferable, but the gale-force winds they generate are extraordinary. In November, when the Jada fan was first brought in to protect late-planted vines, the air blew down walnuts and leaves in our orchard, branches hit our house, and our windows rattled. **This direct assault continued for over two and a half minutes out of every 6-minute fan rotation.** One night the wind machine ran from 9 pm until 8 am. The noise coupled with the wind hitting our house made it impossible to sleep, so much so that my son left to sleep at a friend's house so as not to suffer a sleep-deprivation health issue.

Also, the gale-force wind blew across Vineyard Drive, and the leaves from Jada's purple plum trees lining the road blew off and onto our land.

The Messina family who established Jada, **never** used a frost fan. Nor did they use bird whistles, bird cannons or the outlawed bird guns. However, last year the Riboli family implemented these **new activities**.

Please consider our first-hand testimony to what it's like having a frost fan in a neighborhood where this machine is not compatible, and rework your draft to protect against scenarios such as ours.

In crafting these customs and standards you must balance the needs of the ag community with the surrounding landowners' right to the peaceful enjoyment of our properties; and also protect the health, safety and welfare of the community.

Thank you for your consideration.

And I'm available to answer any questions you may have.

Claire
Mamakos
805.455.8111

[EXT]New proposed standards for Climate Fans

Pat Smith

Wed 5/31/2023 9:28 AM

To:bburchett_slofarmbureau.org <bburchett@slofarmbureau.org>;Marc Lea <mlea@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Dear members of the ALAB Committee,

I am asking you to please revise the current county noise ordinance, especially as it applies to wind turbines used for agricultural purposes. Because, if is important for the county to have a noise ordinance, why is this one class privileged above all other people?

Currently, all members of the community, except ag, must conform with the noise ordinance of:

Maximum Allowed Exterior Noise Level Standards		
Sound levels	Daytime 7:00 a.m. to 10:00 p.m.	Nighttime (1) 10:00 p.m. to 7:00 a.m.
Hourly Equivalent Sound Level (L _{eq} , dB)	50	45
Maximum level, dB	70	65

This applies to car washes, college parties, manufacturing, and about anything else a body or business would want to do. So why does “Noise sources associated with agricultural land uses as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), including but not limited to wind machines...” stand outside of this rule?

The county states that having a noise ordinance is to “protect persons from excessive noise levels, which are detrimental to the public, health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property.”

So why are those who live adjacent to agriculture discounted with regard to their sleep and health? Why must they suffer from the wide range of health and adverse physiological stress conditions which endless hours of excess noise creates? By the county’s own words, excessive noise is detrimental to public health, welfare, safety, and contrary to public interest. So why are farmers granted the right to abuse all other members of the community with any level of noise, at any time of day?

The wind turbine installed 500’ from my home this past summer creates 85 dB—you will notice that exceeds the maximum level considered acceptable for daytime noise. This machine runs in the dark of night, night after night, for hours on end. The US government blared noise to dislodge Manuel Noriega from Panama, and prisoners at Abu Ghraib were subjected to loud sound as an “enhanced interrogation technique.” Why has the County Noise Ordinance enshrined the “right” of a farmer to do this to me and my family in our home? Sleep deprivation is an acknowledged form of torture, causing documented long-term physical and mental health consequences, yet the County Noise Ordinance exemption for wind machines explicitly subjects me, and hundreds of other households, to exactly this level of torture.

Please, please, change this ordinance. I am not against ag. We have lived peaceably with tractors and workers tending and harvesting the crops in the dark for years. That is tolerable. Intermittent bursts from bird deflection equipment is livable. Droning endless hours of an 85 dB auditory assault which makes the windows vibrate is not.

Patty Smith

[EXT]Frost fan on Vineyard Drive at Jada Winery --update

Claire [REDACTED]

Wed 4/19/2023 11:42 AM

To: Marc Lea <mlea@co.slo.ca.us>

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Good morning Marc.

This email is to inform you that the frost machine across the street at the San Antonio-owned Jada Winery, started up at **3 am** on Friday April 14, and then again this morning, April 19, at **1:45 am**.

The machine is sited right next to their property line on Vineyard Drive and the power and phone lines; and about 200 feet south of the previous position last November. It is across from our barn and the site where our Harvest Host guests park free of charge for the night.

It is now closer than before to our neighbors to the east. The one residence is a second home, and the owners have not yet experienced the sound --but are aware of the issue. The second neighbor has a winery and vineyard.

It still sounds like a helicopter hovering overhead non-stop, and the gale-force winds still cross Vineyard Drive.

I measured the noise to be over 90 decibels.

This morning the vineyard workers were working in the sphere of the fan.

As we were not notified of the ALAB meeting this month which had frost fans on the agenda and therefore denied the opportunity to attest to the November incident that triggered the Board's request for action, I kindly request that you forward this email to all ALAB members and to the recently formed ad hoc committee selected to advise the Board on best practices for frost protection fans; and the noise ordinance as it relates to wind machines used for direct climate control.

Thank you.

Claire

Mamakos

Elias

Dougrammatzis

Re: [EXT]Frost fan on Vineyard Drive at Jada Winery --update

Claire [REDACTED]

Fri 4/21/2023 9:40 AM

To: Marc Lea <mlea@co.slo.ca.us>

📎 1 attachments (4 MB)

Jada frost fan 042023.pdf;

Thanks for the update, Marc.

It is the same machine as before and it rotated 360 degrees.
Photo of the fan is attached.

Thank you.
Claire

On Thu, Apr 20, 2023 at 12:57 PM Marc Lea <mlea@co.slo.ca.us> wrote:

Claire,

Thank you for the updated information regarding the usage of wind machines on the Jada vineyard across the street from you and the issues that those wind machines have caused you and your family. We will add this new information into our complaint database.

I will be glad to provide your email to the ALAB ad hoc committee working on the development of "accepted customs and standards" for wind machines. I also wanted to let you know that the ALAB meeting scheduled for May 1 will not be held. The wind machine committee will not be ready by May 1st. The next scheduled ALAB meeting will take place on June 5th, and it's expected that the ad hoc committee will report back to the full ALAB membership at that meeting. That is a public meeting, and I will let you know when the agenda for that meeting is available (approximately May 30th).

A few follow-up questions on the current use of the wind machines. Do these appear to be the same wind machines that were used in fall 2022? Are they oscillating or are they fixed and pointed in one direction? If they are oscillating, roughly how far do they swing (180*, 270*, 360*)?

regards,
Marc

Marc Lea, Assistant Agricultural Commissioner/Sealer
Department of Agriculture / Weights & Measures
(p) 805-781-5907 | (f) 805-781-1035
mlea@co.slo.ca.us | <http://www.slocounty.ca.gov/agcomm.htm>

From: Claire [REDACTED]
Sent: Wednesday, April 19, 2023 11:42 AM
To: Marc Lea <mlea@co.slo.ca.us>

Subject: [EXT]Frost fan on Vineyard Drive at Jada Winery --update

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Good morning Marc.

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It is now closer than before to our neighbors to the east. The one residence is a second home, and the owners have not yet experienced the sound --but are aware of the issue. The second neighbor has a winery and vineyard.

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This morning the vineyard workers were working in the sphere of the fan.

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Thank you.
Claire
Mamakos

Elias
Dougrammatzis



Orchard-Rite

Orchard-Rite



Re: [EXT]Frost fan on Vineyard Drive at Jada Winery --update

Claire · [REDACTED]

Thu 4/27/2023 8:26 AM

To: Marc Lea <mlea@co.slo.ca.us>
[REDACTED]

Hello Marc.

This email is to inform you that the Jada fan went on again Tuesday morning (4/25/23) at approx 4 am and turned off about 6 am.

We'd like to present this real-life example to the ad hoc committee as they attempt to develop fair customs and standards, and ask: What is being proposed for enforcement when the operator chooses not to follow guidelines?

The Jada fan, where it is today, is closer to our parking area for our Harvest Host (RV) guests. For those on the committee who don't know, being a host is a great honor ---and responsibility, and the experience for our guests is memorable. Until the fan goes on.

And a few general questions to consider:

- How does a fan change the environment and micro-climates of the neighbors?
- How does a fan affect the wildlife; birds, bats, etc in the area?
- Should a CEQA review be required? Or an EIR?
- How does the use of a fan to manipulate temperature play into SIP certification or such ratings?

Several new vineyards are going in on our road, on properties that are historically hay farmed. Will they be allowed to use fans? Both would be new activities.

This year runoff from one recently prepped future vineyard caused massive damage to a neighbor's hay field and road. What is his recourse?

Thank you.

Claire

Mamakos

Elias

Dougrammatzis

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Marc Lea, Assistant Agricultural Commissioner/Sealer
Department of Agriculture / Weights & Measures
(p) 805-781-5907 | (f) 805-781-1035
mlea@co.slo.ca.us | <http://www.slocounty.ca.gov/agcomm.htm>

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