

ALAB MEETING MINUTES

Monday – April 3, 2023

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

Members and Alternates Present: Tom Ikeda, Jerry Diefenderfer, Sarah Kramer, Jeff McKee, Brent Burchett, Claire Wineman, Dan Rodrigues, and Jackie Crabb (via Zoom)

Staff Present: Marc Lea and Ian Landreth – San Luis Obispo County Department of Agriculture, Ben Dore – County Counsel, Eric Hughes – Planning & Building Department, Mark Battany – U.C. Cooperative Extension Farm Advisor

Absent Members: Craig Pritchard, Lisen Bonnier, Jean-Pierre Wolff, Randy Diffenbaugh, Butch Yamashita, and Mary Bianchi

Guests Present: Blake Petrucci, James Rietkerk, Ingrid Warren, Richard Warren, Deb Ann Phelan, Greg Phelan, George Donati, Terazza Miller, Daryn Miller, and James Miller. Patricia Wilmore, Paso Robles Wine Country Alliance (via Zoom) and Daniel Klittich (via Zoom)

I. Call to Order, introductions, quorum determination: The meeting was called to order by Chair Rodrigues. There were enough members present to have a quorum.

II. Open Comment:

- Marc Lea discussed ALAB representation criteria in determining a quorum. County Counsel reported that after a review of the ALAB by-laws that members who are attending via-zoom would not contribute to a quorum determination. It is possible for remote members to take official votes, if there is a quorum of people present in-person, and if that member has an identified emergency circumstance or just cause preventing them from attending in person. We will also need to be more deliberate in ensuring that any virtual attendees are identified and able to hear and address the larger group.
- Jerry Diefenderfer mentioned that the CalFire Fire Hazard Mapping Program is being updated. Deadline for comments is tomorrow. Brent Burchett provided some background on the discrepancies with the mapping program and stated he would forward the information he had onto the group.

III. Previous Minutes – March 6, 2023

March 6, 2023, Meeting Minutes

- **Motion to Approve:** Sarah Kramer
- **Second:** Brent Burchett
- **Abstained:** Tom Ikeda, Jerry Diefenderfer
- **Approved:** Unanimous

IV. ALAB Governance Membership Updates

- Marc Lea updated the ALAB on membership updates:

- Tom Ikeda was re-appointed as District 3 Representative.
- District 4 is still vacant.
- Upper Salinas Las-Tablas RCD representative - Mary Bianchi is staying on as the representative. Her term expires this month, but we've heard from Devin Best that Mary will be nominated again and her term will be renewed by the US-LTRCD executive board.
- Lea reached out to the Strawberry Commission about a nomination – they are very busy dealing with the aftermath of this winter's flood events. Lea will continue to work on this item.
- Joe Plummer was the winegrape alternate but moved out of California last year. Matt Merrill was nominated as the alternate. As an alternate representative, it does not require board approval. The nomination has been received and Matt can serve as an alternate in the event of Dan Rodrigues' absence.
- No update for the organic and the environmental representative seats. Marc is waiting until the ALAB decides on how to address these seats.

V. Review/possible action: ALAB Environmental Representative and Direct Marketing/Organic Representative: an examination of the ALAB Operating Guidelines for determining the Environmental Representative and the Direct Marketing/Organic Representative. Potential ALAB recommendation to the Board of Supervisors for either bylaw changes in the nomination criteria, consolidation into a single membership category, or potential elimination of the appointments due to redundancy and challenges of keeping the positions filled.

- Marc Lea informed the ALAB that they could vote at any time to make the Environmental Representative nomination requirements more lenient than specifically having to come from ECOSLO.
- Marc stated that if the ALAB wanted to eliminate the position or change it into a sustainability representative, it was highly recommended that it is run by the BOS prior to making the final decision to ensure that they are on board with that change. Marc also explained that in order to change the actual makeup of the ALAB positions, that not just the ALAB bylaws would need to be changed but the original Board Resolutions would need to be amended, which requires more direct involvement from the supervisors themselves.
- Jerry Diefenderfer provided background history on the origin of the ALAB and its role and discussed consolidating the environmental roles on the ALAB by making a formal recommendation to the board.
- Sarah Kramer expressed the need to be more specific about the environmental rep rather than keeping it broad – it was suggested to name a handful of groups.
- Kramer asked if it was possible to set up a discussion with the BOS to explain the issues.
- Diefenderfer proposed developing a sub-committee to discuss a proposal to take to the BOS about redesigning ALAB representation.

Motion for ALAB to form an ad hoc committee to discuss restructuring the membership categories and nomination criteria and bring that information back to the full membership for approval.

Motion: Claire Wineman

Second: Sarah Kramer

Approved: Unanimous

- The members to include:
 - Brent Burchett
 - Tom Ikeda
 - Marc Lea
 - Jerry Diefenderfer
 - Lisen Bonnier

- VI. Review/possible action - Presentation/Discussion:** Development of “Accepted Customs & Standards” for Wind Machines/Frost Protection Devices in San Luis Obispo County; Marc Lea, County of San Luis Obispo Department of Agriculture; Ben Dore, County of San Luis Obispo County Counsel; Eric Hughes, County of San Luis Obispo Department of Planning & Building.
- Marc Lea provided background context on the County noise ordinance and its exemptions for agricultural practices, including wind-machines. Marc described the development of accepted customs and standards for bird frightening devices and explained the process could be similar for developing them for wind-machines.
 - The presentation provided is available here: [Wind Machine PowerPoint Presentation – April 3, 2023 ALAB \(ca.gov\)](#)
 - Eric Hughes and Ben Dore provided information on the enforcement of the noise ordinance, how changed language would impact those practices, and the enforcement process for the Planning & Building Department’s Code Enforcement Division.
 - Marc Lea read public comment letters into the record. Those have also been included on the ALAB webpage: [2023_04_03-Public-Comment-to-ALAB-Wind-Machines-Ag.pdf \(ca.gov\)](#)
 - Members of the public present at the meeting provided public comment on problems that have been experienced with wind machines near their residences, and growers provided commentary on the need for those wind machines and the steps they’ve tried to take to minimize the impacts.
 - Ben Dore with County Counsel answered a question from Brent Burchett regarding the right-to-farm criteria. Marc Lea added that the guidance on how the Right-to-Farm ordinance should be interpreted stems from the outcome of various successful lawsuits across the state. Dore also explained the process of amending the noise ordinance.
 - Brent Burchett asked if these accepted customs and standards would later have to be developed for night-time harvesting, well pumps, etc. Lea recounted there have been very few issues surrounding these activities, and that nearly all of the right-to-farm complaints that the Ag Department receives are due to either bird cannons or wind machines.
 - Dan Rodrigues said that he would like to have another ad-hoc committee to develop accepted customs and standards for wind machines. Including members whose commodity groups would be impacted. He asked those members to go to their commodity groups to ensure that all of the concerns are being captured.
 - Mark Battany – Explained the impacts from frost damage and covered the technology available. Provided background on the cycle that New Zealand went through with noise impacts from frost-machines and mentioned it may be a good reference point in developing standards for SLO County.

Motion that the Chair will designate an ad-hoc committee to develop accepted customs and standards for wind-machines.

Motion: Jerry Diefenderfer

Second: Sarah Kramer

Approved: Unanimous

- The ad-hoc committee to develop accepted customs and standards was established by Chair Rodrigues following the motion:
 - Dan Rodrigues
 - Mark Battany
 - Brent Burchett
 - Claire Wineman
 - Ian Landreth
 - Tom Ikeda
 - Jeff McKee

- Marc reminded everyone that for any meaningful change to occur in the present process, the Planning Department, along with County Counsel, would also need to amend the current county noise ordinance. As currently written, wind machines are specifically exempted. But with a very minor modification, that exemption could be amended to read that they are exempt *if* they meet “accepted customs and standards.” If the County noise ordinance is not revised, then the effort to develop accepted customs and standards would be advisory only, and would not add any additional protections for neighbors or provide Planning’s Code Enforcement Division with any additional ability to regulate wind machines regardless of how they are being used.

VII. Future agenda items/meeting dates, adjournment. - Chair Dan Rodrigues.

- Further discussion on both the ALAB Environmental Representative and the Direct Marketing/Organics representative.
- Development of “accepted customs and standards” for wind machines.

Motion to Adjourn

Motion to Adjourn: Sarah Kramer

Second: Dan Rodrigues

Next Scheduled Meeting: May 1, 2023

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