



COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Measurement Standards

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TO: ALAB

FROM: Michael Isensee, County Agriculture Department

RE: ITEM 5: Grading Ordinance update

This item is to provide ALAB with an update on the grading ordinance process including the modifications made by the Planning Commission at hearings on October 22, November 12, and November 19. Staff recommends ALAB consider the changes made and review the latest draft ordinance and direct any further comments to the Board of Supervisors. The Planning Commission's Recommended Grading Ordinance and related documents are located on the county web site: http://www.slocounty.ca.gov/planning/drainage/grad_storm_mgmt.htm. The first 13 pages of the ordinance and the revised Agricultural Grading form and Alternative Review form are included in your packet. The Board of Supervisors is tentatively scheduled to hear the grading ordinance revisions on January 26, 2009.

Changes made since ALAB last discussed this item (October 5, 2009) and that may affect agriculture include:

1. A grading permit is required any time that 50 yards of material is moved (22.52.060.A.1). There is one restriction and several important exemptions to the permit requirement. The restriction is that if the work involves a watercourse, the movement of material is limited to 20 yards (22.52.060.A.2.). The exemptions are noted on pages 5-10 and include many agricultural activities (22.52.070).
2. The removal of more than one-half acre of native vegetation for rangeland management would require a grading permit (22.52.060.A.3). However, there is an exemption and an alternative. If the vegetation removal is occurring on a site where commercial livestock grazing has occurred in the previous five years, it is exempt from this requirement (22.52.070.B.11.b). A project that is not exempt would also be allowed to proceed through alternative review (22.52.080).
3. Agricultural grading, including alternative review, is now exempt from a grading permit even if located in a geologic study area and/or a flood hazard area (22.52.070.A.1).
4. Grading for crop production on land that was enrolled in CRP and is covered under a conservation plan is exempt (22.52.070.B.11.a.).

5. Cultivation is now described as including “disking, harrowing, raking, chiseling, planting, plowing, seeding, or other tilling” (22.52.070.B.11.a). The terms *active following*, *grazing*, *irrigation of pastures*, and *crop production* have been removed.
6. Exempt agricultural grading may now use soil fertility amendments (22.52.070.B.11.c).
7. The restriction on “tilling or ripping deeper than two feet on slopes identified by the NRCS as having a high or very high erosion hazard” has been eliminated (was 22.52.070.B.11.e).
8. The exemption for maintenance of “irrigation lines” has been expanded by replacing that term with “agricultural water lines.” Thus expanding this exemption to livestock watering systems (22.52.070.B.13).
9. The installation of new water pipelines to serve an agricultural use is now completely exempt and does not require the submittal of an Agricultural Grading Form. It is also noted that the use of sand or gravel around these lines is also exempt. (Creation of new 22.52.070.B.13).
10. The creation of new fields for crop production is exempt up to a 30% slope [was 20%] with the submittal of an Agricultural Grading Form, effective erosion and sedimentation control, and sound agricultural management measures and practices (22.52.070.C).
11. It is clarified what soil amendments may be imported onto a site for crop production using the state code for soil fertility amendments (Food and Ag Code Sections 14511 *et seq.* but excluding sand, topsoil and biosolids). (22.52.070.B.11.c also 22.52.070.C.2.a).
12. It is clarified that the import or export of excess fill material is allowable under alternative review (22.52.080.A.1 and B.10).
13. There is no specific limit on the width of agricultural roads. Rather, the ordinance clarifies that the Agricultural Commissioner’s office shall consider the length, width, capacity and extent of proposed new agricultural roads to determine if the road as proposed is justified (22.52.080.A.5). New roads are to be the minimum width necessary (generally 12-16 feet) consistent with the Agricultural Commissioner’s office determination (22.52.080.B.3.).
14. The proposed Agricultural Grading and Alternative Review form has been separated into two forms.
15. The proposed Agricultural Grading Form has been shorted to a total of two pages and no longer directs applicants to certify they have contacted other agencies which may have legal jurisdiction. See the attached form.
16. The proposed Alternative Review Form has also undergone similar changes. See the attached form.
17. Planning staff is assessing whether these forms can be available to fill out and submit on line.