

County of San Luis Obispo Agricultural Liaison Advisory Board



Agricultural Liaison
Advisory Board (ALAB)

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Positions/Members/Terms

CHAIR: R. Don Warden

District One: Mecham Appt.
Dee Lacey, (1/13)

District Two: Gibson Appt.
Lisen Bonnier (1/11)

District Three: Hill Appt.
Tom Ikeda (1/13)

District Four: Achadjian Appt.
Bill Struble (1/11)

District Five: Patterson Appt.
Noah Small (1/13)

Agriculture Finance Rep.
Mark Pearce (8/10)

Cattlemen Rep.
Dick Nock

Coastal San Luis RCD Rep.
Jean-Pierre Wolff (8/11)

Direct Marketing/Organic Rep.
Eric Michielszen (4/12)

Environmental Rep.
Anne McMahan (5/11)

Farm Bureau Rep.
R. Don Warden

Nursery Rep.
David Pruitt (4/12)

Upper Salinas-Las Tablas RCD Rep.
Charles Pritchard (1/10)

Vegetable Rep.
Richard Quandt (4/12)

Wine Grape Rep.
Neil Roberts (4/12)

County Agricultural Commissioner
Bob Lilley, *Ex-Officio*

U.C. Coop. Extension / Farm Advisor
Mary Bianchi, *Ex-Officio*

MEETING MINUTES

Monday, October 5, 2009

Guests Present: Jeff Ferber, RRM for First Solar & Kathryn Arbeit, First Solar. Murry Wilson & Michael Conger, Planning Department.

Members: Debra Garrison present as the environmental alternate for Anne McMahan

Absent Members: Noah Small, Neil Roberts

1. Call to Order: 6:03 PM. Quorum Present. Introductions

2. Open comment

First Solar presentation. Carizzo area provides good site due to existing transmission line, flat ground, no irrigated uses. 4,200 acre project site, with <40% shaded and 3% developed with permanent structures. Will generate \$11 million sales tax during 3 year construction time frame and \$5-6 million property tax when site resets at new value and with new assessments for improvements (structures, learning center, fences). Portion of site is in Williamson Act. Applicant has filed for contract non-renewal. APRC will review further when project is clearly defined. Dick Nock comments: applicant has suggested a change to the Ag Preserve rules, but the use of cancellation may make better sense. This results in a 12.5% assessed value penalty which goes to state.

3. Member/agency reports

Brenda (Ag Dept)

- Official notice for disaster drought declaration (rangeland) occurred last month. Contact Jennifer Anderson at Farm Service Agency in Templeton for info.
- Ag Waiver panel of interested parties relating to the ag waiver has disbanded. Joy Fitzhugh: a "new order" by RWQCB staff is moving forward and the order appears more costly, time consuming. This includes items like a required 30 foot vegetated riparian setback, required on-farm water quality monitoring. The farm community is awaiting a draft order (may be released in December).

- Light Brown Apple Moth (LBAM). Still finding LBAM in Los Osos. Also have 2 moths found on the Nipomo Mesa. Ag Dept is working with producers in that area as well as Los Osos to become certified so they are able to move ag commodities outside the area without delay. No official quarantine exists at this time in Nipomo area, but will be coming soon.

4. Minutes

- August 3, 2009, **Motion** – Bill Struble. 2nd – Dee Lacey. **Approved: Unanimous. Abstentions:** None

5. Grading and Stormwater Management Amendments to the County General Plan and County Code. (Michael Isensee, Ag Dept; Murry Wilson & Michael Conger, Planning)

Changes made to ordinance since August 5, 2009 ALAB meeting.

- 50 yards triggers a grading permit. Changed to have tiers. 500 yards triggers a permit. 50 yards triggers only under certain instances. 20 yards triggers a permit when work is in a stream.
- Clarifies small ponds (1 AF pond) are allowed as stock pond.
- Excavation does not include farm cultivation practices.
- Includes wastewater systems/ponds as an alternative review practice.

Discussion:

- Terminology (pond, basin, impoundment, reservoir). Basins only hold water temporarily. Ponds are designed for natural resource values. Define terms as appropriate in glossary. Leave it alone.
- Ag Forms
 - Ag Grading Form is like a *Notice of Intent* in terms of pesticide use applications.
 - Use separate forms for Ag Grading Form and Alternative Review Form.
 - Do not have language on forms which mandates growers to contact all agencies prior to commencing grading activities.
 - Forms are not needed for exempt activities (repair and maintenance, grading of less than 50 yards, existing farm fields).
 - What is the charge for the agricultural grading form, where does county sign to authorize form, how long is process for Ag Grading form?
- Exemptions. Murry Wilson provides how the process works regarding exemptions, agricultural grading requiring an Ag Grading form, or alternative review requiring an Alternative Review Form. Also notes that county is trying to adequately provide notice to property owners that it is the property owner's responsibility to obtain any necessary permits from other agencies.
- Time Frame for Alternative Review. What is time frame for alternative review and how does this work? Depends on RCD, the number of applications being received, and the complexity of the project (how much engineering is needed, or if there is "as built" that first needs to be fixed. In many cases projects can receive county approval in less than a week and be approved for alternative review.
- Permit coordination process near completion through RCD and Sustainable Conservation. RCD

will be able to provide approval for many actions without the land owner needing to obtain permits from multiple different agencies.

- Current grading ordinance language is problematic for enforcement purposes. Language is unenforceable. Does not hold up in court. Leads property owners to believe they are exempt when they needed to follow specific standards.
- Appropriate road width. What is the role of the Ag Commissioner? Ag staff has found that making this determination is very straightforward in most cases, but perhaps the RCD would be better able to make the determinations.
- Should people start at RCD to receive direction?
- What is the rationale for changing the slope from 30% to 20%? Planning staff states that the original proposal was for a lower slope and that at a 20% slope the soils' erosivity increases substantially.
- Allow irrigation water lines for ranchers to be included in routine maintenance.
- Clarify that the county is not responsible for property owners to get the permission of other agencies, rather than make property owners sign that it is "the property owners responsibility's to contact all other agencies that might have regulatory authority.
- There is no such thing as "active fallow" for rangeland management.
- Thank staff for making changes to road width from 16 foot limit to "appropriate for the agricultural use."

MOTION: Anyone that wants to do anything in the grading process *should* start with the RCDs.

Motion – Dick Nock. 2nd – Chuck Pritchard.

Discussion about process. Where should applicants start? Can forms be available at RCDs?

AMENDED MOTION: Anyone that wants to do anything in the grading process *can* start with the RCDs.

Motion – Dick Nock. 2nd – Chuck Pritchard. **Not Approved.**

CLARIFIED MOTION: Any person with questions concerning the implementation of the County Grading Ordinance may ask the RCDs and the NRCS for information and/or direction in the proper implementation of the County Grading Ordinance.

Clarified Motion – Dick Nock. 2nd – Chuck Pritchard. **Approved: 12-1. Abstentions:** None
Further clarified that ALAB requests that this language be included in the ordinance.

Grading Ordinance amendment process (Murry). September 24 staff held a study session for Planning Commission (PC). PC hearings on October 22; follow-up PC hearing on November 12. A change sheet identifying staff's recommended changes will be posted on the web site prior to October 22.

MOTION: To preserve the exemption for 30% slope for grading for new crop land.

Motion – Richard Quandt. 2nd – Bill Struble. **Approved: 9-4.**

Yes: Dee Lacey, Tom Ikeda, Bill Struble, Mark Pearce, Dick Nock, Debbie Garrison, Don Warden, Dave Pruitt, Richard Quandt

No: Lisen Bonnier, Jean-Pierre Wolf, Eric Michielssen, Chuck Pritchard

Abstentions: None

Discussion on the motion: Growers have to obtain permits/approval from other agencies regardless of county exemption or slope limitation. As slope increases, the risk of erosion also substantially increases. Goal is to provide proper assistance at the point where erosion problems are increasingly likely. Government only sees the problems, but the result is a lot of normal agricultural practices are not a problem and should not be subject to any review. RCD would assist growers with planting in new areas including slopes lower than 30%. Encourage rather than discourage farming.

6. WRAC Ag Cluster Recommendations (Joy Fitzhugh)

- Don Warden turned over the role of chairman responsibilities to Bill Struble. Vice Chair, Bill Struble took over the responsibilities of chairperson and Joy Fitzhugh acted as Farm Bureau representative.
- Joy Fitzhugh provided an overview of WRAC actions regarding water associated with agricultural cluster development.
 - Limit agricultural cluster subdivisions to existing legal lots of record (8 votes). Limit agricultural clusters to availability of water supply (7 votes).
- Discussion. Was WRAC focused on existing agricultural use or future agricultural uses? Concern that existing WRAC language was too “watered down” and is essentially meaningless. At prior meeting, issue was tabled until more information was available.

MOTION: ALAB wants to review and comment on draft cluster ordinance when it is released prior to public hearing.

Motion – Mary Bianchi. 2nd – Chuck Pritchard. **Approved: Unanimous.** **Abstentions:** None

7. COSE Soils Chapter Review (Mary Bianchi)

Brief discussion of history of ALAB involvement. Public draft does not include any of ALAB’s comments. Most comments focused on formatting and errors. Planning staff has agreed to make the recommended fixes. Two outstanding issues:

- **Storie Index:** Draft failed to include several soil types with fair Storie index rating and should be included in “Other Productive Soils” definition of important agricultural soils.

Discussion:

- County has many specialized crops that do best on soils that are not ideal for vegetable or grain crops but are very important for vines or orchards. This is the idea behind having the “Other Productive Soils”

MOTION: Add Fair to Excellent and Good Storie Index Rating.

Motion – Chuck Pritchard, 2nd – Lisen Bonnier **Approved: Unanimous** **Abstentions:** None

- **Highly Productive Rangeland Soils:** Planning Department has stated its interest in removing Highly Productive Rangeland Soils. Planning staff has stated there may be an inconsistency with Ag Element to include this definition.

Discussion:

- Importance of rangeland and cattle industry to agricultural economy.
- Important rangeland soils produce grass.
- Other amenities provided by rangeland besides commodity production.
- Ag and Open Space Element identifies rangeland as an important part of county agricultural resources.
- Why does Planning want to remove rangeland from the category of important agricultural soils?
- May need to go back to Ag Element and update to ensure protection of all agricultural soils including rangeland.
- Would be ideal to have ecological site assessments for all soil types, but expensive and time consuming.

MOTION: Keep Highly Productive Rangeland Soils in Soils Section

Motion – Lisen Bonnier 2nd –Dee Lacey **Approved:** Unanimous

Abstentions: None

8. Upcoming Meeting: December 5, 2009 – Nothing in November unless critical to meet. November 9 will be the date if ALAB needs to meet.

Meeting adjourned: 8:51 PM