

County of San Luis Obispo Agricultural Liaison Advisory Board



Agricultural Liaison
Advisory Board (ALAB)

2156 Sierra Way, Suite A
San Luis Obispo, CA 93401 (805) 781-5914

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 Michielssen (4/12)

Environmental Rep.
Debra Garrison (11/13)

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, December 7, 2009

Guests Present: Susan McDonald-Hearst Ranch, Lisa Bodrogi -Wine Country Alliance

Staff: Brenda Ouwerkerk and Michael Isensee, Agriculture Department; Michael Conger, Planning Department

Absent Members: Dee Lacey, Lisen Bonnier, Richard Quandt

1. Call to Order: 6:07 PM. Quorum Present. Introductions

Special Item:

Commendation & Certificate of Recognition by Chair Warden for Anne McMahan's work on ALAB as the Environmental Representative.

2. Open comment: None

3. Member/agency reports

- Brenda (Ag Dept)
 1. Revised roster (confidential with addresses of members)
 2. Light Brown Apple Moth (LBAM) mating disrupter twist ties have been disseminated by CDFA in Los Osos area with no problems or complaints to date. Still working on delineation after the two moth finds on the Nipomo Mesa.
 3. Crop Report surveys are coming for 2009. Please complete and request your commodity groups to complete and respond.
 4. Maintenance gardener outreach and training sessions are underway
 5. Pending hearings:
 - Conservation and Open Space Element. Final action at the Planning Commission on December 17.
 - Grading ordinance revisions. Board of Supervisors hearing on Jan 26, 2010 (tentative).
- Joy (Farm Bureau)
 1. Irrigated ag discharge waiver hearing this Thursday at Regional Water Quality Control Board

4. Minutes: October 5, 2009, **Motion** – Bill Struble. 2nd – Mark Pearce.
Approved: Unanimous. Abstentions: None

5. Grading and Stormwater Management Amendments to the County General Plan and County Code. (Michael Isensee & Michael Conger).

- Staff outlined changes to ordinance during Planning Commission hearings, including the 17 changes noted in the staff memo. Major changes included:
 - Increasing the slope from 20% to 30% for agricultural exemptions
 - Deleting the restriction for cultivation and ripping more than two feet in depth on highly erosive soils
 - Creating a restriction on the removal of native vegetation in excess of one-half acre except on a site with a recent history of grazing (within the previous 5 years) or through alternative review or a grading permit.
- Staff clarified questions, including:
 - 1 AF pond is exempt but requires the submittal of the Ag Grading Form
 - Removal of native vegetation for cultivation purposes on slopes up to 30% would be exempt from any permitting, but would require submittal of the Ag Grading Form.
 - Removal of native vegetation (e.g. sage brush) would require a grading permit or alternative review on land that has not been recently grazed.
 - Clearing native vegetation using controlled burns (fire management) in order to expand grazing areas would only require alternative review or a grading permit if the removal of vegetation did not comply with CalFire recommendations for fuel reduction or firebreaks for fire protection purposes. There remained a concern that the document would limit range improvement. It was suggested staff contact the Range Improvement Association (through Royce Larsen at UCCE) for input.
 - Alternative Review (AR) process
 - The Alternative Review (AR) process currently works where applicants either contact the RCD or the County Ag Dept. Ag. Dept. must provide initial approval for all alternative review projects before the RCD proceeds. Current process does not include County Planning and Building (P&B), so they have no record when alternative review projects are conducted or if they are successfully completed to RCD standards. This has caused some problems in past.
 - Proposed ordinance would require all AR to first receive P&B approval (Alternative Review form). Proposed roads and ponds would also be reviewed by Ag. Dept. which would determine if the size and scale of the road and pond is appropriate for the proposed use. RCD would determine if project meets their standards and inform P&B whether they are accepting AR project. RCD would again contact P&B when project is successfully completed or if applicant does not finalize project. AR projects that are not finalized are subject to enforcement under the grading ordinance.
 - Timeframes: There are no specific timeframes for AR or Ag Grading completion in the ordinance. Staff recognizes the need for some flexibility.
 - Planning Commission removed the 50-500 yard standard for defining what level of grading would trigger a permit. However, agriculture is allowed to bring in unlimited quantities of material defined by the state as a soil fertility amendment, and can also

bring in new base for the maintenance of roads, equipment storage yards, or operation areas around barns and workshops.

- There are several options available in the ordinance if a grower needs to request special treatment based upon extenuating circumstances:
 - Emergencies (Section 22.62.080) which allows the granting of a emergency permit for actions needing to occur within no more than 30 days and where the applicant will file a permit application within 30 days of the request.
 - Request for Relief from Ordinance Provisions (Section 22.52.180). Can ask for an exemption to the ordinance based upon special individual circumstances or conditions affecting the property.
- Growing crops atop the soil in a soil-less medium would be crop production. Exempt from the ordinance in existing fields, requiring the filing of an Ag Grading Form for new fields up to 30% slopes, or requiring a grading permit on slopes greater than 30%.
- Domestic water line repair and maintenance is covered in exemption item 10.
- ALAB members expressed the other following concerns:
 - Who will administer and pay for enforcement? The document as proposed ties agriculture's hands and goes too far.
 - Where are the proposed revisions coming from? Who gave the Planning Commission the authority to regulate? The Planning Commission is usurping the role of the Board.
 - Substantial erosion and sedimentation affecting waterways and neighboring properties has been caused by some local farmers/ranchers as well as by recent newcomers. The county needs an ordinance with some teeth that allows them to address these problems.
 - County has enough laws on the books and simply needs to enforce the existing rules.
 - There is a problem with agricultural activities that are being conducted as a precursor to development, and a number of these have led to erosion or misuse of the alternative review process.
 - The ordinance's teeth are the requirement for technical assistance at a set slope such as Napa County's or the proposed 30% slope. Other rules are overkill.
 - The ordinance saddles people who play by the rules with overregulation, while those who do not currently follow the rules will not follow the new rules.
 - Alternative Review (AR) process is too cumbersome and needs to be streamlined in proposed ordinance.
 - The language on page 12 item 1 under "Qualifying criteria for alternative review" appears confusing or incorrect.
- ALAB visitors expressed the other following concerns:
 - Document is bringing agriculture under the auspices of development which is a problem. Agriculture has been exempt from grading ordinance requirements in past.
 - The 50 yard threshold will prevent many grading activities from being exempt.

MOTION 1: Ag grading activities related to the Alternative Review process within the County Grading ordinance should apply to the RCD for initial review.

Motion – Dick Nock. 2nd –Chuck Pritchard. *Approved: Unanimous.* Abstentions:

MOTION 2: Reword ordinance language on page 12: item B.1. Drop the term “Hillside Benches” and rewrite to state: “For crop production including orchards and vineyards on slopes over 30%.”

Motion – Mary Bianchi. 2nd –Chuck Pritchard. *Approved: Unanimous.* Abstentions:

MOTION 3: Reword ordinance language on page 9: item 11c. “No importation or exportation of fill materials from/to off-site parcels shall occur” by adding “...except for necessary agricultural practices required to maintain and continue crop production operations so long as the fill does not exceed one foot in depth” to the conclusion of the sentence.

Motion – Bill Struble. 2nd – Mark Pearce. *Approved: Unanimous.* Abstentions:

MOTION 4: Reword ordinance language on page 10: item c at the top of the page by deleting the final sentence in referencing Low Impact Development as the topic of erosion and sedimentation control is addressed in item B by implementation of NRCS Field Office Technical Guide standards and practices.

Motion – Mary Bianchi. 2nd – Bill Struble. *Approved: Unanimous.* Abstentions:

The chair of ALAB directed staff to prepare a letter to the Board of Supervisors containing the actions of the ALAB on the Planning Commission Recommended Grading Ordinance.

6. Upcoming Meeting: January 4, 2010

Meeting adjourned: 8:25 PM

Respectfully Submitted: Michael Isensee, County Agriculture Department