

# APPROVED ALAB MEETING MINUTES

Monday, February 22, 2010

**Members and Alternates Present:** Dee Lacey, Lisen Bonnier, Tom Ikeda, Bill Struble, Noah Small, Mark Pearce, Dick Nock, Jean-Pierre Wolff, Eric Michielssen, Debra Garrison, R. Don Warden, Charles Pritchard, Neal Roberts, Joy Fitzhugh.

**Absent Members:** Mark Pearce, David Pruitt, Richard Quandt, Mary Bianchi

**Guests Present:** Peter Jankey, SLO Farmers Market Association; Robert Staller, Morro Creek Ranch

**Staff:** Robert Lilley & Michael Isensee, Agriculture Department

**Call to Order:** 600 PM. Quorum Present.

**1. Open Comment:** None

## 2. Agency Reports & Member Announcements/Reports

- Handout provided from Agriculture Department with a calendar, LBAM and crop report updates (attached). Page 4
- Chair Lacey provided a review about what occurred at the Feb. 9, 2010 Board of Supervisors regarding the COSE hearing. Lacey represented ALAB comments at the Board hearing. Ag will have to make the case for why the Agriculture Element should be separate from the Conservation and Open Space Element. Commissioner Lilley comments that it is important that ALAB be present at such hearings.
- Joy Fitzhugh announced that the Central Coast Regional Water Quality Control Board's draft order for irrigated agriculture has been released. The ag community will be releasing an alternative order soon. It was suggested that comments be directed toward the Regional Board members rather than staff.

## 3. Previous Minutes

**MOTION:** Approve minutes with correction (noted below): **Motion** – Bill Struble. 2<sup>nd</sup> – John-Pierre Wolff. **Approved:** Unanimous. **Abstentions:** none

Bill Struble requested the following correction on pg four 4<sup>th</sup> bullet from top. Change several to many so it reads “because many of ALAB's recommended changes were not incorporated.”

## 4. Review SLO Thursday Night Farmers' Market

- Eric Michielssen and Peter Jankey gave overview and history about the downtown SLO Farmers' Market and SLO Farmers' Market Association (FMA). FMA pays 1% of gross sales to Downtown Association. FMA pays approx 15% of total operating cost (trash, utility, etc) of the Thursday market. FMA grosses about \$35K profit from the Thursday market.
- Commissioner Lilley confirms that Ag. Dept. role is an administrative role to ensure the landlord/property owner has granted permission to operate a farmers' market on the property.

- Farmers' markets are located in both incorporated cities and unincorporated areas. Discussion about whether ALAB should send a letter to the SLO City Council and whether it was appropriate (within ALAB's charter) for ALAB to direct a letter to a City. It was suggested that ALAB send a letter the Board of Supervisors asking them to send a letter to the SLO City Council.

**MOTION: ALAB strongly supports farmers' markets throughout the County, supports that these markets be operated by the farmers themselves, and further recommends that the Board of Supervisors encourage the City of San Luis Obispo to do likewise. Motion - Eric Michielssen. 2<sup>nd</sup> – Chuck Pritchard. *Approved: Unanimous. Abstentions: none***

The Secretary was directed to draft a letter to the Board of Supervisors. Page 4

#### **5. Review Grading and Stormwater Amendments (Mike Isensee, Agriculture Department and Joy Fitzhugh, Farm Bureau)**

- Memo included with agenda provides a overview of Board action to date and discussion between county planning staff and members of the ag community on Feb. 10, 2010. Significant new direction from this meeting was the concept of a certification process for certain grading activities. Assuming the concept is codified, grading would be overseen by a certified individual (possibly landowner or contractor/engineer) who would then be responsible to submit a "completion letter/form" to the County confirming the grading implemented appropriate erosion control measures. Pages 6-16
- Issues involving certification include:
  - What grading activities can be conducted by or overseen by a certified person? Some ideas included importation of fill, upland restoration, grading up to a certain threshold, and rangeland management. It was noted projects involving earthwork which would need other agency permits should get assistance from a RCD or the NRCS; earthwork over certain amounts and situations (5,000 yards, steeper slopes, keying in, etc) will need technical review by an RCD or NRCS.
  - Some type of paperwork would be necessary to prove an individual is certified and has utilized appropriate erosion control for a project.
  - What type of certification would be appropriate? The ag community would need to fund the classes required for education/certification for erosion control and appropriate grading. Also noted there are already a number of classes, resources, and conferences with relevant information about erosion control available.
  - The intent of certification is to reinforce good grading practices and limit erosion.
  - Joy Fitzhugh circulated draft ideas about the types of activities which could be certified and what kind of form could be required associated with educational certification.
- ALAB members discussed other issues including the importation of soil fertility amendments; biosolids; gravel, rock and/or sand for certain activities such as repair and maintenance of roads and operations areas or for new pipelines; changing vegetation management from "lands" to "site", specifying that fill necessary for ag production needed to be "clean fill."

**MOTION: ALAB supports the following: (1) an agricultural exemption of up to 1,500 cubic yards where the materials moved are not cumulatively (counted only once rather than at the time of excavation and the time of fill); (2) the use of a certification process for**

certain practices such as upland restoration and associated import of fill; (3) Change the term from “land” to “site” in Section 22.52.070.B.11.b. Native Vegetation; (4) clarifications to the language regarding repair and maintenance and other sections of the proposed ordinance. **Motion** - Neil Roberts. 2<sup>nd</sup> – Debra Garrison. **Approved: Unanimous.** **Abstentions:** none

ALAB also supports the resubmittal of earlier motions coupled with the current motion, with a change to Motion 3 by adding the qualifier “clean” to describe “fill”.

The Secretary was directed to draft a letter to the Board of Supervisors. Pages 19-21

**6. Procedure for Developing Meeting Minutes/Use of Tape Recordings (1:42:44)**

- Chair Lacey explained the rationale for the use of a recorder to create the minutes. Commissioner Lilley clarifies that state law (CA Gov’t Code, “Brown Act”) allows the deletion of a recording after 30 days and that while the recording exists it is a public record subject to public records requests.

**MOTION: Keep the digital recording of meetings until after ALAB approves the minutes.**  
**Motion** – Don Warden. 2<sup>nd</sup> – Bill Struble. **Approved: Unanimous.** **Abstentions:** none.

- A member questions whether ALAB can call an executive/closed session (precluding members of the public or press from certain deliberations). Commissioner Lilley states staff will research and provide the answer at a future ALAB meeting.

**7. Time change of future meetings.**

No motion was made to change the meeting time to a time earlier than 6 PM. By general consent it was determined that the first Monday of the month continued to be an appropriate meeting date

**Upcoming Meeting:** April 5, 2010, 6 PM

**Future Agenda Item:** RWQCB proposed Ag Order

Meeting adjourned: 7:57 PM

Respectfully submitted by Michael Isensee, County Agriculture Department

**TASKS**

- Forward Richard Quandt’s email summary of the RWQCB draft order (attached) Pages 23-25
- Send letter to the Board of Supervisors regarding Farmers’ Markets (see motion, Item 6) (attached) Page 5
- Resubmit a letter to the Board of Supervisors with earlier motions regarding grading coupled with tonight’s motion (attached) Pages 19-21

**OTHER ATTACHMENTS**

- Handouts from the meeting (pages C-1 310 and 311 of the Feb 10, 2010 Board of Supervisors hearing regarding grading). Pages 17-18

**ALAB Letter regarding Ministerial Events Ordinance Page 22**



## COUNTY OF SAN LUIS OBISPO

### Department of Agriculture/Weights and Measures

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## AGRICULTURAL LIAISON ADVISORY BOARD MEETING DEPARTMENTAL ANNOUNCEMENTS

### Agenda Item # 3 FEBRUARY 22, 2010

#### CALENDAR

March 2	Board of Supervisors' hearing: Grading Ordinance Revisions
March 23	Board of Supervisors' hearing: COSE Review: Energy, Minerals, Open Space chapters
April 6	Board of Supervisors' hearing: COSE Review: Soil, Visual, Water chapters, Ag Element separation
April 20	Board of Supervisors' hearing: COSE Review: Finalize and adopt

1. Light Brown Apple Moth (LBAM): public open house and eradication program using twist tie pheromone strips in Nipomo have been postponed due to wet weather conditions. Eradication project continues in Los Osos and quarantine boundaries have been expanded to incorporate a new LBAM find in a detection trap in Los Osos. All affected growers have been contacted and are in the process of meeting compliance agreements to certify shipments leaving the quarantine area.

One single LBAM moth each has been found in traps in Morro Bay, San Luis Obispo and east Arroyo Grande, triggering delineation surveys by staff from CDFA.

Growers/commercial producers that signed-up in advance with us for LBAM pheromone twist ties should get a call from our staff to pick them up from our office as soon as the twist ties arrive.

**Contact:** Rich Little: 434-5950 for eradication and detection efforts  
Marty Settevendemie: 781-5910 for quarantine and shipping questions  
Marc Lea: 781-5910 for twist tie pick up

2. 2009 Annual Crop Report Surveys are now due! Please return surveys ASAP to provide accurate information for the Report.

**Contact:** Lynda Auchinachie: 781-5910

# 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: Dee Lacey

VICE CHAIR: Jean-Pierre Wolff

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)

Ag. 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 (1/11)

Farm Bureau Rep.  
R. Don Warden

Nursery Rep.  
David Pruitt (4/12)

Upper Salinas-Las Tablas RCD Rep.  
Charles Pritchard (1/14)

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*

March 15, 2010

RE: Farmers' Markets

Dear Chair Mecham and the County Board of Supervisors:

At our February 22, 2010 meeting, we heard a presentation about the recent controversy regarding the certified farmers' market which occurs as part of the Thursday night promotions in downtown San Luis Obispo. The Direct Marketing representative to ALAB, Eric Michielssen, along with Peter Jankey of the San Luis Obispo County Farmers' Market Association, provided the presentation.

Following the presentation, ALAB discussed the need for the County to support the direct marketing efforts of growers at established and successful marketing outlets. ALAB made the following motion:

**ALAB strongly supports farmers' markets throughout the County, supports that these markets be operated by the farmers themselves, and further recommends that the Board of Supervisors encourage the City of San Luis Obispo to do likewise.**

ALAB appreciates the Board's consideration of this issue. ALAB members look forward to continuing to provide input on this and other agricultural issues.

Sincerely,

Dee Lacey  
Agricultural Liaison Advisory Board Chair



COUNTY OF SAN LUIS OBISPO  
**Department of Agriculture/Measurement Standards**

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**DATE:** February 22, 2010 (prepared February 11, 2010)  
**TO:** ALAB  
**FROM:** Michael Isensee, County Agriculture Department  
**RE:** ITEM 6: Grading Ordinance update  
**ATTACHED:** Relevant grading ordinance sections

This item is to provide ALAB with an opportunity to provide any additional feedback and comments to the Board of Supervisors prior to the March 2 grading ordinance hearing date. Documents related to the grading ordinance are located on the county web site:  
[http://www.slocounty.ca.gov/planning/drainage/grad\\_storm\\_mgmt.htm](http://www.slocounty.ca.gov/planning/drainage/grad_storm_mgmt.htm)

The staff report to the Board of Supervisors should be posted on February 24 at the following web site: <http://www.slocounty.ca.gov/bos/BOSagenda.htm>

Staff is seeking input or further motions from ALAB based upon its direction to bring the grading ordinance back to ALAB for further discussion.

**ORDINANCE UPDATE PROCESS**

On January 26, the Board of Supervisors held an initial hearing on amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and Local Coastal Plan relating to Grading and Stormwater Management. The majority of discussion and public testimony at the hearing related to how the proposed changes would affect farmers and ranchers. The Board provided direction to staff to review a number of specific sections of the ordinance related to agricultural grading. These primarily fall into the following areas:

1. Grading thresholds
2. Removal of native vegetation
3. Changes to agricultural exemptions
4. Language clarification about roads, maintenance, emergency conditions
5. Education for rural and agricultural property owners
6. Outreach to grading contractors

On February 10, staff from the Planning and Agriculture Departments met with over a dozen agricultural representatives, including four members of ALAB, in order to gather further input about potential modifications to the ordinance which would reduce the level of concern about proposed ordinance changes. The discussion primarily focused on the first four items on the list above as well as on clarifications to language which is causing confusion.

Planning staff is incorporating suggestions from the February 10 meeting into their staff report (available for review on February 24). The staff report will provide the Board of Supervisors options for modifications to the ordinance that would remain consistent with the current environmental impact report and address the issue areas listed above. Some of the items that may be presented by Planning staff to the Board include:

- A small agricultural grading threshold exemption in the range of 50 (existing ordinance) to 1,500 cubic yards (Section 22.52.060.A)
- A certification process which would allow a range of grading activities to occur without the review and approval of either the county or a Resource Conservation District.
  - the process would be for grading contractors and the same or similar process could also apply to property owners
  - grading conducted by a certified individual would require that appropriate erosion control management practices be incorporated.
- The types of grading projects which could be including in a certification process could include some or all of the practices which are currently listed in the agricultural grading (Section 22.52.070.C) or alternative review (Section 22.52.080). Discussion at the February 10 meeting focused on the importation of fill material (imbalanced grading), upland restoration, grading that does not exceed certain cubic yard quantities, and rangeland management projects.
- Potential modifications to the native vegetation standard (Section 22.52.060.A.3) which clarify the removal standard would be applicable to any project, not just rangeland management; clarification that vegetation management for crop production or for range management is an exempt ongoing crop production and grazing activity when it occurs on a site [replacing the word “land”] where crops have been grown or livestock grazed within the previous 5 years (22.52.070.B.11),
- Clarifying language regarding various issues, including:
  - including the definition of excavation within the ordinance as well as within the definitions [Section 22.52.060.A]
  - noting the repair and maintenance of existing fields is part of ongoing crop production [Section 22.52.070.B.11.a]
  - modification of the *Conservation, restoration and enhancement projects* standard by removal the final clause (“for which a California Department of Fish and Game alteration agreement/permit and/or Army Corps of Engineers permit has been secured”) [Section 22.52.080.B.6.]

**Item 6**

NOTE: The following is excerpted from the Planning and Building Department January 26, 2010 staff report to the Board of Supervisors. It includes the 9 pages of the proposed inland (Title 22) grading ordinance which most directly affects agricultural operations, including grading thresholds, grading permit exemptions, Agricultural Grading and Alternative Review.

**22.52.050 - Grading Permit Required**

Where not otherwise exempt by Section 22.52.070 (Exemptions from Grading Permits) or authorized through the alternative review process pursuant to Section 22.52.080 (Alternative Review), a grading permit shall be obtained where grading is to occur meeting the definition set forth in Section 22.52.060 (Grading). A separate permit shall be required for each site and shall cover both excavations and fills. Contiguous sites being graded as one integrated project may be considered one site, as deemed appropriate by the Director, in order to enforce the requirements of this Chapter.

Even those activities that do not constitute grading as defined in this Chapter, or are exempt from grading permits, may be subject to other applicable sections in this ordinance. This includes requirements, such as preparation and approval of an erosion and sedimentation control plan, drainage plan, and/or stormwater pollution prevention plan.

In granting any permit in compliance with this Chapter, the Director and, where provided, the Public Works Director, may impose conditions as necessary. These conditions may include requiring a licensed contractor to perform the work or a licensed professional (e.g. civil engineer, geotechnical engineer, etc.) to prepare plans or technical reports in order to prevent creation of a nuisance or a hazard to public health, public safety, or public or private property, or to assure conformity to the County General Plan.

## 22.52.060 - Grading

A. **Grading.** For the purposes of this Chapter, "grading" is defined as all new earthwork that involves one or more of the following activities: excavations, cuts, fills, dams, reservoirs, levees, impoundments, diking, dredging, borrow pits, stockpiling, or compaction of fill. A grading permit is required in any of the following cases:

1. **50 cubic yards.** The amount of material, measured cumulatively (adding together all proposed earthwork) for any of the above mentioned activities exceeds 50 cubic yards.
2. **Work in a watercourse.** The amount of material, measured cumulatively (adding together all proposed earthwork) for any of the above mentioned operations exceeds 20 cubic yards and involves altering or obstructing a drainage way or watercourse.
3. **Removal of native vegetation.** Rangeland management projects which would involve more than one-half acre of native vegetation removal, except in the following circumstances:
  - a. When the project goes through the alternative review process, pursuant to Section 22.52.080; or
  - b. When the project complies with the ongoing grazing exemption discussed in Section 22.52.070B.11.b.

B. **Additional permitting requirements.** Grading may require a land use permit or variance under the following circumstances:

1. **Site disturbance.** For projects subject to Chapter 22.08, grading may require land use permit approval based upon the amount of site disturbance. The land use permit thresholds are established in Section 22.08.030 (Table 2-3).
2. **Slopes.** Grading shall be limited to slopes of less than 30 percent, except where:
  - a. **Variance.** The applicant has obtained Variance approval pursuant to Section 22.62.070; or
  - b. **Agricultural use.** The grading is exclusively for one or more of the following agricultural uses:
    - (1) An exempt agricultural accessory structure as specified in Section 22.060.040E.1;
    - (2) Crop production or grazing;
    - (3) Any agricultural roads used exclusively for the purposes described above in Subsections B.2.b.(1) and B.2.b.(2).

While this Subsection exempts the above uses from the 30 percent slope limitation, this Subsection shall not be construed to exempt any uses from the requirement of obtaining a grading permit as described in Section 22.52.050.

## 22.52.070 - Exemptions from Grading Permits

*Note: While the activities under this section are exempted from a grading permit for the purposes of this County's ordinance, it is the owner's and/or applicant's responsibility to contact all other regulatory agencies, including, but not limited to, the California Department of Fish and Game, Regional Water Quality Control Board, Army Corps of Engineers, U.S. Fish and Wildlife Service, or the California Department of Forestry (Cal Fire) to ensure the activities comply with their permit or license requirements.*

**A. Minimum requirements to determine exempt status.** The following considerations must be addressed in determining if grading activities qualify for an exemption.:

1. Grading activities are not exempt within a geologic study area and/or flood hazard combining designations as shown in the Land Use Element. Agricultural grading as provided by Subsections B and C, Alternative Review as provided by Section 22.52.080, and geotechnical/geologic exploration activities are not subject to this limitation.
2. Grading activities shall receive all necessary approvals from other County, state, or federal agencies, regardless of whether the activity is exempt under this Chapter.
3. Activities exempted under this section are still required to incorporate all reasonable measures to ensure against erosion and sedimentation both during and after such activities. In all cases, any grading activities which could result in a hazardous condition are not exempt from grading permit requirements. A hazardous condition exists when activities create a hazard to life and limb, endanger property, adversely affect the safety, use or stability of a public right-of-way or drainage channel, or create a significant environmental impact.

**B. Exempt grading.** The following grading does not require a grading permit. Exempt grading activities must employ appropriate sedimentation and erosion control measures:

1. **Excavations below finish grade.** The excavation of materials below finished grade for tanks, vaults, basements, retaining walls, swimming pools, or footings of a building or structure, where such excavations are authorized under the provisions of a valid building permit. This does not exempt any fill made with the material from the excavation.
2. **Cemeteries.** Cemetery graves, excavation, or fill within a property used or to be used for cemetery purposes is exempt. Grading that is intended to support structures or that will affect natural drainage patterns does not fall under this exemption.
3. **Flood control maintenance.** Maintenance and construction work within the prescribed easements of the San Luis Obispo County Flood Control and Water Conservation District as long as width, height, length or capacity is not increased.
4. **Public work projects.** Public works projects constructed by the County or its contractors, including those activities as provided by Section 22.01.050B.
5. **Refuse disposal.** Refuse disposal sites approved by the County Health Department under the authority of Public Resources Code Sections 40000 et seq.
6. **Surface mining.** Surface mining operations approved in compliance with Chapter 22.36 (Surface Mining). Commercial mines which are planned for conversion to on-site only use shall require reclamation in accordance with the approved reclamation plan. Continuing non-commercial operation after reclamation shall require that a grading permit be obtained.

7. **Conservation, restoration, and enhancement projects.** Subject to the discretion of the Director, a soil, water, and/or wildlife conservation or enhancement project for which a California Department of Fish and Game Alteration Agreement and/or Army Corps of Engineers permit has been secured and which has a design prepared or approved by, and is inspected and certified by a Resource Conservation District, the U.S. Natural Resources Conservation Service or the State of California, Department of Water Resources, or the Central Coast Regional Water Quality Control Board.
8. **Vegetation clearance for fire safety.** Clearing of vegetation, (not to include tree removal or removal of vegetation and wildlife protected by County, state, or federal statutes as rare, threatened or endangered) in compliance with CalFire recommendations for fuel reduction or firebreaks for forestry or fire protection purposes. Tree removal is governed by Chapter 22.56. Refer to Section 22.08.030 (Table 2-3), if applicable, for specific land use permit requirements which apply to vegetation removal. Best management practices must be applied to avoid erosion and sedimentation.
9. **Improvement plans.** Construction of, or excavations or fills for roads, drainage, and utilities associated with improvement plans for final subdivision maps or public projects within the County-maintained road right-of-way approved by the County Public Works Department, if consistent with the standards, guidelines and provisions identified in this Chapter.
10. **Exploratory excavations and public utility connections.** The following exploratory excavations or fills where the natural slope of the site does not exceed 20 percent and where effective erosion and sedimentation control measures are used in compliance with Section 22.52.120 to protect, restore, and revegetate all disturbed areas within 45 days after the completion of work or before October 15. This 45 day period may be extended where work is completed earlier in the year and an extension is necessary for rainfall to assist onsite revegetation. In order to qualify for this exemption, the proposed grading shall comply with the following, as applicable:
  - a. Excavation or fill shall not result in impacts to archaeological resources or the removal of trees or native riparian or wetland vegetation, or rare, threatened or endangered species. After consultation with the Environmental Coordinator, on-site monitoring may be required.
  - b. Excavations for wells and water pipeline maintenance (not to include grading for road work), disturbing an area that does not exceed an aggregate area of 1,000 square feet or exceed a total grading amount (cut plus fill) of 50 cubic yards.
  - c. Excavation for temporary holes or trenches for geological, geotechnical and archaeological exploration, (not to include construction or modification of required access roads) performed under the direction and supervision of a soil engineer, engineering geologist or (where applicable) an archaeologist. The work shall not affect or disturb areas greater than 3,000 square feet in size, shall not cumulatively involve more than 50 cubic yards of material associated with preparing the site for exploration, and shall be protected as required by occupational safety and health agency standards.
  - d. Excavations for the installation, testing, maintenance, or replacement of distribution or service facilities for utilities regulated by the California Public Utilities Commission, including electrical, water, or natural gas lines (not to include construction or modification of required access roads).

- e. Excavation and fill of trenches for utility lines not exceeding 24 inches in width or an average of five feet in depth, or holes for utility poles or anchors and limited accessory grading.
  - f. Initial excavation and fill necessary to effect such temporary repair or maintenance of oil, gas and utility lines as can be completed within seven days of commencement where such combined excavation and fill does not exceed a total of 100 cubic yards of material.
11. **Ongoing crop production and grazing.** Grading for the ongoing production of food and fiber, the growing of plants, and the management of rangeland shall be exempt when all of the following are true:
- a. For grading activities related to crop production, the proposed grading is limited to preparing a field for a crops on land that has been previously cultivated within the previous five years or covered under a conservation plan prepared as part of the Conservation Reserve Program. Cultivation shall include the following practices: disking, harrowing, raking or chiseling, planting, plowing, seeding, or other tilling.
  - b. For grading activities related to range management for commercial livestock production, the grading is limited to the following activities: vegetation management, such as reseeding or vegetation modification; or livestock watering systems other than ponds or reservoirs. To qualify for this exemption, these activities shall take place only on land where grazing has occurred within the previous five years.
  - c. All site work shall be balanced. No importation or exportation of fill material from/to off-site parcels shall occur. These fill materials include topsoil, sand, and biosolids. The incorporation of soil fertility amendments to enhance crop production or rangeland fertility is permissible under this exemption. Soil fertility amendments include materials described in the California Food and Agricultural Code Sections 14511 et seq. (excluding Sections 14552(e) and 14560).
  - d. All site work complies with the standards identified in Subsection C.1.
  - e. The grading does not involve construction of or modification to dams, ponds, reservoirs, or roads.
12. **Routine maintenance.** Routine maintenance of legally established existing (exempt or previously permitted) roads; man-made, engineered flood control channels or levees; existing agricultural drainage channels; agricultural water lines; and public utility lines (as provided by Subsection B.10); where the width, length, or design capacity is not increased.
13. **Water pipelines.** Installation of water pipelines to serve agricultural uses. Water pipelines shall be installed under proper practices recognized by the Natural Resources Conservation Service, which may include importation of gravel or sand.
- C. **Agricultural Grading.** This Subsection applies to all grading that does not satisfy the description for exempt grading in Subsection B. In order for agricultural grading to be exempt from a grading permit, as described in this Subsection, an Agriculture Grading Form shall be completed and submitted to the County prior to commencement of any grading activities, for verification that exemption criteria are met. An applicant's signature on the form indicates agreement, and acknowledgment of required compliance, with the standards in Subsections A and C.

1. **Agricultural Grading Standards.**

- a. All excavated material shall be placed on the same or contiguous parcels.
- b. Agricultural grading shall employ sound agricultural management measures and practices of the USDA Natural Resources Conservation Service (NRCS) and the UC Cooperative Extension. These practices shall not adversely affect slope stability, or groundwater recharge. Additionally these practices shall prevent off-site drainage and erosion and sedimentation impacts. All agricultural grading, whether requiring a permit or exempt, shall be consistent with the standards and practices contained in the NRCS Field Office Technical Guide (FOTG).
- c. Effective erosion and sedimentation control measures shall be used on all cut and fill slopes in compliance with Section 22.52.150C to protect, restore and revegetate within 45 days after the completion of work or before October 15 and shall be continually maintained for the life of the project. This 45 day period may be extended where work is completed earlier in the year and an extension is necessary for rainfall to assist onsite revegetation. All erosion and sedimentation control measures shall be consistent with the Low Impact Development (LID) Handbook and shall prevent sediment from entering any blue-line stream, pond, lake, wetland, bay, or the ocean.
- d. Any proposed exempt activities within a recorded or unrecorded archaeological site shall comply with the requirements of Section 22.10.040.

2. **Allowed agricultural grading.**

- a. **Crop production.** Grading to prepare new land for crop production on slopes with a natural gradient less than thirty percent where no off-site fill is proposed. Importation of commercial soil amendments as specified in Subsection B.11.c is permissible under this exemption.
- b. **Small reservoir.** A reservoir constructed to regulate or store a supply of water for frost protection, seasonal irrigation, or livestock purposes. Ponds, reservoirs, and dams are subject to the standards in Section 22.52.150F. To qualify for exemption as a small reservoir the following criteria must be met:
  - (1) The reservoir shall be designed to contain no more than one acre-foot of water.
  - (2) All water storage shall be located entirely below natural grade.
  - (3) The reservoir shall not be located on a stream, lake, or marsh, as identified on any U.S. Geological Survey map.

Storage reservoirs that do not meet the criteria under this standard may qualify for alternative review pursuant to Section 22.52.080B.4.

## 22.52.080 - Alternative Review Program

*Note: While the activities under this section are exempted from a grading permit for the purposes of this County's ordinance, it is the owner's and/or applicant's responsibility to contact all other regulatory agencies, including, but not limited to, the California Department of Fish and Game, Regional Water Quality Control Board, Army Corps of Engineers, U.S. Fish and Wildlife Service, or the California Department of Forestry (Cal Fire) to ensure the activities comply with their permit or license requirements.*

The applicant may elect to use the Alternative Review Program for those projects listed in Subsection B. This process allows an applicant to obtain technical assistance, inspection, and sign-off by either the Natural Resources Conservation Service (NRCS) or the Resource Conservation District (RCD).

An Alternative Review Form shall be completed and submitted to the County to verify that the project qualifies for the Alternative Review Process prior to commencement of any grading activities.

### A. Alternative review program standards.

1. Grading activities allowed under this section must conform to the minimum requirements to determine exempt status identified in Section 22.52.070A, agricultural exempt standards in Subsections C.1.b, C.1.c, and C.1.d of Section 22.52.070, and the standards in Section 22.52.150.
2. Within 60 days of County verification that the project qualifies for Alternative Review, the NRCS or RCD shall provide written verification that the project can meet Alternative Review requirements, including compliance with appropriate Field Office Technical Guide (FOTG) management practices. An extension of this period may be approved upon applicant request and agreement by the Director and the NRCS/RCD.
3. Upon final implementation/installation of appropriate FOTG practices and standard engineering practices, the NRCS/RCD shall submit a project finalization report to the County.
4. Projects which are not approved for Alternative Review, including projects which do not receive a project finalization report, shall be subject to Section 22.52.190 and Chapter 22.74.
5. For projects involving roads or ponds, the Agricultural Commissioner's office shall make a written determination that the extent of the existing agricultural use or a proposed agricultural use of the property justifies the need for the road or pond. The Agricultural Commissioner may consider such features as length, width, capacity, and extent of the proposed road or pond in determining whether it is justified.

### B. Projects allowed under the alternative review program.

1. **Hillside Benches.** Hillside benches and other appropriate methods for planting orchards and vineyards on slopes over thirty percent.
2. **Rangeland Management Projects.** Rangeland management projects, as specified in Section 22.52.060A.3.

3. **New agricultural roads.** New roads providing access to farm fields, pastures, water supplies, outdoor equipment or supply storage areas, livestock grazing areas, fence lines, or an agricultural structure which does not require a county building permit (agricultural exempt structure). New roads shall be the minimum width necessary for the planned agricultural use (generally between 12 and 16 feet in width), consistent with the determination made under Subsection A.5. The road shall not supply access to a habitable structure. Ford crossings (i.e. "Arizona" crossings), as determined to be appropriate by the Agricultural Commissioner, may be included in the construction of new agricultural roads.
  - a. **Future grading permit required.** A grading permit shall be required for the road if it will serve a structure that requires a construction permit. Further, the road shall be required to be improved to meet all then current standards. The permit shall include all of the work that was previously exempt or subject to alternative review.
  - b. **Qualifying criteria for alternative review.** In addition to the criteria in Section 22.52.070A., roads shall meet all of the following:
    - (1) Must be located within an Agriculture or Rural Lands land use category. The roads must also be outside of an urban or village reserve line, or within a Residential Rural land use category where the road is to serve an existing agricultural operation as determined by the Agricultural Commissioner's office.
    - (2) Shall have properly designed and placed culverts, water bars or other drainage and erosion and sedimentation control features meeting the recommended practices and standards provided by NRCS or RCD. Effective erosion and sedimentation control measures shall be used on all cut and fill slopes in compliance with Sections 22.52.120 and 22.52.150C to protect, restore and revegetate within 45 days after the completion of work or before October 15. This 45 day period may be extended where work is completed earlier in the year and an extension is necessary for rainfall to assist onsite revegetation. Vegetation buffer strips shall be maintained between the road and blue line streams (as applicable) shown on the latest USGS 7-1/2 minute topographic quadrangle to trap sediment before it reaches the stream.
    - (3) Have adequate cross-slope for proper drainage and erosion control. Outward sloping roads are encouraged unless infeasible or inappropriate.
    - (4) Does not divert drainage onto adjacent properties. Does not discharge or threaten to discharge silt on adjacent properties, roads, sensitive resource areas, or into streams as shown on the latest USGS 7-1/2 minute topographic quadrangle.
    - (5) Constructed between April 15 and October 15; unless temporary erosion control is in place and the reseeding is assured to occur in the appropriate months for germination, as approved by a soil erosion specialist.

4. **Ponds, reservoirs, and dams.** Agricultural reservoirs constructed to regulate or store a supply of water and drainage basins designed to catch run-off not related to development requiring a County permit. A drainage basin designed to catch run-off relating to development requiring a County permit shall require the issuance of a grading permit in compliance with 22.52.050. Reservoirs, ponds, or basins, with a storage capacity of 15 acre-feet or more and a dam height of 25 feet or more; or with a storage capacity of 50 acre feet or more and a dam height of 6 feet or more are subject to the jurisdiction of the Division of Dam Safety of the California Department of Water Resources. Any pond, reservoir, or basin which catches and retains surface drainage or riparian underflow shall have applicable water rights entitlements from the California Department of Water Resources. Ponds, reservoirs, and dams are subject to the standards in Section 22.52.150F.
5. **Streambank protection measures.** Streambank protection measures when using NRCS Practices and with appropriate Fish and Game alteration agreements/permits, Regional Water Quality Control permits, and Army Corps permits, as required.
6. **Conservation, restoration, and enhancement projects.** A soil, water, and/or wildlife conservation or enhancement project for which a California Department of Fish and Game alteration agreement/permit and/or Army Corps of Engineers permit has been secured.
7. **Upland restoration measures.** Projects which are undertaken for soil, water quality, habitat, or wildlife restoration, conservation, or enhancement occurring outside of the channel of a stream.
8. **Trail and recreation enhancements.** Trails for agricultural production support activities and recreation enhancements of property. If a land use permit is required under this ordinance to establish a recreational facility, no grading shall occur until the appropriate approvals have been secured.
9. **Waste management systems.** Waste management systems for agricultural production and processing uses.
10. **Imbalanced Grading.** Any agricultural grading identified in Section 22.52.070, Subsections B.11, B.13, and C which would require the importation or exportation of fill material.
11. **Exempt uses.** At the applicant's option the Alternative Review Program may be used in lieu of exemption for grading projects described in Section 22.52.070 – Subsections B.11, B.12, B.13, and C.

#### 22.52.090 - Review, Approval and Permits

- A. **Timing and restrictions of approval.** Grading permits are subject to the following timing requirements and restrictions:
  1. A grading permit shall not be approved before:
    - a. Application for a construction permit, if the grading is proposed for creation of or access to a building site.
    - b. Approval of a land use permit, land division, or General Plan amendment, if such approvals are required for completion of any project located on the same site; all required appeal periods shall have expired.

### Summary of Proposed Agricultural Exemptions (Inland)

Grading Activity	Exempt	Ag Grading		Alternative Review	Grading Permit	Variance	Notes
		Level 1 or 2	Level 3				
<b>CROP PRODUCTION AND GRAZING</b>							
Ongoing crop production	<input type="checkbox"/> ●						22.52.070B.11
Ongoing grazing/rangeland management	<input type="checkbox"/> ●						22.52.070B.11
New fields crop production and grazing – slopes of less than 30 percent		<input type="checkbox"/> ●					22.52.070C.2.a
Creating hillside benches or other orchard and vineyard improvements over 30 percent slopes			<input type="checkbox"/> ●				22.52.080B.1
New fields for crop production (other than orchards/vineyards) and grazing over 30 percent					<input type="checkbox"/> ●		
Removal of less than ½ acre of native vegetation for rangeland management (new)	<input type="checkbox"/> ●						22.52.060A.3
Removal of ½ acre or more of native vegetation for rangeland management (new)	<input type="checkbox"/>			●			22.52.060A.3 / 22.52.080B.2 <u>Note:</u> This applies even if not moving 50 cubic yards
<b>INFRASTRUCTURE</b>							
Routine maintenance of roads, pipelines, etc.	<input type="checkbox"/> ●						22.52.070B.12
Installation of water pipelines / irrigation	●		<input type="checkbox"/>				22.52.070B.13
Constructing waste management systems				<input type="checkbox"/> ●			22.52.080B.9
Constructing a small reservoir			<input type="checkbox"/> ●				22.52.070C.2.c
Constructing a larger reservoir – not in a stream				<input type="checkbox"/> ●			22.52.080B.4
Constructing a larger reservoir – in a stream				●	<input type="checkbox"/>		22.52.080B.4 –CEQA review by Fish and Game

Current Ordinance Requirement (Inland)

Proposed

Proposed (in certain limited cases)

Grading Activity Current Permit Level	Exempt	Ag Grading Level 1 or 2	Alternative Review Level 3	Grading Permit Level 4	Variance	Notes
New agricultural road – less than 16 feet wide		<input type="checkbox"/>	<input checked="" type="checkbox"/>			22.52.080B.3
New agricultural road – more than 16 feet wide			<input type="checkbox"/>			22.52.080B.3
New road proposed to serve a structure				<input type="checkbox"/>		Note 1
Conversion of pre-existing agricultural road to a road intended to serve a permitted structure				<input type="checkbox"/>		Note 1
<b>CONSTRUCTION</b>						
Roads/building pad for a structure – less than 30 percent slopes				<input type="checkbox"/>		Note 1
Roads/building pad for a structure – 30 percent or greater slope				<input type="checkbox"/>	<input checked="" type="checkbox"/>	Grading Permit required after Variance approval
<b>MISCELLANEOUS ENHANCEMENTS</b>						
Recreational trails		<input type="checkbox"/>	<input checked="" type="checkbox"/>			22.52.080B.8
Conservation and enhancement; streambank restoration; upland restoration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>			22.52.070B.7; 22.52.080B.5, 6, 7
Maintenance of a drainage channel	<input checked="" type="checkbox"/>	<input type="checkbox"/>				22.52.070B.12
Clearing vegetation for a firebreak	<input type="checkbox"/>					Must adhere to Cal Fire recommendations
<b>SPECIALIZED USES</b>						
Nursery specialties				<input type="checkbox"/>		
Equestrian facilities				<input type="checkbox"/>		

**NOTES**

1. Could trigger land use permit requirements outside of the Agriculture land use category depending on use and amount of disturbance.
2. All site work that involves less than 50 cubic yards (cumulative) and does not involve work in a watercourse would not constitute "grading" under the proposed ordinance and thus would not require a grading permit or qualification under the exemption criteria. The one exception to this is if 1/2 acre or more of native vegetation is proposed to be removed for rangeland management purposes.

Current Ordinance Requirement (Inland)       Proposed       Proposed (in certain limited cases)

# 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)

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Agriculture Finance Rep.  
Mark Pearce (8/10)

Cattlemen Rep.  
Dick Nock

Coastal San Luis RCD Rep.  
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Direct Marketing/Organic Rep.  
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Environmental Rep.  
Debra Garrison (1/11)

Farm Bureau Rep.  
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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*

February 26, 2010

RE: March 2, 2010 Item C- Amendments to the County Grading Ordinance

Dear Chair Mecham and the County Board of Supervisors:

ALAB is pleased to provide you with its input into this important discussion relating to the update of the County's inland and coastal grading ordinances. Members of the Agricultural Liaison Advisory Board (ALAB) have met three times since the Planning Commission completed its review of the ordinance revisions including one meeting subsequent to the Board deliberations in January (December 5, 2009, January 4 and February 22, 2010). ALAB has made total of nine motions regarding the ordinance revisions. A prior letter detailed the earlier eight motions. However they are included with this letter (Motions 2-9) for your convenience. Please note that the term "clean" was added to Motion 4 at our February meeting.

### **MOTION 1: ALAB supports the following:**

**(1) an agricultural exemption of up to 1,500 cubic yards where the materials moved are not cumulatively (counted only once rather than at the time of excavation and the time of fill).**

**(2) the use of a certification process for certain practices such as upland restoration and associated import of fill.**

**(3) Change the term from "land" to "site" in Section 22.52.070.B.11.b. Native Vegetation.**

**(4) clarifications to the language regarding repair and maintenance and other sections of the proposed ordinance**

This motion followed discussion about your January hearing and a subsequent meeting of a group of farmers and ranchers with County staff on February 10. At this meeting potential changes and clarifications related to portions of the ordinance of most relevance to agriculture.

### **MOTION 2: Ag grading activities related to the Alternative Review**

**process within the County Grading ordinance should apply to the Resource Conservation District (RCD) for initial review.**

The second motion focused on the proposed revisions to the Alternative Review process for farmers and ranchers working with the local RCD. ALAB members supported revisions to the ordinance language which would allow applicants to initiate the process with the RCD rather than having to first apply to the Planning and Building Department using the Alternative Review Form.

**MOTION 3: Reword ordinance language in §22.52.070.B.1. Drop the term “Hillside Benches” and rewrite to state: “For crop production including orchards and vineyards on slopes over 30%.”**

The third motion focused on one of the allowed alternative review practices, item 22.52.080.B.1. which currently states: “**Hillside Benches:** Hillside benches and other appropriate methods for planting orchards and vineyards on slopes over thirty percent.” There was a concern that the specific language about benches for vineyards and orchards unnecessarily limits this practice and would not allow other crops, including new or emerging crops, to utilize the Alternative Review process to grade on slopes above thirty percent.

**MOTION 4: Reword ordinance §22.52.070.B.11.c: “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 clean fill does not exceed one foot in depth” to the conclusion of the sentence.**

The fourth motion resulted from an extended discussion regarding the proposed limitation on grading in excess of 50 yards. Some members noted the existing ordinance allows unlimited amounts of cuts and fill and earth movement on a site as long as certain thresholds (three feet of fill, excavations up to two feet in depth, five foot cut slope) are not exceeded. There was a concern that the elimination of this broad exemption from grading permit oversight would unnecessarily limit agriculture’s ability to rapidly respond to unforeseen circumstances such as pest quarantines necessitating on-site agricultural processing (cleaning, sorting, packing) operations, which in turn could require more than 50 yards of fill or other earth movement.

**MOTION 5: Reword ordinance §22.52.070.C.1.c 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.**

The fifth (and final motion from December 5) was a housekeeping measure to address an apparent language oversight which would require consistency with Low Impact Development Handbook measures for agricultural grading.

**MOTION 6: ALAB does not support the use of the Agriculture Grading Form, §22.52.070.C.**

The sixth motion (first motion on January 5) relates to the proposed exemption granted for grading associated with new fields up to thirty percent slopes and small in-ground ponds. As proposed, this exemption would require growers to first submit a form with site information, a description of the proposed grading, and an acknowledgement that the grading would meet certain standards. ALAB was primarily concerned with acknowledging that it is the operators’

responsibility to obtain all necessary permits from state and federal agencies prior to starting grading and thought the form unnecessarily impinged upon growers.

**MOTION 7: Reword §22.52.070 and §22.52.080 under Note: “While the activities under this section are exempted from a grading permit for the purposes of this County’s ordinance...” by replacing “...it is the owner’s and/or applicants responsibility to contact all other regulatory agencies, including, but not limited to, the California Department of Fish and Game, Regional Water Quality Control Board, Army Corps of Engineers, U.S. Fish and Wildlife Service, or the California Department of Forestry (Cal Fire) to ensure the activities comply with their permit or license requirements” with the following “...it is suggested that owners and or applicants contact the local Natural Resource Conservation Service (NRCS) or Resource Conservation District (RCD) for information regarding other agencies’ permit or license requirements.”**

The seventh motion builds upon the previous motion and requests removing language which notes that other agencies may have permitting requirements for exempt grading. Instead, ALAB supported replacing this language with alternative language suggesting that applicants seek assistance and information from non-regulatory assistance agencies (NRCS or RCD).

**MOTION 8: Change the proposed ordinance language in §22.52.080.A.5. and on any associated county form] and note that the Resource Conservation District (RCD) shall be the lead agency with the Alternative Review process and, in order to avoid any duplication of process, shall not include the County Agriculture Commissioner.**

The eighth motion is intended to streamline the Alternative Review process by eliminating a formal role for the County Agriculture Department. Discussion after the motion clarified that the RCD or the Planning Department could still consult with or report to the Agriculture Department regarding Alternative Review projects.

**MOTION 9: Expand the language under §22.52.070.B Exempt Grading: “The following grading does not require a grading permit” by adding the following: “...nor does the 50 cubic yard limitation apply.” Additionally, make the same clarification in §22.52.070.C Agricultural Grading through an italicized note.**

The final motion relates to the concern that grading which is exempt from a county grading permit may still be subject to the 50 cubic yard limitation which is one of the triggers for a county grading permit.

ALAB appreciates the Board’s consideration of the issues addressed in this letter. ALAB members look forward to continuing to provide input on this and other critical agricultural issues.

Sincerely,

Dee Lacey  
Agricultural Liaison Advisory Board Chair

# 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

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County Agricultural Commissioner  
Bob Lilley  
*Ex-Officio*

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

DATE: March 17, 2010

TO: Karen Nall, County Planning and Building Department

FROM: Michael Isensee, ALAB Secretary

RE: Ministerial Standards for Events

At the February 1, 2010 meeting of the Agricultural Liaison Advisory Board the concept of a ministerial level of events permit which would allow events to be held on sites throughout the county without any agricultural use was discussed. ALAB reviewed the list of staff's previously proposed events standards in addition to other possible agriculture-related measures suggested by Agriculture Department staff.

The following motion was unanimously adopted with regard to a ministerial level of temporary events in rural agricultural areas:

### **ALAB supports the following proposed standards:**

- 1) 200 foot buffer to property line,**
- 2) parking to be free of combustible material,**
- 3) no parking within public right of way, and**
- 4) notification for nearby property owners.**

### **ALAB recommends the following revisions:**

- 1) elimination of preclusion of parking on Class 1 soil,**
- 2) frequency of events should be limited to no more than 6 events per year;**
- 3) number of attendees should be reduced to [between] 50 – 200 (excluding staff), and**
- 4) no new permanent structures be allowed for use.**



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**SUMMARY OF PRELIMINARY STAFF RECOMMENDATIONS  
SUBMITTED BY THE REGIONAL WATER QUALITY CONTROL  
BOARD  
(February 1, 2010)**

The Regional Water Quality Control Board staff has released preliminary recommendations for the Conditional Waiver of Discharges from Irrigated Agricultural Lands. The Waiver is in lieu of requiring waste discharge permits and must be renewed every five years. These new requirements, if adopted by the Board, could become effective as early as July 10, 2010. The Draft Order (R3-2010-00XX) is 77 pages, containing 141 general findings; 56 definition tables and standards, and 85 terms and conditions which must be complied with to obtain coverage under the Waiver. The major components are set forth below.

1. All landowners and/or operators will be required to file an updated **2010 notice of intent and enrollment fee** to the RWQCB within 60 days of the adoption of the new order. A new **acreage update form** must be submitted **annually** by the operator within 60 days of acquiring control of a new ranch. The notice of intent must contain the following: a) each ranch location by means of a **detailed map** showing points where water is **discharged, wells, tile drains**, streams or riparian or **wetland habitat areas**; b) crops grown and irrigation system; c) **nitrate concentrations in well water** or tail water; d) chemicals used; e) management practices implemented; f) backflow prevention on wells; g) a signed statement under penalty of perjury that the information is correct.
2. Farmers are required to submit a new and revised **Farm Water Quality Management Plan** that must be **updated annually**, to the Regional Water Quality Control Board. Such plans will become a **public record** subject to disclosure upon request.
3. The farm plan requires a **nutrient management element** be prepared and approved by a **certified crop advisor (CCA)**.
4. The farm plan requires that farmers map and photo document existing **perennial, intermittent or ephemeral streams or riparian or wetland area habitat** and implement mandatory **buffers of 50, 75 & 100 feet** from the stream bank for riparian habitat within **4 years** of adoption. As an alternative to habitat buffers, farmers can prepare a **Riparian Function Protection Restoration Plan**, certified by a **registered engineer or geologist**, that restores aquatic life and wildlife support.
5. **An erosion control and sedimentation and storm water management element** must be included in the farm plan to minimize discharge, to meet water quality standards. Such management practices include maintaining crop residue or vegetation cover on the soil.

6. The Waiver prohibits **channel clearing**, except for ag ditches, **hydro-modification** and the clearing of beneficial vegetation for **food safety reasons**.
7. The Waiver prohibits **ground applications of pesticides** within **50 feet**, and **aerial applications** within **150 feet** of any **surface water body**.
8. Irrigation systems must be operated to **distribution uniformity** of .70 furrow; .75 hand move sprinkler and .85 for drip.
9. Overflows from **standing pipes** from gravity flow systems must be eliminated.
10. All **foliar fertilizer applications** must cease a minimum of **72 hours** before any forecasted **rain** and up to **72 hours after** the occurrence.
11. **Leaching** to control salt must not be performed to **wash nitrate based salts from the soil profile**.
12. A U.C. year-round **integrated pest management (IPM)** program must be filled out and kept up to date annually.
13. Farmers must report **the location of all groundwater well locations** and must monitor and report depth to water and **sample groundwater from wells** quarterly for the first year and annually thereafter for nitrates and TDS.
14. Within **2 years** from adoption all growers as a group must submit **a conceptual plan for groundwater monitoring**.
15. Within **2 years** from adoption farmers **must eliminate all irrigation runoff** or provide water quality data through individual on the farm monitoring that irrigation runoff has been sufficiently treated or controlled to **meet water quality toxicity standards for pesticides**. (Chlorpyrifos 0.025 ug/L; Diazinon 0.14 ug/L ).
16. Within **3 years** from adoption, farmers must eliminate all irrigation from their farming operation or in the alternative, provide data to show runoff has been treated or controlled to meet **sediment and turbidity standards**. (Turbidity 5 NTO when less than 25 NTU in receiving water; 20% when 25 to 50 NTU; 10 NTU when 30 to 100 NTU; 10% when greater than 100 NTU).
17. Within **4 years** from adoption farmers must provide data that runoff achieves standards for **nutrients and salt water quality** (Biostimulatory limits at 1 mg/L nitrates which is ten times lower than drinking water standards of 10 mg/L as N).
18. Within **6 years** from adoption **nitrate and salt discharges to groundwater** must meet water quality standards.

19. Growers must continue to participate and fund the **Watershed Level Cooperative Monitoring Program**, which will be expanded to include monthly testing for total nitrogen, color, algal description and fecal coliform chloride, sodium, boron, sulfate, all alkalinity and bio-assessment.
  
20. **For farms that cannot eliminate tail water**, they will have to **conduct individual on farm reported monitoring**. A **quality assurance plan (QAP)** must be submitted within **3 months** of order adoption, start implementing monitoring within **6 months** and start submitting reports to RWQCB **3 months** later. A third party entity can conduct this monitoring but all data must be reported to RWQCB. The Executive Office may postpone individual monitoring where discharges within a watershed collectively are making progress toward meeting the timelines of compliance.
  
21. A “**low risk**” **discharger** will be the **lowest priority** for any regulatory action and will **not be subject to individual water quality monitoring and reporting** required in the order. Vineyard operations certified by the Central Coast Vineyard Team (CCVT) as sustainable in practice (SIP) will be classified as low risk. For all other agricultural operations, the farmer must demonstrate effective implementation of the following practices:
  - a. Eliminates all **tail water**;
  - b. Does not farm adjacent to or **in close proximity** (within **1000 feet**) to an impaired surface water body identified on the Impaired Waters List;
  - c. Uses **integrated pest management techniques** and does not use pesticides **identified in Attachment A** (or otherwise identified in pesticide use regulation) as having a high potential to degrade/pollute surface water;
  - d. Implements a **nutrient management** plan certified by a XXX {Note: *Appropriate professional certification, such as Certified Crop Advisor (CCA) or other certification with similar expertise and experience*} to be protective of water quality (e.g. will not contribute to an exceedance of water quality standards); and
  - e. Implements **storm water control measures** to minimize erosion and sediment deposition using best practicable treatment or control.