

County of San Luis Obispo Agricultural Liaison Advisory Board



Agricultural Liaison
Advisory Board (ALAB)

Positions/Members/Terms

CHAIR: Dee Lacey

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

MEETING AGENDA

Monday, February 22, 2010

6:00pm

LOCATION:

Farm Bureau Office
651 Tank Farm Road
San Luis Obispo

- 1. 6:00pm** Call to order, introductions, quorum determination:
Chair Lacey
- 2. 6:05pm** Public Open Comment: (for items not on the agenda):
Chair Lacey
- 3. 6:15pm** Announcements from County Ag Department staff: see handout available at meeting. Announcements from members: "Reports from the Trenches"
- 4. 6:25pm** Review/approval of previous meeting minutes:
Chair Lacey
- 5. 6:30pm** Review/possible action: management issues of the Thursday Night Farmers' Market in downtown SLO
Eric Michielssen - ALAB Member
- 6. 6:50pm** Review/possible action: Grading and Stormwater Management Amendments to the County General Plan and County Code
Michael Isensee – County Ag Department
Joy Fitzhugh – SLO Farm Bureau
- 7. 7:30pm** Review/possible action: procedure for developing meeting minutes:
Use of tape recordings
Bob Lilley - County Ag Department
- 8. 7:40pm** Review/possible action: time change of future meetings;
agenda items/meeting dates; method of providing meeting material to members and others; adjournment – Chair Lacey

ALL TIMES ARE APPROXIMATE

MEMBERS: Please contact Lynda Auchinachie in the County Department of Agriculture at 805-781-5914 if you can NOT attend.

Scope of the Agricultural Liaison Advisory Board (ALAB):

The ALAB is advisory in nature and is recognized as a forum for discussion of matters that relate to local agriculture and land use or as directed by the County Board of Supervisors. ALAB members serve at the pleasure of the Board of Supervisors. Meetings are open to the public. Monthly agendas, minutes and supplemental handouts for agenda items can be accessed at www.slocounty.ca.gov/agcomm or at the County Department of Agriculture – 2156 Sierra Way, Suite A, San Luis Obispo.



COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401 - 4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX: (805) 781-1035
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

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

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.

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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CHAIR: Dee Lacey

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Mary Bianchi, *Ex-Officio*

DATE: February 5, 2010

TO: San Luis Obispo County Board of Supervisors

SUBJECT: ALAB Recommended revisions to the Planning Commission Recommended Conservation and Open Space Element (December 29, 2009)

Members of the Agricultural Liaison Advisory Board (ALAB) met on February 2, 2010, to discuss the Planning Commission recommended Conservation and Open Space Element (COSE).

While the Planning Commission adopted several of ALAB's recommended changes, members unanimously agreed to request that several of their original comments be resubmitted as well as a few additional revisions. Please consider incorporating the attached revisions to the Planning Commission recommended version of the COSE.

Sincerely,

Signed

Dee Lacey, Chair
Agricultural Liaison Advisory Board

att: Introduction Recommended Revisions
Biological Resources Recommended Revisions
Water Resources Recommended Revisions

cc: Mike Wulkan, Planning Department

**CONSERVATION AND OPEN SPACE ELEMENT
PLANNING COMMISSION RECOMMENDED DRAFT
ALAB Comments – February 1, 2010**

INTRODUCTION

General comment: throughout element, substitute *conserve* for “protect” and “preserve”. Conserve reinforces the goal of the Element, and links all policies, etc to the “Conservation and Open Space Element”. Additionally, all existing and recommended references to Agriculture Element policies should be included in the final document and the COSE glossary should direct readers to Appendix J: Production Agriculture Determination for a definition of Production Agriculture.

Page 1.17 or 18 General comment: stronger reference is needed to inform and link reader to all other Elements also apply. Add a section to expand the “How to Read the Element” section to further inform the reader how this element applies and how the reader would know what other Elements also apply to their property. An example is page 1-19 of the current Agriculture and Open Space Element.

Add:

HOW THIS ELEMENT APPLIES TO PROPERTY

In order to find out how this plan applies to a particular property or area of the county, follow these steps:

(adds steps, similar to page 1-19 of the current Agriculture and Open Space Element, reference to other land use designations would need to be added.)

Page 1.15 OPEN SPACE RESOURCES:

General comment: This section seems to blend the concepts of open space and agriculture. Stronger reference is needed to inform and link reader to all other Elements also apply. In this case, reference to AGP 26 – AGP 35 is needed. A more inclusive differentiation of Elements can be found in the paragraph below D-4 of page 3-25 of the current Agriculture and Open Space Element.

Add: *Open space lands described in this Element are resources or features of the landscape with unique or sensitive habitat for plants and animals; recreational opportunities; distinctive scenic values; hazards that threaten public health and safety; or archeological or historical sites. Because open space resources do not observe man-made boundaries, they occur on both public and private lands. Therefore, the following goals and policies in this Element refer to the treatment of open space resources on public lands and on private non-agricultural lands. Agricultural Element policies AGP 26-Agp 35 deal with the treatment of open space resources on agricultural lands.*

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BIOLOGICAL RESOURCES

Page 3.15 The Planning Commission recommended the language in Policy BR 1.8 be revised to read:

Policy BR 1.8 Effects of Major Ecosystems on Agricultural Uses

Designation and management of a Major Ecosystem Network will ~~not interfere~~ be coordinated with agricultural uses on private lands that are either within or adjacent to the network, as stated in the Agriculture Element. ~~(AGP 28). (OSP 13 and 14 revised)~~

ALAB requests that the original language of “not interfere” be maintained and not replaced with “be coordinated.”

Additionally, ALAB requests that language be added as follows:

...as stated in the Agriculture Element. Ecosystems need to be separated and buffered from irrigation agriculture production areas to reduce the risk of microbial contamination due to wildlife intrusion.

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WATER RESOURCES

Page 10.2 Relationship to Other Elements, Plans and Programs

Third paragraph, last sentence ADD: For lands used in production agriculture, refer to AGP 10 and AGP 11 of the AG Element for groundwater matters involving water supply, demand, quality, and basin/resource capacity.

Page 10.3 Water Supply

4th Bullet – ADD: There is a need to secure water supplies to protect environmental resources while at the same time protect groundwater supplies for agriculture. (AGP 11).

Page 10.4 2nd bullet – ADD: Water management programs (e.g., ground water management plans) may be needed in or around non-agricultural land ~~are needed~~ to adequately manage water resources, but they require additional funding.

Page 10.4 Goal WR 4

ADD: Per capita potable water use for human consumption in the county will decline by 20 percent by 2020.

Page 10.4 Goal WR 6

ADD: Damage to life, structures, agricultural and natural resources from floods will be avoided.

Page 10.5 WR 1.1

ADD: reference to APG 10-11 to first paragraph.

WR 1.1.1 c.

Establish a water demand monitoring program in coordination with the Co Planning Depts Resource Management System to monitor municipal, industrial, ~~agricultural~~, recreational, and environmental demand

Page 10.6 WR 1.3.3

Identify potential partners for advanced tertiary treatment projects (i.e., ~~agriculture~~, park fields, etc). (IRWM)

WR 1.3.4 missing?

WR 1.3.5

ADD: Explore opportunities for groundwater recharge with reclaimed water. Opportunities include but are not limited to recharge through use of reclaimed water for *landscape* irrigation, dust control, and fire suppression. (IRWM)

Page 10.6

ADD: WR 1.3.6

Explore opportunities for agricultural use of recycled water that meets water recycling criteria adopted by the California Department of Public Health (CDPH, §60303-60303, 2009)

Page 10.8

WR 1.7

ADD: Surface water will only be used to serve development within urban and village reserve lines and will not be used to serve development in rural areas, with the exception of surface water collected for agricultural use. (AGP II).

Page 10.9

WR 1.11

ADD: Accurately assess and mitigate the impacts of new *non-ag* development on water supply.

Page 10.9

WR 1.13

~~Place limitations on further land divisions in these areas until plans are in place and funded to ensure that the safe yield will not be exceeded.~~
(Division of ag land does not always lead to increased water consumption. For example grazing land divided that remains in grazing).

Page 10.10

General comment:

Including agriculture in the Groundwater Monitoring Management Goal 2 and its related policies in this Element may not be acceptable to the vast majority of the agricultural community. Securing right of access to ag wells, the resulting government system mapping of ag well water locations, and the resulting public knowledge of these sites and access create serious trespass and food safety concerns. AGP11 addresses agricultural water supply issues in the new Ag Element. Therefore, add the following accordingly:

WR 2.1.1

Insert *non-agricultural* after “funding for”

WR 2.1.2

Insert *non-agricultural* after “govern”

WR 2.1.3

Insert *non-agricultural* after “overlying”

WR 2.2.2

Insert non-agricultural before “well permit”

Page 10.10 WR 2.2.3

Revise as follows: Secure right of access to all new key wells together with retaining voluntary access to existing wells having useful histories to ensure that the County’s investment in these records is protected. The county ~~should~~ shall obtain ~~unlimited~~ permission from each of the well owners for only county use with identification of the landowner protected from public or other uses and all ~~releasing or publishing~~ groundwater data shall remain confidential.

Define key wells.

If not inserting “non-agricultural” after “key”, delete: ~~The County should obtain unlimited permission from each of the well owners for releasing or publishing groundwater data.~~

Page 10.11 WR 2.3.1

ADD: Revise non-agricultural well permit procedures to address adopted groundwater management plan objectives.

WR 2.5

ADD: Investigate the ramifications of ~~Encourage~~ ground water-banking programs.

Page 10.12 Figure WR-2

Hydrologic Units – what is purpose of map and is this map geological units instead of hydrological units?

Page 10.13 WR 3.2

ADD: Protect watersheds, groundwater and aquifer recharge areas and natural drainage systems from potential adverse impacts of non-agricultural development projects. (GM1, AGP 10 and 11)

Page 10.15 WR 3.5

ADD: Continue support of and partnerships with *Resource Conservation Districts* to encourage education and technical assistance regarding erosion and sediment control in ~~agricultural~~ land management practices. (AGP 9-10)

WR 3.6

ADD: AGP10 at end of sentence

WR 3.6.1

Delete this strategy. It is already implemented by the RWQCB so this is a duplication of effort and funding.

WR 3.7

Capitalize Resource Conservation Districts

GOAL 4

ADD: at end of sentence: For ag lands, see AGP 10.

Page 10.18 WR 4.8

Capitalize Resource Conservation Districts

Page 10.18 WR 5.1.1

ADD: Support development and implementation of watershed *wide* management plans for all key watersheds in the county in collaboration with Resource Conservation Districts, water purveyors, cities, agricultural operations and landowners.

Page 10.25 ADD: WR 6.6.1

Stream channelization and alteration practices should be referred to the Resource Conservation Districts and other appropriate agencies for technical assistance and compliance with laws and regulations.

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VISUAL RESOURCE

Page 9.7 GOALS, POLICIES, AND IMPLEMENTATION STRATEGIES

section:

Change first sentence to: The intent of the following goals, policies and implementation strategies is to protect the visual character and identity of the county while protecting private property rights *and agricultural resources and facilities.*

NOTE: Additional ALAB recommended revisions submitted to Board of Supervisors 2-10-2010
(Hearing date for Visual resource Chapter 4-6-2010)