

County of San Luis Obispo Agricultural Liaison Advisory Board



Agricultural Liaison
Advisory Board (ALAB)

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Positions/Members/Terms

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District Two: Gibson Appt.
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District Four: Achadjian Appt.
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County Agricultural Commissioner
Bob Lilley, *Ex-Officio*

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

DATE: January 7, 2010

TO: San Luis Obispo County Board of Supervisors

SUBJECT: ALAB Recommended modifications to the Planning Commission Recommended Grading Ordinance (November 19, 2009)

Members of the Agricultural Liaison Advisory Board (ALAB) met on December 5, 2009 and January 4, 2010 to discuss the Planning Commission recommended Grading Ordinance revisions.

Discussion was robust and concern was expressed that the proposed grading ordinance would adversely impact agriculture. Four specific motions were approved on December 5 and four additional motions were approved on January 4.

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

The second 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 3: Reword ordinance section 22.52.070B.11.c (page 9):

“No importation or exportation of fill materials from/to off-site parcels shall occur” by adding “...except for necessary agricultural practices required to maintain and continue crop production operations so long as the fill does not exceed one foot in depth” to the conclusion of the sentence.

The third 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 4: Reword ordinance section 22.52.070.C.1.c (item c at the top of page 10) 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 fourth 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 5: ALAB does not support the use of the Agriculture Grading Form, section 22.52.070.C (page 9).

The fifth 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 6: Reword ordinance sections 22.52.070 (on page 5) and 22.52.080 (page 10) under Note [of the PC Recommended Grading Ordinance]: “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 sixth 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 7: Change the proposed ordinance language on page 11 [Section 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 seventh 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 8: Expand the language under 22.52.070.B Exempt Grading (page 6): “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 (page 9) 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,

R. Don Warden, Chairman
Agricultural Liaison Advisory Board