TO: BOARD OF SUPERVISORS

FROM: MURRY WILSON, ENVIRONMENTAL RESOURCE SPECIALIST
MICHAEL CONGER, PLANNER II

VIA: KAMI GRIFFIN, ASSISTANT PLANNING DIRECTOR, DEPARTMENT OF PLANNING AND BUILDING

DATE: APRIL 13, 2010

SUBJECT: CONTINUED HEARING TO CONSIDER AMENDMENTS TO THE LAND USE ORDINANCE, COASTAL ZONE LAND USE ORDINANCE AND LOCAL COASTAL PLAN RELATING TO GRADING AND STORMWATER MANAGEMENT IN ORDER TO COMPLY WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE TWO REQUIREMENTS. SUPERVISORIAL DISTRICT: ALL

RECOMMENDATION
That the Board of Supervisors:

1) Consider the revisions identified in Exhibits A and J (attached).

2) Take final action on General Plan Amendment LRP2008-00007 by adopting and instructing the chairperson to sign the resolution (Exhibit B), and ordinances (Exhibits D, E, and F).

3) Certify the Final Environmental Impact Report (FEIR) and adopt the Mitigation Monitoring and Reporting Program (MMRP).

4) Adopt the California Environmental Quality Act (CEQA) required findings and statement of overriding considerations (Exhibit G)

SUMMARY

On January 26, 2010, your Board held a public hearing to consider adoption of the Grading and Stormwater Management General Plan and Ordinance Revisions. At that time, your Board took public testimony and tentatively approved the proposal, excluding those provisions affecting agricultural grading. The hearing was then continued to March 2, 2010 to allow a focused discussion on agricultural grading.

On March 2, 2010, your Board took additional public testimony and provided direction to Staff. Board consensus was reached on a number of topics. Your Board further directed Planning staff to research and report back on several topics. Staff then reported back to your Board on March 16, 2010 to verify the scope of the remaining work to be completed and to provide additional clarifications and modifications within the text of the ordinance. These clarifications and modifications are included in Exhibit A as well as in the revised ordinance language included as Exhibits D and E.

DISCUSSION

Staff was given further direction from your Board to return with additional information and revisions to the proposed grading ordinance. The remaining topics are highlighted below and discussed in further detail in the following sections of the staff report. Staff has provided options where appropriate for your Board to consider.

1) Research local, statewide, or national certification programs that may be used by the County for the proposed Certified Grading Program.
2) Provide a recommendation as to which activities would be appropriate to process through a Certified Grading Program.
3) Recommend eligibility criteria for landowners and grading contractors to participate in the proposed Certified Grading Program.
4) Work with groups to define common concerns that remain and work towards consensus on the identified issues.
5) Research the roles and permitting jurisdiction of other state and federal agencies (e.g. Cal Fire, CDFG, etc.) with respect to vegetation removal.
6) Develop a framework for one or more grading ordinance "Users Guides," including a guide organized by grading activity and written for agricultural users, and a guide written for the development community.
7) Contact the Regional Water Quality Control Board (RWQCB) to request an extension past the March 23, 2010 deadline for adoption of the ordinance revisions.

<u>Topics 1 through 3</u>: *Certified Grading Program*

The concept of a Certified Grading Program was raised during a meeting with staff and members of the agricultural community on February 10, 2010. Staff reported on the concept to the Board of Supervisors at the March 2, 2010 hearing. At that time, the Board directed staff to research certification programs and report back to the Board on a number of topics:

- What types of activities would fall under the Certified Grading Program?
- How will the program be integrated into the ordinance?
- How would one qualify under the Certified Grading Program?
- What would the procedure be?
- What happens in the case of a violation?

The intent of a Certified Grading Program is to allow professionals and landowners with specific expertise in erosion and sedimentation control implementation to conduct more substantial agricultural grading activities without having to go through alternative review or obtain a County grading permit.

What types of activities would fall under the Certified Grading Program?

Staff recommends that the following activities be considered for inclusion in the Certified Grading Program:

- Grading for orchards and vineyards (i.e. hillside benching) on slopes over 30 percent
- Vegetation removal for rangeland management purposes, with no limitation on acreage
- Imbalanced grading involving the importation or exportation of up to 2,000 cubic yards per year on a site
- Conservation, restoration, and enhancement projects
- Any activities falling under *exempt* or *agricultural grading* categories, at the applicant's option

Staff recommends against inclusion of roads in the Certified Grading Program. Roads are the most common cause of erosion in agricultural operations. Researchers[1] have identified that approximately 77 percent of source sites for sedimentation are associated with roads. The researchers conclude that road design, construction, and maintenance is essential to reducing sediment delivery from agricultural operations. Additionally, roads are the most common agricultural grading practice where the exemption is misused by those seeking to circumvent the development review process. Code enforcement reports that approximately 64 percent of agricultural grading enforcement cases are due to roads. If roads are to be considered for inclusion in the Certified Grading Program, staff would recommend that several restrictive criteria be applied in order to avoid abuse and minimize erosion concerns:

- **Standards.** Roads would need to comply with the Alternative Review standards for new agricultural roads.
- **Width.** Road would be limited to a width of no more than 12 feet.
- **Stream setback.** Limits of grading would need to be set back at least 100 feet from any watercourse.
- **Slope.** Roads could not involve grading on slopes steeper than 10 percent.
- **Quantities.** Roads would be limited to no more than 2,500 cubic yards of cumulative earthwork.
- **Duration.** Roads would need be constructed entirely outside of the rainy season (September 15 to April 15), and permanent erosion and sedimentation control measures must be installed prior to the beginning of the rainy season.

Additionally, if trails are to be considered under the Certified Grading Program, staff would recommend that trails be defined to have a width of no more than 5 feet.

How would the program be integrated into the ordinance?

Staff has identified three options for integrating the program into the ordinance:

[1] Lewis, D.J et al. (July 2001). Survey identifies sediment sources in North Coast rangelands. *California Agriculture*. 55:4.

Option 1: Add the "Certified Grading Program" and remove the form requirement from "Agricultural Grading." The "Certified Grading Program" would require the filing of a form with additional information related to the proposed erosion and sedimentation control practices for the grading activity. If the Board pursues this option staff recommends the following changes be made:

- New fields on slopes of less than 30% – no form required
- New ponds of less than 1 acre-foot and located below natural grade – no form required
- Balanced Upland restoration – no form required
- Upland restoration involving less than 2,000 cubic yards of site disturbance annually – move to *Certified Grading*

This option would essentially exempt practices which presently fall under the "agricultural grading" category. Rather than requiring the filing a form for these activities to proceed, landowners would be able to proceed without County oversight. Staff proposes retaining the distinction "agricultural grading" rather than "exempt grading" in order to convey the message that these activities are not unconditionally exempt.

Option 2: Add certified grading within the existing framework. The disadvantage of this option would be an added level of complexity in the grading ordinance. This option would create six categories for agricultural grading:

- Grading falls below the thresholds – activity is not subject to the grading ordinance.
- Grading is exempted.
- Grading requires filing of the Agricultural Grading Form.
- Grading requires processing through the Alternative Review Program.
- Grading requires compliance with the Certified Grading Program.
- Grading requires a County Permit.

Option 3: Agricultural Commissioner's recommendation. Replace agricultural grading with a landowner certification process, in addition to the new "Certified Grading Program." This would create a two tiered system of certification:

- Activities listed under "agricultural grading" (i.e. new fields on slopes less than 30 percent, small ponds, and balanced upland restoration) would now require landowner certification in addition to the filing of a form. Landowners can be certified by demonstrating that they have attended one of the education programs, such as the RCD short course.
- Landowners or contractors may bypass the Alternative Review Process for certain activities if they become certified through a pertinent third-party certification program.

This option would be more restrictive in the sense that agricultural grading activities, which require only the filing of the form under the current ordinance proposal, would now also require landowners to attend formalized training on erosion and sedimentation control. This could result in additional training requirements for agriculturalist that have not completed a formalized training on erosion and sedimentation control. The third-party certification process for certain alternative review projects would mirror the program discussed in Option 1.

This option does have the potential to result in less abuse of grading activities authorized under the "agricultural grading" allowance because verification of formalized training would be required prior to initiation of grading activities.

The following table highlights how different activities would be affected by the three options:

Activity	Proposed Ordinance	Option 1	Option 2	Option 3
New fields, slope < 30%	Form required	No form	Form required	Landowner certification
Small pond	Form required	No form	Form required	Landowner certification
Upland restoration, balanced	Form required	No form	Form required	Landowner certification
Upland restoration, <2,000 cy imbalance	Alternative Review	Certified Grading	Certified Grading	Certified Grading

How would one qualify to participate in the Certified Grading Program?

Numerous programs have been provided to staff for consideration in the proposed Certified Grading Program. Staff has compiled additional programs that are nationally recognized for sedimentation and erosion control. Staff believes the chosen program should be consistent with the following criteria which are based on the purpose and intent of the grading ordinance. Agricultural certification programs tend to fall under one of the following general categories:

Third party review. A program where a third party organization reviews or audits the applicant to ensure compliance with their certification requirements.

Compliance reporting. A program in which applicants are generally "on their honor" to comply with certification requirements, and where they are required to report when they are in compliance and when they are not in compliance.

Education. A program where applicants attend a course or series of courses and receive a certificate.

Self-certification. A program where applicants complete their own certification analysis, with no additional review or oversight.

In evaluating which programs should be considered for inclusion in the Certified Grading Program, staff has considered the following criteria:

Relevance. Appropriate programs should be relevant to erosion and sedimentation control and stormwater management.

Education. Appropriate programs should have an educational component wherein the landowner or specialist is made aware of appropriate practices and how to implement these practices.

Enforceability. Appropriate programs should have a low potential for abuse. Programs should be designed such that violators lose their certification.

Cost effectiveness. Appropriate programs should affordable.

In evaluating programs for consistency with these criteria, staff has concluded that the appropriate certification programs should be directly relevant to erosion and sedimentation control and involve third-party certification. Programs where the focus is other than erosion and sedimentation control (i.e. programs focusing on cultivation practices) tend to be weak on Best Management Practice implementation strategies. Additionally, self-certification and education-based programs tend to lack a meaningful independent assessment of an applicant's knowledge and understanding of erosion and sedimentation control.

The following is a list of programs considered for inclusion under the Certified Grading Program, and a brief assessment of their consistency with the above criteria:

Third-Party Review

Certified Professional in Erosion and Sedimentation Control (CPESC), Certified Professional in Stormwater Quality (CPSWQ), and Certified Erosion, Sedimentation, and Stormwater Inspector (CESSWI)

- Overseen by Envirocert International.
- Requires 3 years of experience or In-Training Status.
- Attendance of instructional classes required.
- Passing a test is required.

Criteria	CPESC / CPSWQ / CESSWI Certifications
Relevance	Directly relevant to erosion and sedimentation control practices.
Education	Program requires that applicants pass a test. Additionally, continuing education is required annually.
Enforceability	Violation of the Code of Ethics may result in revocation of the certification.
Cost effectiveness	$200, plus $100 annually

Certification in Erosion and Sediment Control

- Overseen by the National Institute for the Certification of Engineering Technologies.
- Has multiple levels of certification, depending on work experience.
- Attendance of instructional classes is not required, but must earn points for applying skills in practice.
- Passing a test is required.

Criteria	NICET Certification in Erosion and Sediment Control
Relevance	Directly relevant to erosion and sedimentation control practices.
Education	Program requires that applicants pass a test.
Enforceability	Violation of the Code of Ethics, improper practices, or misrepresentation may result in revocation of certification.
Cost effectiveness	$305, plus $95 annually

Sustainability in Practice (SIP)

- Overseen by the Central Coast Vineyard Team.
- Focused on sustainable vineyard management, rather than erosion control.
- Primarily used as a marketing tool, rather than a tool for certifying erosion and sedimentation control practices.

Criteria	Sustainability in Practice (SIP)
Relevance	Limited relevance to new grading activities.
Education	Requires that applicants score points based on vineyard management practices.
Enforceability	Point scoring is audited.
Cost effectiveness	Cost varies based on acreage.

Certified California Sustainable Winegrowing (CCSW)

- Overseen by the California Sustainable Winegrowing Alliance (CSWA).
- Self-assessment is conducted annually, with third-party audit.
- Program stresses continuous improvement over time.

Criteria	Certified California Sustainable Winegrowing (CCSW)
Relevance	Limited relevance to new grading activities. A few program criteria address erosion (i.e. on existing roads, culverts, etc.), but the majority of the program is focused on irrigation and cultivation practices.
Education	Not required, but CSWA holds training on the self assessment process.
Enforceability	Point scoring is audited, and failure to meet program criteria (i.e. continuous improvement) could result in revocation of certification.
Cost effectiveness	Unknown.

Environmental Quality Incentives Program (EQIP)

- Overseen by the Natural Resources Conservation Service (NRCS).
- Cost sharing incentives program for existing agricultural operations.
- Requires development of a Conservation Plan addressing resource concerns.
- Program focuses on improving existing agricultural practices (routine maintenance and / or or-going crop production), rather than expanding or creating new agricultural operations (grading activities subject to ordinance).

- Program is primarily a funding mechanism, rather than a tool for certifying erosion and sedimentation control practices.

Criteria	Environmental Quality Incentives Program (EQIP)
Relevance	Few EQIP practices would qualify under the Certified Grading Program (i.e. upland restoration), however the program is designed to ensure appropriate water quality protections.
Education	No educational component.
Enforceability	Program is directly overseen by NRCS and could be terminated.
Cost effectiveness	Grant funding may be available through NRCS.

Compliance Reporting

Irrigated Agriculture Discharge Waiver

- Overseen by the Regional Water Quality Control Board.
- Applicants are required to enroll in the program if they irrigated agricultural operations discharge to watercourses.
- Requires a "cooperative monitoring" program to monitor for compliance.
- Program is centered on compliance reporting – Regional Board does not review and approve plans or perform proactive enforcement.

Criteria	Irrigated Agriculture Discharge Waiver
Relevance	Relevant to stormwater discharges, but focus is on cultivation and irrigation practices, not on ancillary grading activities.
Education	Program requires 15-hour "short course" attendance.
Enforceability	Regional Board relies on applicants to self-report non-compliance.
Cost effectiveness	Fees vary based on acreage ($300 to $6,500). Additionally, there may be costs associated with education and monitoring requirements.

Education

Resource Conservation District Erosion and Sedimentation Control Short Course

- Coordinated by the Upper Salinas-Las Tablas Resource Conservation District.
- Generally conducted 1-2 times per year.
- Involves a full day classroom session and a site visit.

Criteria	RCD Erosion and Sedimentation Control Short Course
Relevance	Provides an introductory overview into erosion and sedimentation control, but does not provide specifics on implementation of grading techniques.
Education	6-hour class session plus 3-hour site visit.
Enforceability	No enforcement mechanism.
Cost effectiveness	Course fee is approximately $25

Farm Water Quality Short Course

- Coordinated by University of California Cooperative Extension.
- Program is designed to satisfy Irrigated Agriculture Discharge Waiver educational requirement.

Criteria	Farm Water Quality Short Course
Relevance	Provides an introductory overview into erosion and sedimentation control, but does not provide specifics on implementation of grading techniques.
Education	15-hour course.
Enforceability	No enforcement mechanism.
Cost effectiveness	Course fee is approximately $25

Self Certification

Positive Points System (PPS)

- Administered by the Central Coast Vineyard Team.
- Self assessment program.
- Focused on sustainable vineyard management, rather than erosion control.

Criteria	Positive Points System (PPS)
Relevance	Limited relevance to new grading activities.
Education	Requires applicants score points based on vineyard management practices. No formal education.
Enforceability	No enforcement mechanism.
Cost effectiveness	No cost.

Rancher's Sustainability Self Assessment Project

- Modeled from the Positive Points System.
- Self assessment program.
- Focused on sustainable rangeland management, rather than erosion control.
- Provides positive reinforcement of effective and successful practices.

Criteria	Rancher's Sustainability Self Assessment Project
Relevance	Limited relevance to new grading activities. Provides guidance on reducing pollutants that originate from production practices associated with agriculture.
Education	No formal education.
Enforceability	No enforcement mechanism.
Cost effectiveness	No cost.

Farm Water Quality Plan

- Farm Water Quality Plans are developed for individual farming operations to address watershed-specific pollutants of concern, focusing primarily on sediments, nutrients, and pesticides.

Criteria	Farm Water Quality Plan
Relevance	Relevant to stormwater discharges, but focus is on cultivation and irrigation practices, not on ancillary grading activities. Assists growers of irrigated agriculture with nonpoint source pollution issues.
Education	15-hour Farm Water Quality planning short course.
Enforceability	No enforcement mechanism.
Cost effectiveness	Unknown

Sustainable Winegrowing Program (SWP)

- Overseen by the California Sustainable Winegrowing Alliance (CSWA).
- Self-assessment is conducted annually.
- Program stresses continuous improvement over time.

Criteria	Sustainable Winegrowing Program (SWP)
Relevance	Limited relevance to new grading activities. A few program criteria address erosion (i.e. on existing roads, culverts, etc.), but the majority of the program is focused on irrigation and cultivation practices.
Education	Not required, but CSWA holds training on the self assessment process.
Enforceability	No enforcement mechanism.
Cost effectiveness	Unknown.

<u>Staff Recommendation</u>

Staff recommends that one or all of the following programs be considered for the Certified Grading Program:

- Certified Professional in Erosion and Sedimentation Control (CPESC)
- Certified Professional in Stormwater Quality (CPSWQ)
- Certified Erosion, Sedimentation, and Stormwater Inspector (CESSWI)
- Certification in Erosion and Sedimentation Control (through National Institute for the Certification of Engineering Technologies)

Staff recommends inclusion of these specific programs, because these programs are focused on the implementation of erosion and sedimentation control measures. Additionally, each of these programs requires passing an examination in order to obtain certification. Certified individuals are also required to adhere to a code of ethics.

What would the procedure be for a Certified Grading Program?

Staff recommends that a Certified Grading Program adopt the following process:

Step 1: Complete a certification program. The applicant or specialist would complete one of the County-designated certification programs with a passing grade.

Step 2: Consult. The applicant would consult with the Natural Resources Conservation Service or the Resource Conservation District through their "Technical Assistance" programs.

Step 3: Fill out and submit a form. The applicant or specialist will complete a form and submit to the Department of Planning and Building for review and approval. The form will be based on the Agricultural Grading Form, but contain more specific information on the certification, proposed Best Management Practices (BMPs), etc. Additionally, the applicant or specialist will need to document how they satisfy the certification requirement.

Step 4: Complete the project. Upon verification by the Department of Planning and Building, the applicant or specialist may begin the grading. The project would be "complete" after implementation of appropriate BMPs.

Step 5: Report on compliance or receive third-party inspection. Upon completion of site work, the landowner/contractor will notify the Department of Planning and Building of the completion of work and provide photo documentation. This would be done in order to document that grading was completed in compliance with the scope of work provided and ordinance requirements. If the Board were to consider allowing self-certification or education-based programs to qualify as Certified Grading, staff would recommend that a third-party inspection be conducted (i.e. by NRCS or RCD) to verify that appropriate grading and erosion and sedimentation control techniques have been successfully employed.

Topic 4: *Work with groups to define common concerns that remain and work towards consensus on the identified issues.*

Staff participated in an additional meeting at the Farm Bureau office on March 18, 2010. At this meeting, staff and concerned parties discussed options for a certified grading program and other remaining concerns associated with the proposed ordinance. The majority of the discussion was focused on the issues surrounding the Certified Grading Program with minimal discussion on "other concerns."

One concept that was presented was the idea of a "sunset clause" for the Certified Grading Program. A sunset clause provides for an automatic repeal of the entirety or sections of the ordinance once a specific future date is reached. Once the sunset provision date is reached, the pieces of the ordinance mentioned in the clause are rendered void. If the Board then wishes to extend the length of time for which the ordinance in question will be in effect, it can push back the sunset provision date any time before it is reached. If the Board decided to keep the provisions of the ordinance under the sunset clause, the Board would then need to adopt the provision of the ordinance in a follow-up amendment cycle. This is not a conventional method to approach the development of land use ordinances. Interim ordinance are the most common land use procedure that uses this procedure.

Staff does not recommend that your Board use a sunset clause for this ordinance. Instead, staff believes that your Board should adopt a Certified Grading Program that uses a third party for administration of the certification process. Concerns have been identified by staff related to self certification or education programs as the only training requirement for the proposed program. While these programs serve an educational purpose in the protection of water quality, they do not specifically address implementation of appropriate BMPs for grading activities. For that reason they should not function as the only requirement to allow specified grading activities without a permit. Based on the research conducted, staff believes that only a third party certification program will be effective in providing the knowledge of information that will substitute for RCD or NRCS oversight.

Topic 5: ***Research the roles and permitting jurisdiction of other state and federal agencies (e.g. Cal Fire, CDFG, etc.) with respect to vegetation removal.***

Vegetation removal is not actively monitored or controlled by State and Federal resource agencies. These agencies rely on local jurisdictions (cities and counties) to trigger a permit that would then initiate their consultation regarding the activity or "project." These agencies are either considered a Trustee Agency or a Responsible Agency with regard to their jurisdiction over a project and/or their role in permitting a project. In general, these agencies are charged with reviewing the effect of proposed projects on rare species including plants.

Project: A project is an action that will be carried out by a person other than a governmental agency, but the project will need a discretionary approval from one or more governmental agencies for:

- A contract or financial assistance, or
- A lease, permit, license, certificate, or other entitlement for use.

Trustee Agency: A trustee agency is a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.

Responsible Agency: A responsible agency is a public agency which proposes to carry out or approve a project for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purpose of CEQA, the term "Responsible Agency" includes all public agencies other than the lead agency which have discretionary approval power over the project.

Resource agencies also have regulatory authority over projects that could result in the disturbance or take of any species listed as rare, threatened, or endangered. If a project could result in the disturbance or take of any species listed as rare, threatened, or endangered; an incidental take permit may need to be issued for the project.

Permits are not always required for vegetation removal due to variations in local permitting requirements therefore these agencies are not always consulted prior to vegetation removal activities. Vegetation removal is typically not considered a project by local jurisdictions therefore resources agencies do not always get the opportunity to provide input prior to removal of vegetation. Due to this fact, there is the potential for vegetation removal activities to result in enforcement actions by these agencies for violations of the endangered species act and other provisions of State and Federal laws.

Vegetation removal associated with Cal Fire requirements does not include the evaluation of impacts to sensitive species. Impacts associated with sensitive species would only be addressed by a project requiring a County-issued permit (i.e. defensible space requirements for homes and other structures). In these cases, impacts associated with project related activities are addressed in the County permitting process.

Vegetation removal can take place in various other ways under a Cal Fire approval. These activities do not require the issuance of a County permit (i.e. fuel breaks and other fuel modification projects). Fire can be used to remove vegetation provided it is done outside the fire season with applicable permits from the Air Pollution Control District (APCD). Mechanical vegetation removal can also be used although there are no specific standards associated with how the vegetation should be removed.

Cal Fire does recommend numerous actions that are protective against soil erosion and sedimentation for mechanical removal of vegetation, but these are not requirements. They recommend that vegetation is not removed down to the bare soil (i.e. leaving the root system in place), thinning as apposed to complete removal of vegetation, and chipping of removed vegetation and spreading of the chips over the disturbed area. They have no specific guidelines for areas of chaparral which are often on steep slopes with high erosion potential. With regard to trees, Cal Fire recommends "limbing up" trees as apposed to complete removal.

Topic 6: ***Develop a framework for one or more grading ordinance "Users Guides," including a guide organized by grading activity and written for agricultural users, and a guide written for the development community.***

Staff is prepared to develop user's guides for the updated grading ordinance to help contractors and agriculturalist understand when a permit is required and what minimum standards are applicable to all grading activities. Guidance for contractors and design professionals will focus on how to incorporate Low Impact Development (LID) concepts into their project designs. Guidance for agriculturalist will be developed based upon the type of grading activity and the subsequent permit requirement for said activity.

A sample table has been provided below to demonstrate how staff proposes to organize the agricultural grading user's guide. Each permit requirement will be explained in the text of the user's guide (i.e. Exempt - does not require any correspondence with the County or any permits) and the table will identify what activity corresponds to which permit requirement. Contact information will be provided for all applicable resource agencies with a description of when said agency may have a role in permitting the proposed grading activity (i.e. work within a stream channel may require CDFG and ACOE permits). Organization by "grading activity" has been characterized as a more understandable approach to the ordinance.

Grading Activity	Permit Requirement	Notes
Less than 100 cubic yards	Exempt	Begin work **
Grading for ongoing crop production / grazing on slopes < 30%	Exempt	If the area has been previously farmed within 5 years **
Grading for new* crop production / grazing on slopes > 30%	Agricultural Grading - Form	Submit form to County Planning then begin work **
Hillside bench on slopes > 30%	Alternative Review	Submit form, receive verification from the County, and begin work when RCD review is completed
All new agricultural roads	Alternative Review	Submit form, receive verification from the County, receive approval from Agricultural Commissioner's office (781-5910), and begin work when RCD review is completed

* Has not been farmed for 5 years or longer
** Appropriate sedimentation and erosion control is required.

Topic 7: ***Contact the Regional Water Quality Control Board (RWQCB) to request an extension past the March 23, 2010 deadline for adoption of the ordinance revisions.***

Planning staff has contacted the RWQCB to discuss the issue of an extension past the March 23, 2010 deadline. RWQCB staff indicated in a phone conversation with Planning staff, that their office did not have a concern with an extension beyond the established deadline because staff has shown diligence in completing the ordinance revisions. RWQCB staff has requested that the Planning Department document the extension request in our annual Stormwater Management Program (SWMP) report. Staff will comply with their request and address the issue in our annual report to the RWQCB.

OTHER AGENCY INVOLVEMENT

The following agencies were consulted in the preparation of the public hearing draft ordinance (and subsequent amendments as appropriate) and the Environmental Impact Report:

- *County Agencies*
  - Agricultural Commissioner's Office
  - Cal Fire / County Fire
  - County Counsel
  - Planning and Building – Building Division
  - Public Works

- *Other Local Agencies*
  - Air Pollution Control District
  - Upper Salinas / Las Tablas Resource Conservation District

- *State Agencies*
  - Central Coast Regional Water Quality Control Board

- *Advisory Boards*

- Agricultural Liaison Advisory Board

- *Other Organizations*
  - Farm Bureau
  - Home Builders Association
  - Wine Country Alliance
  - Santa Margarita Area Advisory Council (SMAAC)

Additionally, several local, state, and federal agencies were provided with a Notice of Preparation of the Environmental Impact Report. All cities and community advisory councils in the County were also provided with a copy of the notice.

FINANCIAL CONSIDERATIONS

Costs for the processing of county-initiated amendments are included in the department budget.

RESULTS

If the amendments are approved, they will become effective on May 13, 2010, 30 days after the date of final action. In the Coastal Zone, approval will allow submittal of the amendments to the California Coastal Commission for their review and approval. Denial of the applications will mean no change will occur, and the County will not be in compliance with the adopted Stormwater Management Program.

ATTACHMENTS

Exhibit A: Requested Clarifications
Exhibit B: Resolution
Exhibit C: General Plan Amendments
Exhibit D: Ordinance Amending Title 22 (Inland Grading Ordinance)
Exhibit E: Ordinance Amending Title 23 (Coastal Grading Ordinance)
Exhibit F: Ordinance Amending Specific Provisions of Title 23
Exhibit G: California Environmental Quality Act (CEQA) Findings
Exhibit H: Certified Grading Program Language
Exhibit I: Agricultural Commissioner's Recommendation
Exhibit J: Revisions Requested by Agricultural Commissioner's Office