



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: June 7, 2011
Placement: Admin. Agenda
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: N/A

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D., Director
Director: Planning and Development Department
Contact Info: Mike Hays, Supervising Ag Land Use Planner, 934-6923
Long Range Planning Division
SUBJECT: Report on Agricultural Grading Exemptions

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions: That the Board of Supervisors receive and file this report.

Summary

At its November 2, 2010 hearing, the Board requested that staff research other jurisdictions and return as appropriate with recommendations regarding protocols for agricultural grading exemptions.

Staff reviewed the agricultural grading exemptions in six other counties: Monterey, San Diego, San Luis Obispo, Santa Cruz, Sonoma and Ventura. These counties were chosen because they are near Santa Barbara County, have a coastal zone, and/or contain similar types of agriculture. Staff reviewed the grading regulations and contacted a representative in each county by telephone to discuss agricultural grading exemptions and protocols. After the information was collected, agricultural grading exemptions and protocols were compared to those in Santa Barbara County.

All counties had exemptions for earth moving activities related to agriculture. Similar criteria were used to allow for exemptions but the specific threshold varied considerably among the counties. Criteria included steepness of slope, amount of cut/fill material being moved and distance to sensitive resources. Most counties considered "grading" as earthwork involving excavation and fill or combination of both, although specific definitions of grading vary among the Counties surveyed. In all Counties reviewed, including Santa Barbara County, routine agricultural activities such as tilling of the soil, cultivation, plowing, discing, and other agricultural practices when conducted on previously cultivated or grazed land do not require a permit, notice or review process. A permit, notice, or review process may be required when preparing previously uncultivated or grazed land for agriculture. For example, re-

contouring of the land, terracing, benching, or installing drainages are considered grading because they involve excavation and fill or combination of both. Some grading may be exempt provided the necessary criteria are met and the thresholds are not exceeded.

San Luis Obispo County and Ventura County require a written notice prior to exempting some inland agricultural grading activities. In San Luis Obispo County, grading previously undisturbed land for crops or grazing on slopes less than 30% triggers the “Agricultural Grading process”. The agricultural grading process is in lieu of obtaining a grading permit. It requires the landowner to file an “Agricultural Grading Form” with the County and complete an educational program or certification program or demonstrate they are enrolled in the agricultural waiver program. Work may begin immediately upon filing the form with the County. Ventura County exempts all grading on slopes less than 50% provided the work does not obstruct a drainage course or exceed a threshold. Grading work that exceeds the threshold can apply for additional exemptions provided the grading is for agricultural purposes. To obtain the agricultural exemption, the landowner must prepare a plan showing the location of the proposed grading. The Building Official will review the plan and if it is approved, may issue a written agricultural grading exemption. However, Ventura County is revising their grading code and is proposing to eliminate this process and replace it with grading standards that exempt some agricultural grading without requiring a plan or review by the County.

The other four Counties surveyed do not have written exemptions but do exempt certain levels of agricultural grading based on criteria such as steepness of slope, amount of cut/fill material being moved and distance to sensitive resources.

Conclusion

Agricultural grading exemptions and protocols vary considerably among the six counties reviewed. None require a permit for routine agricultural work on areas that have been previously cultivated or grazed but two had a written notification process for some agricultural grading exemptions. Based on the research, Santa Barbara County’s agricultural grading exemptions and protocols are similar to those in other counties and staff does not recommend requiring County verification of the agricultural grading exemption.

Fiscal Analysis:

The cost for the preparation of this report is budgeted in the Agricultural Planning program on Page D-323 of the adopted 2010–2011 fiscal year budget. There are no fees or facilities impacts associated with this project.

Special Instructions: The Clerk of the Board shall forward a copy of the Minute Order to the Planning & Development Department, Attention: Stephanie Stark, Agricultural Planning.

Authored by:

Mike Hays, Supervising Planner and Stephanie Stark, Agricultural Planner