



COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: The Honorable Board of Supervisors

FROM: Glenn Russell, PhD., Director 

DATE: June 29, 2011

RE: Agricultural Grading Exemptions Report

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This report summarizes the agricultural grading exemptions for Santa Barbara, Monterey, San Diego, San Luis Obispo, Santa Cruz, Sonoma, and Ventura counties. The applicable code(s), brief description of the permit process, summary of agricultural grading exemptions, and definitions are provided for each of the counties. The report is focused on grading that is exempt from a county permit. Therefore, information about the type of grading permit required or grading standards for each county are not included in the report. Unless otherwise stated, “exempt” means exempt from a county permit and/or review process. To view the ordinances online, use the hyperlinks provided (Ctrl + Click to follow link).

Executive Summary

All counties have permit exemptions for grading related to agriculture. Exemption thresholds vary among the counties but similar criteria are used including steepness of slope, amount of cut and fill material being moved and distance to sensitive resources. Most counties consider “grading” as earthwork involving excavation and fill or combination of both and do not require a permit, notice or review process for routine agricultural activities such as tilling of the soil, cultivation, plowing, disking, and other agricultural practices when conducted on previously cultivated or grazed land. San Luis Obispo and Ventura counties require a written notice from the landowner prior to exempting some inland agricultural grading activities. The four other counties surveyed do not require notification or review before allowing the grading exemption. Based on the research contained in this report, agricultural grading exemptions and protocols in Santa Barbara County are similar to those in other counties.

## Santa Barbara County

### Summary of Process and Grading Exemptions

Grading regulations can be found in Chapter 14 (Ord. 4766). Agricultural grading is either exempt from a County permit and/or review process or requires a permit. Agricultural grading exemptions are based on slope, amount of cut and fill, and distance to property lines or sensitive areas. To qualify for an agricultural grading exemption, the parcels must be at least 20 acres in size, zoned and/or designated for agriculture with no special overlay district. In addition, “no person shall cause or allow a significant environmental impact to occur as a result of new grading as defined herein, including grading that is otherwise exempt from these regulations” (Section 14-6). The following activities described in Section 14-8 are exempt from a County permit and/or review process:

- Agricultural practices to prepare a field for a crop or range improvement, including such activities as harrowing, disking, ridging, listing, fire breaks, chaining, maintenance of existing agricultural roads, and construction of support roads on land with a natural gradient of less than 30%, and similar practices which provide prudent measures for erosion control, and which conform to the recommendations of guidelines made or promulgated by the Santa Barbara County Agricultural Advisory Committee. (Staff tried to obtain a copy of the AAC guidelines referenced in Section 14-8 but was informed they do not exist.)
- Maintaining existing legally permitted or exempt agricultural support roads.
- Maintaining existing drainage swales, ditches, basins, etc.
- Grading that is undertaken as part of a Federal Cost Share project (including but not limited to projects under CRP, WHIP, EQIP or NRCS) with a finding of no significant impact under the National Environmental Policy Act and conducted pursuant to the National Handbook of Conservation Practices and consistent with the mandated nine-step planning process.
- Agricultural leveling pursuant to normal and usual agricultural practices if the volume of cut or fill does not exceed 3 vertical feet to the natural contour, where the cut or fill is 200 feet or more from an exterior property line and 500 feet or more from an urban boundary line and 50 feet or more from any watercourse and conforms to the AAC guidelines. (Staff tried to obtain a copy of the AAC guidelines referenced in Section 14-8 but was informed they do not exist.)
- Grading existing cultivated fields (i.e. re-contouring, terracing, etc.) if the slopes are less than 30 % and the cut or fill is less than 3 vertical feet to the natural contour and 200 feet or more from an exterior property line and 500 feet or more from an urban boundary line and 50 feet or more from any watercourse.
- Grading to create new agricultural fields (i.e. re-contouring, terracing, etc) if the slopes are less than 30 % and the cut or fill is less than 3 vertical feet to the natural contour and 200 feet or more from a property line and 500 feet or more from an urban boundary line and 50 feet or more from any watercourse and the grading will not cause or allow a significant environmental impact to occur.

- Grading for an equestrian facility, riding arena, polo fields, nursery or greenhouse if the grading is less than 50 cubic yards and less than 3 vertical feet from the natural contour and 50 feet or more from a watercourse.
- A new water impounding structure if it holds no more than 5 feet of water and is 200 feet or more from a property line and 500 feet or more from an urban boundary line.

### Definitions (Chapter 14)

Agricultural Advisory Committee - A county-wide policy advisory committee appointed by the Board of Supervisors that is made up of representative members of the agricultural community interest groups, such as the Farm Bureau, the Cattlemen Association, the Growers and Shippers, the Nursery and Flowers Association, California Women in Agriculture and other similar organizations, and to which the Director may refer questions for advice as to recognized normal and usual agricultural practices. In the absence of such a committee the Board of Supervisors may select a suitable substitute group, which shall represent the agricultural interest in the County of Santa Barbara.

Agricultural Road - Access to field, pasture or similar use, or agricultural structure which does not require a county building permit.

Grading - Any activity which involves the physical movement of earth material, including any excavation, filling, stockpiling, movement of material, compaction of soil, creation of borrow pits, land reclamation, surface mining operations exempted from the County's surface mining and reclamation ordinance, or combination thereof. Grading does not include surface mining or quarrying operations (including the extraction and stockpiling of excavated products and the reclamation of mined lands) carried out under a vested rights determination or a permit or reclamation plan approval issued pursuant to the County's SMARA ordinance.

## **Monterey County**

### Summary of Process and Grading Exemptions

Grading regulations for the inland and coastal areas can be found in Chapter 16.08, Grading Code; Title 21, Zoning Ordinance for the County of Monterey (inland); Title 20, Coastal Implementation Plan, Zoning Ordinance for the County of Monterey (coastal). Agricultural grading is either exempt from a county permit and/or review process or requires a county permit. Agricultural grading exemptions are based on slope or the amount of cut and fill. The following activities are exempt from a county permit and/or review process:

- The definitions of "grading" and "agriculture" exempt soil tillage and other routine cultivation activities in the coastal and inland areas (see Definitions).

- An excavation which does not exceed 100 cubic yards which is less than two feet in depth, or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical (Section 16.08.040).
- Fill containing earth material only, which is less than one foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed 100 cubic yards on any one site and does not obstruct a drainage course (Section 16.08.040).
- Activities considered "Casual Grading" or "Agricultural Work" (Section 16.08.040).

The following activities are exempt from a county permit and/or review process in the coastal area:

- Harvesting of crops, timber operations, and maintenance of existing roads is exempt (Section 20.70.120).
- Development of new or expanded agricultural operations are exempt unless more than 50% of the parcel has a slope of 10% or greater or where soils have high potential to erode (Section 20.18.040).

### Definitions

**Agriculture (inland and coastal)** - The art or science of cultivating the ground, harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture, and forestry, the science and art of the production of plants and animals useful to man or woman, and wildlife management (Title 20 and Title 21).

**Agricultural Work** - A fill or excavation which is to be used only for agricultural purposes such as cultivation or leveling for crops or orchards, and which does not adversely affect any drainage course; not exempted is the construction of reservoirs (Chapter 16.08).

**Casual Grading** - Infrequent excavation or filling with earth material on one site which does not exceed an accumulated total volume of 100 cubic yards (Chapter 16.08).

**Development** - Any activity which occurs on land or water that involves the placement of any structure, the discharge or disposal of any waste material, grading, dredging or mineral extraction. This definition includes any change in density and/or intensity of use including the subdivision of land, construction of any structure, and the harvesting of major vegetation other than for agricultural purposes (Title 21).

**Grading** - Any excavating or filling or combination thereof (Section 16.08.020).

## San Diego County

### Summary of Process and Grading Exemptions

Grading regulations can be found in the County of San Diego Grading Ordinance . Agricultural grading is either exempt from a county permit and/or review process or requires a county permit. Agricultural grading exemptions are based mostly on the amount of cut and fill. The following activities are exempt from a county permit and/or review process:

- Soil tillage and other routine cultivation activities exclusively for agricultural production on existing or fallow cultivated farmland provided no soils are exported from the area, no natural drainage ways are blocked, and adjacent property will not affect lateral support or unduly increase stresses in or pressures upon any adjacent or contiguous property (Section 87.202).
- Excavation or fill that does not affect a watercourse and is less than 8 feet in vertical height and does not result in the movement of more than 200 cubic yards of material on any one site (Section 87.202).
- Grading for routine road maintenance activities conducted entirely within the existing disturbed footprint of an existing road (Section 87.202).

### Definitions

Grading - Any excavating or filling or combination thereof and shall include the land in its excavated or filled condition.

Agricultural Grading - Grading which meets the requirements of Section 87.205 and is not exempt under Section 87.202(d).

Agricultural Operations or Agricultural Production - Routine and ongoing commercial operations associated with a farm, grove, dairy, or other agricultural business, and shall include: a) the cultivation and tillage of the soil; crop rotation; fallowing for agricultural purposes; the production, cultivation, growing, replanting and harvesting of any agricultural commodity including viticulture, vermiculture, apiculture, or horticulture; b) The raising of livestock, fur bearing animals, fish, or poultry, and dairying; c) Any practices performed by a farmer on a farm as incident to or in conjunction with those farming or grove operations, including the preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market; and d) Ordinary pasture maintenance and renovation and dry land farming operations consistent with rangeland management and soil disturbance activities. All such activities must be consistent with the economics of commercial agricultural operation and other similar agricultural activities. The final determination of a qualifying use shall be made by the County Official.

## San Luis Obispo County

### Summary of Process and Grading Exemptions

Grading regulations are located in the San Luis Obispo County Grading Ordinance, Ch. 22.52 (inland) and Coastal Zone Land Use Ordinance, Title 23 (coastal). In 2010, San Luis Obispo County adopted a grading ordinance, Ch. 22.52. Agricultural grading falls into one of four categories:

- A.) Exempt from a county permit and/or review process.
- B.) Exempt from a county permit if the “Agricultural Grading process” is followed.
- C.) Exempt from a county permit if the “Alternative Review process” is followed.
- D.) Requires a county permit.

A.) Exempt from a county permit and/or review process. Activities exempted under this section are still required to incorporate all reasonable measures to ensure against erosion and sedimentation both during and after grading 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. The following activities are exempt from a county permit and/or review process:

- Cultivation activities, including disking, harrowing, plowing, planting, tilling, etc are not considered grading and are not regulated under the ordinance (Section 22.52.060).
- Grading for ongoing crop production and grazing. With the exception of soil amendments, no importation or exportation of fill material from/to off-site parcels shall occur. Importation of sand and gravel may occur only when used for drainage improvements. The grading exemption does not include construction or modification to dams, ponds, reservoirs or roads (Section 22.52.070).
- Routine maintenance of legally established existing roads, flood control channels or levees, reservoirs, agricultural ponds, agricultural drainage channels, agricultural water lines, equestrian facilities (paddocks and arenas). The work must not exceed existing footprint and material may be imported when used for routine maintenance (Section 22.52.070).
- Installation of agricultural water pipelines, wells, and spring boxes for agriculture. Importation of materials is allowed (Section 22.52.070).
- Grading for small agricultural projects which involves no more than 50 cubic yards of excavation and no more than 50 cubic yards of fill and less than 1 acre of native vegetation is removed (Sections 22.52.060 and 22.52.070).

B.) The Agricultural Grading process. This section applies to all grading that does not satisfy the criteria for exempt grading described in section A (exempt from a county permit and/or review process). In order for agricultural grading to be exempt from a permit as set forth in this section, the landowner shall complete and file an agricultural grading form with the county and

complete an educational program, certification program, or demonstrate they are enrolled in the Regional Water Quality Control Board's agricultural waiver program. No fee is required and work may begin immediately upon filing the form with the county. The following grading activities qualify for the Agricultural Grading process:

- Grading to prepare new land for crop production or grazing purposes, including drainage improvements on slopes with a natural gradient less than 30% (Section 22.52.070).
- Constructing a small reservoir to regulate or store a supply of water for frost protection, seasonal irrigation, or livestock purposes. The reservoir shall contain no more than 1 acre-foot of water, located below natural grade, and not located within a stream, on a lake or marsh as identified on any USGS map (Section 22.52.070).
- Projects which are undertaken for soil, water quality, habitat, or wildlife restoration, conservation, or enhancement occurring outside the channel of a stream (Section 22.52.070).
- Grading activity identified in this section or section A (exempt from a county permit and/or review process) that involves importation or exportation of no more than 2,000 cubic yards of soil on a site per year (Section 22.52.070).

C.) The Alternative Review program. This section applies to all grading that does not satisfy the criteria for exempt grading described in sections A (exempt from a county permit and/or review process) and B (the Agricultural Grading process). The Alternative Review program is a collaborative program between the county and the Resource Conservation District (RCD). The county decides if a project qualifies for the Alternative Review program and the RCD reviews, monitors and approves Alternative Review projects. The landowner has the option to either follow the Alternative Review process or obtain a county permit. If the landowner decides to follow the Alternative Review process, they need to file an application and an Alternative Review form with the county. The county Planning Department will verify the project meets the Alternative Review program standards and that the project is allowed under the program (see below for additional detail). If the project meets the standards and is allowed under the program, the project qualifies for the Alternative Review program. Qualifying projects may proceed under the Alternative Review process.

Alternative review program standards (Section 22.52.080):

- 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.
- 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.

- Upon final implementation/installation of appropriate FOTG practices and standard engineering practices, the NRCS/RCD shall submit a project finalization report to the County.
- 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.
- 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.

The following grading projects are allowed under the Alternative Review program (section 22.52.080):

- Hillside benches and other appropriate methods for planting orchards and vineyards on slopes over 30%.
- Rangeland management projects on land that has not been previously grazed. This includes grading, or removal of more than one acre of vegetation, on lands with slopes in excess of 30%.
- New roads or expansion to the length or width of existing agricultural roads that provide access for farming or exempt structures (specific qualifying criteria are listed in Section 22.52.080B3b).
- Construction of 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. Ponds, reservoirs, and dams are subject to the standards in section 22.52.150F.
- Streambank protection measures when using NRCS practices.
- Soil, water, and/or wildlife conservation or enhancement projects, which do not require permits from a state or federal resource agency, or for which the permitting state or federal agency does not review plans or conduct final inspections.
- 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.
- Waste management systems for agricultural production and processing uses.
- Any agricultural grading which would require the importation or exportation involving over 2,000 cubic yards of fill material.
- At the applicant's option the Alternative Review Program may be used in lieu of exemption for grading projects in compliance with Section 22.52.070 – Subsections B.11, B.12, B.13, and C.

D.) County permit. A county grading permit is required if the agricultural grading does not conform to the minimum requirements to determine exempt status identified in sections A (exempt from a county permit and/or review process), B (the Agricultural Grading process), or C (the Alternative Review program).

The following activities are exempt from a county permit and/or review process in the coastal area:

- Minor cut and fill activity and agricultural cultivation activities including preparation of land for cultivation, other than grading for roadwork or pads for structures (Section 23.05.026).
- Crop production and grazing where designated allowable by Coastal Table 'O', Part I of the Land Use Element.
- Less than one-half acre of native vegetation is proposed to be mechanically removed (Section 23.03.040).

### Definitions (Title 22)

**Agricultural Activity** - An agricultural activity includes but is not limited to, cultivation, growing, harvesting and production of any agricultural commodity and appurtenant practices incidental to the production of agricultural commodities. The definition includes agricultural grading as described Chapter 22.52 (Grading and Drainage). [Added 1999, Ord. 2863]

**Grading** - For the purposes of Chapter 22.52, "grading" is defined as all new earthwork that involves one or more of the following activities: excavations, cuts, fill, dams, reservoirs, levees, impoundments, diking, dredging, borrow pits, stockpiling, compaction of fill, or removal of vegetation. Cultivation activities, including disking, harrowing, raking or chiseling, planting, plowing, seeding, or other tilling are not considered grading and are not regulated under this ordinance.

## **Santa Cruz County**

### Summary of Process and Grading Exemptions

Grading regulations are located in the Environmental and Resource Protection code, Title 16. Agricultural grading is either exempt from a county permit and/or review process or requires a county permit. Agricultural grading exemptions are based on the amount of cut and fill or proximity to sensitive areas. The following activities are exempt from a county permit and/or review process provided the grading is not within 30 feet of an intermittent stream or 50 feet from a perennial stream (Section 16.30.030):

- The definitions of “Agricultural Work”, “Agricultural Activities”, “Agricultural Use”, “Grading” and “Ground Disturbance” exempts routine agricultural activities such as plowing, harrowing, routine clearing and other field preparation work for continued agricultural use from the provisions of Section 16.20, Section 16.22, Section 16.30, Section 16.32, and Section 16.40 (see Definitions).

- An excavation which does not exceed 100 cubic yards of cut and which does not create a cut slope greater than five feet in depth and a fill which is less than two feet in depth, is placed on natural terrain which has a slope flatter than five horizontal to one vertical, does not exceed 100 cubic yards on any one site, does not obstruct a drainage course and will not be used for structural support (Section 16.20).
- “Agricultural uses” on land that has been fallow for no more than 10 years (Section 16.32.105).

### Definitions

Agricultural Grading – Any grading which takes place on land designated on the county’s Agricultural Resource maps for exclusive agricultural use as specified in Section 16.50.040 of the County Code; provide, however, that agricultural grading does not include any grading on such lands connected with the construction of access roads or building sites; except greenhouse sites. Agricultural Grading does not include the movement of earth defined as agricultural work in Section 16.20.050(i).

Agricultural Work – Routine plowing, harrowing, disking, ridging, listing, land planing, and similar operations necessary to prepare a field for a crop for continued agricultural use (Section 16.20).

Grading – Excavating, or filling, dredging, diking, prospecting, exploratory mining operation or combination thereof (Section 16.20).

Grading – Excavating, filling, leveling, or smoothing, or combination thereof (Section 16.22).

Agricultural Activities – Permitted agricultural grading, routine agricultural activities such as plowing, harrowing, disking, ridging, listing, land planing, and similar operation to prepare a field for a crop, including routine clearing to maintain existing rangeland (Section 16.22).

Agricultural Use – Routine annual agricultural activity such as clearing, planting, harvesting, plowing, harrowing, disking, ridging, listing, land planing and similar operations to prepare a field for a crop (Section 16.30).

Ground Disturbance – Development activity resulting in the manipulation of the terrain or of earth materials such as rock or soil including excavation, grading, placement of structures, trenching for utilities or foundations, but excluding the cultivation of the soil for agricultural purposes (Section 16.40).

## Sonoma County

### Summary of Process and Grading Exemptions

Grading regulations are located in the Sonoma County Grading, Drainage, and Vineyard and Orchard Site Development Ordinance. The ordinance went into effect January 8, 2009 and applies to inland and coastal areas (outside appeals jurisdiction only). Grading permit applications for areas within the appeals jurisdiction of the Coastal Zone are referred to the Coastal Commission for review. However, these instances are rare because most irrigated agriculture is located inland. Agricultural grading is either exempt from a county permit and/or review process or requires a county permit. Agricultural grading exemptions are based on the amount of cut and fill and slopes. The following activities are exempt from a county permit and/or review process:

- “Grading” and “Routine Agricultural Cultivation Activity” definitions exempt routine agricultural practices such as plowing, disking, tilling, etc. (see Definitions).
- Maintenance, repair or resurfacing of private roads (including vineyard avenues) outside a flood-prone urban area or any special flood hazard area (Section 11.04.020).
- Minor cut that does not exceed 50 cubic yards and is no greater than two feet in depth or does not create a cut slope greater than five feet or 50% (Section 11.04.020).
- Minor fill that is outside a flood-prone urban area and special flood hazard area that does not exceed 50 cubic yards or alter or obstruct a watercourse and is intended to support structures or surcharges and is no greater than one foot in depth and placed on terrain with a natural slope no steeper than 15% or is not intended to support structures or surcharges and is not greater than 3 feet in depth (Section 11.04.020).
- Maintenance, repair or replacement of existing, private, legal drainage improvements (Section 11.06.020).
- Construction or installation of seasonal agricultural drainage swales that are constructed on contour to the maximum extent practicable, the flowline slope of the swale does not exceed 4%, the swale does not exceed 150 feet in length, and the outlet for the swale is protected to prevent soil loss (Section 11.06.020).
- Restoration or enhancement projects where public agency assumes full responsibility for the work (Section 11.06.020).
- Replacing missing, dead or diseased vines or trees, planting and replanting an orchard or vineyard less than a half acre in size (Section 11.08.020).

## Definitions

**Agricultural Grading** - Any grading for agricultural cultivation. As used in this chapter, agricultural grading does not include grading for roads, dams, reservoirs, lakes, ponds, or pads for structures.

**Grading** - An excavation or fill or combination thereof. As used in this chapter, grading does not include routine agricultural cultivation activities.

**Routine Agricultural Cultivation Activity** - Clearing, grubbing, stripping, ripping, plowing, disking, harrowing, tilling, land planing no greater than three (3) feet in depth, and similar activities for agricultural cultivation.

## **Ventura County**

### Summary of Process and Grading Exemptions

Grading regulations are located in Appendix J (Ord. 4369) of the Ventura County Building Code, Ventura County Non-Coastal Zoning Ordinance (inland) and the Ventura County Coastal Zoning Ordinance (coastal). Ventura County is revising the grading regulation for the inland areas. One of the proposed changes is to replace the written exemption process described in Section J103.2 with grading standards that exempt some agricultural grading without requiring a notice or review by the county. Agricultural grading falls into one of three categories:

- A.) Exempt from a county permit and/or review process.
- B.) Exempt from a county permit with a written notice.
- C.) Requires a county permit.

A.) Exempt from a county permit and/or review process. The following activities are exempt from a county permit and/or review process:

- Routine agricultural activities such as tilling, disking, plowing, etc (see definition of “grading”)
- Any excavation that complies with one of the following conditions is also exempt: (1) is less than 2 feet in depth and does not exceed 50 cubic yards, or (2) does not create a cut slope greater than 5 feet measured vertically upward from the cut surface to the surface of the natural grade and is not steeper than 2 units horizontal to 1 unit vertical (50 percent slope) and does not exceed 50 cubic yards (Section J103.2).

- Fill on any one lot that does not obstruct a drainage course and is less than 1 foot in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope) and does not exceed one acre in size or 1000 cubic yards; or (2) is less than 3 feet in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, does not exceed 50 cubic yards, not intended to support structures, and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50 percent slope); or (3) is less than 5 feet in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, does not exceed 20 cubic yards, not intended to support a structure, and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50 percent slope) (Section J103.2).
- Grading to support irrigated agricultural production under an approved hillside erosion control ordinance (HECO) plan by the Ventura County Resource Conservation District in compliance with HECO (Section 1103.2). (According to Ventura County staff, no new HECO permits are being issued at this time.)

B.) Exempt from a county permit with a written notice. This section applies to all grading that does not satisfy the criteria for exempt grading described in section A (exempt from a county permit and/or review process). According to Section J103.2, a written agricultural grading exemption may be granted if all the following criteria are met:

- Agricultural grading occurs in an “isolated, self-contained area” (see Definitions).
- The agricultural grading poses no danger to the public or public property, and the grading will not adversely affect adjoining properties.
- The landowner submits “plan” showing the location of the proposed grading to the county Building Official.
- The “plan” is approved by the Building Official and a written agricultural grading exemption is issued.

C.) County permit. A county permit is required if the grading activity does not meet the criteria for exemption described in section A (exempt from a county permit and/or review process) or section B (exempt from a county permit with a written notice).

The following activities are exempt from a county permit and/or review process in the coastal area:

- Crop production activities in existing agricultural areas (Section 8174-3).
- Water impoundment projects in canyons and drainage areas not identified as blue line streams and which do not exceed 2 acre feet and are not within 100 feet of a blue line stream or in a riparian or environmentally sensitive habitat (Section 8174-5.2).
- Cut and fill activity less than 50 cubic yards or less than one-half acre of brush removal unless they are in or within 100 feet of a sensitive area or on slopes greater than 20% (Section 8174-6).

Definitions (Ventura Building code)

Grading - An excavation or fill or combination thereof.

Isolated, Self-Contained Area - That portion of a parcel of land or of contiguous parcels of land under single ownership which meets any one of the following three criteria:

1. The portion is used for growing crops or raising livestock for sale, but not for building sites or for the construction of earthfills which will impound water to a depth of more than 5 feet.
2. The portion contains water impounding structures that are bermed or diked no higher than five feet above natural grade, constructed under the direct control of the U.S. Department of Agriculture, Natural Resources Soil Conservation Service.
3. The portion contains oilfield operations, involving the exploration for or the development or production of oil, which are established under an existing land use entitlement and all of the following criteria are met:
  - (a) The portion is not visible from a publicly maintained street, road or highway within 1.0 horizontal mile of such portion;
  - (b) The portion is not visible from a private residence located within 1.0 horizontal mile of such portion unless the owner and the tenant or such residence have signed a written waiver of this criterion; and
  - (c) The portion is so located and configured that grading thereon cannot cause a significant increase in the volume of silt or debris deposited on downstream property owned by any person other than the owner of the portion.