

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING &
BUILDING

Guide to Agricultural Grading



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Director

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County Agricultural Commissioner's Office

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Upper Salinas-Las Tablas Resource Conservation District

65 South Main Street #107	www.us-ltrcd.org
Templeton, Calif. 93465	(805) 434-0396

Coastal San Luis Resource Conservation District

545 Main Street	www.coastalrcd.org
Morro Bay, Calif. 93442	(805) 772-4391

Natural Resources Conservation Service

65 South Main Street #108	www.ca.nrcs.usda.gov
Templeton, Calif. 93465	(805) 434-0396

Refer to Page 30 for outside agency contacts.

1.0 Introduction to Agricultural Grading

Agriculture is an important part of San Luis Obispo County's heritage. In recognition of this, the County has chosen to develop a progressive permitting system designed to offer more flexibility to agriculturalists engaged in smaller grading projects. In most cases, agricultural grading activities will not require a formal permit from the County. Instead, agricultural grading can often take place as part of an exemption, self-reporting program ("Agricultural Grading") or through collaboration with the local Resource Conservation District ("Alternative Review").

1.1 How to Use this Guide

This guide is intended to provide an easy-to-read, easy-to-understand resource for those interested in pursuing grading for agricultural purposes. This guide is meant to complement the grading ordinance (Chapter 22.52 of the San Luis Obispo County Land Use Ordinance) and to present the ordinance's requirements in a more user-friendly manner.

STEP ONE: DETERMINE PERMIT LEVEL – To start, you must first figure out which permit level your activity is subject to. The following table gives you a quick reference for permit level. It refers you to the applicable section of this guide for more information. Chapter 3.0 will explain any limitation and provide the appropriate permitting level.

STEP TWO: DETERMINE WHAT NEEDS TO BE SUBMITTED – After you have figured out which permit level your activity requires, then refer back to this Chapter (Chapter 1.0) to follow the appropriate process. The procedures for exempt grading, agricultural grading, alternative review, and County grading permits are highlighted in this Chapter.

Summary of Grading Requirements by Use

Activity	Exempt	Ag Grading	Alternative Review ¹	Grading Permit	Guide Reference	Ordinance Reference
Small agricultural projects with less than 50 cubic yards of cut and less than 50 cubic yards of fill and less than 1 acre of native vegetation removal	●				3.4.4	22.52.070.B.14 22.52.060.A.3
CROP PRODUCTION AND GRAZING						
Ongoing cultivation activities	●				3.1.1	22.52.060
Grading on previously cultivated lands	●				3.1.2	22.52.070.B.11
Grading to create a new field		●			3.1.3	22.52.070.C.2.a.
Vineyards and orchards on slopes over 30%			●		3.1.4	22.52.080.B.1
Removal of vegetation in an area previously grazed	●				3.2.1	22.52.070.B.11
Removal of vegetation to open up new lands to grazing, cultivation, or crop production						
Less than 1 acre	●				3.2.23.2.3	22.52.070.B.11.b 22.52.070.C.2.a 22.52.080.B.2
1 acre or more, slopes up to 30%		●				
1 acre or more, slopes exceeding 30%			●			
Grading for rangeland improvements						
On previously grazed lands	●				3.2.2	22.52.070.B.11.b 22.52.070.C.2.a 22.52.080.B.2
Slopes up to 30%		●				

¹ Projects which qualify for Alternative Review may also be processed under a County Grading Permit at the applicant’s choice.

Activity	Exempt	Ag Grading	Alternative Review ¹	Grading Permit	Guide Reference	Ordinance Reference
Slopes exceeding 30%			●			
INFRASTRUCTURE						
New agricultural roads			●		3.3.1	22.52.080.B.3
New agricultural roads within or on the perimeter of fields for crops	●				3.3.2	22.52.070.B.11.d
Widening/lengthening an existing agricultural road (outside of fields)			●		3.3.6	22.52.080.B.3
Repairing or maintaining an existing agricultural road	●				3.3.6	22.52.070.B.12
Water sources and water lines	●				3.3.6	22.52.070.B.13
Drainage improvements						
Existing fields/rangeland	●					
New fields/rangeland up to 30% slope		●			3.3.6	22.52.070.B.11 22.52.070.C.2.a 22.52.080.B.1
New fields/rangeland exceeding 30% slope			●			
Recreational trails			●		3.3.7	22.52.080.B.7
Ponds / dams/ reservoirs						
Less than 1 acre foot and water is retained entirely below grade		●			3.3.8	22.52.080.B.4
1 acre foot or more or a dam is proposed to retain water above natural grade				●		
Waste management systems			●		3.3.9	22.52.080.B.8
OTHER AGRICULTURAL ACTIVITIES						
Clearance of vegetation for fire safety purposes	●				3.4.1	22.52.070.B.8
Restoration of upland areas		●			3.4.2	22.52.070.C.2.d

Activity	Exempt	Ag Grading	Alternative Review ¹	Grading Permit	Guide Reference	Ordinance Reference
Restoration in / near streams Another agency will handle the permitting No other agencies are involved or they are only involved with one component	●		●		3.4.3	22.52.070.B.7
Repair / maintenance of existing agricultural facilities	●				3.4.5	22.52.070.B.12
Importation or exportation of material Repair / maintenance (see sections 3.3.4 and 3.4.5) Water sources & pipelines (see section 3.3.5) Drainage improvements Up to 2,000 cubic yards and does not require alternative review More than 2,000 cubic yards	● ● ●		● ●		3.4.6	22.52.070.C.2.d 22.52.080.B.9
Nursery and Cannabis Facilities				●	3.4.7	22.30.310
Equestrian Facilities				●	3.4.8	22.30.100.F
CONSTRUCTION ACTIVITIES						
Building pad for an exempt agricultural accessory structure				●	3.5.1	22.52.100
Building pad for a single-family residence or other structure				●	3.5.2	22.52.100
New road to serve structure				●	3.5.3	22.52.100
Using an existing agricultural road to serve a new structure				●	3.5.4	22.52.100

1.2 Exempt Activities

Exempt activities are generally activities of limited scope which would pose minimal risk of erosion and sedimentation. There are two ways a project may be determined to be exempt:

- 1) **SMALL PROJECTS** – Small agricultural projects which involve no more than 50 cubic yards of cut and no more than 50 cubic yards of fill are exempt from County grading permits. Similarly, projects involving less than 1 acre of vegetation removal are exempt from permitting requirements. Grading ordinance provisions only apply to projects which exceed these thresholds. Ongoing cultivation activities do not count when determining cubic yard quantities.

- 2) **PROJECTS LISTED AS EXEMPT** – Certain types of grading activities are listed in Section 22.52.070B as being exempt. These include, but are not limited to the following:
 - Clearance of vegetation for fire safety purposes
 - Routine maintenance of existing legally permitted facilities, such as roads, equestrian facilities, ponds, etc.
 - Grading for ongoing crop production or grazing purposes
 - Development or maintenance of water supplies

Limitations apply to projects listed as exempt. Please read the section describing the particular grading activity so that you know what limitations to adhere to.

<i>Exempt Activities</i>	
COST	No fee is required.
PROCESS/TIMING	No County involvement is required. Therefore, a landowner may perform exempt grading at any time.
PLANS	Not required.
COUNTY REVIEW	Not required.
AG COMMISSIONER REVIEW	Not required.
RCD REVIEW	Not required.
STEP BY STEP	<ol style="list-style-type: none"> 1) Determine that your proposed project qualifies as exempt. You may contact your local RCD or the Department of Planning and Building for assistance. 2) Complete the grading activities while adhering to ordinance limitations. 3) Keep records documenting how the grading adhered to ordinance requirements, for future reference.

1.3 Agricultural Grading

Agricultural Grading, similar to exempt grading, does not require a County Grading Permit. However, you must file a form with the Department of Planning and Building documenting the proposed work, before starting. Additionally, only those applicants who have completed an educational program, certification program, or are enrolled in the irrigated agriculture discharge waiver program, may qualify to proceed as “agricultural grading.” In filing the form, you are affirming that you meet the criteria to use the agricultural grading program and that all grading will be conducted in compliance with best management practices (e.g. erosion and sedimentation control).

The Director of Planning and Building maintains and updates a list of qualifying programs. As of the time of publication of this guide, the following programs qualify an applicant or their contractor to follow the agricultural grading procedures:

- Enrollment in the irrigated agriculture discharge waiver program (please provide a copy of the filed Notice of Intent)
- Attendance at one or more of the following courses (please provide documentation of satisfactory course completion):
 - Erosion and Sediment Control Short Course (Resource Conservation District)
 - Farm/Ranch Water Quality Short Course
 - Another appropriate course, as approved by the Director of Planning and Building
- Certification in one or more of the following (please provide certification number or other documentation)
 - RCE – Registered Civil Engineer
 - CPESC – Certified Professional in Erosion and Sedimentation Control (EnviroCert)
 - CPSWQ – Certified Professional in Stormwater Quality (EnviroCert)
 - CESSWI – Certified Erosion, Sedimentation, and Stormwater Inspector (EnviroCert)
 - Certification in Erosion and Sediment Control (NICET)
 - QSP – Qualified Stormwater Pollution Prevention Plan Practitioner
- Participation in one of the following programs (please provide documentation):
 - CCSWG – Certified California Sustainable Winegrowing
 - EQIP – Environmental Quality Incentive Program (NRCS) – only for projects which are being done through the EQIP program
 - SIP – Sustainability In Practice vineyard management certification.

The following activities are authorized as agricultural grading with the filing of an agricultural form:

- Grading or vegetation removal for new fields/crop production on slopes of less than 30 percent.

- Grading or vegetation removal to open up new lands for grazing on slopes less than 30 percent.
- Small ponds, less than 1 acre-foot in capacity, where all water will be retained below grade (i.e. excavation only, no dam).
- Upland restoration activities which occur outside of a watercourse (i.e. outside of the channel and riparian vegetation).
- Any grading allowable as “exempt” or “agricultural grading” which would require importation or exportation of up to 2,000 cubic yards of material from/to off-site per year.

<i>Agricultural Grading</i>	
COST	No fee is required.
PROCESS/TIMING	Work may begin immediately upon filing the agricultural grading form with the Department of Planning and Building.
PLANS	Not required, though an erosion control plan is recommended.
COUNTY REVIEW	County will review the form and confirm certification. You do not have to wait for this to occur. You may begin grading immediately upon filing the form.
AG COMMISSIONER REVIEW	Not required.
RCD REVIEW	Not required.
STEP BY STEP	<ol style="list-style-type: none"> 1) Determine that your proposed project qualifies as agricultural grading. You may contact your local RCD or the Department of Planning and Building for assistance. 2) Ensure that you qualify under one or more of the certification programs. 3) Fill out the agricultural grading form with as much detail as you can provide. 4) File the agricultural grading form along with proof of certification. The form may be filed by mail, fax, email, in person, or online. 4) Complete the grading activities while adhering to ordinance limitations. 5) Keep records documenting how the grading adhered to ordinance requirements, for future reference.

1.4 Alternative Review

The Alternative Review process is intended to provide a collaborative review process for more complex grading projects. Projects which qualify for Alternative Review may either obtain a standard County Grading Permit, or may instead choose to follow the Alternative Review process. This process allows the local Resource Conservation District (RCD) to perform the review, approval, and inspection duties in lieu of the County.

There are two RCDs in the County, Upper Salinas-Las Tablas (north of the Cuesta Grade and Morro Bay) and Coastal San Luis (south of the Cuesta Grade, including the coast from Morro Bay southward). Each RCD is operated independently and is able to define its own procedure for Alternative Review. The County does not dictate what plans need to be submitted, the timing of the review, or the final inspection process – these are all decisions made by the RCD. Generally, the complexity of the process is directly related to the complexity of the proposed project. For example, building a wide road on steep slopes may require the involvement of a civil engineer to design the plans, while a smaller project (e.g. vegetation removal) might not even require the preparation of plans.

Just because your proposal qualifies for Alternative Review does not mean you must have the project processed through the RCD. Nor does it mean that the RCD will accept your project into their review program. **If your project qualifies for Alternative Review, you still have the option to seek approval by applying for a County Grading Permit.**

Most agricultural grading projects which do not qualify for “exemption” or “agricultural grading” status will qualify for alternative review:

- Grading and/or vegetation removal for new orchards/vineyards on slopes of 30% or more
- Grading and/or vegetation removal for new rangeland on slopes of 30% or more
- Agricultural roads
- Streambank restoration or conservation projects (note: if another resource agency is reviewing, approving, and inspecting plans, this is exempt)
- Recreational trails
- Waste management systems

<i>Alternative Review</i>	
COST	Check with local Resource Conservation District (RCD) office.
PROCESS/TIMING	Depends on complexity of the project.
PLANS	May be required depending on the complexity of the project.
COUNTY REVIEW	County Planning will verify that a project may proceed under Alternative Review.
AG COMMISSIONER REVIEW	Reviews road and pond projects to ensure that the proposal is appropriate to the existing or proposed agricultural use.
RCD REVIEW	RCD will provide review, approval, and inspection services.
STEP BY STEP	<ol style="list-style-type: none"> 1) Determine that your proposed project qualifies for alternative review. You may contact your local RCD or the Department of Planning and Building for assistance. 2) Meet with the RCD to discuss and scope your project and to ensure that they are willing to take on review for the project. 3) File an Alternative Review application form with County Planning. 4) County Planning contacts the Agricultural Commissioner to initiate their review (roads only). 5) If the project qualifies, County Planning will authorize the project and transmit the application to the RCD. 6) The applicant then has 60 days to enter into a contract with the RCD. 7) RCD will work with the applicant to determine the scope of work and appropriate practices. RCD will then authorize the applicant to proceed with grading. 8) Grading is completed in accordance with RCD specifications. 9) Upon completion of grading, RCD inspects and signs off on the project.

1.5 County Grading Permit

Projects which do not qualify as “exempt”, “agricultural grading,” or “alternative review” will require a County Grading Permit. The County Grading Permit process is the same for agricultural and construction-related projects.

<i>County Grading Permit</i>	
COST	Varies depending on earthwork quantities, site disturbance, and environmental review.
PROCESS/TIMING	Varies depending on level of review. Generally this can be from 2-8 months.
PLANS	Grading plans are required and must comply with Section 22.52.100 of the Land Use Ordinance. Most projects will also require an erosion and sedimentation control plan, drainage plan, and stormwater quality plan.
COUNTY REVIEW	The County will review plans, issue the grading permit, and conduct the inspections.
AG COMMISSIONER REVIEW	Projects in Agriculture or Rural Lands categories, involving agricultural production, or adjacent to active agricultural uses, will be referred to the Agricultural Commissioner for comments.
RCD REVIEW	Generally not required, though on some projects, the County may refer projects to the RCD for technical assistance.
STEP BY STEP	<ol style="list-style-type: none"> 1) File a grading permit application with the Department of Planning and Building. 2) Plans are sent to the Environmental Division to determine if the project requires environmental review (California Environmental Quality Act) or is exempt. 3) If environmental review is required, that process will then occur (may take an extended period of time depending on complexity). 4) The plans will then be plan checked by Planning and Building, and Public Works. 5) Corrections will be distributed to the applicant. 6) Applicant resubmits corrected plans and they are plan checked a second time. 7) Once plans are acceptable, they are stamped and the permit is issued. 8) Applicant then completes the grading. 9) Building inspectors will inspect based on the schedule of inspections provided in the grading ordinance. 10) Once all grading is completed, all holds on the permit are satisfied, and all long-term Best Management Practices are in place, final inspections will take place and the permit will be finalized.

2.0 General Requirements and Limitations

2.1 Intent of the regulations

One of the primary purposes of the regulations established in the grading ordinance is to protect and enhance water quality. The grading ordinance achieves this by requiring that applicants consider erosion and sedimentation conditions and apply Best Management Practices (BMPs) as part of their grading projects. The County ensures compliance by requiring grading plans and erosion and sedimentation control plans for most earthwork activities.

In order to recognize the need for flexibility for agriculturalists, the County has developed a multi-tiered approach to agricultural grading. The intent is to reduce the regulatory requirements for agriculture while protecting water quality.

2.2 Limitations

The following are some general limitations which all grading activities must adhere to:

- Use good practices – Sound agricultural management practices must be employed.
- Don't create a hazard – Don't create conditions which could be hazardous to life or property.
- Control erosion – Use appropriate erosion and sedimentation control measures.
- Obtain necessary oak clearance permits – If the project involves clearing of oaks, be sure to follow ordinance requirements. Special permits may be needed to permit oak clearance.
- Be mindful of drainage – Ensure that drainage patterns will mimic historical drainage and will not impact neighboring properties.
- Obtain state and federal permits – If your project requires a state or federal permit (e.g. work in a stream), you are responsible for obtaining the permit.
- Know what you are doing – If you're not experienced with cultivation activities or other grading activities, consider consulting with the local Natural Resource Conservation Service (NRCS) or Resource Conservation District (RCD) office for guidance.

Failure to adhere to these limitations could result in code enforcement actions.

2.3 Enforcement

The County has only limited resources and is not able to proactively enforce all violations of the ordinance. With regards to agricultural grading, experience shows that the vast majority of violations are done not for agricultural purposes, but in preparation for development.

Most farmers and ranchers in this County are intimately aware of the importance of soil conservation. Most already apply sound agricultural practices in their grading projects. As a result, many of the farms and ranches in this County have been operated for decades without any substantial environmental issues, erosion concerns, or drainage problems. Farmers and ranchers who are good stewards of their land will not be the focus of the County's code enforcement efforts.

3.0 Grading Requirements by Use

3.1 Crop Production Activities

3.1.1 Cultivation of land

PERMIT LEVEL: *EXEMPT* – No County permit is required for the ongoing cultivation of land.

DESCRIPTION: Cultivation of land includes the following activities: disking, harrowing, raking or chiseling, planting, plowing, seeding, or other tilling. These activities are not considered grading when they occur on land that has historically been cultivated.

If you are proposing only cultivation activities, this is not considered “grading” and is not regulated by the Department of Planning and Building.

Grading regulated under the ordinance only occurs when (1) the contours of the land are being changed in order to accommodate planting; or (2) one acre or more of vegetation removal is occurring.

LIMITATIONS:

- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.060.

3.1.2 Grading on previously cultivated lands

PERMIT LEVEL: *EXEMPT* – No County Permit is required to grade on lands that were previously cultivated.

DESCRIPTION: Grading on previously cultivated lands is not limited to just cultivation activities. Any grading directly related to crop production is covered under this exemption. Some examples include:

- Repairing or restoring a damaged field.
- Changing the contours of the land.
- Adding drainage improvements.
- Any other grading activities directly related to crop production.

LIMITATIONS:

- Land must have been cultivated in the last 10 years – You must be able to document that the land being graded has been cultivated during the last ten years. An exception to this rule relates to the Conservation Reserve Program (CRP). Land that was covered under a conservation plan as part of the CRP may also use this exemption.
- No importation or exportation – Importation or exportation of material is limited only to soil fertility amendments. Importation or exportation of biosolids (i.e. treated sewage sludge) must comply with current Environmental Health regulations. For importation of material related to drainage improvements see Section 3.3.6.
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.070B.11.

3.1.3 Grading to create a new field

PERMIT LEVEL: *AGRICULTURAL GRADING* – You must complete and submit a form to the Department of Planning and Building prior to initiating work. Additionally, you must demonstrate participation in an educational/certification program or in the Irrigated Agricultural Discharge Waiver Program.

DESCRIPTION: Grading to create a new field involves re-contouring the land in order to accommodate new crop production. Activities such as planting on grade are not considered grading and are instead covered under “Cultivation of land.” Refer to Figure 1 to distinguish between grading and cultivation of land. Grading that is covered under this provision includes:

- Leveling land to create a new field.
- Changing the contours of the land to create a new field.
- Adding drainage improvements.
- Any other grading activities directly related to crop production.

LIMITATIONS:

- Do not grade on steep slopes (30% +) – All grading must occur on slopes no steeper than 30 percent. For grading on steeper slopes, refer to “Vineyards and orchards on steep slopes.”
- Importation/exportation limited to 2,000 cy – Importation and exportation of material is limited to no more than 2,000 cubic yards.
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.070C.2.a.

3.1.4 Crop production on steep slopes

PERMIT LEVEL: *ALTERNATIVE REVIEW* – This project qualifies for the alternative review process. You have a choice of either applying for a County Grading Permit or working with the local Resource Conservation District (RCD) on project review, approval, and inspection. Please refer to Section 1.4 for further discussion of the alternative review process.

DESCRIPTION: Grading to accommodate orchards or vineyards (and associated drainage improvements) on steep slopes in excess of 30 percent. Grading that is covered under this provision includes creation of hillside benches or other appropriate methods for planting orchards/vineyards on steep slopes. Orchards and vineyards on slopes of no more than 30 percent may be authorized as described in “Grading to create a new field.”

LIMITATIONS:

- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.080B.1.

3.2 Grazing / Rangeland Activities

3.2.1 Removal of vegetation in an area previously grazed

PERMIT LEVEL: *EXEMPT* – No County Permit is required to remove vegetation on lands that were previously grazed.

DESCRIPTION: Vegetation removal and grading may occur on lands that have been grazed within the previous ten years. The intention is to allow for the continued use of these lands for grazing purposes. There is no limitation on the area of vegetation removal, provided that all vegetation removal occurs in areas that were previously grazed. Removing vegetation to open new lands to grazing requires either the agricultural grading process, the alternative review process, or a County grading permit, depending on slope.

LIMITATIONS:

- Land must have been grazed in the last 10 years – You must be able to document that the land being graded has been grazed during the last ten years. An exception to this rule relates to the Conservation Reserve Program (CRP). Land that was covered under a conservation plan as part of the CRP may also use this exemption.
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.070B.11.

3.2.2 Removal of vegetation to open up new lands to grazing

PERMIT LEVEL: The permit level depends on the area of vegetation removal and slopes of the lands where vegetation removal is to occur:

- Less than 1 acre: *EXEMPT* – No County Permit is required for removal of less than 1 acre of vegetation.
- 1 acre or more, slopes of up to 30 percent: *AGRICULTURAL GRADING* – Removal of 1 acre or more of vegetation on slopes of up to 30 percent requires that the applicant go through the agricultural grading process. You must complete and submit a form to the Department of Planning and Building prior to initiating work. Additionally, you must demonstrate participation in an educational/certification program or in the Irrigated Agricultural Discharge Waiver Program.
- 1 acre or more, slopes exceeding 30 percent: *ALTERNATIVE REVIEW* – Vegetation removal of 1 acre or more on slopes exceeding 30% qualifies for the alternative review process. You have a choice of either applying for a County Grading Permit or working with the local Resource Conservation District (RCD) on project review, approval, and inspection. Please refer to Section 1.4 for further discussion of the alternative review process.

LIMITATIONS:

- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Sections 22.52.070B.11.b, 22.52.070C.2.a, and 22.52.080B.2.

3.2.3 Grading for rangeland improvements

PERMIT LEVEL: The permit level for grading for rangeland improvements depends on various factors:

- On previously grazed lands – *EXEMPT* – No County Permit is required for grading to support rangeland improvements on lands that were previously grazed. Follow the procedures and limitations outlined in Section 3.2.1.
- Slopes up to 30 percent: *AGRICULTURAL GRADING* – The applicant must go through the agricultural grading process. You must complete and submit a form to the Department of Planning and Building prior to initiating work. Additionally, you must demonstrate participation in an educational/certification program or in the Irrigated Agricultural Discharge Waiver Program.
- Slopes exceeding 30 percent: *ALTERNATIVE REVIEW* – Grading for rangeland improvements on slopes exceeding 30 percent qualifies for the alternative review process. You have a choice of either applying for a County Grading Permit or working with the local Resource Conservation District (RCD) on project review, approval, and inspection. Please refer to Section 1.4 for further discussion of the alternative review process.

DESCRIPTION: Grading may occur under this procedure for any rangeland improvements. Common rangeland improvements include grading a level pad for a water trough, modifying pastures, or creating a bench to allow for the installation of cattle fencing.

LIMITATIONS:

- No importation or exportation (exempt only) – Exempt projects may not involve the importation or exportation of materials, other than soil fertility amendments.
- Importation/exportation limited to 2,000 cy – Importation and exportation of material is limited to no more than 2,000 cubic yards, unless going through the alternative review process.
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Sections 22.52.070B.11.b, 22.52.070C.2.a, and 22.52.080B.2.

3.3 Infrastructure

3.3.1 New agricultural roads (outside of fields for crops)

PERMIT LEVEL: *ALTERNATIVE REVIEW* – This activity qualifies for the alternative review process. You have a choice of either applying for a County Grading Permit or working with the local Resource Conservation District (RCD) on project review, approval, and inspection. Please refer to Section 1.4 for further discussion of the alternative review process.

DESCRIPTION: A new agricultural road serving only agricultural uses may be authorized through the alternative review process. Typically agricultural roads have a traveled width of between 12 and 16 feet, however this is not a requirement. This procedure also applies to existing agricultural roads which are being widened, lengthened, or otherwise increased in capacity.

Roads which are located entirely within or on the edge of fields should instead follow the procedure outlined in Section 3.3.2. Repair or maintenance of existing roads should instead refer to Section 3.3.4.

LIMITATIONS:

- Cannot provide access to structures – If the road you are proposing provides access to a structure, a grading permit will be required. The exception would be if access is provided only to an agricultural exempt structure.
- Must be appropriate to the agricultural use – The agricultural road must be sized appropriately for the existing or proposed agricultural use. The Agricultural Commissioner will review all road proposals to ensure compliance with this requirement. Roads determined to be too large for the agricultural use will be required to obtain a grading permit.
- Must be in Agriculture, Rural Lands, or Residential Rural – Agricultural roads must be zoned Agriculture (AG), Rural Lands (RL), or Residential Rural (RR). For roads proposed on RR-zoned land, the road must serve an existing agricultural use.
- Special attention must be given to drainage and erosion control – Roads are the most common cause of erosion and sedimentation amongst all agricultural grading

- practices. Special attention must be given to erosion and drainage concerns in designing the proposed road.
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.080B.3.

3.3.2 New agricultural roads within or on the perimeter of fields for crops

PERMIT LEVEL: *EXEMPT* – No County Permit is required for any roadwork done within fields or on the edge of fields.

DESCRIPTION: Any roadwork done to roads within fields is exempt. This includes relocating roads, widening roads, lengthening roads, and creating new roads. In order to qualify for this exemption, all portions of the road being graded must be located entirely within an existing field or along the edge of an existing field. Any portions of roads which do not satisfy this provision must be processed as “New agricultural roads (outside of fields).”

LIMITATIONS:

- Importation of surfacing material is okay. As part of creating a road, importation of surfacing material is allowed. No other importation or exportation is allowed.
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.070B.11.d.

3.3.3 Widening/lengthening an existing agricultural road (outside of fields for crops)

PERMIT LEVEL: *ALTERNATIVE REVIEW* – This project qualifies for the alternative review process. You have a choice of either applying for a County Grading Permit or working with the local Resource Conservation District (RCD) on project review, approval, and inspection. Please refer to Section 1.4 for further discussion of the alternative review process.

DESCRIPTION: Refer to Section 3.3.1 for a description and limitations.

FOR MORE INFORMATION: Refer to Section 22.52.080B.3.

3.3.4 Repairing or maintaining an existing agricultural road

PERMIT LEVEL: *EXEMPT* – No County Permit is required to repair or maintain a road.

DESCRIPTION: Repairing or maintaining an existing legally established agricultural road is exempt. Repair/maintenance activities can include applying new surfacing (i.e. basing or paving), leveling, repairing ruts, and removing vegetation from the traveled surface. Repair/maintenance activities do not include any activities which would widen, lengthen, re-route, or otherwise increase the capacity of the road.

Note: See *Frequently Asked Questions (Page 35)* regarding what constitutes a “legally established” road.

LIMITATIONS:

- Do not widen/lengthen/re-route the road – Widening, lengthening, or re-routing a road instead would need to follow the procedures outlined in Section 3.3.1, “New agricultural roads (outside of fields).”
- Importation of surfacing material is allowable. As part of creating a road, importation of surfacing material is allowed. No other importation or exportation is allowed.
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.070B.12.

3.3.5 Water sources and water lines

PERMIT LEVEL: *EXEMPT* – No County Permit is required for earthwork related to development of agricultural water sources or water transmission lines.

DESCRIPTION: This exemption applies to the development of water sources (e.g. wells, spring boxes, etc.) or water transmission lines exclusively for agricultural purposes.

LIMITATIONS:

- Importation of sand/gravel is allowable – Importation of sand and gravel is allowable when used exclusively for water resource improvements. .
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.070B.13.

3.3.6 Drainage improvements

PERMIT LEVEL: The permit level for drainage improvement varies depending on where the grading will take place:

- Existing fields/rangeland: *EXEMPT* – No County Permit is required for drainage improvements on lands that were previously cultivated or grazed. There is no limitation on slope. Refer to Sections 3.1.2 and 3.2.3, as applicable.
- New fields/rangeland up to 30% slope: *AGRICULTURAL GRADING* – Drainage improvements on new fields (up to 30% slopes) requires going through the agricultural grading process. You must complete and submit a form to the Department of Planning and Building prior to initiating work. Additionally, you must demonstrate participation in an educational/certification program or in the Irrigated Agricultural Discharge Waiver Program. Refer to Sections 3.1.3 and 3.2.3, as applicable.
- New fields/rangeland with 30%+ slopes: *ALTERNATIVE REVIEW* – Drainage improvements on slopes exceeding 30% qualifies for the alternative review process. You have a choice of either applying for a County Grading Permit or working with the local Resource Conservation District (RCD) on project review, approval, and inspection. Please refer to Section 1.4 for further discussion of the alternative review process. Drainage improvements on previously cultivated or grazed lands are not

subject to this requirement (refer to “Grading on previously cultivated lands”). Refer to Sections 3.1.4 and 3.2.3, as applicable.

DESCRIPTION: Drainage improvements include any facilities meant to convey, direct, slow, retain, filter, or otherwise channel runoff.

LIMITATIONS:

- Importation of sand/gravel is allowable – Importation of sand and gravel is acceptable if used exclusively for drainage improvements.
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Sections 22.52.070B.11, 22.52.070C.2.a, and 22.52.080B.1.

3.3.7 Recreational trails

PERMIT LEVEL: *ALTERNATIVE REVIEW* – This activity qualifies for the alternative review process. You have a choice of either applying for a County Grading Permit or working with the local Resource Conservation District (RCD) on project review, approval, and inspection. Please refer to Section 1.4 for further discussion of the alternative review process.

DESCRIPTION: Trails are not defined in the grading ordinance and are treated the same as new agricultural roads. Please refer to Section 3.3.1 for a description and limitations. Projects that require a land use permit are not exempt from those permitting requirements.

FOR MORE INFORMATION: Refer to Section 22.52.080B.7

3.3.8 Ponds/dams/reservoirs

PERMIT LEVEL: The permit level for ponds, dams, and reservoirs depends on capacity and other factors:

- Less than 1 acre-foot AND water is retained entirely below grade – *AGRICULTURAL GRADING* – You must complete and submit a form to the Department of Planning and Building prior to initiating work. Additionally, you must demonstrate participation in an educational/certification program or in the Irrigated Agricultural Discharge Waiver Program.
- 1 acre-foot or more OR a dam is proposed to retain water above natural grade – *COUNTY GRADING PERMIT* – This project would require a County Grading Permit, with additional analysis focusing on hydrogeology and water availability. We recommend contacting a planner to discuss this type of project.

DESCRIPTION: Ponds, dams, and reservoirs are features which can be used to provide irrigation, a water source for livestock, for frost protection, and for other agricultural purposes. By default, most ponds will require Alternative Review. Only those ponds which are small (less than 1 acre-foot) and built entirely below grade may qualify for the less

intense “agricultural grading” process. Ponds for recreational or aesthetic purposes require a County Grading Permit.

LIMITATIONS:

- Located outside of a watercourse – Ponds qualifying under the “agricultural grading” procedure must be located entirely outside of any watercourse or water body as identified on a USGS map. Ponds located in these areas may be permitted through the Alternative Review process, but will also likely require permits from state and federal resource agencies.
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.080B.4.

3.3.9 Waste management systems

PERMIT LEVEL: *ALTERNATIVE REVIEW* – This activity qualifies for the alternative review process. You have a choice of either applying for a County Grading Permit or working with the local Resource Conservation District (RCD) on project review, approval, and inspection. Please refer to Section 1.4 for further discussion of the alternative review process.

DESCRIPTION: Waste management systems are systems for disposing of wastewater or organic waste generated from an agricultural use. A common example would be engineered wetlands to treat winery effluent.

LIMITATIONS:

- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.080B.8

3.4 Other Agricultural Activities

3.4.1 Clearance of vegetation for fire safety purposes

PERMIT LEVEL: *EXEMPT* – No County Permit is required to clear vegetation for fire safety purposes in accordance with CalFire recommendations.

DESCRIPTION: Vegetation clearance or modification in order to improve fire safety conditions is exempt from County grading permit requirements, provided that CalFire recommendations are followed. Removal of vegetation for reasons unrelated to fire safety is not covered under this exemption.

LIMITATIONS:

- Comply with CalFire Recommendations – Vegetation removal for fire safety purposes must follow CalFire recommendations.
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.070B.8.

3.4.2 Restoration in upland areas

PERMIT LEVEL: *AGRICULTURAL GRADING* – You must complete and submit a form to the Department of Planning and Building prior to initiating work. Additionally, you must demonstrate participation in an educational/certification program or in the Irrigated Agricultural Discharge Waiver Program.

DESCRIPTION: Upland areas are areas that are entirely outside of the channel of a watercourse or wetland, and outside of riparian vegetation areas. Restoration of upland areas can include a variety of activities intended to improve environmental conditions. A common example of upland restoration would be repairing an eroded gully.

LIMITATIONS:

- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.070C.2.d.

3.4.3 Restoration in/near streams

PERMIT LEVEL: The permit level for restoration work that occurs in or near watercourses is dependent on whether or not a state or federal resource agency will handle the permitting:

- Another agency will handle the permitting – *EXEMPT* – If another resource agency (e.g. California Department of Fish and Game, US Army Corps of Engineers, Regional Water Quality Control Board, etc.) handles the review, approval, and inspection components of the project, then the project will qualify for an exemption from County grading permits.
- No other agencies are involved or they are only involved in one component – *ALTERNATIVE REVIEW* – If no other resource agencies are involved in the permitting process, or if the agencies will only handle one component of the project (e.g. review, approval, or inspection), then the project would need to be processed through Alternative Review. You have a choice of either applying for a County Grading Permit or working with the local Resource Conservation District (RCD) on project review, approval, and inspection. Please refer to Section 1.4 for further discussion of the alternative review process.

DESCRIPTION: Restoration activities may include a variety of measures occurring within a watercourse designed to improve the environmental conditions of the watercourse. A common example is repair or restoration of a failed stream bank.

LIMITATIONS:

- Likely involvement of other agencies – Work occurring within a watercourse in most situations will trigger the jurisdiction of at least one state or federal agency. It is highly recommended that resource agencies be contacted. Please refer to the table on Page 30.
- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Sections 22.52.070B.7.

3.4.4 Small agricultural projects

PERMIT LEVEL: *EXEMPT* – No County Permit is required for agricultural projects involving less than 50 cubic yards of cut, less than 50 cubic yards of fill, and less than 1 acre of vegetation removal.

DESCRIPTION: Small agricultural projects are projects which require a minimal amount of grading and/or a minimal amount of vegetation removal. These projects fall below ordinance thresholds.

LIMITATIONS:

- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Sections 22.52.060A and 22.52.070B.14

3.4.5 Repair/maintenance of existing agricultural facilities

PERMIT LEVEL: *EXEMPT* – No County Permit is required for repair/maintenance work on existing, legally-established, agricultural facilities.

DESCRIPTION: Repair and maintenance is any work that is needed to repair or maintain an existing facility, such as roads or drainage improvements. Facilities may not be modified in terms of capacity. For example, increasing pond depth, road width, or the size of an equestrian arena would not be considered repair/maintenance. Repair and maintenance activities could include such things as vegetation removal, importing base material for a road, importing sand or gravel for drainage facilities, and importing surfacing material for an equestrian facility. For repair and maintenance of roads, please also refer to Section 3.3.4.

LIMITATIONS:

- Facilities must be legal – The existing facilities that are being maintained must have been legally established or permitted.
- Importation of materials is allowable – Importation of materials essential to the repair/maintenance of the facilities is allowed under this exemption. Exportation of materials is not allowed.

- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Section 22.52.070B.12.

3.4.6 Importation or exportation of material

PERMIT LEVEL: The permitting level for “imbalanced” projects depends on the quantity of material being imported/exported and type of project:

- Certain exempt projects – *EXEMPT* – Certain exempt projects expressly allow the importation and/or exportation of material. Some examples include:
 - Repair/maintenance – refer to Sections 3.3.4 and 3.4.5
 - Water sources and pipelines – refer to Section 3.3.5
 - Drainage improvements – refer to Section 3.3.6
- Up to 2,000 cubic yards AND does not require alternative review – *AGRICULTURAL GRADING* – Projects involving importation or exportation of up to 2,000 cubic yards per year may be authorized through “agricultural grading,” provided that the proposed activity does not already trigger alternative review or a County grading permit. For example, you cannot construct a road under “agricultural grading” just because you are importing material – roads still require Alternative Review. You must complete and submit a form to the Department of Planning and Building prior to initiating work. Additionally, you must demonstrate participation in an educational/certification program or in the Irrigated Agricultural Discharge Waiver Program.
- More than 2,000 cubic yards – *ALTERNATIVE REVIEW* – This project qualifies for the alternative review process. You have a choice of either applying for a County Grading Permit or working with the local Resource Conservation District (RCD) on project review, approval, and inspection. Please refer to Section 1.4 for further discussion of the alternative review process.

DESCRIPTION: A “site” as defined by the Land Use Ordinance is any number of contiguous parcels under the same ownership/control. By default, all grading activities are required to be “balanced,” which means that all excavated material will be placed on the same site. Projects are considered “imbalanced” when they require the importation or exportation of materials to/from an off-site location. Importation/exportation of soil fertility amendments is not restricted, although use of treated sewage sludge must comply with current Environmental Health regulations.

LIMITATIONS:

- Comply with the General Limitations – Be sure to comply with the general limitations discussed in Section 2.2 of this document.

FOR MORE INFORMATION: Refer to Sections 22.52.070C.2.d and 22.52.080B.9.

3.4.7 Nursery and Cannabis Facilities

PERMIT LEVEL: *COUNTY GRADING PERMIT* – A County grading permit is required for nursery specialty facilities.

DESCRIPTION: Nursery specialty and cannabis cultivation facilities are agricultural establishments primarily engaged in the production of ornamental plants or other nursery products, grown under cover or outdoors.

FOR MORE INFORMATION: 22.30.310

3.4.8 Equestrian Facilities

PERMIT LEVEL: *COUNTY GRADING PERMIT* – A County grading permit is required for equestrian facilities.

DESCRIPTION: Equestrian facilities include paddocks, arenas, and other facilities used for the keeping of horses.

FOR MORE INFORMATION: 22.30.100F

3.5 Construction Activities

3.5.1 Building pad for an exempt agricultural accessory structure

PERMIT LEVEL: *COUNTY GRADING PERMIT* – A County grading permit is required for all building pads.

DESCRIPTION: The only distinction between building pads for exempt agricultural accessory buildings and other structures is that there is no Variance requirement to create a pad for an exempt agricultural accessory building on steep slopes (30% +). In both cases, grading cannot be authorized through agricultural grading or alternative review – a County grading permit will be required.

3.5.2 Building pad for a single-family residence or other structure

PERMIT LEVEL: *COUNTY GRADING PERMIT* – A County grading permit is required for all building pads.

FOR MORE INFORMATION: 22.52.100

3.5.3 New road to serve a structure

PERMIT LEVEL: *COUNTY GRADING PERMIT* – A County grading permit is required for roads serving structures.

DESCRIPTION: Roads serving any structures, including exempt agricultural accessory structures, require a County Grading Permit.

FOR MORE INFORMATION: 22.52.100

3.5.4 Using an existing agricultural road to serve a new structure

PERMIT LEVEL: *COUNTY GRADING PERMIT* – A County grading permit is required to convert an existing agricultural road into a road providing access to a structure, such as a residential driveway.

DESCRIPTION: Existing agricultural roads may be “converted” to standard access driveways for structures by applying for an “after-the-fact” grading permit. Current access standards (e.g. width, slope, turning radii, etc.) will be applied. In certain cases, converting an agricultural road may also trigger land use permit requirements.

FOR MORE INFORMATION: 22.52.100

4.0 Avoiding Code Enforcement

Generally speaking, agriculturalists are excellent stewards of the land. Most agriculturalists recognize the importance of proper soil conservation practices and already apply them regularly in their operations. Nonetheless, to help avoid any potential issues, you should:

- 1) **KNOW WHAT YOU ARE DOING** – Educate yourself on erosion and sedimentation control, drainage, and good agricultural practices. If you don't know what you're doing or are unsure of how to avoid creating hazardous conditions, consider enlisting the help of the Resource Conservation District. There are also a number of trade organizations out there (e.g. winegrowers alliance, farm bureau, cattleman's association, etc.) that can connect you with educational resources.
- 2) **KNOW THE ORDINANCE RESTRICTIONS** – Read through this guide and ensure you are familiar with all of the ordinance restrictions pertaining to your agricultural grading activity. If you are unsure or have questions, you can contact the local Resource Conservation District office or the Department of Planning and Building for guidance.
- 3) **IMPLEMENT BEST MANAGEMENT PRACTICES** – During and after grading, ensure that appropriate Best Management Practices (BMPs) are put into place to avoid erosion and sedimentation impacts. Upon completion of grading, ensure that long-term measures (e.g. re-vegetation) are completed.
- 4) **OBTAIN STATE/FEDERAL PERMITS** – Just because you are excused from obtaining a County permit does not mean that you are also excused from other state or federal permits. The County recommends that landowners contact the various resource agencies to discuss permitting requirements. The following table will help you figure out when you should contact another agency:

Table 1 -- Outside Agency Contacts

AGENCY	WHEN TO CONTACT	CONTACT INFO
STATE OF CALIFORNIA		
DEPARTMENT OF FISH AND GAME (CDFG)	<ul style="list-style-type: none"> • Project involves work within a watercourse (i.e. riparian vegetation, defined channel). • Project may affect a state-listed sensitive species. 	Regional Office: 1234 East Shaw Ave Fresno, Calif. 93710 (559) 243-4005
DEPARTMENT OF TRANSPORTATION (CALTRANS)	<ul style="list-style-type: none"> • Project involves work within the right-of-way of a state highway, such as for a driveway approach. 	Regional Office: 50 Higuera Street San Luis Obispo, Calif. 93401 (805) 549-3111
DEPARTMENT OF WATER RESOURCES, DIVISION OF WATER RIGHTS	<ul style="list-style-type: none"> • Project involves appropriation of surface water (i.e. from a stream) or riparian underflow. 	1001 I Street, 14 th Floor Sacramento, Calif. 95812 (916) 341-5300 www.waterrights.ca.gov

AGENCY	WHEN TO CONTACT	CONTACT INFO
DEPARTMENT OF WATER RESOURCES, DIVISION OF SAFETY OF DAMS	<ul style="list-style-type: none"> Project will create a dam with a height of more than 6 feet and retain more than 50 acre-feet of water. Project will create a dam with a height of more than 25 feet and retain more than 15 acre-feet of water. 	Main Office: 2200 X Street, Ste. 200 Sacramento, Calif. 95818 (916) 227-4644 www.water.ca.gov/damsafety
REGIONAL WATER QUALITY CONTROL BOARD	<ul style="list-style-type: none"> Project is subject to the irrigated agriculture discharge waiver program. Project involves 1 acre or more of site disturbance for construction-related grading. Project involves work within wetlands or a stream. 	Regional Office: 895 Aerovista Place, Ste. 101 San Luis Obispo, Calif. 93401 (805) 549-3147
UNITED STATES OF AMERICA		
NATIONAL MARINE FISHERIES SERVICE	<ul style="list-style-type: none"> Project may affect a steelhead stream 	Regional Office: 501 W. Ocean Blvd, Ste. 4200 Long Beach, Calif. 90802 (562) 980-4037
US FISH AND WILDLIFE SERVICE	<ul style="list-style-type: none"> Project may affect a federally-listed sensitive species. 	Primary Contact: Julie Vanderweir (805) 644-1766 ext. 222 Regional Office: 2493 Portola Road, Ste. B Ventura, Calif. 93003
US ARMY CORPS OF ENGINEERS	<ul style="list-style-type: none"> Project involves work within a stream or wetland area. 	Primary Contact: Matthew Vandersande (805) 585-2151 South of the Cuesta Grade: 2151 Alessandro Drive, Ste. 255 Ventura, Calif. 93001 North of the Cuesta Grade: 1455 Market Street, Ste. 110 San Francisco, Calif. 94103
LOCAL AGENCIES		
AIR POLLUTION CONTROL DISTRICT	<ul style="list-style-type: none"> Project involves site work in an area with the potential to contain hydrocarbons or naturally occurring asbestos in the soil. Project involves burning of vegetation. 	3433 Roberto Court San Luis Obispo, Calif. 93401 (805) 781-5912
COUNTY/CAL FIRE	<ul style="list-style-type: none"> Project involves fire safety vegetation clearance. 	635 North Santa Rosa Street San Luis Obispo, Calif. 93405 (805) 543-4242 calfireslo.org
COUNTY DEPARTMENT OF PUBLIC WORKS	<ul style="list-style-type: none"> Project involves work within the County right-of-way, such as for a driveway approach. 	County Government Center 976 Osos Street, Room 207 San Luis Obispo, Calif. 93408 (805) 781-5252

You may also work with your local Resource Conservation District (RCD) office for advice on when to contact other agencies.

Upper Salinas-Las Tablas Resource Conservation District

65 South Main Street #107
Templeton, Calif. 93465

www.us-ltrcd.org
(805) 434-0396

Coastal San Luis Resource Conservation District

545 Main Street
Morro Bay, Calif. 93442

www.coastalrcd.org
(805) 772-4391

- 5) **RETAIN RECORDS** – It’s a good idea to retain all of your paperwork. Keeping good records may help to avoid future code enforcement cases. Some ideas may also include taking photos before, during, and after grading, and updating your farm or ranch plan to reflect the new grading. You may also wish to retain receipts, bills, or other documentation to establish when the grading occurred.
- 6) **DON'T MISUSE EXEMPTIONS** – The agricultural grading program is intended to provide flexibility for farmers and ranchers. The program is only to be used for grading directly related to agricultural purposes. Grading for non-agricultural development (e.g. houses, building pads, roads serving structures) requires a County Grading Permit. Applicants using the agricultural grading process for non-agricultural development will be subject to code enforcement penalties. These may include criminal prosecution, substantial fines, restoration and environmental mitigation, and automatic denial of permits for five years.

5.0 Frequently Asked Questions

Do I need a grading permit in order to cultivate my land?

No. Please refer to the discussion in Section 3.1.1. Cultivation activities are not considered grading and are not regulated under the ordinance. However, if you are planning to grade in order to prepare the land for cultivation, that may require that you follow the “agricultural grading” process or the Alternative Review process.

Can I perform “Agricultural Grading” if I am not participating in one of the educational programs?

No. You must participate in one of the programs in order to qualify to use the less intense “agricultural grading” process. If you are not participating in one of these programs, you will need to seek approval either through the Alternative Review process or by obtaining a County Grading Permit.

What if I need to grade immediately in order to save my crop?

Contact the Department of Planning and Building at (805) 781-5600. Ask to speak to a Counter Planner about obtaining an Emergency Permit. Emergency Permits can be issued when it is clear that actions must be taken to avoid an impending threat against life or property (including crops). Emergency permits must be followed up after-the-fact with the appropriate permitting process.

I am planning to build a house using my existing agricultural road as the driveway. Is this allowable?

Yes, this is allowable; however, you will need to seek a County Grading Permit to document the “as built” condition and address any modifications needed by Cal Fire. Please refer to Section 3.5.4 for further discussion.

I plan to maintain my agricultural road. How do I know if my agricultural road is “legally established?”

Your agricultural road is considered legally established under any of the following scenarios:

- You’ve obtained and finalized grading permits for the agricultural road in its present alignment, length, and width.
- You’ve completed the Alternative Review Process through the Resource Conservation District for the agricultural road in its present alignment, length, and width.
- The agricultural road was constructed in its present alignment, length, and width prior to December 1980.
- The agricultural road (including any modifications to alignment, length, or width) was constructed between December 1980 and May 2010, pursuant to the exemption standards then in place. These standards have changed over the years. In most (*but not all*) cases, roads which have all of the following characteristics will have achieved these standards:

- Width is at most 16 feet.
- Natural slopes are at most 30 percent.
- Depth of cut is at most 3 feet.
- Distance to a watercourse is at least 50 feet.
- No erosive or hazardous conditions exist.