



The County of San Diego

Planning Commission Hearing Report

Date:	February 25, 2022	Project:	Ordinance Amendments to the Grading, Clearing and Watercourses Ordinance to Streamline the Agricultural Clearing Permit Process
Place:	County Operations Center (COC) Hearing Room 5520 Overland Avenue San Diego, CA 92123	Case/File No.:	PDS2021-POD-21-005
Time:	9:00 a.m.	Location:	Districts - All
Agenda Item:	2	General Plan:	Various
Appeal Status:	Not applicable; Approval by the Board of Supervisors	Zoning:	Various
Applicant/Owner:	County of San Diego	Communities:	All unincorporated communities
Environmental:	Notice of Exemption; CEQA Section 15061(b)(3)	APNs:	Various

A. OVERVIEW

The purpose of this staff report is to provide the Planning Commission with the information necessary to make a recommendation to the Board of Supervisors (Board) to approve, approve with modifications, or deny the proposed amendment to the Grading, Clearing and Watercourses Ordinance (Ordinance) to streamline the Agricultural Clearing Permit process (Project). This proposal would amend the Ordinance to address stakeholder requests to reorganize the agricultural clearing and grading regulations into one chapter, to clarify definitions, and to preserve existing environmental protections. The Ordinance contains regulations for development involving grading, clearing, and watercourses. It is comprised of eight chapters containing information related to thresholds for permit requirements, permit fees, regulations, and design standards for applicable development and contains related definitions.

B. RECOMMENDATIONS

This is a request for the Planning Commission to consider the proposed Ordinance and make recommendations to the Board. Planning & Development Services (PDS) recommends that the Planning Commission take the following actions:

1. Find that amending the Grading, Clearing and Watercourses Ordinance to streamline the Agricultural Clearing Permit process complies with the California Environmental Quality Act

(CEQA) and State and CEQA Guidelines because the Ordinance Amendments (1) are subject to the minor alterations in land use limitations exemption under CEQA Regulations Section 15305; and (2) are subject to the common sense exemption, because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment (Section 15061(b)(3) of the CEQA Guidelines) (Attachment B).

2. Recommend that the Board of Supervisors adopt:

AN AMENDMENT TO THE GRADING, CLEARING AND WATERCOURSES ORDINANCE, TITLE 8, DIVISION 7, OF THE SAN DIEGO COUNTY CODE TO CONSOLIDATE THE REGULATIONS RELATED TO AGRICULTURAL CLEARING AND GRADING (Attachment A).

C. BACKGROUND

The County of San Diego (County) Grading, Clearing, and Watercourses Ordinance (Ordinance) was initially adopted in 1996 to establish regulations and procedures for permitting earth movement (grading) and removing vegetation (clearing) to ensure public safety by preventing slope failure, foundation failure, expansive soil damage, and erosion and drainage problems. Since its adoption, the Ordinance has been amended five times to address stakeholder comments and federal and State mandates, including removing agricultural clearing permit exemptions and adding stricter stormwater management practices.

On October 10, 2018, the Board received the report on Options to Improve Housing Affordability in the Unincorporated Area and to streamline regulatory barriers. During the meeting, the Board directed staff to streamline grading permits related to housing and additionally to update the Ordinance to decrease time and costs associated with processing Agricultural Clearing permits. The Board prioritized streamlining Agricultural Clearing permits in a first phase to respond to comments from agricultural stakeholders that the current process is lengthy and costly, and the Ordinance is overly complex. Stakeholders have expressed that applying the regulations, which are disbursed throughout the Ordinance, is cumbersome and have requested the agricultural clearing requirements be consolidated into one chapter within the Ordinance. They also stated that the definition of activities considered as clearing needs clarification. The second phase to update the Ordinance will address grading for residential housing projects.

On May 19, 2021, the Board directed Staff to pursue the Ordinance update in two parts:

- i) Part 1 - Consolidate all the agricultural regulations into a single chapter within the Ordinance while maintaining existing requirements and clarify language and add missing definitions.
- ii) Part 2 - Analyze agricultural clearing exemptions as part of the North County Multiple Species Conservation Plan (North County Plan) accompanying Programmatic Environmental Impact Report (PEIR) and separately, under the Multiple Species Conservation Plan (MSCP) efforts, explore comprehensive agricultural clearing allowances under the North County Plan currently in development and the future East County Plan modeled after the South County Plan. Also, amend the Agricultural Clearing and Grading Permit process to pursue an ordinance update to address agricultural and residential clearing and grading requirements, thresholds, and permit processes (agricultural operations and residential development).

D. PROPOSAL

On May 19, 2021, the Board directed staff to return in 16 months with an update to the Ordinance to consolidate the agricultural regulations into a single chapter within the Ordinance while maintaining existing requirements, to clarify language and add missing definitions (Part 1). The Grading, Clearing and Watercourses Ordinance currently includes the following Chapters:

- Chapter 1: Responsibilities & Enforcement
- Chapter 2: Grading Permits
- Chapter 3: Fees, Deposits, and Security
- Chapter 4: Design Standards and Performance Requirements
- Chapter 5: Clearing Regulations
- Chapter 6: Watercourses
- Chapter 7: Surface Mining
- Chapter 8: General Provisions and Definitions

Part 1 includes no changes to the existing agricultural clearing and grading regulations related to permitting, exemptions, and clearing standards—only reorganizing and clarifying the existing regulations. Currently, the agricultural grading regulations are dispersed throughout four chapters within the Ordinance. Included in Part 1 of staff's recommendation, Sections 87.202(d) and 87.205, which outline the agricultural grading regulations, would be consolidated into the new agricultural chapter within the Ordinance. Additionally, this would include moving Sections 87.111, 87.301(b), and 87.305 related to agricultural permit exemptions for existing operations, fees and deposits, and waivers. These regulations will be consolidated from five chapters into one new chapter within the Ordinance:

- 1) Agricultural clearing regulations are currently contained within four chapters of the Ordinance:
 - a) Chapter 1: Responsibilities & Enforcement
 - i) Sec. 87.111
 - b) Chapter 3: Fees, Deposits, and Security
 - i) Sec. 87.305
 - c) Chapter 5: Clearing Regulations
 - i) Sec. 87.504
 - ii) Sec. 87.506
 - d) Chapter 8: General Provisions and Definitions
 - i) Sec. 87.803
- 2) Agricultural grading regulations are currently contained within four chapters of the Ordinance:
 - a) Chapter 1: Responsibilities & Enforcement
 - i) Sec. 87.111
 - b) Chapter 2: Grading Permits
 - i) Sec. 87.202(d)
 - ii) Sec. 87.205
 - c) Chapter 3: Fees, Deposits, and Security
 - i) Sec. 87.301(b)
 - ii) Sec. 87.305
 - d) Chapter 8: General Provisions and Definitions

i) Sec. 87.803

This reorganization is expected to improve implementation and provide a more easily understandable format while maintaining the current discretionary permit requirements and environmental protections for stormwater, erosion and water quality. Additionally, Part 1 of the update will clarify language and add missing definitions to Section 87.803:

1. Grazing - means the use of cattle, sheep or other livestock for the purposes of clearing vegetation.
2. Grubbing - means the removal of trees and/or stumps at the root.
3. Tilling - means to prepare (land) for the raising of crops by digging, stirring, overturning, plowing, or harrowing.
4. Trenching - means to dig out a deep furrow or ditch for a trench, commonly for pipeline or irrigation piping.

Coupled with the consolidation of the clearing regulations, this should help reduce confusion and improve usability of the Ordinance while preserving existing environmental protections for stormwater and water quality regulatory requirements which will remain the same.

Part 2

For Part 2 of this effort, the Board provided direction to pursue a comprehensive update to the Ordinance to address agricultural and residential clearing and grading including reviewing requirements, thresholds, and permit processes. This effort will take approximately three to four years to complete. Environmental review has begun in fiscal year 2021-2022. This effort will include reviewing best practices, evaluating the benefits and risks, analyzing environmental impacts under CEQA, outreach to the public and stakeholders, drafting amended ordinance language, and returning to the Board for adoption.

E. ENVIRONMENTAL ANALYSIS

PDS conducted an evaluation of the Project and found that it is consistent with CEQA.

The adoption of the Ordinance is exempt from environmental review under CEQA Regulations Section 15305. An action that restates or codifies existing law and adds clarifying language is a minor modification to land use limitations. Further, the adoption of the ordinance is subject to the common sense exemption, because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment (Section 15061(b)(3) of the CEQA Guidelines) because it has no potential to cause a physical change in the environment.

F. PUBLIC INPUT

The Project included an extensive public outreach process that involved ongoing coordination with County specialists, Community Planning and Sponsor Groups, Design Review Boards and other external stakeholders. Staff sent email notifications in English and Spanish announcing the Project to community, environment, and business stakeholder groups and incorporated their input on the consolidated chapter. Six public meetings and workshops were held between November 2021 and February 2022, including Community Planning and Sponsor Groups. Throughout 2021, staff held additional outreach meetings with other stakeholders and Community Planning Groups and Sponsor Groups. A GovDelivery email

was sent to all Community Planning Groups and Sponsor groups, conservation and environmental groups, government agencies, land development industry associations, and the general public. Staff presented the Project virtually to the Farm Bureau on November 2, 2021, the Building Industry Association on November 10, 2021, the Land Development Technical Working Group on November 18, 2022, and the Environmental Groups on November 19, 2021. The Campo Community Planning Group chair requested staff to virtually present the Ordinance on January 24, 2022. The letters received stated that there were no further comments on Part 1. Additionally, staff received a comment requesting that floodplain areas be redefined, specifically in Borrego Springs, in Part 2 of this effort. The County input letters are included in Attachment C.

The amendments to the Ordinance were advertised for a 43-day public disclosure period from December 2, 2021 to January 14, 2022. Over 65 consultant firms, agencies, and jurisdictions as well as over 600 individuals were noticed as part of this effort. Two emails were received from the Viejas Tribal Government and the Borrego Springs Community Sponsor Group requesting clarifications or providing recommendations for Part 2 of this effort and both are included in Attachment C.

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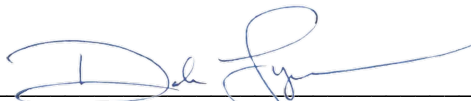
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AUTHORIZED REPRESENTATIVE:



DAHVIA LYNCH, DIRECTOR

ATTACHMENTS:

Attachment A – AN ORDINANCE AMENDING THE GRADING, CLEARING AND WATERCOURSES ORDINANCE, TITLE 8, DIVISION 7, OF THE SAN DIEGO COUNTY CODE TO CONSOLIDATE THE REGULATIONS RELATED TO AGRICULTURAL CLEARING AND GRADING, DATED JANUARY X, 2022

Attachment B – Ordinance Amendments to the Grading, Clearing and Watercourses Ordinance to Streamline the Agricultural Clearing Permit Process Notice of Exemption

Attachment C – Public Correspondence

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Attachment A

**AN ORDINANCE AMENDING THE GRADING,
CLEARING AND WATERCOURSES
ORDINANCE, TITLE 8, DIVISION 7, OF THE SAN
DIEGO COUNTY CODE TO CONSOLIDATE THE
REGUALTIONS RELATED TO AGRICULTURAL
CLEARING AND GRADING,
DATED JANUARY 2022**

ORDINANCE NO. _____ (NEW SERIES)

**AN ORDINANCE AMENDING THE GRADING, CLEARING AND WATERCOURSES ORDINANCE, TITLE 8,
DIVISION 7, OF THE SAN DIEGO COUNTY CODE TO CONSOLIDATE THE REGULATIONS RELATED TO
AGRICULTURAL CLEARING AND GRADING**

The Board of Supervisors of the County of San Diego, State of California, ordains as follows:

Section 1. The Board of Supervisors intends by this ordinance to reorganize and edit the Grading, Clearing and Watercourses Ordinance to consolidate the regulations related to Agricultural Grading and Clearing into a single chapter while maintaining existing requirements, clarifying language, and adding missing definitions.

Section 2. Section 87.111 of the County of San Diego Grading Ordinance is hereby repealed:

SEC. 87.111. [RESERVED]

Section 3. Section 87.202 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.202. EXEMPTIONS FROM PERMIT REQUIREMENTS.

The following are exempt from the requirements to obtain a grading permit (but not from other requirements of this Division including, but not limited to, the maximum slope, required setbacks, erosion prevention and planting requirements), provided they do not occur in or affect a watercourse or are within one of the exemptions under Section 87.604 of this Division:

(a) An excavation or fill which:

(1) is less than eight feet in vertical height (measured from the toe of the slope to the top of the slope); and

(2) does not result in the movement of more than 200 cubic yards of material on any one site.

(b) An excavation below finished grade for basements and footings of a building, retaining wall, swimming pool, septic tank, leaching system, or other structure authorized by a valid building permit. This paragraph shall not exempt from the permit requirements any fill made with the material from such excavation having an unsupported height greater than eight feet after the completion of such structure.

(c) Refuse disposal areas or sanitary fills operated and conducted in accordance with a use permit issued pursuant to the Zoning Ordinance or a permit issued pursuant to Article 2, Chapter 5, Division 8, Title 6, of this Code or as a lawful non-conforming use and where the operation and conduct thereof does not block or divert any natural drainage way or affect the lateral support of, or unduly increase the stresses in or pressures upon, any adjacent or contiguous property.

(d) Grading incidental to the construction or installation of facilities by a public agency or utility not subject to regulation by this Division.

(e) Grading to the limited extent authorized in advance in writing by the County Official to perform repairs so as to prevent immediately threatened injury to persons or property which has arisen as a result of an emergency. The County Official may require that a grading permit subsequently be obtained to reflect the work performed, and may require the submittal of information, documentation, reports and other matter as required by the applicable provisions of this Division for such permit.

(f) Grading or reclamation work pursuant to a use permit or reclamation plan approved pursuant to Chapter 7 of this Division for a borrow pit, quarry or other surface mining operation, unless the operation is not required to obtain a reclamation plan because it will complete the removal of material to be used exclusively for fill at another approved site or sites within one year. Operations required to secure a grading permit must do so for the excavation site as well as the fill sites.

(g) Routine road maintenance activities, such as smoothing, texturing, and filling of small rills and potholes, provided they do not involve land form changes and are conducted entirely within the existing disturbed footprint of an existing road.

(h) Temporary stockpiling of earth authorized by a valid and unexpired permit issued pursuant to Section 87.218 of this Chapter.

Section 4. Section 87.203 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.203. ISSUANCE OF GRADING PERMIT.

In determining whether the proposed grading substantially complies with grading plans or improvement plans approved pursuant to Section 87.204 through 87.208 and 87.904, project change(s) required to comply with changes in State or Federal regulatory requirements shall be provided a 10 percent change allowance in addition to the substantial conformance determination if all of the following are met:

(a) It shall be determined that the project change(s) do not result in a new or substantially increased significant impact in accordance with the California Environmental Quality Act (CEQA).

(b) It shall be determined that the project change(s) do not result in the creation of a situation that would be detrimental to the health, safety, or welfare of the public.

(c) It shall be determined that the project change(s) do not result in the elimination of project features required to meet other County of San Diego code requirements, including, but not limited to, the following:

(1) Elimination of a trail that provides a connection through the project that is needed for regional connectivity.

(2) Reduction in the overall amount of parkland approved with the original project.

(3) Elimination of roads that are needed for emergency access, travel time, or to handle the traffic generated by the project.

(4) Reduction of area needed for required water supply well or onsite wastewater treatment system and reserve area.

Section 5. Section 87.204 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.204. APPROVAL OF GRADING PLANS OR IMPROVEMENT PLANS – PLAN CHANGES.

(a) All persons who desire to obtain a grading permit must first obtain the County Official's approval of grading plans or improvement plans for such work. An application for grading plan or improvement plan approval, signed by the owner of the property to be graded, shall be filed with the County Official. All applications shall be reviewed for compliance with the California Environmental Quality Act (Pub. Res. Code Sec. 21000 et seq.) prior to approval.

(b) The application shall contain all information, documentation and other matters necessary to enable the County Official to make the determinations required by the California Environmental Quality Act, and the appropriate one of the following Sections of this Division, depending upon the type of grading involved:

- (1) Agricultural grading: Section 87.904;
- (2) Minor grading: Section 87.206;
- (3) Previously-approved project grading: Section 87.207;
- (4) Major grading: Section 87.208.

(c) Where an owner desires to make modifications to the work shown on approved grading plans or improvement plans (whether before or after a grading permit has been issued), prior to the completion of the grading, the owner may submit an application for a plan change. The County Official shall determine whether the application shall be processed pursuant to Section 87.904, Section 87.206, Section 87.207 or 87.208, based upon the total grading operation as represented in the original grading plans or improvement plans, as modified by the proposed plan change. The County Official may approve the application if he or she determines that the total grading operation as modified by the plan change remains in compliance with this Division; provided that, if the plan change is not in substantial conformance with the approved plans, then prior to approving the plan change, the County Official shall provide the appropriate community sponsor or planning group with an opportunity to review and comment on the proposed plan change. The application shall be accompanied by all information, documentation and other matter which the County Official determines to be necessary to enable him or her to make the determinations required by this paragraph. The approval of the plan change shall have no effect on the time within which a grading permit must be obtained under Section 87.203(c).

Section 6. Section 87.205 of the County of San Diego Grading Ordinance is hereby repealed:

SEC. 87.205. [RESERVED]

Section 7. Section 87.207 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.207. GRADING PLANS OR IMPROVEMENT PLANS FOR PROJECTS WITH PREVIOUS DISCRETIONARY LAND USE APPROVAL.

In determining whether the proposed grading substantially complies with grading plans or improvement plans approved pursuant to Section 87.204 through 87.208, and 87.904 project change(s) required to comply with changes in State or Federal regulatory requirements shall be provided a 10 percent change allowance in addition to the substantial conformance determination if all of the following are met:

(a) It shall be determined that the project change(s) do not result in a new or substantially increased significant impact in accordance with the California Environmental Quality Act (CEQA).

(b) It shall be determined that the project change(s) do not result in the creation of a situation that would be detrimental to the health, safety, or welfare of the public.

(c) It shall be determined that the project change(s) do not result in the elimination of project features required to meet other County of San Diego code requirements, including, but not limited to, the following:

(1) Elimination of a trail that provides a connection through the project that is needed for regional connectivity.

(2) Reduction in the overall amount of parkland approved with the original project.

(3) Elimination of roads that are needed for emergency access, travel time, or to handle the traffic generated by the project.

(4) Reduction of area needed for required water supply well or onsite wastewater treatment system and reserve area.

Section 8. Section 87.208 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.208. GRADING PLANS OR IMPROVEMENT PLANS FOR MAJOR GRADING.

(a) Grading not covered by Section 87.904, 87.206 or 87.207 shall be known as "Major Grading." The County Official may approve grading plans or improvement plans for major grading, if he or she determines that:

(1) The proposed grading conforms to all requirements of this Division;

(2) Denial is not required by Section 87.211;

(3) Sections 87.212, 87.213 and 87.214, regarding specified sensitive areas, have been complied with;

(4) The proposed grading complies with Title 6, Division 7, Chapter 8 of this code; and

(5) If the area to be graded includes a watercourse, the proposed grading conforms to Chapter 6 of this Division.

(b) Grading plans or improvement plans for major grading shall be approved and signed by a registered civil engineer. The plans shall show or be accompanied by the following:

(1) A vicinity sketch or other data adequately indicating the site location;

(2) Property lines of the site on which the work is to be performed;

(3) Location of any buildings or structures on the site where the work is to be performed, and the location of any building or structure on land of adjacent property owners which is within the fifteen feet of the site;

(4) Topographical contour lines adequate to show the topography of the existing ground;

(5) Elevations, dimensions, location, extent, and slopes of all proposed grading, shown by contours or other means;

(6) The quantity of excavation and fill involved, estimated starting and completion dates and the estimated cost;

(7) All drainage devices, walls, cribbing, dams, stormwater protection best management practice devices or other protective devices to be constructed in connection with, or as part of, the proposed work, including all temporary construction erosion and sediment control devices, all watercourses located on the site, a map showing the drainage area of land tributary to the site, the estimated runoff of the area served by any drains, and calculations of the carrying capacity of such drains;

(8) The following shall be required for grading which will require the use of groundwater and for grading to be done during a time when the San Diego County Water Authority declares that a drought is in effect:

(aa) Information demonstrating to the satisfaction of the County Official the source (imported potable water, reclaimed water or groundwater) and amount of water available to be used in grading operations, including a statement from the applicable public agency or other party supplying the water specifying the dates when temporary service shall commence and when temporary service shall cease. The applicant shall specify the timing and duration of water needed to complete each phase of the project;

(bb) A short-term plan for erosion control and for slope stabilization where necessary which, in the opinion of the County Official, can be accomplished with the amount of water demonstrated to be available to the project; and

(cc) Except for grading on projects for which the Director of Planning and Development Services has approved a landscape plan, a long-term plan for erosion control and for slope stabilization where necessary to the satisfaction of the County Official;

- (9) A statement of the purpose for which the proposed grading is to be done;
 - (10) Information demonstrating to the satisfaction of the County Official that the applicant is satisfying Chapter 8 (commencing with Section 67.801) of Division 7 of Title 6 of this Code;
 - (11) The names and addresses of all owners of property located within 300 feet of the exterior boundaries of the property to be graded, taken from the latest equalized assessment roll or such other records of the County Assessor or Tax Collector as contain more recent information;
 - (12) Dust control measures sufficient to comply with Section 87.428;
 - (13) The location, extent and square footage of the total area to be cleared of vegetation;
 - (14) All areas proposed to be subjected to any "Land Disturbance Activity" (as that term is defined in Section 67.802 of this Code); and
 - (15) Such other information or data as may be required by the County Official.
- (c) Prior to approving the grading plans or improvement plans, the County Official shall provide notice to each of the persons identified in the application as being owners of property located within 300 feet of the exterior boundaries of the property to be graded. Said notice shall be sent via United States mail and shall inform the addressee of the following:
- (1) The receipt of the application and the official number or name of the application;
 - (2) A basic description of the location of the property upon which grading is proposed and the nature of the grading operation;
 - (3) The manner in which more information concerning the application may be obtained;
 - (4) That the County Official will consider any comments concerning the application which the addressee desires to submit, provided that they are submitted in writing and received no later than a date stated in the notice, which date shall be no sooner than 15 days after the notice was sent. The County Official shall consider any such comments received by the stated date prior to making a decision whether to approve the application.

Section 9. Section 87.301 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.301. FEES AND DEPOSITS FOR PLAN CHECKING, APPLICATION REVIEW, AND GRADING INSPECTION.

At the time of filing the following applications, the following fees or deposits shall be paid to the County Official:

- (a) Grading Plans or Improvement Plans for Major Grading (Section 87.208): The actual costs to the County of examining and approving Grading Plans or Improvement Plans, or plan changes, including review under the California Environmental Quality Act, the review of any required reports, compliance

with project conditions, and the preparation of all necessary documents, shall be paid by the applicant. At the time of submitting a grading or improvement plan to the County Official for examination and approval, the subdivider shall deposit with the County Official, a sum sufficient to cover actual costs as prescribed by the Board of Supervisors.

(b) Grading Plans or Improvement Plans for Agricultural Grading (Section 87.904), Minor Grading Under Department of Public Works Review (Section 87.206(c)) or Grading for a Project With a Previous Discretionary Land Use Approval (Section 87.207):

(1) Intake Screening. The actual costs to the County of application intake screening for project impacts for agricultural grading, minor grading under review by the Department of Public Works, or grading associated with a project with a previous discretionary approval, including the review of any plans or reports, comparing project to public information, and the preparation of all necessary documents, shall be paid by the applicant. At the time of submitting a grading or improvement plan for examination and approval, the applicant shall deposit with the County Official, a sum sufficient to cover actual costs as prescribed by the Board of Supervisors.

(2) Plan Review. The actual costs to the County of examining and approving Grading Plans or Improvement Plans, or plan changes, including review under the California Environmental Quality Act, for grading referenced in paragraph (1), including the review of any plans or reports and the preparation of all necessary documents, shall be paid by the applicant. At the time of submitting a grading or improvement plan, or application for plan change, for examination and approval, the applicant shall deposit with the County Official, a sum sufficient to cover actual costs as prescribed by the Board of Supervisors.

(c) Grading Plans or Improvement Plans for Minor Grading Under Department of Planning and Development Services (Section 87.206(b)). For grading plan or improvement plan review, or plan change review, for a grading permit to be issued for projects subject to Section 87.206(b), the applicant shall pay to the County Official a fee in an amount as prescribed by the Board of Supervisors in Section 362.1 of the San Diego County Administrative Code.

(d) Grading Permits:

(1) For each grading permit or permit modification issued for projects subject to Section 87.206(b) (Minor grading under review by the Department of Planning and Development Services), the applicant shall pay to the County Official a fee in an amount as prescribed by the Board of Supervisors in Section 362.1 of the San Diego County Administrative Code.

(2) For all grading permits not covered under paragraph (1) above, all costs associated with grading permit application processing and permit issuance are included in the cost of checking grading plans or improvement plans. There is no separate fee or deposit for issuance of the grading permit.

(e) Structural Review. Where the plans or specifications provide for the construction of drainage structures or facilities (other than standard terrace drains and similar facilities), including retaining walls and sprinkler irrigation systems, or when such plans include proposals for granting drainage and appurtenant easements to the San Diego County Flood Control District, the applicant shall deposit amounts estimated by the County Official appropriate to pay for the County's actual cost of checking the

plans and specifications, preparing the documents for the drainage and appurtenant easements, and inspecting the construction.

(f) Clearing Permits. For all clearing permits applied for pursuant to Chapter 5 of this Division, the applicant shall pay to the County Official both: (1) an "Environmental Action CEQA Processing" fee or deposit, in the amount specified in Section 362.1 of the San Diego County Administrative Code; and (2) a clearing permit review fee in the amount specified in Section 362.1 of the San Diego County Administrative Code.

(g) Deposit Refund or Increase. Where a deposit has been made, if the County's actual cost is less than the amount deposited, the excess shall be refunded. If any deposit is insufficient to pay all the County's actual costs, the permittee, upon demand of the County Official, shall deposit an additional amount deemed sufficient by the County Official to complete the work. If the permittee fails or refuses to pay such additional amount, the County Official may cease further work relating to the application, refuse approval of the plans or issuance of a grading permit until the amount is paid in full, or, if a permit is already issued, consider the grading incomplete and pursue proceedings to revoke the grading permit in accordance with Section 87.216.

Section 10. Section 87.504 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.504. CLEARING PERMIT PROCEDURE AND REQUIREMENTS.

The following procedures and requirements shall apply to an application for a clearing permit:

(a) The application shall be submitted to the County Official, accompanied by fees and deposits as specified in Section 87.301(f). The application shall be processed as an application for an Administrative Permit pursuant to the Administrative Permit Procedure, Section 7050 and following of the Zoning Ordinance, except as otherwise provided herein. The application (except for an application for agricultural clearing, which is governed by Section ~~87.506~~87.903) shall include or be accompanied by plans which show or include the following:

- (1) a vicinity sketch;
- (2) property lines;
- (3) contour lines showing the topography of the existing ground, with a maximum contour interval of five feet;
- (4) the location, extent and square footage of the total area to be cleared;
- (5) the location, nature and extent of all vegetation growing on the area to be cleared and the area within 100 feet;
- (6) dust control measures sufficient to comply with Section 87.428;
- (7) information and documentation sufficient to enable the County Official to make the determinations required by the California Environmental Quality Act (CEQA);

(8) a signed statement by the owner as to the proposed use of the area to be cleared;

(9) all watercourses located on the site; and

(10) such other information as the County Official may require.

(b) The application (except for an application for agricultural clearing, which is governed by Section 87.903) may be approved if the County Official determines that:

(1) the proposed clearing is exempt from environmental review under the terms of CEQA, or the proposed clearing would not have a significant effect on the environment, or all significant effects have been mitigated; if the County Official determines that the proposed clearing would have one or more significant effects which are not mitigated, he or she shall deny the permit;

(2) the proposed clearing conforms to all requirements of this Division and other applicable County ordinances; and

(3) none of the grounds for denial of a permit specified at Section 87.211, paragraphs (a), (c), (d), (e) or (f) exists (reading said provisions as if they applied to clearing rather than grading).

(c) The provisions of the Administrative Permit Procedure regarding appeals shall apply, except that an application which has been denied on the basis that the proposed clearing would have one or more significant effects which are not mitigated, is subject to appeal only directly to the Board of Supervisors. If the Board of Supervisors determines that the proposed clearing would have one or more significant effects which are not mitigated, it shall deny the appeal unless it makes a statement of overriding considerations pursuant to CEQA. The time periods specified in the Administrative Permit Procedure shall commence to run from the date that environmental documentation prepared to comply with CEQA has been completed.

(d) All clearing authorized by an approved clearing permit shall be completed within 12 months of the date of approval. The County Official may grant one extension of said period, for up to an additional 12 months, if he or she determines that no significant changes in the work are proposed, and substantial progress has been made towards completion.

Section 11. Section 87.506 of the County of San Diego Grading Ordinance is hereby repealed:

SEC. 87.506. [RESERVED]

Section 12. Section 87.803 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.803. DEFINITIONS.

Whenever the following words are used in this Division they shall have the following meanings:

(1) "AGRICULTURAL GRADING" is grading which meets the requirements of Section 87.904 and Section 87.803(22), and is not exempt under Section 87.202(d).

(2) "AGRICULTURAL OPERATIONS" or "AGRICULTURAL PRODUCTION" shall mean 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 operations and other similar agricultural activities. The final determination of a qualifying use shall be made by the County Official.

(3) "BEDROCK" is the solid undisturbed rock in place either at the ground surface or beneath surficial deposits of gravel, sand or soil.

(4) "CERTIFY" or "CERTIFICATION" shall refer to a signed written statement that the specific inspections and tests where required have been performed and that such tests comply with the applicable requirements of this Division.

(5) "CIVIL ENGINEER" is an engineer duly registered by the State of California to practice in the field of civil engineering.

(6) "CLEARING" shall mean the removal or destruction of natural vegetation by any means, including brushing and grubbing.

(7) "COMPACTION" shall mean densification of a soil or rock fill by mechanical or other acceptable procedures.

(8) "COUNTY OFFICIAL" shall generally mean the Director of Public Works or his or her authorized representative, except that it shall mean the Director of Planning and Development Services or his or her authorized representative when used in any of the following contexts:

(a) minor grading pursuant to Section 87.206 (b);

(b) clearing pursuant to Chapter 5 and Section 87.903 of Chapter 9 of this Division;

(c) surface mining pursuant to Chapter 7 of this Division; or

(d) exercise of enforcement authority given to the Director of Planning and Development Services under Section 87.102.

(9) "COUNTY STORMWATER STANDARDS MANUAL" shall mean the manual adopted by Ordinance No. 9426 (N.S.) as Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (San Diego County Code Section 67.801 and following).

(10) "CUT" shall have the same meaning as "excavation."

(11) "EMBANKMENT" shall have the same meaning as "fill."

(12) "ENGINEERING GEOLOGIST" is a geologist duly registered by the State of California and certified in "Engineering Geology" by the State.

(13) "ENGINEERING GEOLOGY" is the application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purpose of assuring that geological factors are recognized and adequately interpreted in engineering practice.

(14) "EROSION" shall mean the process by which the ground surface is worn away by the action of water or wind.

(15) "EXCAVATION" shall mean any act by which soil, sand, gravel or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom.

(16) "EXPANSIVE SOIL" is any soil which swells more than 3 percent when prepared and tested in accordance with the test prescribed by Chapter 6 or other equivalent test approved by the County Official.

(17) "FILL" shall mean deposits of soil, sand, gravel, rock or other materials placed by man.

(18) "FINISH GRADE" is the final grade or elevation of the ground surface conforming to the proposed design.

(19) "FLOOD PLAIN" means a land area in and adjoining a river, stream, watercourse, ocean, bay or lake, which is likely to be flooded.

(20) "FLOOD PLAIN FRINGE" means all that land lying within the 100-year flood plain that is not within a floodway, where a floodway has been defined.

(21) "FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood. The selection of the floodway shall be based on the principle that the area chosen for the floodway must be designed to carry the waters of the 100-year flood, without increasing the water surface elevation of that flood more than one foot at any point. "100-YEAR FLOOD" means a flood estimated to occur on an average of once in 100 years (one percent probability of occurrence each year) which is determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Flood Control District Design and Procedure Manual approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of

Supervisors as Document Number 427201 and as amended by the Board of Supervisors on July 8, 1975, and filed with the Clerk of the Board of Supervisors as Document Number 506917.

(22) "GRADING" is any excavating or filling or combination thereof and shall include the land in its excavated or filled condition. In calculating the quantities of grading, soil to be removed and replaced for purposes of conditioning and compaction shall not be included.

(23) "GRADING PLANS" are plans for proposed grading work, which contain the matters required by Section 87.204 through 87.208 and 87.904 of this Division.

(24) "GRAZING" means the use of cattle, sheep or other livestock for the purposes of clearing vegetation.

(25) "GRUBBING" means the removal of trees and/or stumps at the root.

(26) "IMPROVEMENT PLANS" are plans for road or drainage improvements which are presented to the County for approval, which also show grading work associated with such road or drainage improvements. "Improvement plans" include plans which accompany a subdivision improvement agreement and other agreements entered into with the County which require the construction of improvements.

(27) "LANDSCAPE ARCHITECT" shall mean a landscape architect registered by the State of California.

(28) "MAJOR GRADING" is grading which is governed by Section 87.208 and meets Section 87.803(22).

(29) "MINOR GRADING" is grading which meets the requirements of Section 87.206 and Section 87.803(22).

(30) "MSCP Subarea" shall mean that area shown as the "County of San Diego MSCP Subarea" on the map referenced in Section 86.502 of this Code.

(31) "MAJOR SLOPE" shall mean any constructed slope which is greater than fifteen feet in vertical height measured from toe of slope to brow of slope as illustrated in San Diego County Design Standard DS-10 and DS-11 on file with the San Diego County Engineer.

(32) "MINOR SLOPE" shall mean any constructed slope which is not a major slope.

(33) "NATURAL GROUND SURFACE" shall mean the ground surface in its original state before any grading, excavation or filling.

(34) "OWNER" shall mean any person who is the owner of, has a possessory interest in, has possession or control of, or occupies, real property. The County of San Diego is not a "person" (See Section 12.115 of this Code) and shall not be considered an "OWNER" of real property for purposes of this Division, even if it is the holder of an open space easement, drainage easement, flowage easement, development restriction easement or other interest less than fee title, and regardless of whether it exercises or enforces its rights under such easement or interest.

- (35) "PERMITTEE" shall mean any person to whom a permit is issued pursuant to this division.
- (36) "PERSON" shall have the meaning assigned in Section 12.115 of this Code.
- (37) "PREVIOUSLY APPROVED PROJECT GRADING" is grading which meets the requirements of Section 87.207.
- (38) "SITE" is any lot or parcel of land or combination of contiguous lots or parcels of land where grading is performed or permitted.
- (39) "SLOPE" shall mean the inclined exposed surface of a fill, excavation or natural terrain.
- (40) "SOIL" is all earth material of whatever origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment.
- (41) "SOIL ENGINEER" shall mean a person who meets the qualifications stated in Section 6736.1 of the Professional Engineers Act (Business and Professions Code Section 6700 and following).
- (42) "STRUCTURAL ROCK FILLS" shall mean fills constructed predominantly of rock materials for the purpose of supporting structures.
- (43) "TILLING" means to prepare (land) for the raising of crops by digging, stirring, overturning, plowing, or harrowing.
- (44) "TRENCHING" means to dig out a deep furrow or ditch for a trench, commonly for pipeline or irrigation piping.
- (45) "VERTICAL HEIGHT" shall be the measurement from the toe of the slope to a point projected horizontally from the top of the slope.
- (46) "WATERCOURSE" means any surface water body (including any arroyo, canal, channel, conduit, creek, culvert, ditch, drain, gully, ravine, reservoir, river, stream, wash, waterway or wetland), in which waters from a tributary drainage area of 100 acres or larger flow in a definite direction or course, either continuously or intermittently, and any area adjacent thereto which is subject to inundation from a 100-year flood.

Cross reference(s)--Definitions, § 12.101 et seq.

Section 13. Chapter 9 of the County of San Diego Grading Ordinance is hereby added to read as follows:

Chapter 9. AGRICULTURAL GRADING AND CLEARING.

Section 14. Chapter 9, Section 87.901, of the County of San Diego Grading Ordinance is hereby added to read as follows:

SEC. 87.901. PURPOSE.

The purpose of this chapter is to establish minimum requirements for agricultural clearing and grading (as those terms are defined in Section 87.803 of this Code).

Section 15. Chapter 9, Section 87.902, of the County of San Diego Grading Ordinance is hereby added to read as follows:

SEC. 87.902. AGRICULTURAL GRADING PERMIT OR CLEARING PERMIT.

(a) For a period of five years (ten years if the land is located within the "MSCP Subarea" as defined in Section 87.203) from and after the date of issuance of either an agricultural grading permit pursuant to Section 87.904 or an agricultural clearing permit pursuant to Section 87.903, no County decision maker shall grant or approve any authorization for land development on the land for which grading or clearing is authorized by the permit, to the permittee who made the certification required by Section 87.904(c)(12) or any other person who has actual or constructive notice of that certification, unless the authorization would be for a project or activity which is either: (1) one for which an exemption is provided at Sections 87.202 or 87.502; or (2) in furtherance of the agricultural operation specified in the property owner's certification. This prohibition does not prohibit the issuance of a building permit for construction of one single family dwelling on an existing legal lot, or the issuance of a minor grading permit pursuant to Section 87.206 of this Division, if it is found that the circumstances of the case are such that providing the single family dwelling would be in furtherance of the specified agricultural operation.

(b) Where a certification of agricultural operation has been signed pursuant to Section 87.904 for an agricultural grading permit, or pursuant to Section 87.903 for an agricultural clearing permit, if the property owner fails either to establish the stated agricultural operation within one year, or to retain the land in agriculture for five years (ten years if the land is located within the MSCP Subarea) from the date the agricultural grading permit or agricultural clearing permit is issued, the agricultural grading permit or agricultural clearing permit shall immediately expire and the property owner shall restore the land to its condition prior to grading or clearing. The property owner shall obtain the appropriate grading or clearing permit as required by this Division for such restoration work. Such restoration work, which may include excavation, filling, construction or installation of erosion protection or other protective facilities, planting and landscaping, shall be completed to the satisfaction of the County Official. All provisions of Section 87.110(c), including the County Official's authority to require security and to establish time deadlines, shall apply.

Section 16. Chapter 9, Section 87.903, of the County of San Diego Grading Ordinance is hereby added to read as follows:

SEC. 87.903. AGRICULTURAL CLEARING.

(a) The County Official shall also facilitate applications for agricultural clearing permits. The County Official's guidance documents prepared pursuant to that Section shall also provide guidance concerning approval and implementation of agricultural clearing permits.

(b) An application for an agricultural clearing permit shall comply with Section 87.504, except that the application contents and the standards for issuance of the permit shall be the same as those specified Section 87.904 of this Division, applying the requirements of that Section as if the term "clearing" were used instead of "grading."

Section 17. Chapter 9, Section 87.904, of the County of San Diego Grading Ordinance is hereby added to read as follows:

SEC. 87.904. AGRICULTURAL GRADING

(a) The County Official shall facilitate the filing and processing of applications for agricultural grading plans, improvement plans and grading permits.

(b) The County Official shall prepare, circulate for public review, disseminate and maintain guidance documents which shall identify, explain and clarify standards for approval of grading plans, improvement plans and grading permits for agricultural grading. The guidance documents may include criteria which can be used to assure that proposed grading avoids adverse impacts to neighboring properties or the environment. The guidance documents may also address matters related to compliance with such plans and permits. The County Official may take these guidance documents into consideration when determining whether applications for grading plans or improvement plans for agricultural grading should be approved. The guidance documents shall not confer rights on applicants, nor constrain the discretion of the County Official relative to acting on such applications or enforcing such permits.

(c) An application for grading plans or improvement plans for agricultural grading may be approved per Section 87.204 and the County Official makes all of the following determinations:

- (1) The graded area is to be used exclusively for agricultural production;
- (2) There will be no more than 200 cubic yards of soil imported or exported from the site;
- (3) The graded area does not include or affect a watercourse (a watercourse may be onsite, but not in the graded area or affected by the proposed grading);
- (4) The grading will not result in cut slopes steeper than one and one-half horizontal to one vertical, or in an exposed fill slope steeper than two horizontal to one vertical, exclusive of benches and rounding;
- (5) Sections 87.212 and 87.213, regarding specified sensitive areas, have been complied with;
- (6) If the grading will involve waters, rivers, streams or lakes, as referenced in Section 87.214, the applicant has submitted documentation of compliance with the requirements of that Section;
- (7) The application is accompanied by plans showing a vicinity sketch, property lines, location of all structures in the area to be graded (including those on land of others if within fifteen feet), contours showing the topography of the existing ground, elevations, dimensions, location, extent and slopes of all proposed grading, the location, extent and square footage of the total area to be cleared of vegetation, all areas proposed to be subjected to any "Land Disturbance Activity" (as that term is defined in Section 67.802 of this Code), all watercourses located on site and a map of the drainage area tributary to the

site, all at a scale that allows analysis and review of what is proposed and is not smaller than 200 feet = 1 inch;

(8) The grading conforms to the setbacks stated in paragraphs (a) and (b) of Section 87.412;

(9) The application and accompanying plans demonstrate compliance with Title 6, Division 7, Chapter 8 of this code;

(10) The plans include dust control measures sufficient to comply with Section 87.428;

(11) The graded area is not to be used as a site for a building other than a greenhouse or agricultural shade structure; and

(12) The property owner has signed a statement under penalty of perjury (which must be reaffirmed prior to grading permit issuance) certifying the following:

(aa) His or her intention to grade for a specified agricultural operation, to continue or establish the agricultural operation within one year and to retain the land in agriculture (including changing crops and fallowing for the specified agricultural operation) for at least five years (ten years if the land is located within the "MSCP Subarea" as defined in Section 87.803) from the date the permit is issued;

(bb) His or her agreement to take no actions to change from the specified agricultural operation to a different type of land use for the period of time stated at paragraph (aa); and

(cc) His or her acknowledgement that the County will deny any application for any non-agricultural land development, as specified in Section 87.902, for a period of five years (ten years if the land is located within the "MSCP Subarea" as defined in Section 87.803) following the date the grading permit is issued.

Section 18. Chapter 9, Section 87.905, of the County of San Diego Grading Ordinance is hereby added to read as follows:

Sec. 87.905. EXEMPTIONS FROM PERMIT REQUIREMENT.

The following are exempt from the requirements to obtain an agricultural grading permit (but not from other requirements of this Division including, but not limited to, the maximum slope, required setbacks, erosion prevention and planting requirements), provided they do not occur in or affect a watercourse or are within one of the exemptions under Section 87.604 of this Division:

(a) Tilling or cultivating land exclusively for agricultural production, subject to the following:

(1) The following limitations must be met:

(aa) no soils shall be exported from the area tilled or cultivated;

(bb) the tilling or cultivating will not block or divert any natural drainage way;

(cc) the tilling or cultivating will not affect the lateral support or unduly increase the stresses in or pressures upon any adjacent or contiguous property; and

(dd) the land to be tilled or cultivated has been in agricultural production for at least one of the preceding five years.

(2) This exemption does not allow:

(aa) the establishment of new agricultural operations on, or the expansion of existing agricultural operations onto, any area which has not been in agricultural production for at least one of the preceding five years;

(bb) conversion of agricultural land to nonagricultural use or activities that reduce habitat and wildlife to facilitate conversion to non-agricultural use;

(cc) conversion of land previously used solely for grazing or beekeeping, to other types of agricultural operations which involve a greater intensity of land disturbance, such as planted crops. Planting crops on land previously used for grazing is a prohibited conversion, unless the grazing conducted for the period specified in paragraph (1)(dd) above included such crop planting.

Section 19. This ordinance shall take affect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published, with the names of the members of this Board voting for and against the same, once in a local newspaper of general circulation published in the County of San Diego, State of California.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this ____th day of ____, 2022.

Approved as to form and legality

By: _____, Senior Deputy County Counsel

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE GRADING, CLEARING AND WATERCOURSES ORDINANCE, TITLE 8,
DIVISION 7, OF THE SAN DIEGO COUNTY CODE TO CONSOLIDATE THE REGULATIONS RELATED TO
AGRICULTURAL CLEARING AND GRADING
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The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors intends by this ordinance to reorganize and edit the Grading, Clearing and Watercourses Ordinance to consolidate the regulations related to Agricultural Grading and Clearing into a single chapter while maintaining existing requirements, clarifying language, and adding missing definitions.

Section 2. Section 87.111 of the County of San Diego Grading Ordinance is hereby repealed:

SEC. 87.111.—AGRICULTURAL GRADING PERMIT OR CLEARING PERMIT.

~~—(a) For a period of five years (ten years if the land is located within the "MSCP Subarea" as defined in Section 87.203) from and after the date of issuance of either an agricultural grading permit pursuant to Section 87.205 or an agricultural clearing permit pursuant to Section 87.506, no County decision maker shall grant or approve any authorization for land development on the land for which grading or clearing is authorized by the permit, to the permittee who made the certification required by Section 87.205(c)(12) or any other person who has actual or constructive notice of that certification, unless the authorization would be for a project or activity which is either: (1) one for which an exemption is provided at Sections 87.202 or 87.502; or (2) in furtherance of the agricultural operation specified in the property owner's certification. This prohibition does not prohibit the issuance of a building permit for construction of one single family dwelling on an existing legal lot, or the issuance of a minor grading permit pursuant to Section 87.206 of this Division, if it is found that the circumstances of the case are such that providing the single family dwelling would be in furtherance of the specified agricultural operation.~~

~~—(b) Where a certification of agricultural operation has been signed pursuant to Section 87.205 for an agricultural grading permit, or pursuant to Section 87.506 for an agricultural clearing permit, if the property owner fails either to establish the stated agricultural operation within one year, or to retain the land in agriculture for five years (ten years if the land is located within the MSCP Subarea) from the date the agricultural grading permit or agricultural clearing permit is issued, the agricultural grading permit or agricultural clearing permit shall immediately expire and the property owner shall restore the land to its condition prior to grading or clearing. The property owner shall obtain the appropriate grading or clearing permit as required by this Division for such restoration work. Such restoration work, which may include excavation, filling, construction or installation of erosion protection or other protective facilities, planting and landscaping, shall be completed to the satisfaction of the County Official. All provisions of Section 87.110(c), including the County Official's authority to require security and to establish time deadlines, shall apply.~~

[RESERVED]

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Section 3. Section 87.202 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.202. EXEMPTIONS FROM PERMIT REQUIREMENTS.

The following are exempt from the requirements to obtain a grading permit (but not from other requirements of this Division including, but not limited to, the maximum slope, required setbacks, erosion prevention and planting requirements), provided they do not occur in or affect a watercourse or are within one of the exemptions under Section 87.604 of this Division:

(a) An excavation or fill which:

(1) is less than eight feet in vertical height (measured from the toe of the slope to the top of the slope); and

(2) does not result in the movement of more than 200 cubic yards of material on any one site.

(b) An excavation below finished grade for basements and footings of a building, retaining wall, swimming pool, septic tank, leaching system, or other structure authorized by a valid building permit. This paragraph shall not exempt from the permit requirements any fill made with the material from such excavation having an unsupported height greater than eight feet after the completion of such structure.

(c) Refuse disposal areas or sanitary fills operated and conducted in accordance with a use permit issued pursuant to the Zoning Ordinance or a permit issued pursuant to Article 2, Chapter 5, Division 8, Title 6, of this Code or as a lawful non-conforming use and where the operation and conduct thereof does not block or divert any natural drainage way or affect the lateral support of, or unduly increase the stresses in or pressures upon, any adjacent or contiguous property.

~~—(d) Tilling or cultivating land exclusively for agricultural production, subject to the following:~~

~~—(1) The following limitations must be met:~~

~~—(aa) no soils shall be exported from the area tilled or cultivated;~~

~~—(bb) the tilling or cultivating will not block or divert any natural drainage way;~~

~~—(cc) the tilling or cultivating will not affect the lateral support or unduly increase the stresses in or pressures upon any adjacent or contiguous property; and~~

~~—(dd) the land to be tilled or cultivated has been in agricultural production for at least one of the preceding five years.~~

~~—(2) This exemption does not allow:~~

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~~—(aa) the establishment of new agricultural operations on, or the expansion of existing agricultural operations onto, any area which has not been in agricultural production for at least one of the preceding five years;~~

~~—(bb) conversion of agricultural land to nonagricultural use or activities that reduce habitat and wildlife to facilitate conversion to non-agricultural use;~~

~~—(cc) conversion of land previously used solely for grazing or beekeeping, to other types of agricultural operations which involve a greater intensity of land disturbance, such as planted crops. Planting crops on land previously used for grazing is a prohibited conversion, unless the grazing conducted for the period specified in paragraph (1)(dd) above included such crop planting.~~

~~(e)~~(d) Grading incidental to the construction or installation of facilities by a public agency or utility not subject to regulation by this Division.

~~(f)~~(e) Grading to the limited extent authorized in advance in writing by the County Official to perform repairs so as to prevent immediately threatened injury to persons or property which has arisen as a result of an emergency. The County Official may require that a grading permit subsequently be obtained to reflect the work performed, and may require the submittal of information, documentation, reports and other matter as required by the applicable provisions of this Division for such permit.

~~(g)~~(f) Grading or reclamation work pursuant to a use permit or reclamation plan approved pursuant to Chapter 7 of this Division for a borrow pit, quarry or other surface mining operation, unless the operation is not required to obtain a reclamation plan because it will complete the removal of material to be used exclusively for fill at another approved site or sites within one year. Operations required to secure a grading permit must do so for the excavation site as well as the fill sites.

~~(h)~~(g) Routine road maintenance activities, such as smoothing, texturing, and filling of small rills and potholes, provided they do not involve land form changes and are conducted entirely within the existing disturbed footprint of an existing road.

~~(i)~~(h) Temporary stockpiling of earth authorized by a valid and unexpired permit issued pursuant to Section 87.218 of this Chapter.

Section 4. Section 87.203 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.203. ISSUANCE OF GRADING PERMIT.

In determining whether the proposed grading substantially complies with grading plans or improvement plans approved pursuant to Section 87.204 through 87.208 and 87.904, project change(s) required to comply with changes in State or Federal regulatory requirements shall be provided a 10 percent change allowance in addition to the substantial conformance determination if all of the following are met:

(a) It shall be determined that the project change(s) do not result in a new or substantially increased significant impact in accordance with the California Environmental Quality Act (CEQA).

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(b) It shall be determined that the project change(s) do not result in the creation of a situation that would be detrimental to the health, safety, or welfare of the public.

(c) It shall be determined that the project change(s) do not result in the elimination of project features required to meet other County of San Diego code requirements, including, but not limited to, the following:

(1) Elimination of a trail that provides a connection through the project that is needed for regional connectivity.

(2) Reduction in the overall amount of parkland approved with the original project.

(3) Elimination of roads that are needed for emergency access, travel time, or to handle the traffic generated by the project.

(4) Reduction of area needed for required water supply well or onsite wastewater treatment system and reserve area.

Section 5. Section 87.204 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.204. APPROVAL OF GRADING PLANS OR IMPROVEMENT PLANS – PLAN CHANGES.

(a) All persons who desire to obtain a grading permit must first obtain the County Official's approval of grading plans or improvement plans for such work. An application for grading plan or improvement plan approval, signed by the owner of the property to be graded, shall be filed with the County Official. All applications shall be reviewed for compliance with the California Environmental Quality Act (Pub. Res. Code Sec. 21000 et seq.) prior to approval.

(b) The application shall contain all information, documentation and other matters necessary to enable the County Official to make the determinations required by the California Environmental Quality Act, and the appropriate one of the following Sections of this Division, depending upon the type of grading involved:

(1) Agricultural grading: Section ~~87.205~~87.904;

(2) Minor grading: Section 87.206;

(3) Previously-approved project grading: Section 87.207;

(4) Major grading: Section 87.208.

(c) Where an owner desires to make modifications to the work shown on approved grading plans or improvement plans (whether before or after a grading permit has been issued), prior to the completion of the grading, the owner may submit an application for a plan change. The County Official shall determine whether the application shall be processed pursuant to Section ~~87.205~~87.904, Section 87.206, Section 87.207 or 87.208, based upon the total grading operation as represented in the original grading plans or improvement plans, as modified by the proposed plan change. The County Official may

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approve the application if he or she determines that the total grading operation as modified by the plan change remains in compliance with this Division; provided that, if the plan change is not in substantial conformance with the approved plans, then prior to approving the plan change, the County Official shall provide the appropriate community sponsor or planning group with an opportunity to review and comment on the proposed plan change. The application shall be accompanied by all information, documentation and other matter which the County Official determines to be necessary to enable him or her to make the determinations required by this paragraph. The approval of the plan change shall have no effect on the time within which a grading permit must be obtained under Section 87.203(c).

Section 6. Section 87.205 of the County of San Diego Grading Ordinance is hereby repealed:

SEC. 87.205. ~~AGRICULTURAL GRADING.~~

~~—(a) The County Official shall appoint an Agricultural Permit Coordinator to facilitate the filing and processing of applications for agricultural grading plans, improvement plans and grading permits.~~

~~—(b) The County Official shall prepare, circulate for public review, disseminate and maintain guidance documents which shall identify, explain and clarify standards for approval of grading plans, improvement plans and grading permits for agricultural grading. The guidance documents may include criteria which can be used to assure that proposed grading avoids adverse impacts to neighboring properties or the environment. The guidance documents may also address matters related to compliance with such plans and permits. The County Official may take these guidance documents into consideration when determining whether applications for grading plans or improvement plans for agricultural grading should be approved. The guidance documents shall not confer rights on applicants, nor constrain the discretion of the County Official relative to acting on such applications or enforcing such permits.~~

~~—(c) An application for grading plans or improvement plans for agricultural grading may be approved if the County Official makes all of the following determinations:~~

~~—(1) The graded area is to be used exclusively for agricultural production;~~

~~—(2) There will be no more than 200 cubic yards of soil imported or exported from the site;~~

~~—(3) The graded area does not include or affect a watercourse (a watercourse may be onsite, but not in the graded area or affected by the proposed grading);~~

~~—(4) The grading will not result in cut slopes steeper than one and one-half horizontal to one vertical, or in an exposed fill slope steeper than two horizontal to one vertical, exclusive of benches and rounding;~~

~~—(5) Sections 87.212 and 87.213, regarding specified sensitive areas, have been complied with;~~

~~—(6) If the grading will involve waters, rivers, streams or lakes, as referenced in Section 87.214, the applicant has submitted documentation of compliance with the requirements of that Section;~~

~~—(7) The application is accompanied by plans showing a vicinity sketch, property lines, location of all structures in the area to be graded (including those on land of others if within fifteen feet), contours~~

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showing the topography of the existing ground, elevations, dimensions, location, extent and slopes of all proposed grading, the location, extent and square footage of the total area to be cleared of vegetation, all areas proposed to be subjected to any "Land Disturbance Activity" (as that term is defined in Section 67.802 of this Code), all watercourses located on site and a map of the drainage area tributary to the site, all at a scale that allows analysis and review of what is proposed and is not smaller than 200 feet = 1 inch;

—(8) The grading conforms to the setbacks stated in paragraphs (a) and (b) of Section 87.412;

—(9) The application and accompanying plans demonstrate compliance with Title 6, Division 7, Chapter 8 of this code;

—(10) The plans include dust control measures sufficient to comply with Section 87.428;

—(11) The graded area is not to be used as a site for a building other than a greenhouse or agricultural shade structure; and

—(12) The property owner has signed a statement under penalty of perjury (which must be reaffirmed prior to grading permit issuance) certifying the following:

—(aa) His or her intention to grade for a specified agricultural operation, to continue or establish the agricultural operation within one year and to retain the land in agriculture (including changing crops and fallowing for the specified agricultural operation) for at least five years (ten years if the land is located within the "MSCP Subarea" as defined in Section 87.803) from the date the permit is issued;

—(bb) His or her agreement to take no actions to change from the specified agricultural operation to a different type of land use for the period of time stated at paragraph (aa); and

—(cc) His or her acknowledgement that the County will deny any application for any non-agricultural land development, as specified in Section 87.111, for a period of five years (ten years if the land is located within the "MSCP Subarea" as defined in Section 87.803) following the date the grading permit is issued.

(Added by Ord. No. 9547 (N.S.), effective 5-9-03; amended by Ord. No. 9634 (N.S.), effective 4-23-04; amended by Ord. No. 9926 (N.S.), effective 4-11-08)

[RESERVED]

Section 7. Section 87.207 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.207. GRADING PLANS OR IMPROVEMENT PLANS FOR PROJECTS WITH PREVIOUS DISCRETIONARY LAND USE APPROVAL.

In determining whether the proposed grading substantially complies with grading plans or improvement plans approved pursuant to Section 87.204 through 87.208, and 87.904 project change(s) required to comply with changes in State or Federal regulatory requirements shall be provided a 10 percent change allowance in addition to the substantial conformance determination if all of the following are met:

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(a) It shall be determined that the project change(s) do not result in a new or substantially increased significant impact in accordance with the California Environmental Quality Act (CEQA).

(b) It shall be determined that the project change(s) do not result in the creation of a situation that would be detrimental to the health, safety, or welfare of the public.

(c) It shall be determined that the project change(s) do not result in the elimination of project features required to meet other County of San Diego code requirements, including, but not limited to, the following:

(1) Elimination of a trail that provides a connection through the project that is needed for regional connectivity.

(2) Reduction in the overall amount of parkland approved with the original project.

(3) Elimination of roads that are needed for emergency access, travel time, or to handle the traffic generated by the project.

(4) Reduction of area needed for required water supply well or onsite wastewater treatment system and reserve area.

Section 8. Section 87.208 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.208. GRADING PLANS OR IMPROVEMENT PLANS FOR MAJOR GRADING.

(a) Grading not covered by Sections ~~87.205~~87.904, 87.206 or 87.207 shall be known as "Major Grading." The County Official may approve grading plans or improvement plans for major grading, if he or she determines that:

(1) The proposed grading conforms to all requirements of this Division;

(2) Denial is not required by Section 87.211;

(3) Sections 87.212, 87.213 and 87.214, regarding specified sensitive areas, have been complied with;

(4) The proposed grading complies with Title 6, Division 7, Chapter 8 of this code; and

(5) If the area to be graded includes a watercourse, the proposed grading conforms to Chapter 6 of this Division.

(b) Grading plans or improvement plans for major grading shall be approved and signed by a registered civil engineer. The plans shall show or be accompanied by the following:

(1) A vicinity sketch or other data adequately indicating the site location;

(2) Property lines of the site on which the work is to be performed;

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(3) Location of any buildings or structures on the site where the work is to be performed, and the location of any building or structure on land of adjacent property owners which is within the fifteen feet of the site;

(4) Topographical contour lines adequate to show the topography of the existing ground;

(5) Elevations, dimensions, location, extent, and slopes of all proposed grading, shown by contours or other means;

(6) The quantity of excavation and fill involved, estimated starting and completion dates and the estimated cost;

(7) All drainage devices, walls, cribbing, dams, stormwater protection best management practice devices or other protective devices to be constructed in connection with, or as part of, the proposed work, including all temporary construction erosion and sediment control devices, all watercourses located on the site, a map showing the drainage area of land tributary to the site, the estimated runoff of the area served by any drains, and calculations of the carrying capacity of such drains;

(8) The following shall be required for grading which will require the use of groundwater and for grading to be done during a time when the San Diego County Water Authority declares that a drought is in effect:

(aa) Information demonstrating to the satisfaction of the County Official the source (imported potable water, reclaimed water or groundwater) and amount of water available to be used in grading operations, including a statement from the applicable public agency or other party supplying the water specifying the dates when temporary service shall commence and when temporary service shall cease. The applicant shall specify the timing and duration of water needed to complete each phase of the project;

(bb) A short-term plan for erosion control and for slope stabilization where necessary which, in the opinion of the County Official, can be accomplished with the amount of water demonstrated to be available to the project; and

(cc) Except for grading on projects for which the Director of Planning and Development Services has approved a landscape plan, a long-term plan for erosion control and for slope stabilization where necessary to the satisfaction of the County Official;

(9) A statement of the purpose for which the proposed grading is to be done;

(10) Information demonstrating to the satisfaction of the County Official that the applicant is satisfying Chapter 8 (commencing with Section 67.801) of Division 7 of Title 6 of this Code;

(11) The names and addresses of all owners of property located within 300 feet of the exterior boundaries of the property to be graded, taken from the latest equalized assessment roll or such other records of the County Assessor or Tax Collector as contain more recent information;

(12) Dust control measures sufficient to comply with Section 87.428;

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(13) The location, extent and square footage of the total area to be cleared of vegetation;

(14) All areas proposed to be subjected to any "Land Disturbance Activity" (as that term is defined in Section 67.802 of this Code); and

(15) Such other information or data as may be required by the County Official.

(c) Prior to approving the grading plans or improvement plans, the County Official shall provide notice to each of the persons identified in the application as being owners of property located within 300 feet of the exterior boundaries of the property to be graded. Said notice shall be sent via United States mail and shall inform the addressee of the following:

(1) The receipt of the application and the official number or name of the application;

(2) A basic description of the location of the property upon which grading is proposed and the nature of the grading operation;

(3) The manner in which more information concerning the application may be obtained;

(4) That the County Official will consider any comments concerning the application which the addressee desires to submit, provided that they are submitted in writing and received no later than a date stated in the notice, which date shall be no sooner than 15 days after the notice was sent. The County Official shall consider any such comments received by the stated date prior to making a decision whether to approve the application.

Section 9. Section 87.301 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.301. FEES AND DEPOSITS FOR PLAN CHECKING, APPLICATION REVIEW, AND GRADING INSPECTION.

At the time of filing the following applications, the following fees or deposits shall be paid to the County Official:

(a) Grading Plans or Improvement Plans for Major Grading (Section 87.208): The actual costs to the County of examining and approving Grading Plans or Improvement Plans, or plan changes, including review under the California Environmental Quality Act, the review of any required reports, compliance with project conditions, and the preparation of all necessary documents, shall be paid by the applicant. At the time of submitting a grading or improvement plan to the County Official for examination and approval, the subdivider shall deposit with the County Official, a sum sufficient to cover actual costs as prescribed by the Board of Supervisors.

(b) Grading Plans or Improvement Plans for Agricultural Grading (Section ~~87.205~~87.904), Minor Grading Under Department of Public Works Review (Section 87.206(c)) or Grading for a Project With a Previous Discretionary Land Use Approval (Section 87.207):

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(1) Intake Screening. The actual costs to the County of application intake screening for project impacts for agricultural grading, minor grading under review by the Department of Public Works, or grading associated with a project with a previous discretionary approval, including the review of any plans or reports, comparing project to public information, and the preparation of all necessary documents, shall be paid by the applicant. At the time of submitting a grading or improvement plan for examination and approval, the applicant shall deposit with the County Official, a sum sufficient to cover actual costs as prescribed by the Board of Supervisors.

(2) Plan Review. The actual costs to the County of examining and approving Grading Plans or Improvement Plans, or plan changes, including review under the California Environmental Quality Act, for grading referenced in paragraph (1), including the review of any plans or reports and the preparation of all necessary documents, shall be paid by the applicant. At the time of submitting a grading or improvement plan, or application for plan change, for examination and approval, the applicant shall deposit with the County Official, a sum sufficient to cover actual costs as prescribed by the Board of Supervisors.

(c) Grading Plans or Improvement Plans for Minor Grading Under Department of Planning and Development Services (Section 87.206(b)). For grading plan or improvement plan review, or plan change review, for a grading permit to be issued for projects subject to Section 87.206(b), the applicant shall pay to the County Official a fee in an amount as prescribed by the Board of Supervisors in Section 362.1 of the San Diego County Administrative Code.

(d) Grading Permits:

(1) For each grading permit or permit modification issued for projects subject to Section 87.206(b) (Minor grading under review by the Department of Planning and Development Services), the applicant shall pay to the County Official a fee in an amount as prescribed by the Board of Supervisors in Section 362.1 of the San Diego County Administrative Code.

(2) For all grading permits not covered under paragraph (1) above, all costs associated with grading permit application processing and permit issuance are included in the cost of checking grading plans or improvement plans. There is no separate fee or deposit for issuance of the grading permit.

(e) Structural Review. Where the plans or specifications provide for the construction of drainage structures or facilities (other than standard terrace drains and similar facilities), including retaining walls and sprinkler irrigation systems, or when such plans include proposals for granting drainage and appurtenant easements to the San Diego County Flood Control District, the applicant shall deposit amounts estimated by the County Official appropriate to pay for the County's actual cost of checking the plans and specifications, preparing the documents for the drainage and appurtenant easements, and inspecting the construction.

(f) Clearing Permits. For all clearing permits applied for pursuant to Chapter 5 of this Division, the applicant shall pay to the County Official both: (1) an "Environmental Action CEQA Processing" fee or deposit, in the amount specified in Section 362.1 of the San Diego County Administrative Code; and (2) a clearing permit review fee in the amount specified in Section 362.1 of the San Diego County Administrative Code.

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(g) Deposit Refund or Increase. Where a deposit has been made, if the County's actual cost is less than the amount deposited, the excess shall be refunded. If any deposit is insufficient to pay all the County's actual costs, the permittee, upon demand of the County Official, shall deposit an additional amount deemed sufficient by the County Official to complete the work. If the permittee fails or refuses to pay such additional amount, the County Official may cease further work relating to the application, refuse approval of the plans or issuance of a grading permit until the amount is paid in full, or, if a permit is already issued, consider the grading incomplete and pursue proceedings to revoke the grading permit in accordance with Section 87.216.

Section 10. Section 87.504 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.504. CLEARING PERMIT PROCEDURE AND REQUIREMENTS.

The following procedures and requirements shall apply to an application for a clearing permit:

(a) The application shall be submitted to the County Official, accompanied by fees and deposits as specified in Section 87.301(f). The application shall be processed as an application for an Administrative Permit pursuant to the Administrative Permit Procedure, Section 7050 and following of the Zoning Ordinance, except as otherwise provided herein. The application (except for an application for agricultural clearing, which is governed by Section ~~87.506~~87.903) shall include or be accompanied by plans which show or include the following:

- (1) a vicinity sketch;
 - (2) property lines;
 - (3) contour lines showing the topography of the existing ground, with a maximum contour interval of five feet;
 - (4) the location, extent and square footage of the total area to be cleared;
 - (5) the location, nature and extent of all vegetation growing on the area to be cleared and the area within 100 feet;
 - (6) dust control measures sufficient to comply with Section 87.428;
 - (7) information and documentation sufficient to enable the County Official to make the determinations required by the California Environmental Quality Act (CEQA);
 - (8) a signed statement by the owner as to the proposed use of the area to be cleared;
 - (9) all watercourses located on the site; and
 - (10) such other information as the County Official may require.
- (b) The application (except for an application for agricultural clearing, which is governed by Section ~~87.506~~87.903) may be approved if the County Official determines that:

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(1) the proposed clearing is exempt from environmental review under the terms of CEQA, or the proposed clearing would not have a significant effect on the environment, or all significant effects have been mitigated; if the County Official determines that the proposed clearing would have one or more significant effects which are not mitigated, he or she shall deny the permit;

(2) the proposed clearing conforms to all requirements of this Division and other applicable County ordinances; and

(3) none of the grounds for denial of a permit specified at Section 87.211, paragraphs (a), (c), (d), (e) or (f) exists (reading said provisions as if they applied to clearing rather than grading).

(c) The provisions of the Administrative Permit Procedure regarding appeals shall apply, except that an application which has been denied on the basis that the proposed clearing would have one or more significant effects which are not mitigated, is subject to appeal only directly to the Board of Supervisors. If the Board of Supervisors determines that the proposed clearing would have one or more significant effects which are not mitigated, it shall deny the appeal unless it makes a statement of overriding considerations pursuant to CEQA. The time periods specified in the Administrative Permit Procedure shall commence to run from the date that environmental documentation prepared to comply with CEQA has been completed.

(d) All clearing authorized by an approved clearing permit shall be completed within 12 months of the date of approval. The County Official may grant one extension of said period, for up to an additional 12 months, if he or she determines that no significant changes in the work are proposed, and substantial progress has been made towards completion.

Section 11. Section 87.506 of the County of San Diego Grading Ordinance is hereby repealed:

SEC. 87.506. AGRICULTURAL CLEARING

~~—(a) The Agricultural Permit Coordinator appointed pursuant to Section 87.205 of this Division shall also facilitate applications for agricultural clearing permits. The County Official's guidance documents prepared pursuant to that Section shall also provide guidance concerning approval and implementation of agricultural clearing permits.~~

~~—(b) An application for an agricultural clearing permit shall comply with Section 87.504, except that the application contents and the standards for issuance of the permit shall be the same as those specified Section 87.205 of this Division, applying the requirements of that Section as if the term "clearing" were used instead of "grading."~~

~~—(c) For a period of five years (ten years if the land is located within the MSCP Subarea) from and after the date of issuance of the agricultural clearing permit, no County decisionmaker shall grant or approve any permit or other authorization for land development on the land for which clearing is authorized, to the permittee who made the certification required by Section 87.205(c)(12) or any other person who has actual or constructive notice of that certification, unless the permit or authorization would be for a project or activity either: (a) for which an exemption is provided in Section 87.502; or (b) which is in furtherance of the agricultural operation specified by the permittee in said certification.~~

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Section 12. Section 87.803 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.803. DEFINITIONS.

Whenever the following words are used in this Division they shall have the following meanings:

(1) "AGRICULTURAL GRADING" is grading which meets the requirements of Section 87.904 and Section 87.803(22), and is not exempt under Section 87.202(d).

~~(1)~~(2) "AGRICULTURAL OPERATIONS" or "AGRICULTURAL PRODUCTION" shall mean 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 operations and other similar agricultural activities. The final determination of a qualifying use shall be made by the County Official.

~~(2)~~(3) "BEDROCK" is the solid undisturbed rock in place either at the ground surface or beneath surficial deposits of gravel, sand or soil.

~~(3)~~(4) "CERTIFY" or "CERTIFICATION" shall refer to a signed written statement that the specific inspections and tests where required have been performed and that such tests comply with the applicable requirements of this Division.

~~(4)~~(5) "CIVIL ENGINEER" is an engineer duly registered by the State of California to practice in the field of civil engineering.

~~(5)~~(6) "CLEARING" shall mean the removal or destruction of natural vegetation by any means, including brushing and grubbing.

~~(6)~~(7) "COMPACTION" shall mean densification of a soil or rock fill by mechanical or other acceptable procedures.

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~~(7)~~(8) "COUNTY OFFICIAL" shall generally mean the Director of Public Works or his or her authorized representative, except that it shall mean the Director of Planning and Development Services or his or her authorized representative when used in any of the following contexts:

- (a) minor grading pursuant to Section 87.206 (b);
- (b) clearing pursuant to Chapter 5 and Section 87.903 of Chapter 9 of this Division;
- (c) surface mining pursuant to Chapter 7 of this Division; or
- (d) exercise of enforcement authority given to the Director of Planning and Development Services under Section 87.102.

~~(8)~~(9) "COUNTY STORMWATER STANDARDS MANUAL" shall mean the manual adopted by Ordinance No. 9426 (N.S.) as Appendix A to the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (San Diego County Code Section 67.801 and following).

~~(9)~~(10) "CUT" shall have the same meaning as "excavation."

~~(10)~~(11) "EMBANKMENT" shall have the same meaning as "fill."

~~(11)~~(12) "ENGINEERING GEOLOGIST" is a geologist duly registered by the State of California and certified in "Engineering Geology" by the State.

~~(12)~~(13) "ENGINEERING GEOLOGY" is the application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purpose of assuring that geological factors are recognized and adequately interpreted in engineering practice.

~~(13)~~(14) "EROSION" shall mean the process by which the ground surface is worn away by the action of water or wind.

~~(14)~~(15) "EXCAVATION" shall mean any act by which soil, sand, gravel or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom.

~~(15)~~(16) "EXPANSIVE SOIL" is any soil which swells more than 3 percent when prepared and tested in accordance with the test prescribed by Chapter 6 or other equivalent test approved by the County Official.

~~(16)~~(17) "FILL" shall mean deposits of soil, sand, gravel, rock or other materials placed by man.

~~(17)~~(18) "FINISH GRADE" is the final grade or elevation of the ground surface conforming to the proposed design.

~~(18)~~(19) "FLOOD PLAIN" means a land area in and adjoining a river, stream, watercourse, ocean, bay or lake, which is likely to be flooded.

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~~(19)~~(20) "FLOOD PLAIN FRINGE" means all that land lying within the 100-year flood plain that is not within a floodway, where a floodway has been defined.

~~(20)~~(21) "FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood. The selection of the floodway shall be based on the principle that the area chosen for the floodway must be designed to carry the waters of the 100-year flood, without increasing the water surface elevation of that flood more than one foot at any point. "100-YEAR FLOOD" means a flood estimated to occur on an average of once in 100 years (one percent probability of occurrence each year) which is determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Flood Control District Design and Procedure Manual approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of Supervisors as Document Number 427201 and as amended by the Board of Supervisors on July 8, 1975, and filed with the Clerk of the Board of Supervisors as Document Number 506917.

~~(21)~~(22) "GRADING" is any excavating or filling or combination thereof and shall include the land in its excavated or filled condition. In calculating the quantities of grading, soil to be removed and replaced for purposes of conditioning and compaction shall not be included.

~~"AGRICULTURAL GRADING" is grading which meets the requirements of Section 87.20587.904 and is not exempt under Section 87.202(d). "MINOR GRADING" is grading which meets the requirements of Section 87.206. "PREVIOUSLY APPROVED PROJECT GRADING" is grading which meets the requirements of Section 87.207. "MAJOR GRADING" is grading which is governed by Section 87.208. In calculating the quantities of grading, soil to be removed and replaced for purposes of conditioning and compaction shall not be included.~~

~~(22)~~(23) "GRADING PLANS" are plans for proposed grading work, which contain the matters required by Section 87.204 through 87.208 and 87.904 of this Division.

(24) "GRAZING" means the use of cattle, sheep or other livestock for the purposes of clearing vegetation.

(25) "GRUBBING" means the removal of trees and/or stumps at the root.

~~(23)~~(26) "IMPROVEMENT PLANS" are plans for road or drainage improvements which are presented to the County for approval, which also show grading work associated with such road or drainage improvements. "Improvement plans" include plans which accompany a subdivision improvement agreement and other agreements entered into with the County which require the construction of improvements.

~~(24)~~(27) "LANDSCAPE ARCHITECT" shall mean a landscape architect registered by the State of California.

(28) "MAJOR GRADING" is grading which is governed by Section 87.208 and meets Section 87.803(22).

(29) "MINOR GRADING" is grading which meets the requirements of Section 87.206 and Section 87.803(22).

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~~(25)~~(30) "MSCP Subarea" shall mean that area shown as the "County of San Diego MSCP Subarea" on the map referenced in Section 86.502 of this Code.

~~(26)~~(31) "MAJOR SLOPE" shall mean any constructed slope which is greater than fifteen feet in vertical height measured from toe of slope to brow of slope as illustrated in San Diego County Design Standard DS-10 and DS-11 on file with the San Diego County Engineer.

~~(27)~~(32) "MINOR SLOPE" shall mean any constructed slope which is not a major slope.

~~(28)~~(33) "NATURAL GROUND SURFACE" shall mean the ground surface in its original state before any grading, excavation or filling.

~~(29)~~(34) "OWNER" shall mean any person who is the owner of, has a possessory interest in, has possession or control of, or occupies, real property. The County of San Diego is not a "person" (See Section 12.115 of this Code) and shall not be considered an "OWNER" of real property for purposes of this Division, even if it is the holder of an open space easement, drainage easement, flowage easement, development restriction easement or other interest less than fee title, and regardless of whether it exercises or enforces its rights under such easement or interest.

~~(30)~~(35) "PERMITTEE" shall mean any person to whom a permit is issued pursuant to this division.

~~(31)~~(36) "PERSON" shall have the meaning assigned in Section 12.115 of this Code.

(37) "PREVIOUSLY APPROVED PROJECT GRADING" is grading which meets the requirements of Section 87.207.

~~(32)~~(38) "SITE" is any lot or parcel of land or combination of contiguous lots or parcels of land where grading is performed or permitted.

~~(33)~~(39) "SLOPE" shall mean the inclined exposed surface of a fill, excavation or natural terrain.

~~(34)~~(40) "SOIL" is all earth material of whatever origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment.

~~(35)~~(41) "SOIL ENGINEER" shall mean a person who meets the qualifications stated in Section 6736.1 of the Professional Engineers Act (Business and Professions Code Section 6700 and following).

~~(36)~~(42) "STRUCTURAL ROCK FILLS" shall mean fills constructed predominantly of rock materials for the purpose of supporting structures.

(43) "TILLING" means to prepare (land) for the raising of crops by digging, stirring, overturning, plowing, or harrowing.

(44) "TRENCHING" means to dig out a deep furrow or ditch for a trench, commonly for pipeline or irrigation piping.

~~(37)~~(45) "VERTICAL HEIGHT" shall be the measurement from the toe of the slope to a point projected horizontally from the top of the slope.

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~~(38)~~(46) "WATERCOURSE" means any surface water body (including any arroyo, canal, channel, conduit, creek, culvert, ditch, drain, gully, ravine, reservoir, river, stream, wash, waterway or wetland), in which waters from a tributary drainage area of 100 acres or larger flow in a definite direction or course, either continuously or intermittently, and any area adjacent thereto which is subject to inundation from a 100-year flood.

Cross reference(s)--Definitions, § 12.101 et seq.

Section 13. Chapter 9 of the County of San Diego Grading Ordinance is hereby added to read as follows:

Chapter 9. AGRICULTURAL GRADING AND CLEARING.

Section 14. Chapter 9, Section 87.901, of the County of San Diego Grading Ordinance is hereby added to read as follows:

SEC. 87.901. PURPOSE.

The purpose of this chapter is to establish minimum requirements for agricultural clearing and grading (as those terms are defined in Section 87.803 of this Code).

Section 15. Chapter 9, Section 87.902, of the County of San Diego Grading Ordinance is hereby added to read as follows:

SEC. 87.902. AGRICULTURAL GRADING PERMIT OR CLEARING PERMIT.

(a) For a period of five years (ten years if the land is located within the "MSCP Subarea" as defined in Section 87.203) from and after the date of issuance of either an agricultural grading permit pursuant to Section 87.904 or an agricultural clearing permit pursuant to Section 87.903, no County decision maker shall grant or approve any authorization for land development on the land for which grading or clearing is authorized by the permit, to the permittee who made the certification required by Section 87.904(c)(12) or any other person who has actual or constructive notice of that certification, unless the authorization would be for a project or activity which is either: (1) one for which an exemption is provided at Sections 87.202 or 87.502; or (2) in furtherance of the agricultural operation specified in the property owner's certification. This prohibition does not prohibit the issuance of a building permit for construction of one single family dwelling on an existing legal lot, or the issuance of a minor grading permit pursuant to Section 87.206 of this Division, if it is found that the circumstances of the case are such that providing the single family dwelling would be in furtherance of the specified agricultural operation.

(b) Where a certification of agricultural operation has been signed pursuant to Section 87.904 for an agricultural grading permit, or pursuant to Section 87.903 for an agricultural clearing permit, if the property owner fails either to establish the stated agricultural operation within one year, or to retain the land in agriculture for five years (ten years if the land is located within the MSCP Subarea) from the date the agricultural grading permit or agricultural clearing permit is issued, the agricultural grading permit or agricultural clearing permit shall immediately expire and the property owner shall restore the land to its condition prior to grading or clearing. The property owner shall obtain the appropriate grading or

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clearing permit as required by this Division for such restoration work. Such restoration work, which may include excavation, filling, construction or installation of erosion protection or other protective facilities, planting and landscaping, shall be completed to the satisfaction of the County Official. All provisions of Section 87.110(c), including the County Official's authority to require security and to establish time deadlines, shall apply.

Section 16. Chapter 9, Section 87.903, of the County of San Diego Grading Ordinance is hereby added to read as follows:

SEC. 87.903. AGRICULTURAL CLEARING.

(a) The County Official shall also facilitate applications for agricultural clearing permits. The County Official's guidance documents prepared pursuant to that Section shall also provide guidance concerning approval and implementation of agricultural clearing permits.

(b) An application for an agricultural clearing permit shall comply with Section 87.504, except that the application contents and the standards for issuance of the permit shall be the same as those specified Section 87.904 of this Division, applying the requirements of that Section as if the term "clearing" were used instead of "grading."

Section 17. Chapter 9, Section 87.904, of the County of San Diego Grading Ordinance is hereby added to read as follows:

SEC. 87.904. AGRICULTURAL GRADING

(a) The County Official shall facilitate the filing and processing of applications for agricultural grading plans, improvement plans and grading permits.

(b) The County Official shall prepare, circulate for public review, disseminate and maintain guidance documents which shall identify, explain and clarify standards for approval of grading plans, improvement plans and grading permits for agricultural grading. The guidance documents may include criteria which can be used to assure that proposed grading avoids adverse impacts to neighboring properties or the environment. The guidance documents may also address matters related to compliance with such plans and permits. The County Official may take these guidance documents into consideration when determining whether applications for grading plans or improvement plans for agricultural grading should be approved. The guidance documents shall not confer rights on applicants, nor constrain the discretion of the County Official relative to acting on such applications or enforcing such permits.

(c) An application for grading plans or improvement plans for agricultural grading may be approved per Section 87.204 and the County Official makes all of the following determinations:

(1) The graded area is to be used exclusively for agricultural production;

(2) There will be no more than 200 cubic yards of soil imported or exported from the site;

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(3) The graded area does not include or affect a watercourse (a watercourse may be onsite, but not in the graded area or affected by the proposed grading);

(4) The grading will not result in cut slopes steeper than one and one-half horizontal to one vertical, or in an exposed fill slope steeper than two horizontal to one vertical, exclusive of benches and rounding;

(5) Sections 87.212 and 87.213, regarding specified sensitive areas, have been complied with;

(6) If the grading will involve waters, rivers, streams or lakes, as referenced in Section 87.214, the applicant has submitted documentation of compliance with the requirements of that Section;

(7) The application is accompanied by plans showing a vicinity sketch, property lines, location of all structures in the area to be graded (including those on land of others if within fifteen feet), contours showing the topography of the existing ground, elevations, dimensions, location, extent and slopes of all proposed grading, the location, extent and square footage of the total area to be cleared of vegetation, all areas proposed to be subjected to any "Land Disturbance Activity" (as that term is defined in Section 67.802 of this Code), all watercourses located on site and a map of the drainage area tributary to the site, all at a scale that allows analysis and review of what is proposed and is not smaller than 200 feet = 1 inch;

(8) The grading conforms to the setbacks stated in paragraphs (a) and (b) of Section 87.412;

(9) The application and accompanying plans demonstrate compliance with Title 6, Division 7, Chapter 8 of this code;

(10) The plans include dust control measures sufficient to comply with Section 87.428;

(11) The graded area is not to be used as a site for a building other than a greenhouse or agricultural shade structure; and

(12) The property owner has signed a statement under penalty of perjury (which must be reaffirmed prior to grading permit issuance) certifying the following:

(aa) His or her intention to grade for a specified agricultural operation, to continue or establish the agricultural operation within one year and to retain the land in agriculture (including changing crops and fallowing for the specified agricultural operation) for at least five years (ten years if the land is located within the "MSCP Subarea" as defined in Section 87.803) from the date the permit is issued;

(bb) His or her agreement to take no actions to change from the specified agricultural operation to a different type of land use for the period of time stated at paragraph (aa); and

(cc) His or her acknowledgement that the County will deny any application for any non-agricultural land development, as specified in Section 87.902, for a period of five years (ten years if the land is

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located within the "MSCP Subarea" as defined in Section 87.803) following the date the grading permit is issued.

Section 18. Chapter 9, Section 87.905, of the County of San Diego Grading Ordinance is hereby added to read as follows:

Sec. 87.905. EXEMPTIONS FROM PERMIT REQUIREMENT.

The following are exempt from the requirements to obtain an agricultural grading permit (but not from other requirements of this Division including, but not limited to, the maximum slope, required setbacks, erosion prevention and planting requirements), provided they do not occur in or affect a watercourse or are within one of the exemptions under Section 87.604 of this Division:

(a) Tilling or cultivating land exclusively for agricultural production, subject to the following:

(1) The following limitations must be met:

(aa) no soils shall be exported from the area tilled or cultivated;

(bb) the tilling or cultivating will not block or divert any natural drainage way;

(cc) the tilling or cultivating will not affect the lateral support or unduly increase the stresses in or pressures upon any adjacent or contiguous property; and

(dd) the land to be tilled or cultivated has been in agricultural production for at least one of the preceding five years.

(2) This exemption does not allow:

(aa) the establishment of new agricultural operations on, or the expansion of existing agricultural operations onto, any area which has not been in agricultural production for at least one of the preceding five years;

(bb) conversion of agricultural land to nonagricultural use or activities that reduce habitat and wildlife to facilitate conversion to non-agricultural use;

(cc) conversion of land previously used solely for grazing or beekeeping, to other types of agricultural operations which involve a greater intensity of land disturbance, such as planted crops. Planting crops on land previously used for grazing is a prohibited conversion, unless the grazing conducted for the period specified in paragraph (1)(dd) above included such crop planting.

Section 19. This ordinance shall take affect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published, with the names of the members of this Board voting for and against the same, once in a local newspaper of general circulation published in the County of San Diego, State of California.

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PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this ____th day of ____, 2022.

Approved as to form and legality

By: _____, Senior Deputy County Counsel

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Attachment B

Ordinance Amendments to the Grading, Clearing and Watercourses Ordinance to Streamline the Agricultural Clearing Permit Process Notice of Exemption

2 - 49 NOTICE OF EXEMPTION

TO: Recorder/County Clerk
Attn: James Scott
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: County of San Diego
Planning & Development Services, M.S. O650
Attn: Project Planning Division Section Secretary

SUBJECT: **FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152**

Project Name: Grading, Clearing, and Watercourses Ordinance Amendment (Ordinance Amendment); PDS2021-POD-21-005

Project Location: The Ordinance Amendment would be applicable throughout the unincorporated County of San Diego

Project Applicant: County of San Diego, Planning and Development Services
Address: 5510 Overland Avenue, Suite 310, San Diego, CA 92123

Project Description: On May 19, 2021, the Board of Supervisors (Board) directed staff to return to the Board in 16 months with an update to the Grading, Clearing, and Watercourses Ordinance (Ordinance) to consolidate the agricultural regulations into a single chapter within the Ordinance while maintaining existing requirements, clarifying language, and adding missing definitions. It should be noted that the Ordinance Amendment does not propose any development.

Agency Approving Project: County of San Diego

County Contact Person: Angelica Truong, Telephone Number: (619) 323-8950

Date Form Completed: February 7, 2022

This is to advise that the County of San Diego Board of Supervisors has approved the above-described project on ____ (item #__) and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"):
 - ☐ Declared Emergency [C 21080(b)(3); G 15269(a)]
 - ☐ Emergency Project [C 21080(b)(4); G 15269(b)(c)]
 - ☐ Statutory Exemption. C Section:
 - ☒ Categorical Exemption. G Section: 15308
 - ☒ G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
 - ☐ G 15182 - Residential Projects Pursuant to a Specific Plan
 - ☐ G 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning
 - ☒ Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
2. Mitigation measures ☐ were ☐ were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan ☐ was ☐ was not adopted for this project.

Statement of reasons why project is exempt: The proposed action complies with CEQA because it is: (1) not a project as defined in Public Resources Code, Section 21065, and CEQA Guidelines Section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines Section 15060(c); and (2) categorically exempt as it is an action to enhance and protect the environment (Section 15308 of the CEQA Guidelines); and (3) subject to the common sense exemption, because the Ordinance Amendments consists of actions taken by the County as authorized by state or local ordinance to assure the enhancement or protection of the environment where the regulatory process involves procedures for the protection of the environment, it can be seen with certainty that there is no possibility that it may have a significant effect on the environment (Section 15061(b)(3) of the CEQA Guidelines). In addition, see Exhibit A of Attachment A of the Resolution of the County of San Diego Board of Supervisors Adopting the Ordinance Amendment, dated _____, attached to this form.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: _____ Telephone: (619) 323-8589

Name (Print): Angelica Truong Title: Land Use and Environmental Planner, Planning and Development Services

This Notice of Exemption has been signed and filed by the County of San Diego.

EXHIBIT A

The Ordinance Amendment complies with the CEQA and State and County CEQA Guidelines because it is: (1) not a project as defined in the Public Resources Code section 210065 and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines Section 15060 (c); (2) separately and independently, is categorically exempt pursuant to section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment. No exception to these exemptions pursuant to CEQA Guidelines section 15300.2 apply.

The adoption of the Ordinance Amendment is not a “project” as defined in Public Resources Code section 21065 and CEQA Guidelines sections 15378 and 15060(c)(3) and is therefore not subject to CEQA. A project as defined by CEQA, is the whole of the action that has the potential to result in either a direct or physical change or reasonably foreseeable indirect physical change to the environment. Adoption of the Ordinance Amendment is consistent with the requirements of the CEQA Guidelines Appendix G and does not authorize or ban any development, open any new areas to development, or exempt any project from CEQA review and therefore has no potential to cause a physical change in the environment. An action that restates or codifies existing law is not a project under CEQA because it has no potential to cause a physical change in the environment.

CEQA Guidelines section 15378(b)(5) states that a project does not include “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” The proposal is to update the County’s Grading Ordinance to consolidate the agricultural regulations into a single chapter within the Ordinance while maintaining existing requirements, clarifying language, and adding missing definitions. The Ordinance Amendment does not propose any development. The Ordinance Amendment will not reduce the quality of Planning and Development Services review or create shortcuts or loopholes in the permitting process that would impact public safety, quality of life, environmental protection, or limit intended public participation. Therefore, Ordinance Amendment action is not a project under CEQA.

Separately and independently, even if the action constitutes a project under CEQA, it would be categorically exempt pursuant to section 15308 of the CEQA Guidelines. This categorical exemption consists of actions taken by agencies as authorized by state or local ordinance to assure the enhancement or protection of the environment where the regulatory process involves procedures for the protection of the environment.

Finally, even if the action constitutes a project under CEQA, it can be seen with certainty that there is no possibility that it may have a significant effect on the environment, and therefore is subject to the common sense exemption, CEQA Guidelines section 15061(b)(3). The proposed Ordinance Amendments are consistent with CEQA Guidelines Appendix G and provide guidance for CEQA analysis and mitigation for all projects in the County of San Diego. An action that restates or codifies existing law is not a project under CEQA because it has no potential to cause a physical change in the environment. None of the exceptions to the exemptions apply (Section 15300.2 of the CEQA Guidelines) because the Ordinance Amendment does not authorize, ban or exempt any development and therefore will not cause impacts to scenic highways, hazardous waste sites or historical resource.

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Attachment C

Public Correspondence

Roady, Jennifer

From: Truong, Angelica
Sent: Thursday, December 02, 2021 11:26 AM
To: Ray Teran
Cc: Beddow, Donna; Ernest Pingleton; Roady, Jennifer; Brown, Bronwyn
Subject: RE: PUBLIC DISCLOSURE NOTICE - GRADING, CLEARING AND WATERCOURSES ORDINANCE AMENDMENT

Hi Ray,

Thank you for your email. We will be looking into protection and preservation provisions for Part 2 of this effort. For Part 1 of the Grading Ordinance update, we will not be introducing any new regulations or policies. The Board directed us to consolidate the existing agricultural clearing regulations into one chapter so that the ordinance is easier to utilize. We will keep you updated on Part 2 as we move forward with analysis of new protection and preservation provisions. Thank you,

Angelica Truong

Land Use/Environmental Planner III
County of San Diego- Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
☎ 619-323-8950

From: Ray Teran <rteran@viejas-nsn.gov>
Sent: Wednesday, December 1, 2021 4:15 PM
To: Truong, Angelica <Angelica.Truong@sdcounty.ca.gov>
Cc: Beddow, Donna <Donna.Beddow@sdcounty.ca.gov>; Ernest Pingleton <epingleton@viejas-nsn.gov>
Subject: [External] RE: PUBLIC DISCLOSURE NOTICE - GRADING, CLEARING AND WATERCOURSES ORDINANCE AMENDMENT

Angelica, will there be provisions within the New Ordinance for protection and preservation, through cultural monitoring, of cultural resources??

Ray Teran

Viejas Tribal Government
Resource Management Director
619-659-2312
rteran@viejas-nsn.gov



From: Truong, Angelica [<mailto:Angelica.Truong@sdcounty.ca.gov>]

Sent: Wednesday, December 1, 2021 4:09 PM

To: Truong, Angelica <Angelica.Truong@sdcounty.ca.gov>

Subject: PUBLIC DISCLOSURE NOTICE - GRADING, CLEARING AND WATERCOURSES ORDINANCE AMENDMENT



**PUBLIC DISCLOSURE NOTICE
GRADING, CLEARING AND WATERCOURSES ORDINANCE AMENDMENT**

December 2, 2021

NOTICE IS HEREBY GIVEN that the County of San Diego (County) intends to adopt an amendment to the County Grading, Clearing and Watercourses Ordinance (Ordinance). The proposed Ordinance amendment can be reviewed at the following website <https://www.sandiegocounty.gov/content/sdc/pds/advance/GradingOrdUpdate.html>, or at Planning & Development Services (PDS), Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, California 92123. Under this process, public review is not required; however, any comments received will be accepted and taken into consideration. Comments on the Ordinance amendment must be sent to the PDS address listed above and should reference the project number and name, as shown below.

**GRADING, CLEARING AND WATERCOURSES ORDINANCE AMENDMENT
PDS2021-POD-21-005**

The County Ordinance was initially adopted in 1996 to establish regulations and procedures for permitting earth movement (grading) and removing vegetation (clearing) to ensure public safety by preventing slope failure, foundation failure, expansive soil damage, and erosion and drainage problems. The Ordinance explicitly requires compliance with all applicable federal and State requirements and defines “grading” as any excavating, filling, or a combination of the two.

As part of the ‘County’s commitment to addressing the affordable housing crisis in the unincorporated area of San Diego, the County Board of Supervisors (BOS) accepted the Report of Options to Improve Housing Affordability in the Unincorporated Area (Report) on October 10, 2018. As part of this meeting, the BOS took Action 2.2, which directed staff to complete an update to the Ordinance through a bifurcated approach separating agricultural clearing permits from the grading for residential housing projects.

On May 19, 2021 the BOS directed staff to return to the Board in 16 months with an update to the Grading, Clearing, and Watercourses Ordinance (Ordinance) to consolidate the agricultural regulations into a single chapter within the Ordinance while maintaining existing requirements, to clarify language and add missing definitions. It should be noted that the Ordinance amendment does not propose any development.

For Part 2 of this effort, the BOS provided direction to pursue a comprehensive update to the Ordinance to address agricultural and residential clearing and grading including reviewing requirements, thresholds, and permit processes. This effort will take approximately three to four years to complete and environmental review has begun in fiscal year 2021-2022. This effort will include reviewing best practices, evaluating the benefits and risks, analyzing environmental impacts under CEQA, outreach to the public and stakeholders including you all, drafting amended ordinance language, and returning to the Board for adoption.

Comments on Part 1, the Ordinance amendment, must be received **no later than January 14, 2022 at 4:00 p.m.** for a 43-day public disclosure period. These documents can also be reviewed at the PDS, Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, CA 92123. For additional information, please contact Angelica Truong at angelica.truong@sdcounty.ca.gov or (619) 323-8950.

تم تقديم إشعار بموجب هذا بأن (مقاطعة) سان دييغو تنوي اعتماد تعديلات مرسوم المقاطعة الخاص بالتمهيد والإزالة والمجاري المائية (المرسوم). يمكن مراجعة المرسوم المقترح من على موقع المقاطعة :

<https://www.sandiegocounty.gov/content/sdc/pds/advance/GradingOrdUpdate.html>، أو لدى مركز معالجة المشروع (Processing Counter Project) في إدارة خدمات التخطيط والتطوير (PDS)، الكائن في 5510 Overland Avenue, Suite 110, San Diego, CA 92123. لا تكون مراجعة الجمهور مطلوبة؛ ومع ذلك، سيتم قبول أي ملاحظات يتم تلقيها وأخذها في الاعتبار. يجب إرسال الملاحظات حول تعديلات المرسوم إلى عنوان إدارة PDS المذكور أعلاه، ويجب ذكر رقم المشروع واسمه حسب الموضح أدناه.

تعديلات المرسوم الخاص بالتمهيد والإزالة والمجاري المائية PDS2021-POD-21-005

تم اعتماد مرسوم المقاطعة مبدئيًا في عام 1996 لوضع لوائح وإجراءات تسمح بتحريك الأرض (التمهيد) وإزالة الغطاء النباتي (الإزالة) لضمان السلامة العامة عن طريق منع انزلاق المنحدرات وانهيار الأساس وتلف التربة الممتد ومشاكل التعرية والتصريف. يتطلب المرسوم صراحة الامتثال لجميع المتطلبات الفدرالية ومتطلبات الولاية السارية ويعرّف "التمهيد" على أنه أي حفر أو ردم أو مزيج من الاثنين. كجزء من التزام "المقاطعة بمعالجة أزمة الإسكان ميسور التكلفة في المنطقة غير المدمجة في سان دييغو، وافق مجلس المشرفين بالمقاطعة (BOS) على تقرير الخيارات لتحسين القدرة على تحمل تكاليف الإسكان في المنطقة غير المدمجة (التقرير) في 10 أكتوبر 2018. كجزء من هذا الاجتماع، اتخذ مجلس المشرفين الإجراء 2.2، والذي وجه الموظفين إلى إكمال تحديث المرسوم من خلال نهج متشعب يفصل تصاريح الإزالة الزراعية عن مشاريع المباني السكنية.

في 19 مايو 2021، وجه مجلس المشرفين (المجلس) الموظفين إلى التوجه إلى المجلس في غضون 16 شهرًا بتحديثات لرسوم التمهيد والإزالة والمجاري المائية (المرسوم) لتوحيد اللوائح الزراعية في فصل واحد ضمن المرسوم مع الحفاظ على المتطلبات الحالية من أجل توضيح اللغة وإضافة التعريفات المفقودة. وتجدر الإشارة إلى أن تعديل القانون لا يقترح أي تطوير.

بالنسبة للجزء 2 من هذا الجهد، قدّم المجلس توجيهات لمتابعة تحديث شامل للمرسوم لمعالجة الإزالة الزراعية والسكنية والتمهيد بما في ذلك مراجعة المتطلبات والحدود وعمليات منح الأذونات. سيستغرق استكمال هذا الجهد ما يقرب من ثلاث إلى أربع سنوات، وقد بدأت المراجعة البيئية في السنة المالية 2021-2022. سيتضمن هذا الجهد مراجعة أفضل الممارسات، وتقييم المزايا والمخاطر، وتحليل التأثيرات البيئية بموجب قانون CEQA، والتواصل مع الجمهور وأصحاب الشأن بما فيهم أنتم جميعًا، وصياغة لغة المرسوم المعدّل، والعودة إلى المجلس لاعتمادها.

يجب استلام الملاحظات حول الجزء 1 من التعديل على المرسوم في موعد لا يتجاوز تاريخ 14 أكتوبر 2022 عند الساعة 4:00 عصرًا، خلال 43 يومًا من فترة الإشعار بالإقرار العلني. يمكن مراجعة هذه المستندات أيضًا لدى مركز معالجة المشروع (Processing Counter Project) في إدارة PDS، الكائن في 5510 Overland Avenue, Suite 110, San Diego, CA 92123. للمزيد من المعلومات، يرجى الاتصال مع أنجليكا ترونج (Truong Angelica) عبر البريد الإلكتروني angelica.truong@sdcounty.ca.gov أو رقم الهاتف (619) 323-8950.

特此通知，聖地亞哥縣（縣）有意通過對本縣《平整、清理和水道條例》（條例）的修正案。可在以下網站查看擬議的條例修正案 <https://www.sandiegocounty.gov/content/sdc/pds/advance/GradingOrdUpdate.html>，也可去 Planning & Development Services (PDS), Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, California 92123。這個過程中並不要求進行公開審評，但是，會接受並考慮收到的任何意見。對擬議條例修正案的評議必須送交上列規劃與發展服務科 (PDS) 地址，並說明專案編號和名稱，如下所示。

平整、清理和水道條例修正案 PDS2021-POD-21-005

這個本縣條例最初於 1996 年通過，旨在制定允許土方移動（平整）和清除植被（清理）的法規和程序，以通過防止斜坡崩塌、地基崩塌、膨脹土破壞及侵蝕和排水問題來確保公共安全。本條例明確要求遵守所有適用的聯邦和州要求，並將「平整」定義為任何挖掘、填充或兩者的組合。

作為本縣致力於解決聖地亞哥對非建制區經濟適用房危機承諾的一部分，縣監事會 (BOS) 於 2018 年 10 月 10 日接受了改善非建制區住房負擔能力選擇報告（報告）。作為這次會議的一部分，監事會 (BOS) 採取了行動 2.2，指示工作人員通過將農業清理許可與住宅專案平整分開的分岔方法完成對條例的更新。

2021 年 5 月 19 日，監事會指示員工在 16 個月後返回監事會，更新《平整、清理和水道條例》（條例），在保持現有要求的同時，將農業法規合併為條例中的一個章節，澄清語言，並新增缺少的定義。註：條例修正案並沒有提出任何發展。

對於這項工作的第 2 部分，監事會提明了對條例進行全面更新的方向，以解決農業和住宅清理和平整問題，包括審查要求、門檻和許可程序。這項工作約需三到四年才能完成，環境審查已於 2021-2022 財年開始。這項工作將包括審查最佳實踐，評估收益與風險，分析《加州環境品質法》(CEQA) 規定的環境影響，對公眾和包括您們在內的利益相關者進行宣傳，起草修訂後條例語言，然後交回監事會以供通過。

對第 1 部分條例修正案的評議必須在 43 天的公開揭露期結束之前收到，即在 **2022 年 1 月 14 日下午 4 點之前**。這些文件也可在 PDS, Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, CA 92123 查看。如需更多資訊，請電郵 angelica.truong@sdcounty.ca.gov 或致電 (619) 323-8950 聯絡 Angelica Truong。

Estimada parte interesada:

POR EL PRESENTE, SE DA AVISO de que el condado de San Diego (el "Condado") tiene la intención de adoptar una modificación a la Ordenanza de Nivelación, Desbroce y Cursos de Agua del Condado (la "Ordenanza"). La modificación propuesta a la Ordenanza se puede consultar en el sitio web <https://www.sandiegocounty.gov/content/sdc/pds/advance/GradingOrdUpdate.html> o en Servicios de Planificación y Desarrollo (PDS), Project Processing Counter (mostrador de procesamiento de proyectos), 5510 Overland Avenue, Suite 110, San Diego, California 92123. No se requiere una revisión pública para este proyecto; sin embargo, se aceptarán y se tomarán en cuenta los comentarios que se reciban. Los comentarios sobre esta modificación a la Ordenanza deben enviarse a la dirección del PDS mencionada arriba indicando el número y el nombre del proyecto que se indican a continuación.

MODIFICACIÓN A LA ORDENANZA DE NIVELACIÓN, DESBROCE Y CURSOS DE AGUA PDS2021-POD-21-005

La Ordenanza del Condado se adoptó inicialmente en 1996 con el propósito de establecer normas y procedimientos para permitir el movimiento de tierras (nivelación) y la eliminación de vegetación (desbroce) para garantizar la seguridad pública mediante la prevención de fallos en las pendientes y los cimientos, daños expansivos en el suelo y problemas de erosión y drenaje. La Ordenanza exige explícitamente que se cumplan todos los requisitos federales y estatales aplicables y define "nivelación" como cualquier excavación, relleno o combinación de ambos.

Como parte del compromiso del Condado para abordar la crisis de vivienda asequible en el área no incorporada de San Diego, la Junta de Supervisores del Condado (Board of Supervisors, BOS) aceptó el Informe de opciones para mejorar la asequibilidad de las viviendas en el área no incorporada (el "Informe") el 10 de octubre de 2018. Como parte de esta reunión, la BOS implementó la Acción 2.2, mediante la cual se ordenó al personal completar una actualización de la Ordenanza a través de un enfoque bifurcado que separa los permisos de desbroce agrícola de la nivelación para los proyectos de vivienda residencial.

El 19 de mayo de 2021, la Junta de Supervisores (la "Junta") le ordenó al personal que le presentara una actualización de la Ordenanza de Nivelación, Desbroce y Cursos de Agua del Condado (la "Ordenanza") en 16 meses para consolidar las regulaciones agrícolas en un solo capítulo de la Ordenanza, manteniendo los requisitos existentes, para aclarar la redacción y añadir definiciones faltantes. Cabe señalar que no se propone ningún desarrollo en la modificación de la Ordenanza.

Para la segunda parte de esta iniciativa, la Junta dio instrucciones para que se lleve a cabo una actualización exhaustiva de la Ordenanza que aborde la nivelación y el desbroce agrícolas y residenciales, incluyendo la revisión de los requisitos, los umbrales y los procesos de autorización. Esta iniciativa tomará, aproximadamente, entre tres y cuatro años en completarse, y la revisión ambiental comenzó en el año fiscal 2021-2022. Esta iniciativa comprenderá la revisión de las prácticas recomendadas, la evaluación de los beneficios y los riesgos, el análisis de los impactos ambientales en virtud de la CEQA (Ley de Calidad Ambiental de California), la divulgación al público y a las partes interesadas, entre las que se incluye usted, la redacción de la Ordenanza modificada y la presentación a la Junta para su adopción.

Los comentarios sobre la primera parte, la modificación a la Ordenanza, deben recibirse, **a más tardar, el 14 de enero de 2022 a las 4:00 p. m.** para un periodo de divulgación pública de 43 días. Estos documentos también se pueden consultar en Servicios de Planificación y Desarrollo (PDS), Project Processing Counter (mostrador de procesamiento de proyectos), 5510 Overland Avenue, Suite 110, San Diego, California 92123. Si desea obtener más información, comuníquese con Angelica Truong a angelica.truong@sdcounty.ca.gov o al (619) 323-8950.

ITO AY ISANG PAUNAWA na ang County ng San Diego (County) ay naglalayon na ipagtibay ang isang susog sa Ordinansa sa Pagga-grado, Paglilinis at mga Daanan ng Tubig (Ordinansa). Ang iminungkahing susog sa Ordinansa ay maaaring masuri sa sumusunod na pahinarya <https://www.sandiegocounty.gov/content/sdc/pds/advance/GradingOrdUpdate.html>, o sa Mga Serbisyo sa Pagpapalano at Pagpapaunlad (Planning & Development Services o PDS), Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, California 92123. Sa ilalim ng prosesong ito, hindi kinakailangan ang pampublikong pagsusuri, gayunpaman, ang anumang komentong matatanggap ay tatanggapin at isasaalang-alang. Ang mga komento sa susog sa Ordinansa ay dapat ipadala sa tanggapan ng PDS na nakalista sa itaas at dapat tumukoy sa numero at pangalan ng proyekto, tulad ng ipinapakita sa ibaba.

SUSOG SA ORDINANSANG SA PAG-GAGRADO, PAGLILINIS AT MGA DAANAN NG TUBIG PDS2021-POD-21-005

Ang Ordinansa ng County ay unang pinagtibay noong 1996 upang magtatag ng mga regulasyon at pamamaraan para sa pagpapahintulot sa paggalaw ng lupa (pagga-grado) at pag-alis ng mga halaman (paglilinis) upang matiyak ang kaligtasan ng publiko sa pamamagitan ng pagpigil sa pagbagsak ng dalisdis, pagbagsak ng pundasyon, malawak na pinsala sa lupa, at mga problema sa pagguho at pagtatapon ng tubig. Ang Ordinansa ay tahasang nangangailangan ng pagsunod sa lahat ng naaangkop na mga kinakailangan ng pederal at Estado at tinukoy ang "pagga-grado" bilang anumang paghuhukay, pagpuno, o isang kombinasyon ng dalawa.

Bilang bahagi ng pangako ng County sa pagtugon sa krisis sa abot-kayang pabahay sa hindi ingkorporadong lugar ng San Diego, tinanggap ng Lupon ng mga Superbisor ng County (Board of Supervisors o BOS) ang Ulat ng mga Opsyon upang Pagbutihin ang Kakayahan sa Pagbili ng Bahay sa Hindi Ingkorporadong Lugar (Ulat) noong Oktubre 10, 2018. Bilang bahagi ng pagpupulong na ito, ang BOS ay nagsagawa ng Aksyon 2.2, na nag-utos sa mga kawani na kumpletuhin ang isang ulat-pagbabago sa Ordinansa sa pamamagitan ng isang **bifurcated approach** na naghihiwalay sa mga permiso sa paglilinis ng agrikultura mula sa pagga-grado para sa mga proyektong pabahay.

Noong Mayo 19, 2021, ipinag-utos ng Lupon ng mga Superbisor (Lupon) sa mga kawani na balikan ang Lupon sa loob ng 16 na buwan ng isang ulat-pagbabago sa Ordinansa sa Pagga-grado, Paglilinis at Daanan ng Tubig (Ordinansa) upang pagsama-samahin ang mga regulasyon sa agrikultura sa isang kabanata sa loob ng Ordinansa habang pinapanatili ang mga kasalukuyang kinakailangan, upang linawin ang lengguwahe at idagdag ang mga nawawalang kahulugan. Dapat kilalanin na ang pag-amyenda sa Ordinansa ay hindi nagmumungkahi ng anumang pagpapa-unlad.

Para sa ikalawang Bahagi ng pagsisikap na ito, ang Lupon ay nagbigay ng direksyon upang ituloy ang isang komprehensibong ulat-pagbabago sa Ordinansa upang matugunan ang agrikultural at residensyal na paglilinis at pagga-grado kabilang ang pagsusuri sa mga kinakailangan, mga limitasyon, at mga proseso ng pagkuha ng permiso. Ang pagsisikap na ito ay aabutin ng humigit-kumulang tatlo hanggang apat na taon upang makumpleto at ang pagsusuri sa kapaligiran ay nagsimula sa taon ng pananalapi 2021 – 2022. Kasama sa pagsisikap na ito ang pagsusuri sa pinakamahusay na kagawian, pagsusuri sa mga benepisyo at panganib, pagsusuri sa mga epekto sa kapaligiran sa ilalim ng CEQA, pakikipag-ugnayan sa publiko at mga isteykholder kabilang kayong lahat, pagbalangkas ng pinagbagong lengguwahe ng ordinansa, at pagbabalik sa Lupon para sa pagpapatupad nito.

Ang mga komento sa Unang Bahagi, ang pag-amyenda sa Ordinansa ay dapat matanggap nang **hindi lalampas sa Enero 14, 2022 ng alas 4:00 ng hapon** para sa isang 43-araw na panahon ng pampublikong paghahayag. Ang mga dokumentong ito ay maaari ding suriin sa PDS, Project Processing Center, 5510 Overland Avenue, Suite 110, San Diego, CA 92123. Para sa karagdagang impormasyon, mangyaring kontakin si Angelica Truong sa angelica.truong@sdcounty.ca.gov o (619) 323-8950

ĐÂY LÀ THÔNG BÁO rằng Quận San Diego (Quận) dự định thông qua một sửa đổi đối với Sắc Lệnh San Bằng, Phát Quang và Nguồn Nước (Sắc Lệnh) của Quận. Có thể xem lại đề xuất sửa đổi Sắc Lệnh tại trang web sau <https://www.sandiegocounty.gov/content/sdc/pds/advance/GradingOrdUpdate.html>, hoặc tại Planning & Development Services (PDS), Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, California 92123. Theo quy trình này, việc xem xét công khai là không cần thiết; tuy nhiên, các ý kiến gửi tới sẽ được chấp nhận và xem xét. Các ý kiến về sửa đổi Sắc Lệnh phải được gửi đến địa chỉ của Phòng Dịch Vụ Quy Hoạch & Phát Triển (PDS) nêu trên và phải tham khảo mã số cũng như tên dự án được hiển thị bên dưới.

SỬA ĐỔI SẮC LỆNH SAN BẰNG, PHÁT QUANG VÀ NGUỒN NƯỚC

PDS2021-POD-21-005

Sắc Lệnh của Quận ban đầu được thông qua vào năm 1996 để thiết lập các quy định và thủ tục cho phép chuyển dời đất (san bằng) và loại bỏ thảm thực vật (phát quang) để đảm bảo an toàn công cộng bằng cách ngăn chặn sự cố lở dốc, vỡ móng, hư hại đất lan rộng cũng như các vấn đề xói mòn và thoát nước. Sắc Lệnh yêu cầu rõ ràng việc tuân thủ tất cả các yêu cầu hiện hành của Liên Bang và Tiểu Bang, đồng thời định nghĩa “san bằng” là các hoạt động đào đất, lấp đất hoặc kết hợp cả hai.

Là một phần trong cam kết của “Quận về giải quyết khủng hoảng nhà ở giá cả phải chăng trong khu vực chưa hợp nhất của San Diego, Hội Đồng Giám Sát của Quận (BOS) đã chấp nhận Báo Cáo về Các Phương Án Cải Thiện Khả Năng Chi Trả Nhà Ở tại Khu Vực Chưa Hợp Nhất (Báo Cáo) vào ngày 10 tháng 10 năm 2018. Là một phần của cuộc họp này, BOS đã thực hiện Hành Động 2.2, chỉ đạo nhân viên hoàn thành bản cập nhật cho Sắc Lệnh thông qua phương pháp phân nhánh tách giấy phép phát quang nông nghiệp khỏi việc san bằng cho các dự án nhà ở dân cư.

Vào ngày 19 tháng 5 năm 2021, Hội Đồng Giám Sát (Hội Đồng) đã chỉ đạo nhân viên trở lại Hội Đồng trong 16 tháng với bản cập nhật San Bằng, Phát Quang và Nguồn Nước (Sắc Lệnh) để hợp nhất các quy định nông nghiệp thành một chương duy nhất trong Sắc Lệnh trong khi vẫn duy trì các yêu cầu hiện có, để làm rõ ngôn ngữ và bổ sung các định nghĩa còn thiếu. Cần lưu ý rằng việc sửa đổi Sắc Lệnh không đề xuất thêm bất kỳ phát triển nào.

Đối với Phần 2 của nỗ lực này, Hội Đồng đã đưa ra hướng cập nhật toàn diện cho Sắc Lệnh để giải quyết vấn đề phát quang và san bằng nông nghiệp và dân cư, bao gồm việc xem xét các yêu cầu, ngưỡng và quy trình cấp phép. Nỗ lực này sẽ mất khoảng ba đến bốn năm để hoàn thành và việc đánh giá môi trường đã bắt đầu vào năm tài chính 2021-2022. Nỗ lực này sẽ bao gồm việc xem xét các thực tiễn tốt nhất, đánh giá các lợi ích và rủi ro, phân tích các tác động môi trường theo CEQA, tiếp cận với cộng đồng và các bên liên quan bao gồm tất cả quý vị, soạn thảo ngôn ngữ sắc lệnh sửa đổi và gửi lại cho Hội Đồng để duyệt.

Nhận xét về Phần 1, sửa đổi Sắc Lệnh phải được gửi tới **trước 4:00 chiều ngày 14 tháng 1 năm 2022** trong khoảng thời gian 43 ngày công bố. Các tài liệu này cũng có thể được xem xét tại PDS, Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, CA 92123. Để biết thêm thông tin, vui lòng liên hệ với Angelica Truong theo địa chỉ email angelica.truong@sdcounty.ca.gov hoặc (619) 323-8950.

Angelica Truong

Land Use/Environmental Planner III
County of San Diego- Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
☎ 619-323-8950

Roady, Jennifer

From: Truong, Angelica
Sent: Tuesday, January 04, 2022 9:03 AM
To: Roady, Jennifer
Subject: Fwd: Revisions for POD 21-005

FYI and Please save in stakeholder folder!
Thanks!

From: John Peterson <petersonenv@hotmail.com>
Sent: Tuesday, January 4, 2022 8:29:34 AM
To: Truong, Angelica <Angelica.Truong@sdcounty.ca.gov>; Becky Falk <rebalk7@gmail.com>
Subject: [External] Re: Revisions for POD 21-005

Good talking with you Angelica. I appreciate your time and patience with me.

As we discussed yesterday one thing you might consider (regarding Borrego and the 100-year flood plain is):

1. You might want to talk with DPW flood control regarding the issue.
2. I believe that there are different degrees of a 100-flood plain.
3. You have "minor sheet flooding" say anticipated flood flow depth of say less than ~2 feet versus within the proximal areas within an alluvium fan where you can have significant channeled flood flow.
4. You might be able to "better" define the 100-year flood plain for agricultural areas in Borrego to allow for areas subject to minor sheet flooding so long that diversion of the flood flow is not allowed.
5. Most of the agi in Borrego is on the distal areas of the fans and not in the proximal areas. Also, generally minor sheet flooding would not be that impactive to many agricultural activities.
6. The exemption could be based on a flood plain study to document the extent of the potential flooding on the subject agi lands.

Just an idea for you to consider.

Let me know if I can be of any assistance in the future.

JP

John Peterson

Peterson Environmental Services

California Professional Geologist #3713 Certified Hydrogeologist #90

P.O. Box 512 Borrego Springs Ca. 92004

cell 858-220-0877

From: Truong, Angelica <Angelica.Truong@sdcounty.ca.gov>

Sent: Monday, January 3, 2022 1:06 PM

To: John Peterson <Petersonenv@hotmail.com>; Becky Falk <rebalk7@gmail.com>

Subject: RE: Revisions for POD 21-005

Hi John,

Thank you for your email and Happy New Years to you as well! Yes, I do have time today to discuss, are you available around 2:30PM today?

Thank you,

Angelica Truong

Land Use/Environmental Planner III

County of San Diego- Planning & Development Services

5510 Overland Avenue, Suite 310

San Diego, CA 92123

☎ 619-323-8950

From: John Peterson <Petersonenv@hotmail.com>

Sent: Saturday, January 1, 2022 11:19 AM

To: Truong, Angelica <Angelica.Truong@sdcounty.ca.gov>; Becky Falk <rebalk7@gmail.com>

Subject: [External] Revisions for POD 21-005

Angelica: I am a member of the Borrego Springs Sponsor Group and have been tasked with the review of the proposed changes to the Grading and Clearing Ordinance.

Do you have any time on Monday for a phone call to discuss the revisions? I would appreciate it much. My specific interest concerns the impact of the changes on agricultural activities (present and future) here in Borrego.

Happy New Years to you. I am generally available most of the day on Monday.

P.S. I worked with Eric Gibson on the ordinance that was adopted in 1996. I worked in the department for 22 years.

See ya. JP

John Peterson

Peterson Environmental Services

California Professional Geologist #3713 Certified Hydrogeologist #90

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