

RCD Policy: ARP-02

**POLICIES AND PROCEDURES FOR THE
ALTERNATIVE REVIEW PROGRAM
(ARP)**

Updated by the US-LT RCD Board of Directors

September 25, 2014



Upper Salinas-Las Tablas Resource Conservation District

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NOTE:

This document is updated on a periodic basis in order to include amendments adopted by the Board of Directors. Recently adopted amendments may not yet be incorporated into this copy. Please check with Upper Salinas – Las Tablas Resource Conservation District Staff in our office 65 S. Main Street, Templeton, for information on amendments approved subsequent to the date shown on the front of this publication



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ARTICLE I – PURPOSE AND REVIEW PROCESS

Agriculture is an important part of San Luis Obispo County’s heritage. In recognition of this, the County has chosen to develop a progressive permitting system designed to offer more flexibility to agriculturalists engaged in smaller grading projects. In most cases, agricultural grading activities will not require a formal permit from the County. Instead, agricultural grading can often take place as part of an exemption, self-reporting program (“Agricultural Grading”) or through collaboration with the local Resource Conservation District (“Alternative Review”). The Alternative Review Process (ARP) is intended to provide a collaborative review process for more complex grading projects. This process allows the local Resource Conservation District (RCD) to perform the review, approval, and monitoring duties in lieu of the County. This policy document achieves the following in support of the goals and objectives of the RCD:

- a. Provides for the development of agricultural land uses in a manner that encourages and supports the goals and policies of the RCD; and
- b. Minimizes adverse effects on the public resulting from the creation, location, use or design of agricultural improvements; and
- c. Protects and enhances the unique and significant natural, historic, cultural and scenic resources within the US-LT Resource Conservation District boundary; and
- d. Implements the goals of the US-LT RCD by focusing on efforts which preserve and protect our natural resources and advocate solutions to agricultural development that focus on holistic ecosystem management; and
- e. Assists the public in identifying and understanding processes and procedures affecting the development and use of agricultural land.

1.1: ARP Process

ARP is a collaborative review process for more complex grading projects. Projects which qualify for ARP must follow the ARP process. This policy outlines the duties of the RCD as it related to the processing of agricultural grading applications through ARP. The RCD will perform the following services:

- a. Review of permit applications for agricultural grading projects
- b. Approval of permit applications and issuance of grading permits for agricultural projects approved for the ARP program
- c. Monitor issued ARP permits

Although the ARP program is established by the County of San Luis Obispo’s Grading Ordinance (22.52.080), the County does not dictate what plans need to be submitted, the timing of the review, or the monitoring process – these are all decisions made by the RCD. Generally, the complexity of the process is directly related to the complexity of the proposed project. For example, building a wide road on steep slopes may require the involvement of a civil engineer to design the plans, while a smaller project (e.g. vegetation removal) might not even require the preparation of plans.

A project that qualifies for ARP does not have to be processed through the RCD. A project that

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qualifies for ARP may still have the option to seek approval by applying for a County Grading Permit.

The **Guide to Agricultural Grading** (SLO County Planning and Building) is a good resource in determining the eligibility of projects for ARP. The document is available on the RCD web site (available at: www.us-ltrcd.org).

1.1.1: Steps in the Alternative Review Process

Steps	Applicant	RCD
1: Determine Eligibility	Use the County's Guide to Agricultural Grading or questions to RCD	Answer questions and assist in determining eligibility
2: Schedule Initial Site-visit	Discuss conceptual plans and alternatives with RCD and your engineers, planners or other professionals.	Schedule a pre-project site visit.
3: Apply to ARP	Road or pond project, contact County Ag Commissioner's office at (805) 781-5910	Assist in follow up with Ag Commissioner's office as needed
	Apply to Alternative Review Program*. Provide the following: · Completed County Alternative Review form (online) · Completed RCD supplement · Engineering plans · \$2,000 retainer for review process	Provide estimated budget and schedule Send County ARP form to County Planning Dept.
4: Complete Engineering	Have engineer complete engineering plans to meet RCD recommendations and NRCS standards for agricultural practices. Mail to RCD for final engineering review**	District Engineer reviews plans, makes recommendations and adjustments for second submittal if required
		Conduct environmental review of project impacts, complete necessary CEQA documentation
5: Implement Project	Construction can begin in accordance with the conditions of the approved engineering plan and environmental documentation. Post permit notification in visible location at project site.	Monitor erosion and sediment controls and Best Management Practices (BMPs) as needed.
6: Final Construction Inspection	Notify RCD upon project completion and schedule final construction inspection	Complete post-construction inspection and send letter of approval/denial to applicant and County.
7: Monitoring BMPs	Coordinate with RCD to schedule site visits post-construction for up to 2 years Pay final invoice within 30 days if retainer is exhausted	Monitor erosion and sediment controls/ BMPs effectiveness for up to 2 years. Once monitoring is complete, send formal summary to Client to close account.
		Send final invoice to Client and remaining retainer.

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1.2: Notification Procedures

1.2.1: Acceptance.

If the project is accepted by the RCD to be processed through the ARP, the RCD shall provide a written letter to the County and the applicant stating the project has been accepted for ARP. The letter shall include the following information:

1. Applicant Name
2. Project Name
3. ARP Project Reference Number (ex. AR-yy-## Title)
4. County Project Reference number

1.2.2: Non-acceptance.

If the project is not accepted by the RCD to be processed through the ARP, the RCD shall provide a written letter to the County and the applicant stating that the project has not been accepted for the ARP. The letter shall include the following information:

1. Applicant Name
2. Project Name
3. ARP Project Reference Number (ex. AR-yy-## Title)
4. County Project Reference Number
5. Reason for non-acceptance

ARTICLE 2 – PROJECT ELIGIBILITY

Only certain types of Agricultural grading activities are eligible for the ARP process. Projects are eligible if: (1) the project meets all of the requirements set forth in Section 22.52.080 of the San Luis Obispo County Code (hereafter, “County Code”), (2) the San Luis Obispo County Planning and Building Department (hereafter, “Planning Department”) and the RCD verify the project qualifies for

ARP and accept the project into ARP, and (3) the San Luis Obispo County Agricultural Commissioner’s Office makes a written determination that the use justifies the project.

2.1: Qualifying factors for the ARP process

Per County Code Section 22.52.080 projects that meet the standards and guidelines listed in the County’s grading ordinance for ARP eligible projects must be reviewed and approved by the County and the County Ag Commissioner before the RCD can accept the project for processing. In order for the RCD to consider acceptance of the project into ARP, the project must meet the following minimum standards:

- a. The project is able to meet Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG) practice standards.
- b. The project implements, to the extent feasible, natural resource protection and enhancement measures.

Even after the project is approved by the County and the Ag commissioner as eligible for ARP, the



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RCD may choose not to process a project for the ARP if any of the following conditions apply:

- a. The project has the potential to create a significant environmental impact.
- b. Insufficient staff and/or contract resources are available to complete environmental or engineering review.
- c. A litigation potential is significant enough to be considered an inordinate financial risk to the RCD.
- d. The project is a previous violation of the County Code and has caused a environmental concern that may require mitigation.

The RCD has 60 days from the date of County verification to accept or not accept a project to be processed through ARP, upon which time the RCD shall provide written verification to the County and the applicant of its decision.

The following Agricultural activities are listed as eligible for ARP in the County's grading ordinance.

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

ARTICLE 3 – PERMITS

3.1: General Permit Standards:

The following are minimum standards which all grading activities must adhere to:

- a. Use Good Practices – Sound Agricultural management practices must be employed.
- b. Don't create a hazard – Don't create conditions which could be hazardous to life or property. c. Control Erosion – Use appropriate erosion and sedimentation control measures.
- d. Be mindful of drainage – Ensure that drainage patterns will mimic historical drainage and will not impact neighboring properties.
- e. Obtain State and federal permits – If your project requires a State or Federal permit (e.g. work in a stream), you are responsible for obtaining all necessary permits.
- f. Know what you are doing – If you are not experienced with cultivation activities or other grading activities, consider consulting with the local Natural Resource Conservation Service (NRCS) or Resource Conservation District (RCD) office for guidance.

3.2: Permit Types

3.2.1: Vineyards and orchards on steep slopes

Grading to accommodate orchards or vineyards (and associated drainage improvements) on steep slopes in excess of 30 percent. Grading covered under this provision includes creation of hillside benches or other appropriate methods for planting orchards/vineyards on steep slopes. Orchards and vineyards on slopes of no more than 30 percent may be authorized as described in "Grading to create a new field" in the County's *Guide to Agricultural Grading*.

3.2.2: Removal of vegetation to open up new lands to Grazing 1 acre or more, slopes exceeding 30%

Vegetation removal of 1 acre or more on slopes exceeding 30% qualifies for the alternative review process.

3.2.3 *New agricultural roads*

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

Minimum requirements:

Cannot provide access to structures – If the road you are proposing provides access to a structure, a grading permit will be required. The exception would be if access is provided only to an agricultural exempt structure.

Must be appropriate to the agricultural use – The agricultural road must be sized appropriately for the existing or proposed agricultural use. The Agricultural Commissioner will review all road proposals to ensure compliance with this requirement. Roads determined to be too large for the agricultural use will be required to obtain a grading permit.

Must be in Agriculture, Rural Lands, or Residential Rural – Agricultural roads must be zoned Agriculture (AG), Rural Lands (RL), or Residential Rural (RR). For roads proposed on RR zoned land, the road must serve an existing agricultural use.

Special attention must be given to drainage and erosion control – Roads are the most common cause of erosion and sedimentation amongst all agricultural grading practices.

Special attention must be given to erosion and drainage concerns in designing the proposed road.

3.2.4: *Widening/lengthening an existing agricultural road (outside of fields)*

Typically agricultural roads have a traveled width of between 12 and 16 feet, however this is not a requirement. This procedure also applies to existing agricultural roads which are being widened, lengthened, or otherwise increased in capacity.

Minimum requirements:

Cannot provide access to structures – If the road you are proposing provides access to a structure, a grading permit will be required. The exception would be if access is provided only to an agricultural exempt structure.

Must be appropriate to the agricultural use – The agricultural road must be sized appropriately for the existing or proposed agricultural use. The Agricultural Commissioner will review all road proposals to ensure compliance with this requirement. Roads determined to be too large for the agricultural use will be required to obtain a grading permit.



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Must be in Agriculture, Rural Lands, or Residential Rural – Agricultural roads must be zoned Agriculture (AG), Rural Lands (RL), or Residential Rural (RR). For roads proposed on RR zoned land, the road must serve an existing agricultural use.

Special attention must be given to drainage and erosion control – Roads are the most common cause of erosion and sedimentation amongst all agricultural grading practices. Special attention must be given to erosion and drainage concerns in designing the proposed road.

3.2.5: Drainage improvements for new fields/rangeland exceeding 30% Slope

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

Minimum requirements:

Importation of sand/gravel is allowable – Importation of sand and gravel is acceptable if used exclusively for drainage improvements.

3.2.6: Recreational trails

Trails are not defined in the grading ordinance and are treated the same as new agricultural roads.

3.2.7: Ponds/dams/reservoirs

Ponds, dams, and reservoirs are features which can be used to provide irrigation, a water source for livestock, for frost protection, and for other agricultural purposes. By default, most ponds will require Alternative Review. Only those ponds which are small (less than 1 acre-foot) and built entirely below grade may qualify for the less intense “agricultural grading” process. Ponds for recreational or aesthetic purposes require a County Grading Permit.

Reservoirs, ponds, or basins, with a storage capacity of 15 acre-feet or more and a dam height of 25 feet or more; or with a storage capacity of 50 acre feet or more and a dam height of 6 feet or more are subject to the jurisdiction of the Division of Dam Safety of the California Department of Water Resources.

Minimum requirements:

Any pond, reservoir, or basin which catches and retains surface drainage or riparian underflow shall have applicable water rights entitlements from the California Department of Water Resources. Ponds, reservoirs, and dams are subject to the following standards:

Location. The proposed site of the pond, reservoir or dam shall not be:

Identified on any U.S. Geological Survey map as a lake, marsh, or solid or broken "blue line" stream unless the project has been reviewed subject to CEQA and determined not to contain significant adverse impacts to the aquatic or riparian resources.



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In a location identified on any published geologic or soils maps on soils prone to slip or slide.

Required reports. The Director, in granting a permit for construction, may require supporting geological and geotechnical engineering reports as deemed necessary for the safe design and construction of such facility. A report from a civil engineer certifying that construction of the facility has been completed in conformity with the approved plans and specifications and this Chapter may be required.

Located outside of a watercourse – Ponds qualifying under the “agricultural grading” procedure must be located entirely outside of any watercourse or water body as identified on a USGS map. Ponds located in these areas may be permitted through the Alternative Review process, but will also likely require permits from state and federal resource agencies.

3.2.8: Waste management systems

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

3.2.9: Restoration in / near streams

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

Minimum requirements:

No other permitting agency is the lead agency for the project.

Work occurring within a watercourse in most situations will trigger the jurisdiction of at least one state or federal agency. It is highly recommended that resource agencies be contacted.

3.2.10: Importation or exportation of material more than 2,000 cubic yards

Minimum requirements:

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

3.3: Findings for Approval

All projects must meet all of the following criteria to be approved for a permit:

- a. The proposed grading design meets Natural Resources Conservation Service (NRCS) Field Office

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Technical Guide (FOTG)
criteria.

- b. The proposed grading design is consistent with the characteristics and constraints of the site.
- c. The extent and nature of proposed grading is appropriate for the use proposed and will not create site disturbance to an extent greater than that required to establish use.
- d. Proposed grading will not result in accelerated erosion, stream sedimentation, significantly reduced groundwater recharge or other adverse effects or hazards to life or property.
- e. Proposed erosion and sedimentation control measures are appropriate for the degree of site disturbance proposed and characteristics of the site and will result in the establishment of a permanent vegetative cover on denuded areas not otherwise permanently stabilized.
- f. The project, as proposed, will not cause a significant environmental impact.

3.4: Time Limits

- a. An approved permit is valid for one year from the date of permit issuance, unless an extension has been requested and approved by the RCD.
- b. A permit application that has not received approval and has been inactive or put on hold for more than 6 months is subject to re-submittal.

ARTICLE 4 - PERMIT APPROVAL, ISSUANCE, INSPECTION, AND FINAL

4.1: Permit Approval

All ARP projects are approved by the Executive Director. No project shall be approved until the Executive Director has made an environmental Determination pursuant to the State CEQA guidelines and RCD Policy CEQA-1.

4.2: Permit Posting Required

Issued permits must be posted on the project site at a location viewable from a public right-of-way. Failure to properly post an issued permit may result in additional inspection fees.

4.3: Permit Inspections

All inspections will be completed by RCD staff or a qualified consultant designated by the RCD for such services. The applicant shall be responsible for notifying the RCD that the project is ready for inspection. A list of required inspections will be included on your permit card.

4.4: Notice of Completion

The permit holder shall notify the RCD when the project is ready for final inspection. Final approval shall not be given until all work, including erosion and sedimentation control measures, and best management practices have been completed in compliance with the final approved plans.

ARTICLE 5 - RIGHT TO APPEAL

An applicant may appeal an environmental determination, decision to send the project back to the County for processing, or any other permit related determination by filing an appeal, in writing, within fifteen

(15) calendar days after the determination, using the form provided by the Executive Director in addition to any other supporting materials that the applicant may wish to furnish. If a formal notice of determination is published or mailed after the date of the determination, the fifteen (15) days shall run from the date of publication or mailing.

If the applicant files an appeal, the Executive Director will prepare a report and schedule the matter for consideration before the RCD Board of Directors at its next available meeting after completion of the report. At the hearing, the applicant may present information and testimony. The Board of Directors may affirm, affirm in part, or reverse the decision of the Executive Director.

If the Board of Directors affirms in part or reverses the decision of the Executive Director, such determination shall be binding on the Executive Director only to the extent that the project description, environmental setting, and evidence in record remain consistent with that presented to the Board at the previous public hearing. If such description, setting, or evidence changes, the Executive Director shall exercise the discretion required by CEQA, the State CEQA Guidelines, and this policy document to reevaluate the project.

In the event new information becomes available, a decision by the Board of Directors to direct that a project be processed by the RCD or be processed with modified or eliminated mitigation measures shall not be binding on any subsequent decision maker(s). Such decision maker(s) shall exercise independent judgment as to the adequacy of any proposed Environmental Determination.

ARTICLE 6 – TERMINATION OF RCD REVIEW

6.1: Either Party

ARP may be terminated at any time by either party effective immediately upon notice or by mutual agreement of the parties.

6.2: RCD Termination:

If at any point in ARP, the Executive Director of the RCD (hereafter, “Executive Director”) determines the project described herein does not meet the requirements enumerated above or there is a substantial likelihood the project will not meet the requirements set forth in County Code Section 22.52.080, the RCD may unilaterally discontinue processing the permit (regardless of the timing of said determination) and terminate the project Landowner Agreement by sending a Notice of Termination to the Landowner. Upon RCD’s termination of the Agreement, and after the expiration of Landowner’s appeals period, RCD will refer the project to the Planning Department for further processing.



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Common reasons for the RCD to terminate the processing of a project through ARP include, but are not limited to, the following:

1. There is a change in project scope;
2. The project has the potential to create a significant environmental impact;
3. Insufficient staff and/or contract resources are available to complete environmental or engineering review;
4. Litigation potential is significant enough to be considered an inordinate financial risk to the RCD;
5. The project is a previous violation of the County Code and has caused a significant environmental impact that may require significant mitigation;
6. The landowner fails to incorporate all reasonable measures to ensure against erosion and sedimentation; or
7. The landowner fails to comply with any of the permit requirements established by the RCD.

6.3: Restore and Correct

Sites where ground has been broken shall be restored to its original condition or hazardous conditions corrected to the satisfaction of the Director.

6.4: Notice by the RCD

If the project is determined to be ineligible by the RCD to be processed through the ARP, the RCD will provide a written letter to the County and the applicant stating the project has been determined to be ineligible for the ARP. Staff will provide the County with any information they have obtained for purposes of processing the permit and any review and/or inspection information completed up to the decision date.

6.5: Right to appeal termination of Landowner Agreement

A Landowner may appeal the decision of the Executive Director to terminate this Agreement by filing an appeal within fifteen (15) days of the date of the Notice of Termination, using the form provided by the Executive Director in addition to any other supporting materials the Landowner may wish to furnish. If Landowner files an appeal, the Executive Director will prepare a report and schedule the matter for consideration before the RCD Board of Directors at its next available meeting after completion of the report. At the hearing, the Landowner may present information and testimony. The Board of Directors may affirm, affirm in part, or reverse the decision of the Executive Director

ARTICLE 7 - APPLICATION REQUIREMENTS

7.1: Application Fees

The RCD charges on a time and materials basis for all ARP applications. Fees will be determined based on the going rate for any staff or consultants hired by the RCD who perform any part of the permit review or preparation of documents or plans which assist in the permit review process. Consultant services may include, but are not limited to:

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- Environmental studies initiated by the RCD
- Engineering services
- Preparation of environmental documents

An initial retainer in the amount of \$2000 shall be submitted to the RCD with the ARP Landowner Agreement. RCD Staff will bill to the retainer and notify the applicant when a balance of approximately \$500 remains. Additional fees will be required before any further work can be completed related to the review and/or monitoring of the permit application. Failure to provide the necessary fees will result in the permit being placed on hold. Permits placed on hold shall be subject to the expiration timelines outlined in Article 9 of this policy document. If no further work is required, the remaining balance will be given back to the applicant. However, if further work is needed, the applicant will then be required to replenish the retainer to bring the balance back to \$2000.

7.2: Grading Plan Requirements

Non-Engineered grading plans may be prepared by anyone who can accurately provide the necessary information for the application, grading plan, erosion and sedimentation control plan, drainage plan, and stormwater pollution prevention plan. This may include the applicant, a draftsman, designer, certified sedimentation and erosion control specialist or licensed individuals as appropriate.

Engineered grading plans (as defined by subsection 5.3.) may be prepared only by professionals licensed by the State of California to prepare grading and drainage plans.

7.2.1: Grading Plan Content

Grading plans shall include, but not be limited to, the following content:

- a. Scope of work, vicinity map and project contacts
- b. List of applicable NRCS Practices
- c. Engineer stamp & “wet” signature and line for District Engineer signature (if applicable)
- d. Assessor's Parcel Number and street address for where the project is located.
- e. A list of reports prepared for project (Geotechnical Engineering, Soils, Biological, etc)
- f. A scaled site plan for all proposed improvements
- g. Plan & profile for all roads (include encroachment plans & details where connecting to public roads)
- h. Plan and cross sections for all ponds, reservoirs & basins. Include storage volumes, free board, emergency overflow, surface area)
- i. Plan and cross sections for all streambank protection measures, channel stabilization, and conservation, restoration and enhancement Projects
- j. Plans & details for all wastewater systems, trails & recreation enhancement projects
- k. Notes, details & specifications for all aspects of the project
- l. A work schedule, including a proposed grading schedule and construction sequence and proposed timing and application of all erosion and sedimentation control.
- m. A list of the inspections required.
- n. Existing or natural ground contours, and proposed ground contours at intervals of two feet for

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- area to be graded and twenty feet for the remainder of site.
- o. An estimate of the volume of earth to be moved, expressed in cubic yards.
 - p. An estimate of the total area of site disturbance, expressed in square feet. This total shall include all vegetation removal in addition to soil disturbance.
 - q. Amounts of cut and fill and the location of site(s) to receive fill and borrow sites.
 - r. The location of all existing and proposed surface and subsurface drainage ways and drainage systems.
 - s. For some projects, a civil engineering report, soil engineering report, and/or other reports may be necessary. Reports shall be prepared by qualified professionals with experience in report preparation and grading plan implementation. Recommendations included in the reports shall be incorporated into the grading plan.
 - t. An erosion and sedimentation control plan, including temporary protective measures to be taken during construction and permanent measures to be implemented after construction.
 - u. Additional plans, drawings, calculations, or information deemed necessary by the RCD to adequately review, assess, and evaluate the proposed project's impacts and to show that the proposed work conforms to the requirements of ARP.

7.3: Engineered Grading Plan Requirements

Engineered grading plans shall be prepared and signed and sealed by a qualified, registered civil engineer or other qualified professional licensed by the state to perform such work, and shall include the minimum content requirements listed in 5.2.1. Engineered grading plans are required when one or more of the following circumstances exist:

- a. The grading will involve 5,000 cubic yards or more (cumulative).
- b. The grading involves site work on slopes of 20 percent or greater.
- c. The proposed grading is located within a Geologic Study Area or Flood Hazard area.
- d. The RCD has cause to believe that geologic hazards may be involved.

7.4: Landowner Agreement

The applicant shall submit a signed Landowner Agreement to the RCD before the review process may begin. The Landowner agreement outlines the RCD's responsibilities and program limitations in addition to the responsibilities of the landowner/applicant.

ARTICLE 8 – ENVIRONMENTAL REVIEW

8.1: Review Requirements

All ARP permit applications are to be reviewed for an environmental determination in compliance with the California Environmental Quality Act (CEQA). This section does not apply to those applications that are deemed exempt from the provisions of CEQA in compliance with section 15304, 15333, or 15061(b)(3) of the State CEQA Guidelines.



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8.2: Exempt Applications

Exempt applications under Section 15304 of the State CEQA Guidelines include those that propose grading on terrain with slopes less than 10 percent, will involve less than 5,000 cubic yards of earthwork, do not involve site work in a waterway or wetlands, and are not located within a Sensitive Resource

Area. Exempt applications under Section 15333 of the State CEQA Guidelines include small habitat restoration projects.

Exempt applications under Section 15061(b)(3) of the State CEQA Guidelines include those projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

8.3: Project Approval

Unless exempt, no action shall be taken to approve, conditionally approve, or deny a permit application until it is:

- a. Accompanied by a written determination made by staff or a qualified consultant that the project is exempt from the provisions of CEQA: or
- b. Accompanied by a duly issued and effective negative declaration.

8.4: Determination of Potentially Significant Impact / Termination of ARP Review

If, during the environmental review, it is determined that the project may cause a significant environmental impact, the project must obtain a grading permit through the County Planning and Building Department.

8.5: Determination of project status/ Collection of CDFW fees

If an ARP project is subject to environmental review, staff will determine whether the project qualifies for an exemption or whether an initial study is required to determine the significance level of any potential impacts.

If a project does not qualify for a statutory or categorical exemption under the provisions of the California Environmental Quality Act (CEQA), and a Negative Declaration is filed for the project, the RCD is required to collect fees required by the California Department of Fish and Wildlife (CDFW) for their review. RCD staff will collect the required fees prior to recording the Notice of Determination with the County Clerk. As this fee can be updated regularly, please refer to the CDFW website for additional information or ask RCD staff for assistance in finding this information.

8.6: CEQA Process and Procedures

The RCD's policies and procedures related to the processing and review of environmental impacts under the provisions of CEQA can be found in the RCD's *CEQA-1: Guidelines for the Implementation of the California Environmental Quality Act* policy document. Please refer to this document for additional information regarding environmental review of your project.

ARTICLE 9 - PERMIT/ PROJECT EXPIRATION

9.1: Permits under review

A permit application that has not received approval and has been inactive or put on hold for more than 6 months is subject to the following re-instatement requirements.

- a. A re-instatement fee may be required, as set b the RCD Executive Director for time and services related to determining the status of code and policy updates related to the proposed project.
- b. Based on staff's policy and code analysis, additional permit reviews may be necessary. The applicant will be responsible for the payment of such fees associated with additional reviews.
- c. If staff determines that new environmental information is available which was not addressed in the previous environmental review completed for the project, a new initial study and environmental determination will be required. The applicant will be responsible for all fees associated with additional project processing and will be responsible for providing any additional studies necessary to complete a revised environmental review.

9.2: Issued Permits

An issued permit is valid for one year from the date of permit issuance, unless an extension has been requested and approved by the RCD.

- a. Permits which have not been started within a year of permit issuance shall be cancelled and the RCD shall notify the applicant and County that the permit is no longer valid.
- b. Permits which have begun but which have not been completed, and for which no time extension has been issued, will be referred to the County for code enforcement action. The RCD will notify the applicant and the County of the permits delinquent status. All permit review and inspection fees for services performed to date will remain payable to the RCD.

9.3: Re-application

If an ARP project under review has expired, or if an issued permit has expired for which work has not begun, the applicant may submit a new application to the RCD for review and approval. The RCD will determine if any applicable codes have changed between the time the original application was submitted and the time of re-application. If codes and standards have changed, the applicant will be responsible for all fees associated with additional review and processing of the project.

If an issued ARP permit for which work has begun has expired, it will be at the discretion of the County and the RCD whether or not the application can be re-submitted through the ARP process.