

ORDINANCE NO. 3483

AN ORDINANCE AMENDING TITLE 8 AND TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE HEALTH AND SANITATION ORDINANCE AND THE LAND USE ORDINANCE, TO REQUIRE "WATER NEUTRAL" PLANTING PERMITS AND ALLOW A 25-ACRE FEET-PER-YEAR EXEMPTION PER SITE FOR NEW OR EXPANDED CROP PRODUCTION IRRIGATED FROM GROUNDWATER WELLS WITHIN THE PASO BASIN LAND USE MANAGEMENT AREA (PBLUMA) ("PBLUMA PLANTING ORDINANCE" LRP2021-00001)

The Board of Supervisors of the County of San Luis Obispo, State of California, does ordain as follows:

SECTION I: That Section 8.40.030 of Title 8 of the San Luis Obispo County Code be amended as follows:

8.40.030 – Acts Prohibited, permit required.

- c. No person shall construct, repair, modify or destroy any well bore hole, well casing, or well packing or conduct any site grading or fill activities in conjunction with the construction, repair, modification or destruction of any well bore hole, well casing, or well packing without first satisfying all applicable provisions of Section 22.30.204205 of this code (~~New or Expanded Irrigated Crop Production Overlying the Paso Robles Groundwater Basin, excluding the Atascadero Sub-basin~~ Crop Production Irrigated from Groundwater Wells within the Paso Basin Land Use Management Area), where applicable, and Sections 22.05.030 et seq. or Sections 23.05.020 et seq. of this code (grading), which may include the necessity of obtaining an ~~Agricultural Offset Clearance~~ a planting permit or a grading permit from the county department of planning and building in addition to the permit required by this chapter. Without limiting the foregoing, no person shall be issued a permit to construct a groundwater well located within the Paso Basin Land Use Management Area to irrigate new or expanded plantings where said plantings do not meet the requirements of Section 22.30.205 and where the necessary planting permit or exemption has not first been approved.

SECTION II: That Section 8.40.040 of Title 8 of the San Luis Obispo County Code be amended as follows:

8.40.040 – Permits.

- a. Applications. Applications for permits shall be made to the health officer and shall

include the following:

2. Evidence of compliance with Section 22.30.204205 of this code (~~New or Expanded Irrigated Crop Production Overlying the Paso Robles Groundwater Basin, excluding the Atascadero Sub-basin~~ Crop Production Irrigated from Groundwater Wells within the Paso Basin Land Use Management Area), where applicable;

SECTION III: That Section 22.06.030 of Title 22 of the San Luis Obispo County Code be amended as follows:

22.06.030 – Allowable Land Uses and Permit Requirements

TABLE 2-2 – ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)(10)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific Use Standards
	AG(8)	RL	RR	RS	RSF	RMF	
AGRICULTURE, RESOURCE, AND OPEN SPACE USES							
Crop Production and Grazing	A2	A2	A2	A2	A2	A2	<u>22.30.200, 22.30.204205, 22.30.244</u>
Nursery Specialities	A2	A2	A2	A2			<u>22.30.205, 22.30.310</u>

LAND USE (1)(2)(10)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
AGRICULTURE, RESOURCE, AND OPEN SPACE USES								
Crop Production and Grazing	A2	A2	A2	A2	A2	A2	A2	<u>22.30.200, 22.30.204205, 22.30.244</u>
Nursery Specialties		A2	A2	A2				<u>22.30.205, 22.30.310</u>

SECTION IV: That Section 22.06.040 of Title 22 of the San Luis Obispo County Code be amended as follows:

22.06.040 – Exemptions from Land Use Permit Requirements

E. Agricultural uses:

3. **Crop production and grazing.** No land use permit is required for crop production, provided that industrial hemp cultivation is subject to the standards of Section 22.30.244, and new and expanded crop production irrigated from groundwater wells within the Paso Basin Land Use Management Area is subject to the standards of Section 22.30.205 ~~where an Agricultural Offset Clearance is required for New or Expanded Irrigated Crop Production using water from the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as shown in Figure 6-4.~~ No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties – Intensive).

SECTION V: That Section 22.30.200 of Title 22 of the San Luis Obispo County Code be amended as follows:

22.30.200 – Crop Production and Grazing within Urban or Village Areas.

This Section applies to crop production and grazing activities when located within an urban or village reserve line. This Section does not apply to the keeping of animals for personal use, which is included under Section 22.30.090 (Animal Keeping).

- A. **Crop production.** The continuance or establishment of crop production activities on land within an urban or village reserve line is not limited by this Title except as provided in Section 22.30.205.
- B. **Grazing.** Grazing operations shall not be established within an urban or village area after the effective date of this Title except in an Agriculture category, or a Residential category where the keeping of animals is in compliance with Section 22.30.090 (Animal Keeping), or is on a site of 20 acres or larger.

SECTION VI: That Section 22.30.204 of Title 22 of the San Luis Obispo County Code will terminate on ~~January 31~~ March 1, 2023, in accordance with subdivision H. of that section, and shall be rescinded in its entirety on that date.

~~**22.30.204 – New or Expanded Irrigated Crop Production Using Water from the Paso Robles Groundwater Basin, Excluding the Atascadero Sub-basin.**~~

SECTION VII: That Section 22.30.205 of Title 22 of the San Luis Obispo County Code be added as follows:

22.30.205 – New or Expanded Crop Production Irrigated from Groundwater

Wells within the Paso Basin Land Use Management Area

A. **Applicability.** This section applies to new or expanded production agriculture irrigated from groundwater wells located within the Paso Basin Land Use Management Area (“PBLUMA”), as shown in Figure 30-1.

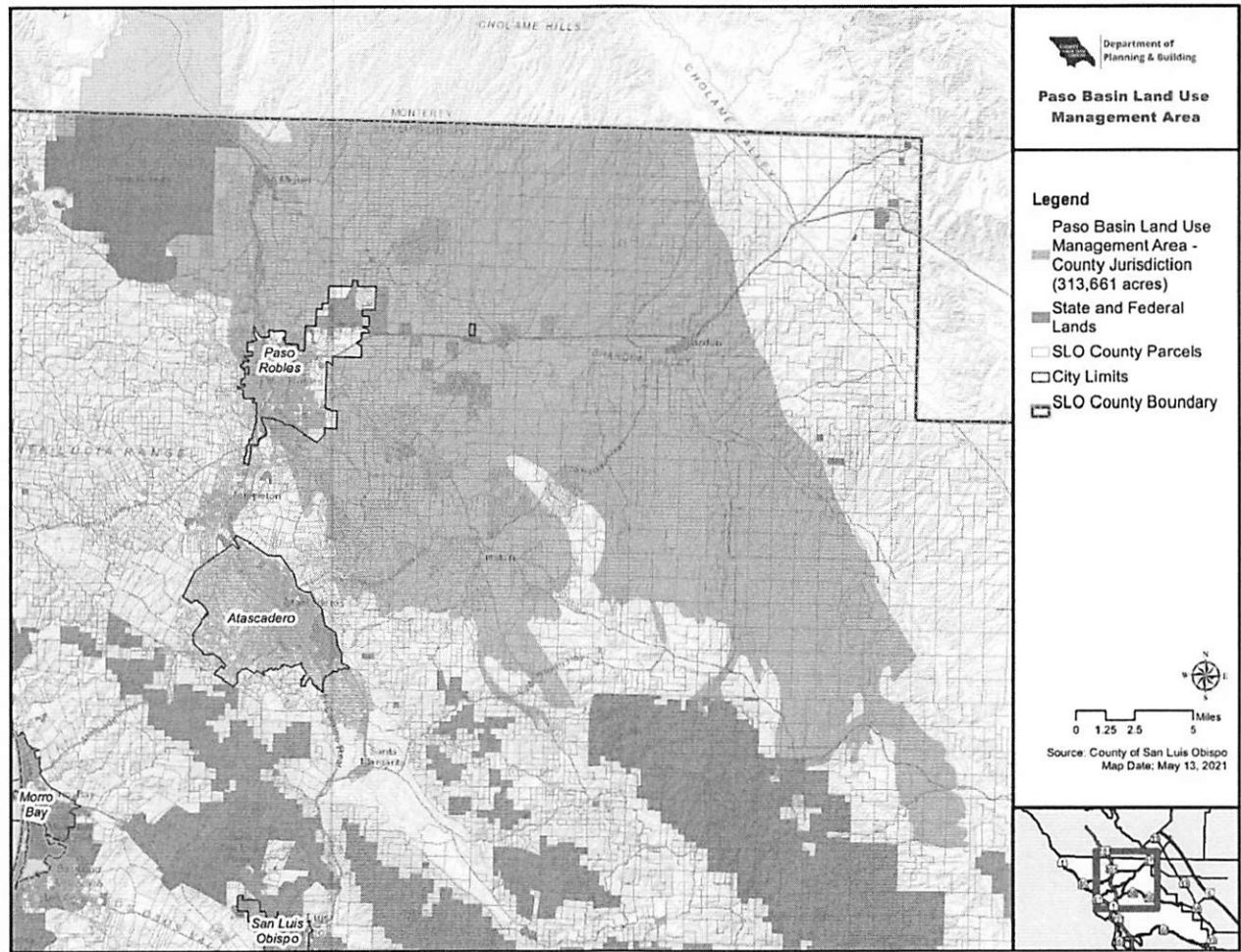


Figure 30-1: Paso Basin Land Use Management Area (“PBLUMA”)

1. **Dryland Crops.** This section shall not apply to new or expanded planting of dryland crops such as wheat, barley, and oats that are typically rainfed in North County with occasional supplemental irrigation. However, supplemental irrigation for dry farm crops from groundwater wells within the PBLUMA may be claimed as historic on-site water usage for a planting permit application to allow water-neutral conversion to a new crop type, if sufficient evidence of historic groundwater use can be provided by the applicant, per

Section G below.

2. **Replanting Same Crop Type and Acreage.** This section shall not apply to the replanting of the same crop type and acreage for crops in production within the six years preceding the effective date of this section (January 31 March 1, 2023), including subsequent replanting of the same crop type and acreage anywhere on the same site, if the crops were planted in compliance with the Agricultural Offset Requirements previously in place, both under the Urgency Ordinance (August 27, 2013 – August 27, 2015) and the Agricultural Offset Ordinance (November 27, 2015 – January 31 March 1, 2023). Subsequent changes in crop type or acreage shall be subject to this section.

B. Intent.

1. This section is intended to exercise the County's land use authority to regulate planting of production agriculture irrigated from groundwater wells within the PBLUMA.
2. This section is also intended to allow farms to plant irrigated crops that were not able to under the Agricultural Offset Requirements (former Section 22.30.204), that were initially adopted as an urgency ordinance on August 27, 2013 and then as a limited-term permanent ordinance effective November 27, 2015 through January 31 March 1, 2023.
3. This section is not intended to incentivize the conversion of historic grazing and dryland farming areas (which may contain many individual parcels under common ownership) to irrigated crop production. Therefore, allowed exemptions are based on site configuration as of the effective date of this section.

C. Definitions. As used in this section:

1. "New or expanded crop production" means a change in crop type or acreage from what is currently in cultivation.
2. "Pasture (irrigated)" (as defined in Chapter 22.80) means grazing of livestock on irrigated grasses or grass mixes, such as with clover. Pasture (irrigated) is not harvested for use as hay or silage; it is only used for grazing by animals on site.
3. "Site" means any legal lot or parcel of land or contiguous combination thereof having the same owner, the same lessee, or the same controlling entity in existence on the effective date of this section.

D. Planting permit or exemption verification required for new or expanded

planting of crops irrigated from groundwater wells within the PBLUMA. No person shall plant new or expanded crops irrigated from groundwater wells within the PBLUMA without first obtaining a planting permit or exemption verification as provided in this section. Planting of new or expanded crops irrigated from groundwater wells within the PBLUMA that do not meet the requirements for a planting permit or exemption shall not be allowed.

1. **Planting Permit.** The Department shall issue planting permits only to allow plantings that have a total annual water demand equal to or less than the annual water demand on site during the six year lookback period preceding the planting period for new or expanded crops (see Section H. Time Limits and Extensions below) based on the water demand estimation methodology in Section G.

A planting permit is a ministerial land use permit approved by the Department authorizing a new or expanded crop production land use. A planting permit shall be the equivalent of a Zoning Clearance subject to the provisions in the Land Use Ordinance that are applicable to Zoning Clearances (e.g., approval authority, enforcement), except for the following:

- a. Planting permit application requirements are listed in Section F of this section and are not those listed in Section 22.62.030.A;
 - b. Planting permit time limits and extensions are outlined in Section H of this section and are not those listed in Section 22.64.060 and Section 22.64.070, except as referenced.
2. **Exemption.** An exemption is allowed for plantings that require up to 25 acre-feet per year (AFY) of total water demand per site, including crops in production as of the effective date of this section, based on the water demand estimation methodology in Section G. An exemption verification from the Department is required prior to planting.

An exemption verification is a statement in writing from the Department that a site meets the exemption requirements of this section and may plant per the submitted and approved planting plan. An exemption verification is not a land use permit and does not run with the land if a property is conveyed. The exemption verification is not a land use entitlement. ~~This section~~An exemption is required only ~~applies to~~for new or expanded plantings. Upon a change of ownership, ~~so~~ new owners may continue irrigating ~~the~~a crop planted by the previous owner without approval being required under this section in accordance with a previously approved exemption and planting plan.

E. Procedures. The following procedures apply to both planting permits and exemptions:

1. **Approval Criteria.** The Department may issue a planting permit or an exemption verification only when all the following criteria have been met:
 - a. Applicant provides a complete application per Section F below; it is the responsibility of the applicant to provide all required information, otherwise the Department shall not approve the planting permit or exemption verification; and
 - b. If applicable, the proposed planting would not cause a site to be out of compliance with the provisions of any existing Williamson Act land conservation contract for the property and County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act of 1965.
2. **Revisions.** The applicant shall contact the Department to request revisions to application information, such as the proposed planting plan or planting period. The Department must approve changes in writing before planting may proceed.
3. **Final Site Inspections.** The applicant shall contact the Department to request a final site inspection once the allowed planting is completed. The Department shall confirm in writing after a final site inspection that the planting is in accordance with the most recent approved planting plan on file with the Department.
4. **Annual Site Inspections.** The Department may conduct annual site inspections for sites with an approved planting permit or exemption verification while this section remains in effect to monitor the planting status and mitigation measure implementation before and after confirmation of final planting. Site visits shall be scheduled in advance with the property owner or authorized agent.
5. **Outstanding Agricultural Offset Clearances and Exemptions.** Persons with Agricultural Offset Clearances/ Exemptions approved by the Department under the Agricultural Offset Requirements prior to the effective date of this section that have not yet completed planting shall be issued a planting permit or exemption verification with a planting period that begins on the effective date of this section in accordance with Table 1. The landowner may request a later planting period start date if it is within six years of the irrigation stop date.

Table 1: Agricultural Offset Clearances/Exemptions Honored Under This Section

<u>Agricultural Offset Clearance/Exemption Type</u>	<u>Planting Permit/Exemption¹</u>
<u>5 AFY Exemption</u>	<u>Exemption Verification</u>
<u>Replanting/Continuation/Existing Crops Exemption</u>	<u>Planting Permit</u>
<u>On-Site & Off-Site Offset Clearance</u>	

1. The owner may submit a new exemption verification application to increase the estimated water demand on site up to 25 AFY total, subject to Department review and approval for compliance with the provisions of this section.

6. **Dust Control [Mitigation Measure AQ-1].** On individual planting sites that have been uncultivated for 10 years or more preceding the date of application, the planting permit applicant and/or property owner shall maintain unpaved roads, driveways, and/or parking areas with a dust suppressant (consistent with the "Approved Dust Suppressant" section of the San Luis Obispo Air Pollution Control District's [SLOAPCD] CEQA Handbook) such that fugitive dust emissions do not exceed SLOAPCD's 20 percent opacity limit for greater than 3 minutes within any 60-minute period (SLOAPCD Rule 401) or prompt nuisance violations (SLOAPCD Rule 402). To improve the dust suppressant's long-term efficacy, the planting permit applicant and/or property owner utilizing the planting ordinance shall also implement and maintain design standards to ensure vehicles that use unpaved roads are physically limited (e.g., speed bumps) to a posted speed limit of 15 miles per hour (mph or less). Department staff may verify compliance with this section during annual site inspections.

7. **Groundwater Use Reporting [Mitigation Measure UTIL-1].** Applicants for planting permits and exemption verifications shall comply with the requirements of a County GSA-approved groundwater extraction measurement program which shall require all non-de-minimis groundwater pumpers to measure and report their monthly groundwater extractions annually and use a groundwater extraction water measuring method approved by the County GSA. In the event that a County GSA-approved groundwater extraction measurement program is not established, then the planting permit applicant shall install well meter(s) in accordance with County standards to measure all groundwater used to irrigate plantings allowed by a planting permit or exemption under this section prior to beginning irrigation

of the new or expanded plantings. The property owner or responsible party designated by the property owner must read the water meter and record the water usage on or near the first day of the month with a date-stamped photo or other date verification method, maintain monthly meter records, and submit an annual report of groundwater usage to the County of San Luis Obispo, Department of Planning & Building. The metered groundwater use for irrigation shall not exceed the estimated annual water demand based on the methodology in Section G, subject to the enforcement provisions of Chapter 22.74.

The following procedure applies only to planting permits:

8. **Recorded Notice.** Within 30 days of the issuance of a planting permit, the Department shall record a disclosure notice with the County Clerk-Recorder for all associated parcels and shall record a revised notice for any subsequent changes to the application within 30 days of the revision approval.

F. Application Requirements.

1. **Planting Permit and Exemption.** Applications for a planting permit or exemption verification shall include all of the following:
 - a. **Planting Plan.** Proposed planting plan showing the site boundary, locations and acreages of pre-existing/existing and proposed crops, and locations of groundwater wells used for crop irrigation.
 - b. **Riparian and Wetland Habitat Setback [Mitigation Measure BIO-1].** A setback shown on the planting plan of at least 50 feet from the proposed planting areas to the edge of riparian vegetation and wetland areas unless the applicant can verify that the proposed planting area within the setback was in irrigated crop production on ~~January 31~~ March 1, 2023.
 - c. **Water Demand Estimate.** Estimate of annual water demand for proposed crops using the methodology outlined in Section G.
 - d. **Ownership Verification.** A title report or lot book guarantee dated within six months of the application date for all parcels included in the application site.
 - e. **Williamson Act Contract(s).** A copy of applicable Williamson Act land conservation contracts and a landowner statement of contract compliance (if any portion of the site is under contract).
 - f. **Fees.** Fees as set forth in the County Fee Ordinance.

2. **Planting Permit.** Planting permit applications shall also include all of the following:
 - a. **Neutral Water Demand.** Verifiable evidence that crops have been irrigated on-site within the six-year lookback period preceding the proposed planting period with an estimated water demand equal to or exceeding the estimated water demand on site for proposed crops, based on the water demand estimation methodology in Section G. Refer to Section H. Time Limits and Extensions below for more detail regarding enrollment in GSA-approved programs. Examples of verifiable evidence may include a combination of aerial imagery showing planting and irrigation patterns, crop sales receipts and harvest records, crop insurance records, and enrollment in the Regional Water Board's Irrigated Lands Program. Department staff shall determine whether provided evidence is sufficient and may request additional information, as necessary.
 - b. **Compliance with Agricultural Offset Requirements.** Crops used to establish baseline water demand must demonstrate irrigation either (1) in accordance with an approved agricultural offset clearance, (2) prior to August 27, 2013, the effective date of the Agricultural Offset Urgency Ordinance, (3) during the August 27 – November 27, 2015 gap, or (4) in accordance with an Urgency Ordinance vesting rights determination.
3. **Planting Permit for Dry Cropland.** Planting permit applications claiming supplemental irrigation of dry cropland to establish baseline existing water demand on site shall also include all of the following:
 - a. **Verifiable Evidence of Supplemental Irrigation.** Aerial imagery showing planting and irrigation patterns and verifiable evidence of the presence of infrastructure capable of supporting regular supplemental irrigation before the irrigation stop date; and
 - b. **Verifiable Annual Water Usage Data.** Annual estimates of water usage with substantiating and verifiable water usage data including, but not limited to, monthly utility bills for irrigation wells during the irrigation period and pump test reports for each agricultural well that provide an energy-use-to-pumped-volume ("wire-to-water") conversion factor for the 5 years preceding the irrigation stop date. See Section G for how the water duty factor shall be determined.
4. **Exemption.** Exemption verification applications shall also include all of the

following:

- a. **Carbon Sequestration [Mitigation Measure GHG-1].** A description of conservation practices (e.g., cover cropping, composting) to sequester carbon and/or reduce GHG emissions by at least 0.15 MT CO₂e per acre of planting area (1:1 offset) as estimated by COMET-Planner according to the California Department of Food and Agriculture (CDFA) Healthy Soils Program guidelines, to be implemented prior to final planting. Include in site plan if applicable.
 - b. **Hydrology Report [Mitigation Measure UTIL-2].** A hydrology report prepared by a licensed geologist that verifies the proposed water use on site will not result in more than two feet of drawdown over five years in off-site wells within 750 feet of on-site groundwater wells that will be used to irrigate new plantings allowed by the exemption.
- G. Water Demand Estimation Methodology.** Water demand for existing and proposed crops shall be estimated based on the crop type and acreage as follows:

Water demand (AFY) = water duty factor (AFY/acre) x crop area (acres)

1. The water duty factor shall be determined based on the figures in Table 2.
2. Supplementally irrigated dry cropland and crops not listed in Table 2 shall be assigned a water duty factor by a joint committee of representatives from the Department of Planning & Building, Department of Groundwater Sustainability, and the Department of Agriculture/Weights and Measures, in consultation with the UC Cooperative Extension.

Table 2: Crop-Specific Water Duty Factors

<u>Crop Group</u>	<u>Primary Commodities</u>	<u>Water Duty Factor (AFY/Acre)</u>
<u>Pasture (Irrigated)</u>	<u>Irrigated grasses or grass mixes, such as with clover, used for grazing livestock on site, not harvested for use as hay or silage</u>	<u>4.8 (1)</u>
<u>Alfalfa</u>	<u>Alfalfa</u>	<u>4.5</u>

<u>Crop Group</u>	<u>Primary Commodities</u>	<u>Water Duty Factor (AFY/Acre)</u>
<u>Deciduous</u>	<u>Apples, apricots, berries, peaches, nectarines, plums, figs, pistachios, persimmons, pears, quinces</u>	<u>3.5</u>
<u>Table Grapes</u>	<u>Table grapes</u>	<u>3.0 (2)</u>
<u>Nursery</u>	<u>Christmas trees, miscellaneous nursery plants, flowers</u>	<u>2.5</u>
<u>Citrus</u>	<u>Avocados, grapefruits, lemons, oranges, olives, kiwis, pomegranates (non-deciduous)</u>	<u>2.3</u>
<u>Strawberries</u>	<u>Strawberries</u>	<u>2.3 (3)</u>
<u>Vegetables</u>	<u>Artichokes, beans, miscellaneous vegetables, mushrooms, onions, peas, peppers, tomatoes</u>	<u>1.9</u>
<u>CBD Hemp</u>	<u>Field Grown CBD Hemp</u>	<u>1.5 (4)</u>
<u>Wine Grapes</u>	<u>Wine grapes</u>	<u>1.25</u>
<u>Supplementally Irrigated Dry Cropland*</u>	<u>Barley, wheat, oat, grain/forage hay, safflower</u>	<u>(5)</u>

*San Luis Obispo County General Plan Agriculture Element. Source: Table 3 of the Agricultural Water Offset Program. Paso Robles Groundwater Basin, October 2014.

1. The 4.8 AFY/acre water duty factor for pasture (irrigated) is based on irrigation throughout the dry season. Pasture irrigated for only a portion of the dry season shall be assigned a lower water duty factor approved by the joint committee described in Section G(2) above.
2. Information obtained from UCCE, San Luis Obispo County Cooperative Extension, April 2021
3. Information obtained from RCD Program, UCCE, UC Davis (Strawberries 2011 data)
4. Information obtained from UCCE, San Luis Obispo County Cooperative Extension, April 2019
5. The applicant must provide the information identified in Section F(3) above. The joint committee described in Section G(2) above will assign a water duty factor based on the five-year average water use for the five years preceding the irrigation stop date. The irrigation stop date must fall within a six-year lookback period from the proposed

planting period for new crops, not counting years enrolled in GSA-approved programs specified in Section H below.

Source: Table 9 of the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.

H. Time Limits and Extensions.

1. **Exemption.** Plantings allowed by an approved exemption verification shall be completed by the termination date of this section.
2. **Planting Permit.** Plantings allowed by a planting permit shall occur in the allowed planting period, or by the termination date of this section, whichever occurs first. At the end of this time period, the planting permit shall expire and become void (per Section 22.64.080).
 - a. **Irrigation Stop Date.** The applicant is responsible for verifying the date irrigation stopped for crops used to establish historic baseline water demand on site for planting permits, per Section F above.
 - b. **Planting Period.** The planting period is the time allowed for the applicant to start and finish planting in accordance with an issued planting permit and shall be 18-months. A final site inspection must be scheduled with Department staff to verify final planting within the planting period. Extensions may be granted as allowed by Section 22.64.070. Applicants may submit a revised planting period start date to the Department if their plans change after their permit is issued in accordance with Section E.2. above. The planting period must start within six years of the irrigation stop date.
 - c. **Lookback Period.** The lookback period is the time between the irrigation stop date and the beginning of the planting period and shall not exceed 6 years.
 - d. **Planting Permit Issuance Date.** The Department may issue a planting permit, thereby approving the proposed planting plan and planting period, before the beginning of the planting period. Planting is not allowed until the planting period begins.
 - e. **Drought Years.** The years in which there is a County-declared local emergency due to drought conditions shall not count towards the planting period time limit.

- f. **Years Enrolled in GSA-Approved Programs.** The years in which a site is enrolled in a GSA-approved Multi-Benefit Irrigated Land Repurposing (MILR) Program or Drinking Water Well Protection Program shall not count towards the lookback period or planting period time limits for this section.

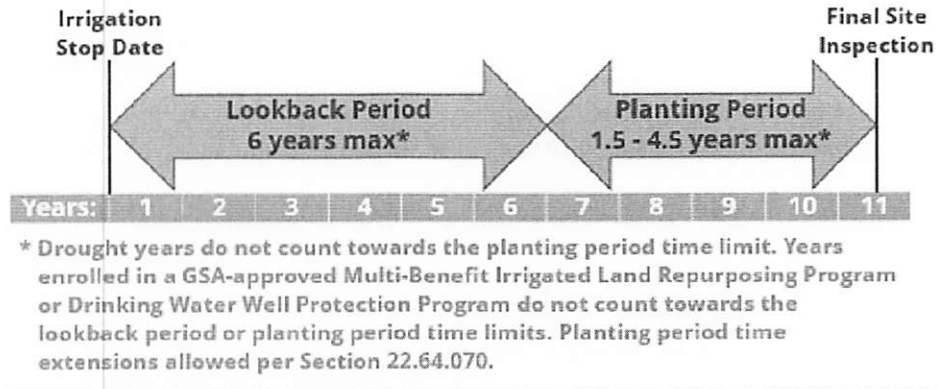


Figure 30-2: Lookback Period and Planting Period

- I. **Violations/Enforcement.** Violations of this section are subject to the provisions of Chapter 22.74. Planting permits and exemption verifications found to be approved based on inaccurate and misleading information submitted knowingly by applicants may be revoked per the provisions of Section 22.74.160.
- J. **Termination.** The provisions of this section shall expire on January 31, 2045.
- K. **Limitation of Permit.** Nothing contained in this section or in a permit or exemption issued hereunder shall be construed as giving the permittee or the pumper of exempted crops an unrestricted right to pump groundwater from, or otherwise irrigate crops within, the PBLUMA. Any issued permit or exemption shall not exempt, supersede or replace any requirements of federal, state, and local laws and regulations, including but not limited to California Water Code Section 10720 et seq. and any groundwater regulation adopted pursuant thereto (e.g. any regulation adopted pursuant to California Water Code Section 10726.4), California Water Code Section 1200 et seq. and Chapter 8.40 of the County Code of Ordinances.
- L. **Severability.** If any section, subsection, sentence, clause or phrase of this section is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this section and each section, subsection, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION VIII: That Section 22.30.310 of Title 22 of the San Luis Obispo County Code be amended as follows:

22.30.310 – Nursery Specialties

F. ~~Establishment or Expansion of Nurseries Overlying the Paso Robles Groundwater Basin, Excluding the Atascadero Sub-Basin using Groundwater Wells within the Paso Basin Land Use Management Area.~~ The establishment or expansion of any nursery use ~~overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) using Groundwater Wells within the Paso Basin Land Use Management Area~~ is subject to the standards set forth in section 22.30.204~~205~~.

SECTION IX: That Section 22.62.030 of Title 22 of the San Luis Obispo County Code be amended as follows:

22.62.030 – Zoning Clearance

A. Zoning Clearance application.

1. Zoning Clearance content.

h. Additional information

~~(10) New or expanded irrigated crop production overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). As required by Section 22.30.204.~~

SECTION X: That Section 22.80.030 of Title 22 of the San Luis Obispo County Code be amended as follows:

Chapter 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases

~~**Agricultural Offset Clearance** means a ministerial permit, equivalent to a Zoning Clearance, that may be granted pursuant to Section 22.30.204 (New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin, Excluding the Atascadero Sub-Basin).~~

Crop Production. Encompasses the following overall crop types and activities (included in the Land Use Element under the definition of "Crop Production and Grazing"), and further defined as indicated:

f. **Pasture.** (irrigated). Grazing of livestock on irrigated grasses or grass mixes, such as with clover. Pasture (irrigated) is not harvested for use as hay or silage; it is only used for grazing by animals on site.

~~**New or Expanded Irrigated Crop Production** means the development, new plantings, or other improvements that utilize ground water of a property for the purposes of farming irrigated crops as defined in Tables 2 and 3 of Section 22.030.204.~~

SECTION XI: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION XII: This ordinance shall take effect and be in full force and effect on ~~January 31~~ March 1, 2023 and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

SECTION XIII: An Environmental Impact Report (SEIR) (SCH 2021080222) was prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.

SECTION XIV: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

Recommended at a regular meeting of the San Luis Obispo County Planning Commission held on the 27th day of October, 2022, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 6th day of December, 2022, by the following roll call to vote, to wit:

AYES: Supervisors Debbie Arnold, John Peschong and Lynn Compton

NOES: Chairperson Bruce S. Gibson and Supervisor Dawn Ortiz-Legg

ABSENT: None

Bruce S. Gibson
Chairperson of the Board of Supervisors
of the County of San Luis Obispo
State of California

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin
 Deputy Clerk

[SEAL]

Approved as to Legal Form and Effect:
RITA L. NEAL
County Counsel

By: /s/ Benjamin Dore
 Deputy County Counsel

Dated: November 16, 2022

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **WADE HORTON**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on December 20, 2022.

WADE HORTON,
Ex-Officio Clerk of the Board of Supervisors

By: *Niki Martin*
 Deputy Clerk