

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

February 7, 2023

PRESENT: Supervisors Bruce S. Gibson, Dawn Ortiz-Legg, Jimmy Paulding, Debbie Arnold and Chairperson John Peschong

ABSENT: None

RESOLUTION NO. 2023-013

RESOLUTION RESCINDING RESOLUTION NO. 2022-287 AND RESTORING AMENDMENTS TO THE AGRICULTURE AND CONSERVATION AND OPEN SPACE ELEMENTS OF THE SAN LUIS OBISPO COUNTY GENERAL PLAN

The following resolution is now offered and read:

WHEREAS, on December 6, 2022, the Board of Supervisors of the County of San Luis Obispo adopted Resolution No. 2022-287 which amended the County's Agriculture and Conservation and Open Space Elements of the San Luis Obispo County General Plan. The amendments were part of a larger zoning code amendment (Ordinance No. 3483) which the County's irrigated ag offset ordinance (County Code Section 22.30.204) and replaced it with a water neutral planting permit program which included a 25-acre feet per year exemptions per site for new or expanded irrigated crop production within the Paso Robles Groundwater Basin; and,

WHEREAS, the Board intends to rescind Ordinance No. 3483 and reenact the same regulatory scheme that Ordinance No. 3483 deleted. As such, by this Resolution, the Board adopts the amendments to the Agriculture and Conservation and Open Space Elements of the San Luis Obispo County General Plan and repeals the amendments that were approved by Resolution No. 2022-287 which implemented Ordinance No. 3483.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. The purpose and intent of this Resolution is to rescind the amendments approved by Resolution No. 2022-287 and to generally restore the policy language in the Agriculture and Conservation and Open Space Elements of the San Luis Obispo County General Plan that was in place before they were amended by Resolution No. 2022-287. Any interpretation of this Resolution should be consistent with this purpose and intent.
3. It is in the public's interest to restore the policy language in the Agriculture and Conservation and Open Space Elements of the San Luis Obispo County General Plan that was in place before it was amended by Resolution No. 2022-287.
4. That the Board of Supervisors hereby amends the Agriculture and Conservation and Open Space Element of the San Luis Obispo County General Plan as reflected in the Exhibits referenced below, and which are expressly referred to and incorporated herein as though fully set forth.
 - a. Exhibit: A – Strikethrough Amendment to the Agriculture and Conservation and Open Space Elements; and
 - b. Exhibit: B – Clean Amendment to the Agriculture and Conservation and Open Space Elements.

Upon motion of Supervisor Gibson, seconded by Supervisor Ortiz-Legg, and on the following roll call vote, to wit:

AYES: Supervisors Gibson, Ortiz-Legg and Paulding

NOES: Supervisor Arnold and Chairperson Peschong

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

John Peschong
Chairperson of the Board of Supervisors

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: January 25, 2023

<p>STATE OF CALIFORNIA) ss. COUNTY OF SAN LUIS OBISPO)</p> <p>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.</p> <p>Witness, my hand and seal of said Board of Supervisors on February 14, 2023.</p> <p style="text-align: center;">WADE HORTON, Ex-Officio Clerk of the Board of Supervisors</p> <p>By: <u><i>Niki Martin</i></u> Deputy Clerk</p>

EXHIBIT LRP2021-00001: A – STRIKETHROUGH AMENDMENT

TO THE AGRICULTURE AND CONSERVATION AND OPEN SPACE ELEMENTS

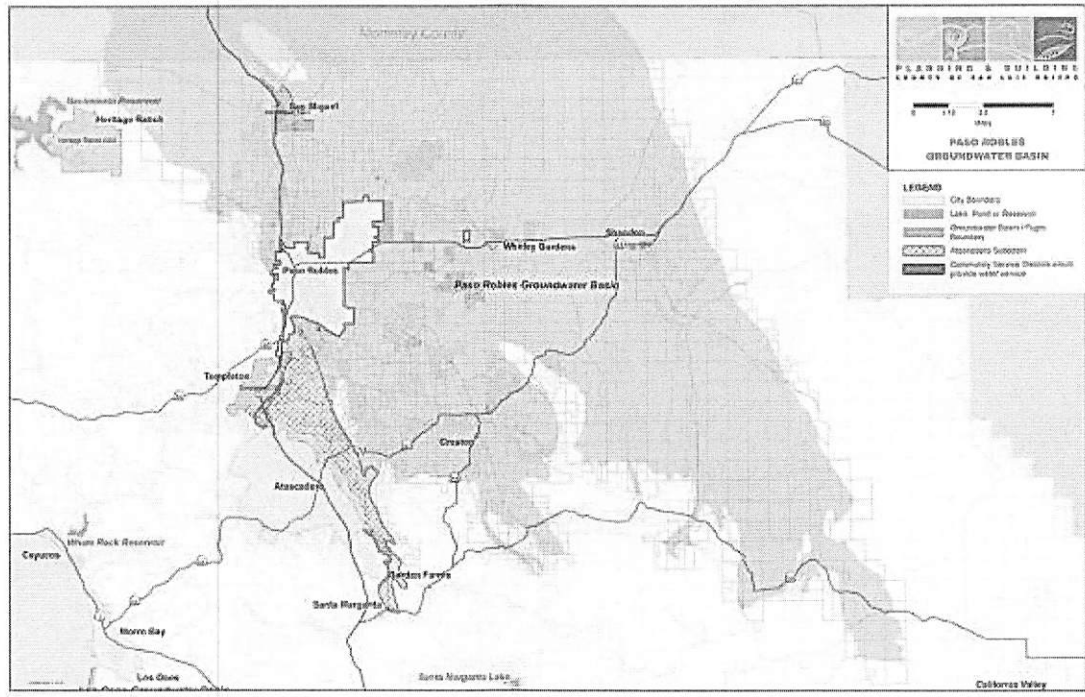
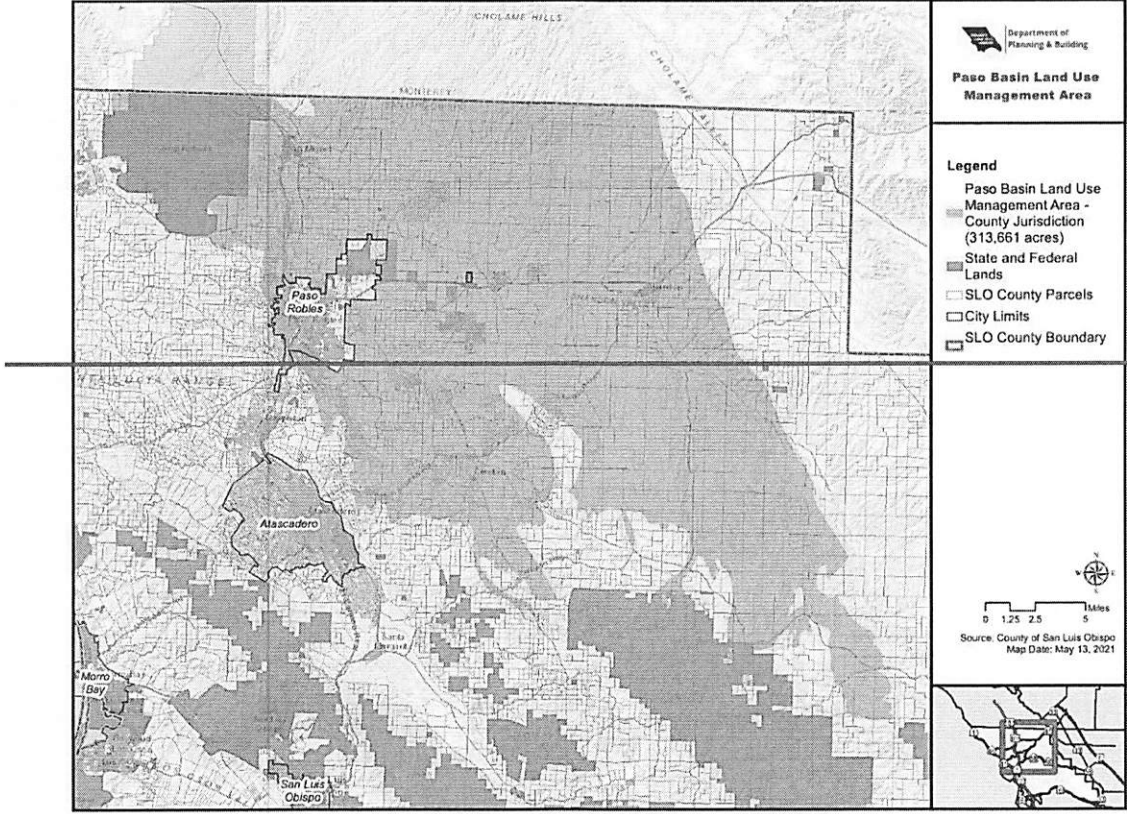
SECTION I. Chapter 2, Section C – Agricultural Goals of the Agriculture Element of the San Luis Obispo County General Plan is amended to read as follows:

Page 2-14, AGRICULTURAL GOALS (AG)

AG1: Support County Agricultural Production.

- d. Develop agricultural permit processing procedures that are rapid and efficient. Do not require permits for agricultural practices and improvements that are currently exempt, with the exception of ~~ministerial permits to regulate production agriculture irrigated with groundwater wells within the Paso Basin Land Use Management Area a groundwater offset program in the Paso Robles Groundwater Basin, excluding the Atascadero sub-basin, as shown in Figure 2-2.~~ Keep the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources, sensitive habitats, and groundwater supply.

Figure 2-2 –~~Paso Basin Land Use Management Area~~ Paso Robles Groundwater Basin Excluding the Atascadero Sub-basin



SECTION II. Chapter 2, Section C – Agricultural Policies of the Agriculture Element of the San Luis Obispo County General Plan is amended to read as follows:

Page 2-16, AGRICULTURAL POLICIES (AGP)

To the maximum extent possible, the following policies, implementation measures and programs try to balance protection of open space resources and the needs of production agriculture, and minimize the impacts to ongoing production agriculture. It is the intent to **not** require ~~land use~~ permits for agriculturally-related projects that are currently exempt (with the exception of ~~ministerial permits to regulate production agriculture irrigated with groundwater wells within the Paso Basin Land Use Management Area~~ a groundwater offset program in the Paso Robles Groundwater Basin excluding the Atascadero Sub-basin), and to **keep** the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources, sensitive habitats, and groundwater supply as ~~described in the Sustainable Groundwater Management Act (Water Code Section 10720 et seq.) and in any applicable Groundwater Sustainability Plan or regulation adopted pursuant thereto.~~ The policies and recommended implementation measures apply to discretionary land use permits for new development (see Glossary for definition of development) and proposed land divisions.

Page 2-22, AGP10: Water Conservation

- c. **In the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), require new agricultural water use to be offset through mechanisms such as a water offset program.**

Discussion: Land area, the water falling on it, and groundwater stored beneath its surface are inseparable in determining agricultural values and productivity in the County. Other than the land itself, water is the most precious resource for agriculture. Conserving water can benefit agriculture by reducing groundwater pumping. Uncontrolled runoff can contribute to soil loss, reduced water quality in streams, and increased impacts on riparian habitat, decreased opportunity for groundwater recharge and degradation of the general productivity of the watershed. The Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) requires special conservation measures to address unique issues within the basin.

SECTION III. Chapter 10 – Water Resources of the Conservation and Open Space Element of the San Luis Obispo County General Plan is amended to read as follows:

Policy WR 1.14 ~~Limit~~Avoid net increase in water use

~~Limit~~Avoid a net increase in water use in groundwater basins that are certified at Level of Severity II or III for water supply, ~~except where the net increase is the result of actions to promote the agricultural use of the supply in a manner that is equitable and consistent with groundwater rights.~~ In addition, place limitations on further land divisions in these areas and establish and implement water offset programs for all groundwater users until plans are in place and funded to ensure that the safe yield will not be exceeded.

EXHIBIT LRP2021-00001: B – CLEAN AMENDMENT

TO THE AGRICULTURE AND CONSERVATION AND OPEN SPACE ELEMENTS

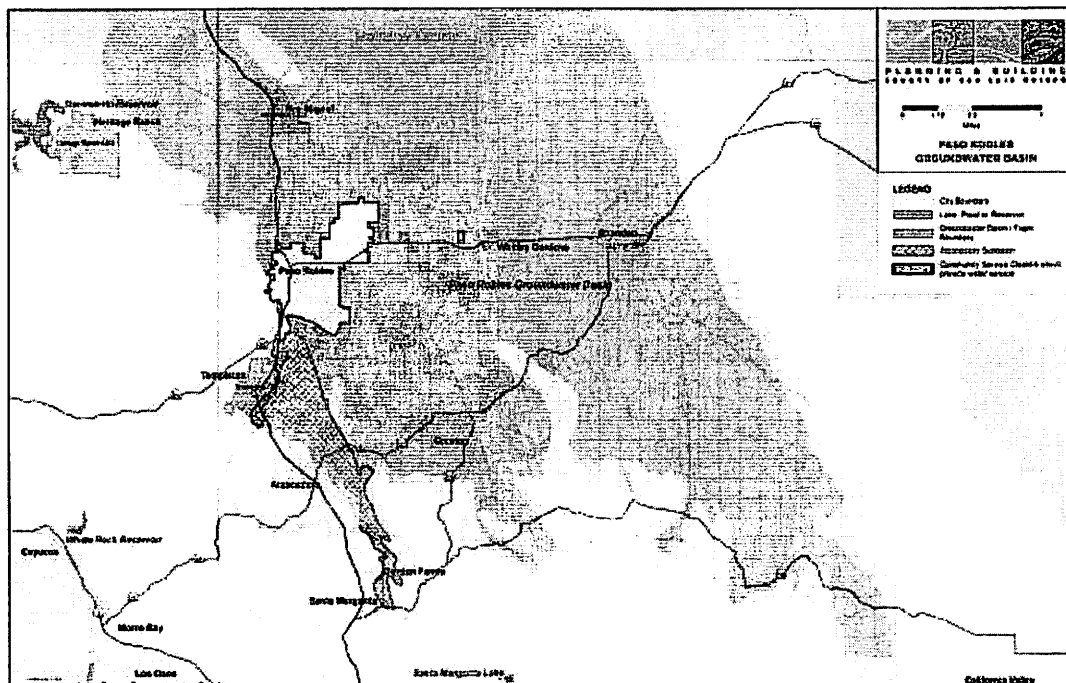
SECTION I. Chapter 2, Section C – Agricultural Goals of the Agriculture Element of the San Luis Obispo County General Plan is amended to read as follows:

Page 2-14, AGRICULTURAL GOALS (AG)

AG1: Support County Agricultural Production.

- e. **Develop agricultural permit processing procedures that are rapid and efficient. Do not require permits for agricultural practices and improvements that are currently exempt, with the exception of a groundwater offset program in the Paso Robles Groundwater Basin, excluding the Atascadero sub-basin, as shown in Figure 2-2. Keep the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources, sensitive habitats, and groundwater supply.**

Figure 2-2 –Paso Robles Groundwater Basin Excluding the Atascadero Sub-basin



SECTION II. Chapter 2, Section C – Agricultural Policies of the Agriculture Element of the San Luis Obispo County General Plan is amended to read as follows:

Page 2-16, AGRICULTURAL POLICIES (AGP)

To the maximum extent possible, the following policies, implementation measures and programs try to balance protection of open space resources and the needs of production agriculture, and minimize the impacts to ongoing production agriculture. It is the intent to **not** require permits for agriculturally-related projects that are currently exempt (with the exception of a groundwater offset program in the Paso Robles Groundwater Basin excluding the Atascadero Sub-basin), and to **keep** the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources, sensitive habitats, and groundwater supply. The policies and recommended implementation measures apply to discretionary land use permits for new development (see Glossary for definition of development) and proposed land divisions.

Page 2-22, AGP10: Water Conservation

- d. In the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), require new agricultural water use to be offset through mechanisms such as a water offset program.**

Discussion: Land area, the water falling on it, and groundwater stored beneath its surface are inseparable in determining agricultural values and productivity in the County. Other than the land itself, water is the most precious resource for agriculture. Conserving water can benefit agriculture by reducing groundwater pumping. Uncontrolled runoff can contribute to soil loss, reduced water quality in streams, and increased impacts on riparian habitat, decreased opportunity for groundwater recharge and degradation of the general productivity of the watershed. The Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) requires special conservation measures to address unique issues within the basin.

SECTION III. Chapter 10 – Water Resources of the Conservation and Open Space Element of the San Luis Obispo County General Plan is amended to read as follows:

Policy WR 1.14 Avoid net increase in water use

Avoid a net increase in water use in groundwater basins that are certified at Level of Severity II or III for water supply. In addition, place limitations on further land divisions in these areas and establish and implement water offset programs for all groundwater users until plans are in place and funded to ensure that the safe yield will not be exceeded.