

Appendix C

Draft Planting Ordinance and General Plan Amendments

ORDINANCE NO. _____

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 PLANTING PERMITS FOR CROP PRODUCTION IRRIGATED FROM GROUNDWATER WELLS WITHIN THE PASO BASIN LAND USE MANAGEMENT AREA

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	22.30.200 , 22.30.2042 05 , 22.30.244
Nursery Specialities	A2	A2	A2	A2			22.30.205 , 22.30.310

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	22.30.200 , 22.30.2042 05 , 22.30.244
Nursery Specialties		A2	A2	A2				22.30.205 , 22.30.310

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 6-1. 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 22.30.204 of Title 22 of the San Luis Obispo County Code will terminate on ~~August 31, 2022~~ January 31, 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 VI: That Section 22.30.205 of Title 22 of the San Luis Obispo County Code be added as follows:

22.30.205 – Crop Production Irrigated from Groundwater Wells within the Paso Basin Land Use Management Area

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

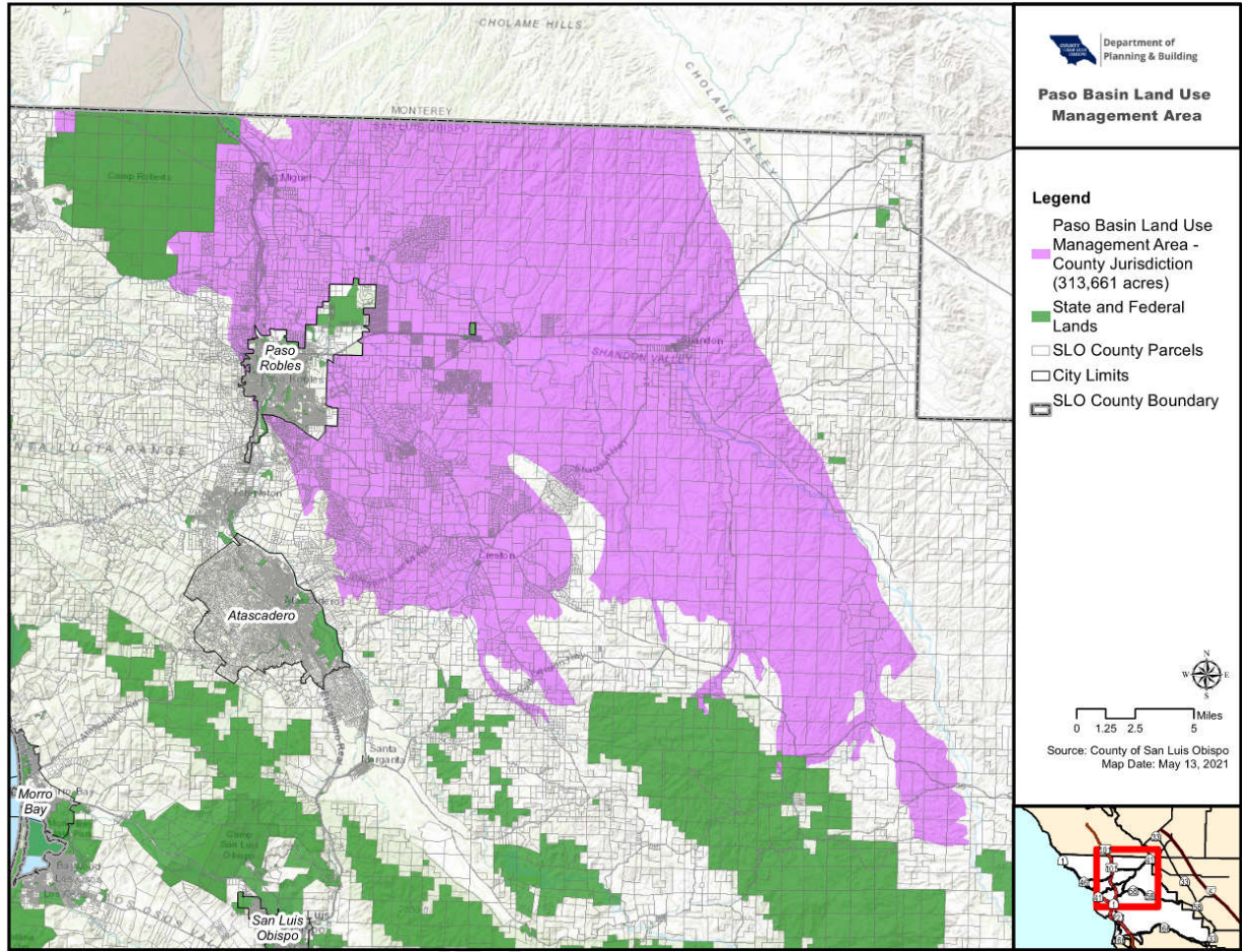


Figure 30-1: Paso Basin Land Use Management Area (“PBLUMA”)

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 F below.
2. **Existing Crops.** This section shall not apply to existing crops in production upon the effective date of this section, including subsequent replanting of the same crop type and acreage, if the existing 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 Limited-Term Permanent Ordinance (November 27, 2015 – ~~August 31, 2022~~ the effective date of this section). 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.
3. This section is not intended to incentivize the conversion of historic grazing and dryland farming areas 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 years preceding the application date, or the date that the site is enrolled in a Multi-Benefit Land Repurposing

Program that has been adopted by the Paso Basin Groundwater Sustainability Agencies (GSA's), whichever is earlier, 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.
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.

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

1. 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, a site maintains an eligible use in compliance with the provisions of any existing Williamson Act contract for the property and County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act of 1965.
2. The applicant shall contact the Department to request revisions to application

information, such as the proposed planting plan or planting start date. The Department must approve changes in writing before planting may proceed.

3. 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. 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 before and after confirmation of final planting. Site visits shall be scheduled in advance with the property owner or authorized agent.
5. 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 an approval date that is the effective date of this section in accordance with Table 1.

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

<u>Agricultural Offset Clearance/Exemption Type</u>	<u>Planting Permit/Exemption</u>
<u>5 AFY Exemption</u>	<u>Exemption Verification ¹</u>
<u>Replanting/Continuation/Existing Crops Exemption</u>	<u>Planting Permit ²</u>
<u>On-Site Offset Clearance</u>	
<u>Off-Site Offset Clearance</u>	

1. The owner may submit an updated proposed planting plan to increase the estimated water demand on site up to 25 AFY total, subject to Department review and approval.
2. If the total estimated water demand for a planting permit is less than 25 AFY, the property owner may submit an updated proposed planting plan to increase the estimated water demand on site up to 25 AFY total, subject to Department review and approval.

The following procedure applies only to planting permits:

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. Site map showing all parcels involved in application and contiguous parcels under same ownership, locations and acreages of existing and proposed crops, and locations of groundwater wells used for crop irrigation;
 - b. Estimates of annual water demand for existing and proposed crops using the methodology outlined in Section H;
 - c. A title report or lot book guarantee dated within six months of the application date for all parcels included in the application site;
 - d. A copy of the land conservation contract if the subject property is under a Williamson Act land conservation contract; and
 - e. Fees as set forth in the County Fee Ordinance.
2. **Planting Permit.** Planting permit applications shall also include all of the following:
 - a. Estimates of annual water demand on site during the six years preceding the application date based on the water demand estimation methodology in Section G.
 - b. Statement that the water source for crops used to estimate the annual water demand on site during the six years preceding the application date was a groundwater well within the PBLUMA; Department staff may require verification as appropriate;
 - c. Verifiable evidence that crops have been irrigated on-site within the six years preceding the application date consistent with the water duty factors in Section G;
 - d. Verifiable evidence that crops have been irrigated on-site within and prior to August 27, 2013, the effective date of the Agricultural Offset Urgency Ordinance or during the August 27 – November 27, 2015 gap. Examples of verifiable evidence may include 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;

- e. Irrigation stop date with verifiable evidence to confirm; and
- f. Planting start date, which must be within six years of the irrigation stop date. See Section H below for timelines and extensions.

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 the presence of infrastructure capable of supporting regular supplemental irrigation; and
- b. Estimates of annual groundwater extraction volumes for supplemental irrigation for the six-year period preceding the application date 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.

G. Water Demand Estimation Methodology. Water demand for existing and proposed crops shall be estimated based on the crop type and acreage as follows:

$$\text{Water demand (AFY)} = \text{water duty factor (AFY/acre)} \times \text{crop area (acres)}$$

- 1. The water duty factor shall be determined based on the figures in Table 2.
- 2. 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 Public Works, 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 applied water factor for supplementally irrigated dry cropland shall be based on the average annual water usage over the six-year period preceding the application date, as substantiated by applicant-provided information outlined in Section G.

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, unless substantial site work toward establishing the authorized use has been performed (Section 22.64.080).

- a. Irrigation stop date – Date irrigation stopped for crops used to establish historic baseline water demand on site, indicated and verified in application.
- b. Planting start date – Date applicant plans to start planting, indicated in application. Must be within six years of irrigation stop date. Planting is not allowed before this date.

Revision: Applicants may submit a revised planting start date to the Department if their plans change after their permit is issued.

Extension: The planting start date may be extended by one year if the County declares a local emergency due to drought conditions.

- c. Planting permit expiration date – Deadline for finishing allowed planting and scheduling a final site inspection. Set as 18 months from planting start date (not the permit issuance date), or the termination date of this section, whichever occurs first.

Extension: The expiration date may be extended by one year if the County declares a local emergency due to drought conditions. Extensions may also be granted as allowed by Section 22.64.070, in addition to the drought extension.

- d. Allowed planting period – Time allowed for planting, between the planting start date and the planting permit expiration date.
- e. Application date – Date planting permit application submitted to the Department. Must be after irrigation stop date and before planting start date.

- f. Planting permit issuance date – Date the Department issues the planting permit, thereby approving the proposed planting plan and planting start date. Planting is not allowed until the planting start date.
- 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 VII: 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 VIII: 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 IX: 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 X: 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 XI: This ordinance shall take effect and be in full force and effect on

~~August 31, 2022~~ January 31, 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 XII: 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 XIII: 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 xxth day of xx, 2022, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the xxth day of xx, 2022, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

Chairperson of the Board of Supervisors
of the County of San Luis Obispo
State of California

ATTEST:

County Clerk of the Board and Ex-Officio Clerk of
the Board of Supervisors, County of
San Luis Obispo State of California

APPROVED AS TO FORM AND LEGAL EFFECT:

Rita L. Neal

By: _____
Deputy County Counsel

Dated: _____

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

xx, 2022

PRESENT: Supervisors

ABSENT: Supervisors

RESOLUTION NO. _____

RESOLUTION ADOPTING 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, State Law requires that a General Plan be adopted; and,

WHEREAS, the Agriculture Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on December 15, 1998, and is a proper element of the General Plan; and,

WHEREAS, the Conservation and Open Space Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on May 11, 2010, and is a proper element of the General Plan; and,

WHEREAS, public necessity, convenience, and general welfare requires that the elements of a General Plan be amended from time to time; and,

WHEREAS, the Planning Commission of the County of San Luis Obispo held a public hearing on xx, 2022, to consider the San Luis Obispo County General Plan amendment; and,

WHEREAS, the Planning Commission, at the conclusion of the public hearing, recommended approval to the Board of Supervisors of the amendments to the Agriculture and Conservation and Open Space Element of the San Luis Obispo County General Plan; and,

WHEREAS, the Board of Supervisors of the County of San Luis Obispo held a public hearing on xx, 2022, to consider the San Luis Obispo County General Plan amendment; and,

WHEREAS, the Board of Supervisors has duly considered the San Luis Obispo County General Plan amendment, and finds that the recommendation of the Planning Commission on xx, 2022 should be accepted.

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. That the project, after completion of an initial study, is found to potentially have a significant effect on the environment, and therefore, an Environmental Impact Report has been prepared for this project.
3. It is in the public's interest to adopt these amendments to the Agriculture and Conservation and Open Space Element of the San Luis Obispo County General Plan to facilitate the adoption of an ordinance to regulate planting of irrigated crops utilizing groundwater from within the Paso Basin Land Use Management Area (PBLUMA).
4. Adopt the Amendments to the Agriculture and Conservation and Open Space Element of the San Luis Obispo County General Plan and the exhibits listed below, and which are expressly referred to and incorporated herein as though fully set forth.
 - a. Exhibit LRP2021-00001: A – Strikethrough Amendment to the Agriculture and Conservation and Open Space Elements; and
 - b. Exhibit LRP2021-00001: B – Clean Amendment to the Agriculture and Conservation and Open Space Elements.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _____

EXHIBIT LRP2021-00001: A – STRIKETHROUGH AMENDMENT

TO THE AGRICULTURE AND CONSERVATION AND OPEN SPACE ELEMENTS

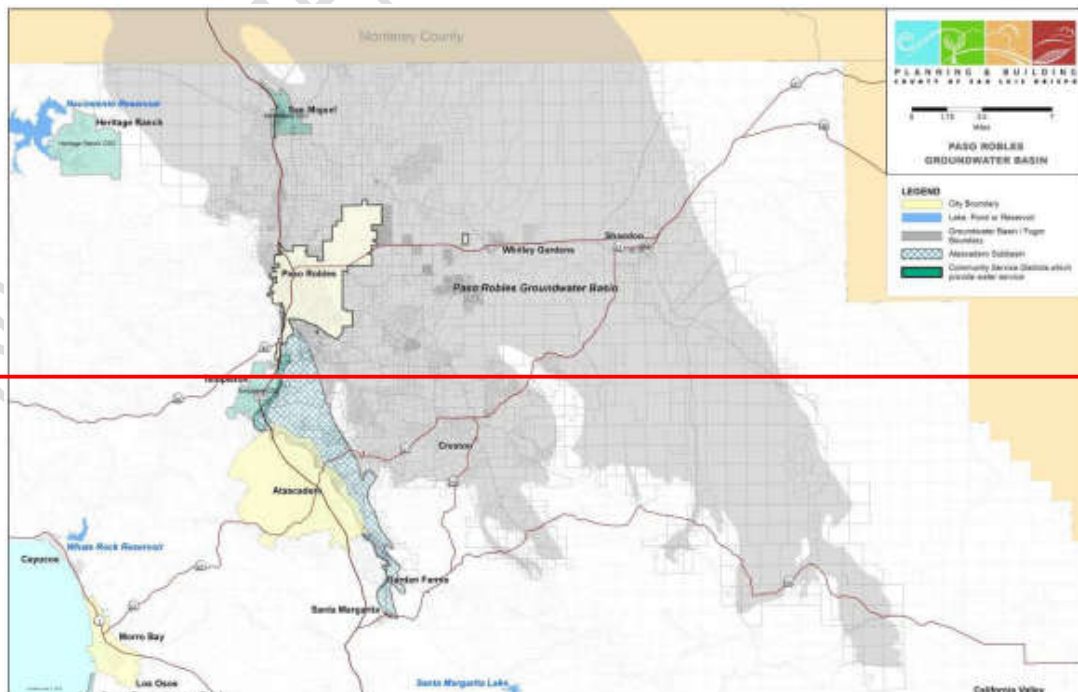
SECTION I. Chapter 2, Section C – Agricultural Goals of the Agriculture Element of the San Luis Obispo County General Plan is amended to read as follows:

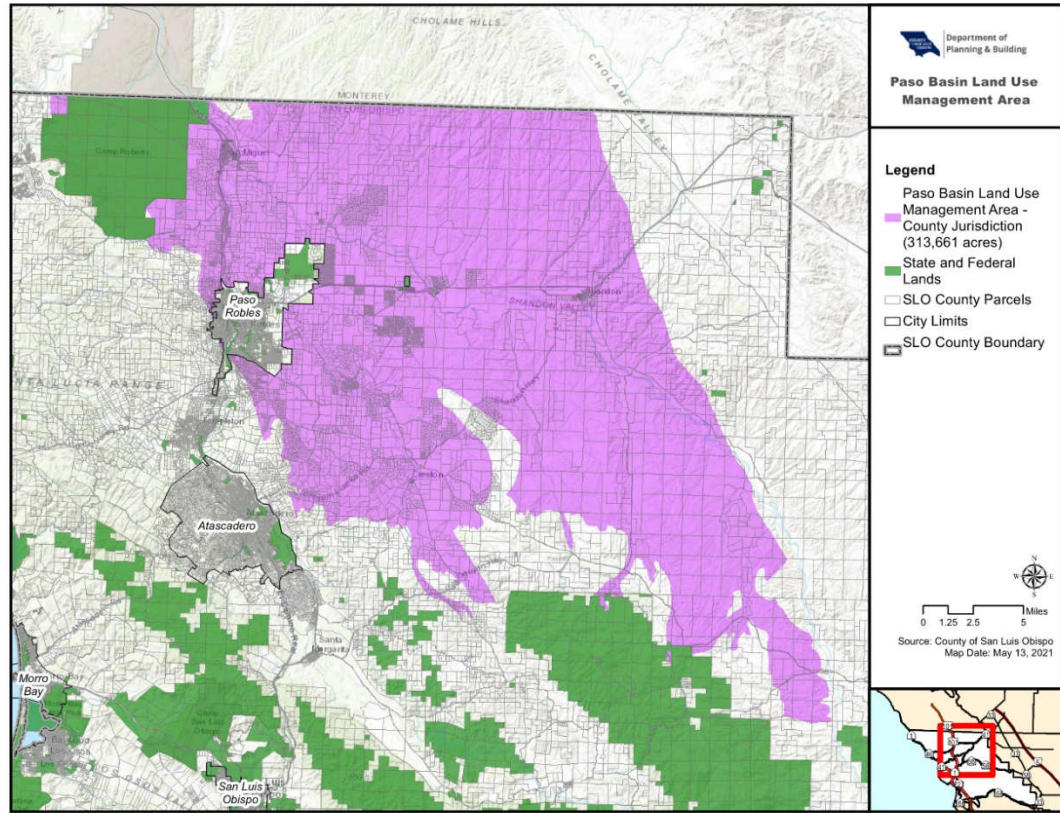
Page 2-14, AGRICULTURAL GOALS (AG)

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 ~~a groundwater offset program in the Paso Robles Groundwater Basin, excluding the Atascadero sub-basin, as shown in Figure 2-2~~ ministerial permits to regulate production agriculture irrigated with groundwater wells within the Paso Basin Land Use Management Area. 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~~ Paso Basin Land Use Management Area





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 a groundwater offset program in the Paso Robles Groundwater Basin excluding the Atascadero Sub-basin ministerial permits to regulate production agriculture irrigated with groundwater wells within the Paso Basin Land Use Management Area), 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.~~

Page 2-23, AGP11: Agricultural Water Supplies

Implementation:

2. The Department of Planning and Building should propose amendments to the LUO, CZLUO, and the Real Property Division Ordinance, and other Titles of the County Code, to establish standards to ensure that proposed land divisions, and discretionary land use permit projects, ministerial building projects, and new agricultural water use ~~in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) that~~ do not adversely affect water supplies, watershed yields or water quality. The standards should be based on approved groundwater basin/resource capacity studies, other studies done in connection with the environmental review process and the Sustainable Groundwater Management Act and any applicable Groundwater Sustainability Plan or regulation adopted pursuant thereto ~~and be consistent with implementation of the Sustainable Groundwater Management Act.~~

Timeframe: ~~24 months from plan adoption~~ Ongoing.

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 LimitAvoid net increase in water use

LimitAvoid 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**

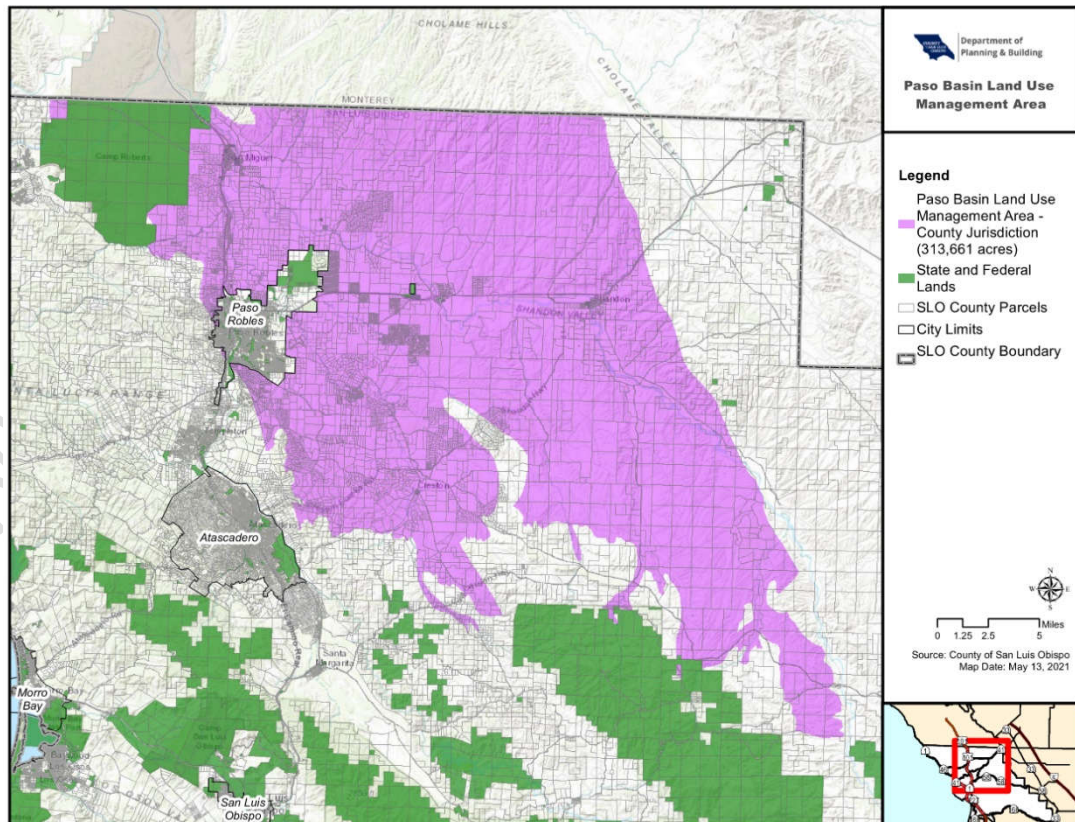
SECTION I. Chapter 2, Section C – Agricultural Goals of the Agriculture Element of the San Luis Obispo County General Plan is amended to read as follows:

Page 2-14, AGRICULTURAL GOALS (AG)

AG1: Support County Agricultural Production.

- 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. 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



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), 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

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.

Page 2-23, AGP11: Agricultural Water Supplies

Implementation:

3. The Department of Planning and Building should propose amendments to the LUO, CZLUO, and the Real Property Division Ordinance, and other Titles of the County Code, to establish standards to ensure that proposed land divisions, and discretionary land use permit projects, ministerial building projects, and

new agricultural water use do not adversely affect water supplies, watershed yields or water quality. The standards should be based on approved groundwater basin/resource capacity studies, other studies done in connection with the environmental review process and the Sustainable Groundwater Management Act and any applicable Groundwater Sustainability Plan or regulation adopted pursuant thereto.

Timeframe: Ongoing.

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 net increase in water use

Limit 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.