

ORDINANCE NO. 3328

AN ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, EXTENDING INTERIM ZONING/URGENCY ORDINANCE NO. 3326, WHICH PROHIBITS APPROVAL OF NEW AGRICULTURAL PONDS AND RESERVOIRS IN THE INLAND AREA OF THE UNINCORPORATED COUNTY (DOES NOT INCLUDE THE COASTAL ZONE) UNDER THE ALTERNATIVE REVIEW PROGRAM

THE COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS ordains as follows:

Section 1. Findings and Declarations.

The Board of Supervisors makes the following findings in support of the enactment of this urgency ordinance in the inland area of the unincorporated county:

- A. On July 15, 2016, the San Luis Obispo County Board of Supervisors ("Board of Supervisors") adopted a 45-day interim zoning/urgency ordinance, Ordinance No. 3326 ("Ordinance"), pursuant to Government Code Sections 25123 and 65858. The Ordinance temporarily prohibits the approval of new agricultural ponds and reservoirs filled with groundwater in the inland area (does not include the coastal zone) of the unincorporated portions of San Luis Obispo County under the Alternative Review Program and establishes application content and review criteria for agricultural ponds and reservoirs.
- B. Pursuant to Government Code section 65858, after notice and public hearing, the Board of Supervisors may by four-fifths vote extend the Ordinance for up to 10 months and 15 days, if the Board finds and determines that the adoption of this Ordinance as an urgency ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare pursuant to the requirements of Government Code section 65858, and is necessary to provide additional time to prepare the studies and reports required to consider a comprehensive and permanent ordinance.
- C. In enacting Ordinance No. 3326, the Board of Supervisors made several findings and declarations constituting the grounds upon which the Ordinance is based, concluding that the approval of agricultural ponds and reservoirs without direct oversight and review by the County or detailed review criteria could contribute to the depletion of limited groundwater supplies in the county, and result in additional groundwater pumping that may adversely impact neighboring wells. As a result, the Board of Supervisors, as the legislative body of the County of San Luis Obispo, determined that there is a need to consider and study potential changes in the County's General Plan and/or land use ordinances to assure appropriate oversight of agricultural ponds and reservoirs.
- D. On August 16, 2016, prior to the expiration of the Ordinance and in accordance with the requirements of Government Code section 65858, the Board of Supervisors held a duly noticed public hearing on whether to extend the Ordinance for up to 10 months and 15 days, until and through May 14, 2017. The Board of Supervisors heard and considered all evidence, both written and oral, that was duly presented during said hearing.
- E. The Board of Supervisors' findings and declarations as contained in the Ordinance remain and continue to be true under the present circumstances and are incorporated herein in their entirety by this reference.
- F. As stated in those findings and declarations contained in the Ordinance, the County is contemplating amendments to its zoning ordinance to address the problem of allowing applications for new agricultural ponds and reservoirs to proceed through the Alternative Review Program and without detailed application content and review criteria. The County continues to need more time to complete the necessary studies and reports to fully evaluate and support such contemplated amendments, while the current and immediate threat to health, safety, and welfare continues to exist.
- G. The extension of the Ordinance is necessary for continued study of an agricultural ponds and reservoirs ordinance. In light of said findings and declarations contained herein and in the Ordinance, a current

and immediate threat to the public health, safety and welfare continues to exist, necessitating the extension of the Ordinance pursuant to Government Code section 65858.

H. This Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §2100, et seq.) ("CEQA") because:

1. Per CEQA Guidelines §15061(b)(3) – The interim zoning/urgency ordinance is not subject to CEQA due to the general rule that an action is not subject to CEQA where it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. The ordinance provides for regulations to protect environmental resources, including groundwater supplies, and thus will not have a significant adverse effect on the environment.
2. Per CEQA Guidelines §15307 (Class 7) – The interim zoning/urgency ordinance consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of county water supplies, a natural resource.
3. Per CEQA Guidelines §15308 (Class 8) – The interim zoning/urgency ordinance consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of the environment, including the county's groundwater supplies and all of the people, species, and environs that rely on that resource.

Section 2. Extension.

Based on all of the foregoing findings and declarations, Ordinance No. 3326 shall be extended until and through May 15, 2017.

Section 3. Effective Date.

This ordinance extending urgency Ordinance No. 3326 is necessary for the protection of public health, safety and welfare, and shall take effect immediately upon its passage.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the sixteenth day of August 2016, by the following roll call vote, to wit:

AYES: Supervisors Bruce S. Gibson, Adam Hill, Frank R. Mecham, Debbie Arnold and Chairperson Lynn Compton

NOES: None

ABSENT: None

ABSTAINING: None

Lynn Compton

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

TOMMY GONG

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

By: Annette Ramirez

Deputy Clerk