ORDINANCE NO. 3308

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, BY AMENDING SECTION 22.06.030 AND SECTION 22.06.040 RELATING TO LAND USE PERMIT REQUIREMENTS, ADDING SECTION 22.30.204 AGRICULTURAL OFFSET REQUIREMENTS, AMENDING SECTION 22.30.310 REGARDING NURSERIES, AMENDING SECTION 22.62.030 REGARDING LAND USE PERMIT TYPES, AND SECTION 22.80.030 REGARDING DEFINITIONS

The Board of Supervisors of the County of San Luis Obispo, State Of California, ordains as follows:

SECTION 1: Section 22.06.030 of Title 22 of the San Luis Obispo County Code is hereby amended to read as follows:

Permit Requirements by Land Use Category 22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG(8)	RL	RR	RS	RSF	RMF	
AGRICULTURE, RESOURCE, AND OPEN SPACE USES							
Ag Processing	A2	A2	CUP				22.30.070
Agricultural Accessory Structures	P	P	P	P			22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP			22.30.100
Animal hospitals & veterinary medical facilities	MUP	MUP	CUP				22.30.100
Beef and dairy feedlots	CUP	CUP					22.30.100
Fowl and poultry ranches	MUP	MUP	MUP	MUP			22.30.100
Hog ranches	CUP	CUP					22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP	CUP		22.30.100
Kennels (6)	A1	A1	A1	A1	A1(7)		22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.30.090
Crop Production and Grazing	~~A1~~ A2	~~A1~~ A2	A2	A2	A2	A2	22.30.200,204
Electricity generation - Except WECF	A2	A2	A2				22.32
Electricity generation - Wind energy conversion	MUP	MUP	MUP				22.32.050
Fisheries and Game Preserves	A1	A1	A1				
Forestry	A1	A1	A1	A1			
Mines and quarries	A2	A2	A2				22.36
Nursery Specialties	A2	A2	A2	A2			22.30.310
Petroleum Extraction	A2	A2	A2	A2			22.34

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

Permit Requirements by Land Use Category 22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
AGRICULTURE, RESOURCE, AND OPEN SPACE USES								
Ag Processing			A2	A1				22.30.070
Agricultural Accessory Structures			P	P	SP(5)	P	P	22.30.030,060
Animal Facilities - Specialized, except as follows:	CUP	CUP	CUP	CUP		CUP	CUP	22.30.100
Animal hospitals & veterinary medical facilities	A1	A1	A1	A1		MUP	A1	22.30.100
Beef and dairy feedlots				CUP				22.30.100
Fowl and poultry ranches	MUP			MUP			MUP	22.30.100
Hog ranches	MUP			MUP				22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Kennels (6)	A1	A1	A1	A1		A1(7)	A1	22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Zoos - Open to public						CUP	CUP	22.30.100
Animal Keeping		A2	A2	A2	A2	A2	A2	22.30.090
Crop Production and Grazing	A2	A2	A2	A2	~~A1~~ A2	~~A1~~ A2	~~A1~~ A2	22.30.200,204
Electricity generation - Except WECF			A2	A2	A2		A2	22.32
Electricity generation - Wind energy conversion			MUP	MUP	MUP		MUP	22.32.050
Fisheries and Game Preserves					SP(5)	A1		
Forestry					SP(5)	A1		
Mines and quarries					SP(5)	A2	A2	22.36
Nursery Specialties		A2	A2	A2				22.30.310
Petroleum Extraction			A2	A2	SP(5)	A2	A2	22.34

NOTES (The following notes apply only to these two facing pages)

(1) See Article 8 for definitions of the listed land uses.
(2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
(3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
(4) Business License Clearance may also be required; see Section 22.62.020.
(5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
(6) Licensing of all kennels by the County Tax Collector is required by Section 9.04.120 of this Code.
(7) Use limited to non-commercial kennels as defined by Section 9.04.110(t) of this Code.
(8) Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

See KEY TO PERMIT REQUIREMENTS on previous page.

SECTION 2: Section 22.06.040 of Title 22 of the San Luis Obispo County Code is hereby amended to read as follows:

Chapter 22.06.040 – Exemptions from Land Use Permit Requirements

E. Agricultural uses:

2. Crop Production and Grazing. No land use permit is required for crop production, except where an Agricultural Offset Clearance is required for New or Expanded Irrigated Crop Production that overlies 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).

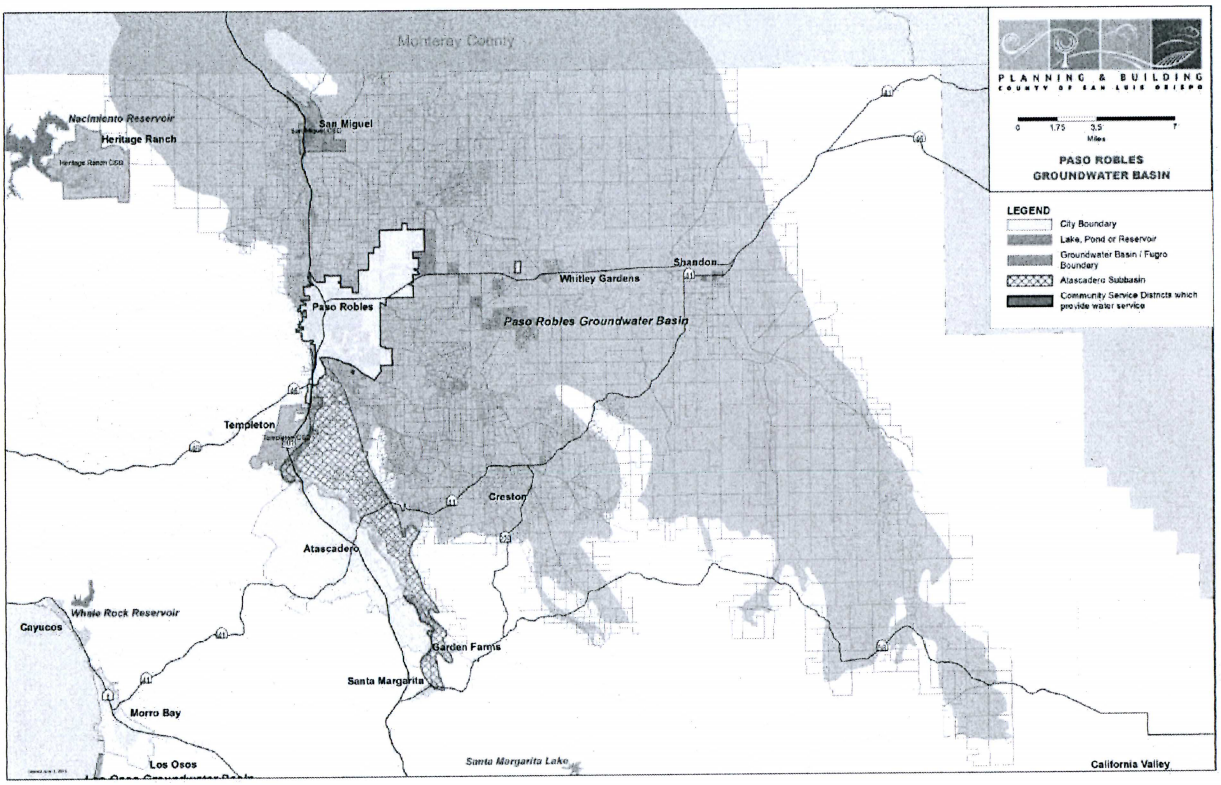

Figure 6-1: Paso Robles Groundwater Basin (Excluding the Atascadero Sub-basin)

SECTION 3: Title 22 of the San Luis Obispo County Code, is hereby amended to add Section 22.30.204, which reads as follows:

Chapter 22.30.204 – New or Expanded Irrigated Crop Production Overlying the Paso Robles Groundwater Basin, Excluding the Atascadero Sub-basin.

Prior to New or Expanded Irrigated Crop Production overlying the Paso Robles Groundwater Basin (PRGWB), excluding the Atascadero Sub-basin, the following requirements apply where designated by Section 22.06.030 (Allowable Land Uses and Permit Requirements) as being subject to the provisions of this Section. The provisions of this chapter must be complied with prior to initiation or the establishment of New or Expanded Irrigated Crop Production and prior to the issuance of a permit pursuant to Title 8 of the County Code to construct, repair, or modify a water well (bore hole, casing, or packing) or water system proposed to serve any New or Expanded Irrigated Crop Production on land overlying the PRGWB (excluding the Atascadero Sub-basin). All New or Expanded Irrigated Crop Production overlying the PRGWB (excluding the Atascadero Sub-basin) shall be required to obtain an Agricultural Offset Clearance. The offset clearance shall be the equivalent of a Zoning Clearance. The Agricultural Offset Clearance is subject to the provisions of Chapter 22.64 that are applicable to Zoning Clearances. The purpose of the Agricultural Offset Clearance is to allow for new or conversion of existing irrigated crop production overlying the PRGWB (excluding the Atascadero Sub-basin) while protecting the critical resource of groundwater.

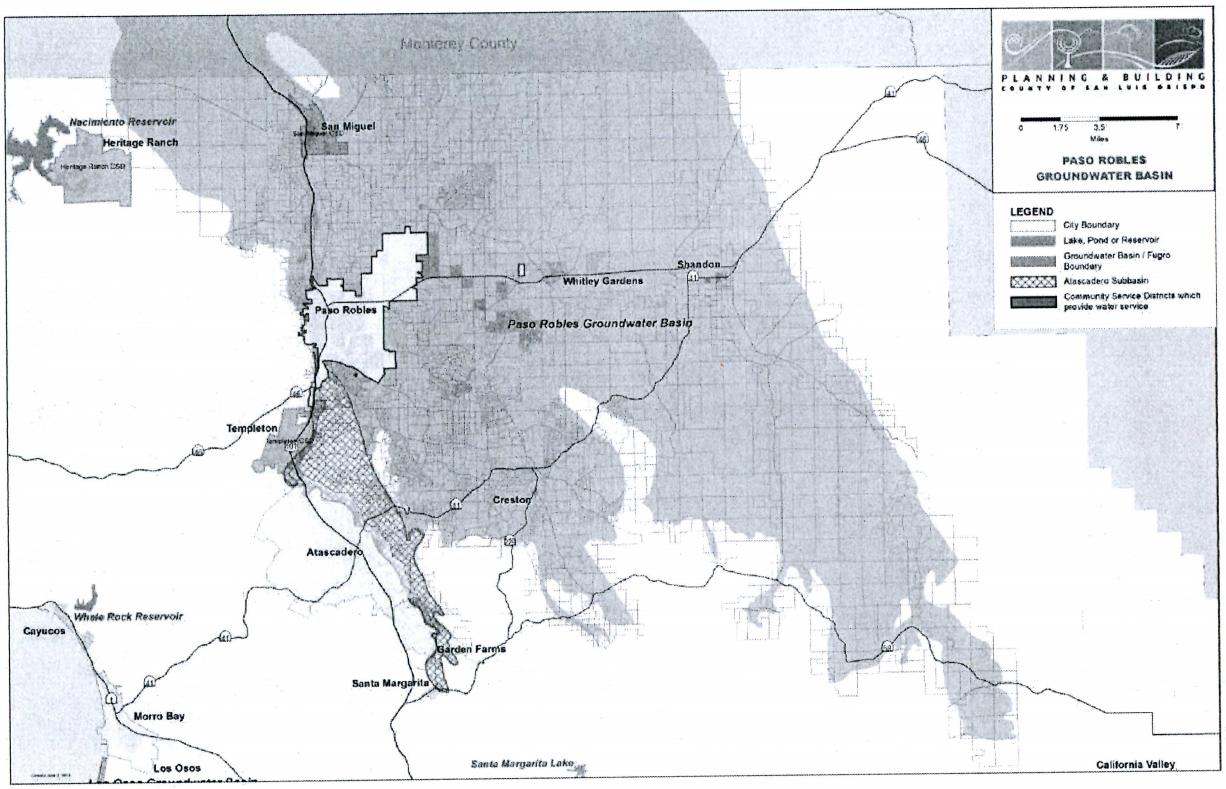

Figure 30-1: Paso Robles Groundwater Basin (Excluding the Atascadero Sub-basin)

A. **Where Applicable.** The provisions of this chapter apply to sites which overlie the PRGWB, excluding the Atascadero sub-basin, as defined by Figure 30-1. All sending and receiving sites shall overlie the PRGWB (excluding the Atascadero sub-basin), as shown in Figure 30-1. In no case shall a request for an agricultural offset clearance be granted for a site outside the PRGWB (excluding the Atascadero Sub-basin) or if any New or Expanded Irrigated Crop Production on the site has occurred between the expiration of the Paso Robles Groundwater Basin Urgency Ordinance, on August 27, 2015, and the effective date of the provisions specified within Section 22.030.204.

B. **Exemptions.** Consideration of an exemption is subject to section 22.30.204 F (Application Contents). The Agricultural Offset Clearance requirements as outlined in this section do not apply to the following activities, unless specified below:

1. Sites with existing irrigated annual or rotational crop production, where satisfactory evidence is shown that those crops have been planted within the last five years.

2. Replanting of a site with the same crop type, as identified in Tables 2 and 3 below, where satisfactory evidence is shown that those crops have been planted within the last five years. Replanting must not exceed the acreage of the crop production being replaced.

3. Expanded irrigated crop production on sites with crop types that involve implementation of new water efficiency technologies, where satisfactory evidence, as defined by resolution adopted by Board of Supervisors, is shown that crops have been planted within the last five years, and shall not exceed the average water use of the existing crop production, as identified in Tables 2 and 3.

4. Sites that were granted a vested right to plant new or expanded irrigated crop production under the provisions of the Paso Robles Groundwater Basin Urgency Ordinance, where satisfactory evidence is shown that the vested crops have been planted within 2 years from the date of the expiration of the Paso Robles Groundwater Basin Urgency Ordinance (Ordinance Nos. 3246 and 3247).

5. For the purpose of new crop production overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as defined by Figure 30-1, sites that do not have any existing crop production and are not within the area of severe decline (50 feet or greater Spring Groundwater Elevation Change 1997-2013) as shown in Figure 30-2, may be eligible for a one-time only de minimis exemption. The one-time only de minimis exemption is limited to the establishment of crop production representing a new total of no more than 5.0 AF per year per site. If a one-time only de minimis exemption is granted, the resulting crop production cannot be used as a source of Agricultural Offset Clearance credits in any future application.

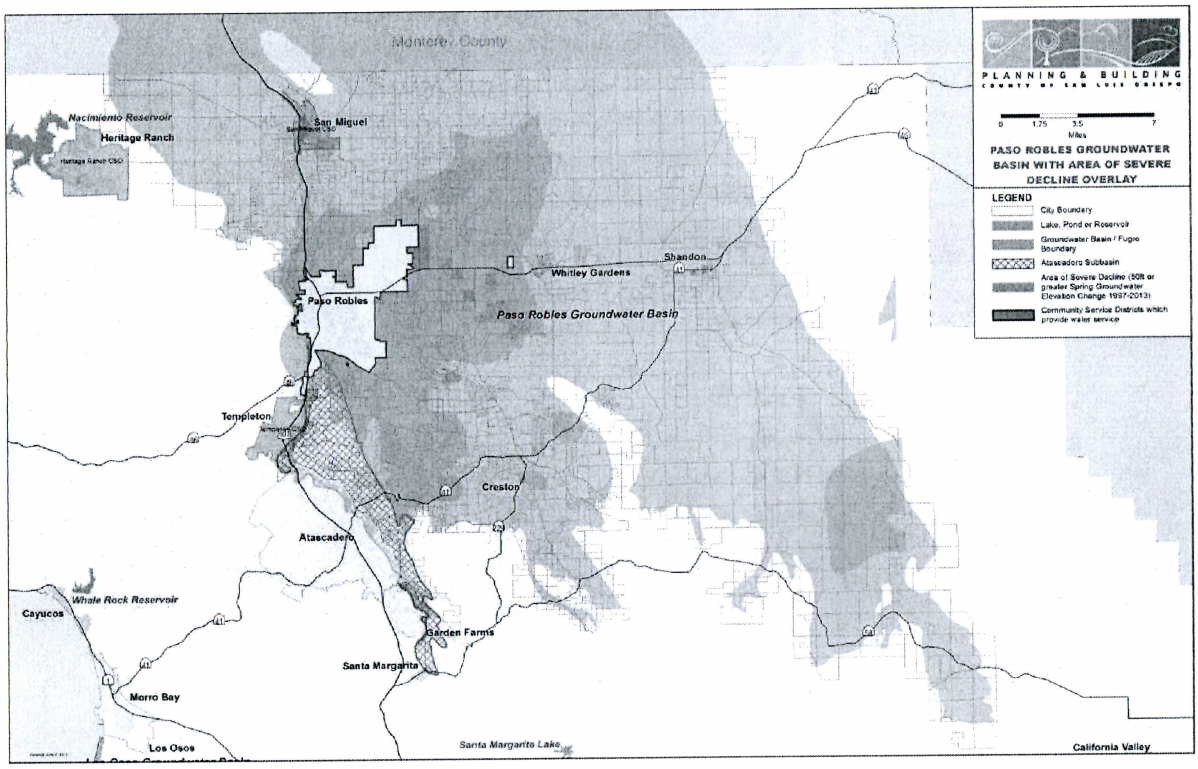

Figure 30-2: Paso Robles Groundwater Basin with Area of Severe Decline

C. Agricultural Offset Clearance Fees. Fees for an Agricultural Offset Clearance are set forth in the County Fee Ordinance.

D. Permit Requirements.

1. An Agricultural Offset Clearance shall be issued upon satisfactory compliance with section 22.30.204 F, and G.

2. Metering and Monitoring. All new or existing wells that serve sites associated with an Agricultural Offset Clearance application must have a well meter installed and verified prior to final inspection. No new or expanded irrigated agriculture shall occur until final inspection has been completed. The following requirements apply to all issued Agricultural Offset Clearances:

   i. Within 30 days of installation of a well for which a permit has been issued pursuant to Chapter 8.40 of the County Code, or prior to final inspection, whichever is applicable, meter installation must be verified by the County Public Works Department. The configuration of the installation shall conform to the Water Well Metering Standards and Installation Guidelines set forth by the Department of Public Works and incorporated into the Public Improvement Standards.

   ii. Property owners or a person designated by the property owner must read the water meter and record the water usage on or near the first day of the month. These records must be maintained by the property owner and may be subject to inspection only by code enforcement pursuant to a violation investigation.

E. Eligible Sites for Participation. For the purpose of an Agricultural Offset Clearance, a site is as defined in section 22.80.030 (Definitions of Land Use). Owners of sites that overlie the PRGWB (excluding the Atascadero Sub-basin) may be granted one of two Agricultural Offset Clearance types, as described below and referenced in Table 1:

1. On-site Offset Clearance means conversion of existing irrigated crop production on the same site. An expansion to the definition of a "site" under Section 22.80.030 may be granted where contiguous parcels are commonly owned or collectively operated.

2. Off-site Offset Clearance means New or Expanded Irrigated Crop Production on any site which obtains all or a portion of its planting credits from an off-site sending site through the reduction or elimination of water use from the sending site.

Table 1 – Agricultural Offset Clearance Categories

On-Site Offset Clearance	Off-Site Offset Clearance
• New crop production on site of crop being replaced • New crop production cannot exceed water demand of previous crop(s) • New crop production may exceed acreage of previous crop • Existing and proposed commodities of crop production must be declared • Deed restriction on property • Site inspections	• New crop production on different site (receiving site) as crop being reduced or taken out of production (sending site) • New crop production on receiving site cannot exceed water demand of crop production from sending site • New crop production on receiving site may exceed acreage of crop production on sending site • Commodities of crop production to be replaced on sending site and proposed for receiving site must be declared • Receiving site cannot be within an area of severe decline, as defined by Figure 30-2 • Landowner agreements

• Well meter installation prior to final inspection	• Deed restriction on sending and receiving sites • Site inspections • Well meter installation prior to final inspection

F. Application Contents. In addition to meeting the application contents of section 22.62.030 (Zoning Clearance), a request for an Agricultural Offset Clearance shall include all of the following:

1. Vicinity of site(s) participating in the requested Agricultural Offset Clearance, including all parcels currently under crop production, and adjacent parcels with same ownership.

2. Identification of specific locations and acreage of current crop type(s).

3. Identification of specific locations and acreage of proposed crop type(s).

4. A current title report or lot book guarantee for all parcels participating in the requested Agricultural Offset Clearance.

G. Agricultural Offset Clearance Review and Approval. The criteria of this subsection shall be used in determining if a site is eligible for sending or receiving site status. If a sending or receiving site meets the criteria expressed, the site would then be eligible for participation in an Agricultural Offset Clearance. An Agricultural Offset Clearance may be granted only when the following criteria have been met:

1. Proposed sites included in the request for an Agricultural Offset Clearance overlie the PRGWB (excluding the Atascadero Sub-basin).

2. Proposed sending sites will maintain 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.

3. Water demand for the proposed irrigated crop production is equal to or less than the crop production it is replacing, such that an offset at a 1:1 ratio is achieved. Water demand shall be derived from the crop-specific applied water figures as specified in Table 2 and Table 3 below.

4. Sending site credits will be determined by current demand of irrigated crop production on the sending site, as listed in Table 3.

5. A copy of a signed landowner agreement for transfer of planting credits between participating private landowners for an off-site Agricultural Offset Clearance.

6. A deed restriction, in a form approved by County Counsel, has been recorded upon on all parcels associated with an Agricultural Offset Clearance, and has been recorded, prior to any planting authorized under an Agricultural Offset Clearance in the Office of the County Recorder. All deed restrictions shall include language referring to the expiration of the provision of this section, as described in section 22.30.204 H (Termination).

7. Any plantings approved under an Agricultural Offset Clearance will be completed prior to the expiration of the Agricultural Offset Clearance, or the termination of this ordinance, whichever occurs first.

Table 2 – Crop Group and Commodities Used for the Agricultural Demand Analysis

Crop Group	Primary Commodities
Alfalfa	Alfalfa
Nursery	Christmas trees, miscellaneous nursery plants, flowers
Pasture	Miscellaneous grasses, mixed pastures, sod/turf, sudangrass
Citrus	Avocados, grapefruits, lemons, oranges, olives, kiwis, pomegranates (non-deciduous)
Deciduous	Apples, apricots, berries, peaches, nectarines, plums, figs, pistachios, persimmons, pears, quinces
Strawberries	Strawberries
Vegetables	Artichokes, beans, miscellaneous vegetables, mushrooms, onions, peas, peppers, tomatoes
Vineyard	Wine grapes, table grapes

Source: Table 3 of the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.

Table 3 – Existing Crop-Specific Applied Water by Crop Type

Crop Group	Applied Water (AF/Ac/Yr)
Alfalfa	4.5
Citrus	2.3
Deciduous	3.5
Strawberries	2.3[1]
Nursery	2.5
Pasture	4.8
Vegetables	1.9
Vineyard	1.25[1]

1. Information obtained from RCD Program, UCCE, UC Davis (Strawberries 2011 data)

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

H. Termination. The provisions of this section for the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) shall expire upon the effective date of a final and adopted Water Code section 10720 et seq. groundwater sustainability plan(s) by a local groundwater sustainability agency or agencies, covering the entirety of the Paso Robles Groundwater Basin within the land use jurisdiction of the County of San Luis Obispo.

SECTION 4: Section 22.30.310 of Title 22 of the San Luis Obispo County Code is hereby amended to read as follows:

22.30.310 - Nursery Specialties

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

SECTION 5: Section 22.62.030 of Title 22 of the San Luis Obispo County Code is hereby amended to read as follows:

22.62.030 – Zoning Clearance

A Zoning Clearance is a ministerial land use permit. When a Zoning Clearance is required by this Title to authorize a development proposal, its approval certifies that the land use or development will satisfy all applicable provisions of this Title. In cases where a construction permit is required by Title 19 of this Code, the Zoning Clearance is processed and approved as part of the construction permit application and approval process. Approval of a Zoning Clearance enables the establishment of a land use that does not require a construction permit but is still subject to the standards of this Title.

A. **Zoning Clearance application.** Zoning Clearance applications shall include the information required by Section 22.60.040.B, and the following additional information. Drawings shall be neatly and accurately prepared, at an appropriate scale that will enable ready identification and recognition of submitted information.

1. **Zoning Clearance content.** Zoning Clearance applications shall include a site layout plan containing the following information, using multiple sheets if necessary, except as provided by Section 22.60.040.D (Waivers of Content).

h. **Additional information.** To be included with Zoning Clearance applications as required in the following specific cases, in addition to all other information required by this Section.

(1) **Combining designation information.** When required by Chapter 22.14 for sites within a combining designation identified by the Land Use Element.

(2) **Drainage plan.** When required by Chapter 22.52 (Drainage, or Chapter 22.14 (Combining Designations).

(3) **Fire safety plan.** When required by Chapter 22.50 (Fire Safety), to be submitted for projects outside the urban or village reserve lines.

(4) **Grading plan.** When required by Chapter 22.52 (Grading).

(5) **Planning area requirements.** An application shall also include all information required by Article 9 (Community Planning Standards) for a specific community, or area of the county.

(6) **Sign information.** When any use is proposed to have signs, a description of their location, size, design and copy shall be provided.

(7) **Special standard requirements**. An application shall also include all information required by the standards of Article 4 for a specific use, or by other Chapter of this Title.

(8) **Solid waste disposal information.** As required by Section 22.10.150.

(9) **Trees.** Applications for projects within urban or village reserve lines, or where required by planning area standards (Article 9), shall show the location of trees existing on the site in or within 50 feet of proposed grading or other construction, which are eight inches or larger in diameter at four feet above natural grade. Trees proposed to be removed shall be noted (any tree removal is subject to the requirements of Chapter 22.54 - Tree Preservation).

(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 6: Section 22.80.030 of Title 22 of the San Luis Obispo County Code is hereby amended to read as follows:

"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).

"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 7: 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 8: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 9: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

RECOMMENDED at a special meeting of the San Luis Obispo County Planning Commission held on the 13th day of August, 2015, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 27th day of October, 2015, by the following roll call to vote, to wit:

AYES: Supervisors Frank R. Mecham, Adam Hill and Bruce S. Gibson

NOES: Supervisors Chairperson Debbie Arnold and Lynn Compton

ABSENT: None

ABSTAINING: None

DEBBIE ARNOLD

Chairman of the Board of Supervisors

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

STATE OF CALIFORNIA) ss.

COUNTY OF SAN LUIS OBISPO)

I, **TOMMY GONG**, County Clerk of the above entitled County, and 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 November 2, 2015.

TOMMY GONG,

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: Annette Ramirez
Deputy Clerk

ORDINANCE CODE PROVISIONS APPROVED

AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _____
October 6, 2015