

ORDINANCE NO. 3422

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE, BY AMENDING SECTION 22.06.040 EXEMPTIONS
FROM LAND USE PERMIT REQUIREMENTS AND SECTION 22.30.204
AGRICULTURAL OFFSET REQUIREMENTS

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

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

Chapter 22.06.040 – Exemptions from Land Use Permit Requirements

- 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 using water from 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).

SECTION II: That Section 22.30.204 of Title 22 of the San Luis Obispo County Code be amended as follows:

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

Prior to new or expanded irrigated crop production overlying using water from 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 using water from the PRGWB (excluding the Atascadero Sub-basin). All new or expanded irrigated crop production overlying using water from 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 except for land use permit time limits (Section [22.64.060](#)) and extensions of time (Section [22.64.070](#)). The purpose of the agricultural offset clearance is to allow for new or conversion of existing irrigated crop production [overlying using water from](#) the PRGWB (excluding the Atascadero Sub-basin) while protecting the critical resource of groundwater by requiring water use to be offset at a 1:1 ratio for qualifying crops.

A. Where Applicable. The provisions of this chapter apply to sites [which overlie using water from](#) the PRGWB, excluding the Atascadero sub-basin, as defined by Figure 30-1. All 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 of not using water from](#) the PRGWB (excluding the Atascadero Sub-basin).

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:

5. For the purpose of new crop production [overlying irrigated with water from](#) 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 [served by wells located](#) 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.

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 use water from](#) the PRGWB (excluding the Atascadero Sub-basin) may be granted an agricultural offset clearance, as described below and referenced in Table 1:

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). The applicant may indicate that they are voluntarily fallowing the land or not planting irrigated crops to receive conditional approval to submit a proposed planting plan at a later date. The conditional approval expires with the termination of this ordinance.
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 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 use water from the PRGWB (excluding the Atascadero Sub-basin).

SECTION III: 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 IV: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage 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 V: An addendum to the Supplemental Environmental Impact Report (SEIR) (SCH 2014081056) certified for the Countywide Water Conservation Program in 2015 was prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq. for the proposed changes to the County Code Section 22.06.040 and Section 22.30.204.

SECTION VI: 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 11th day of June, 2020, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 18th day of August, 2020, by the following roll call to vote, to wit:

AYES: Supervisors Debbie Arnold, John Peschong, Bruce S. Gibson and
Chairperson Lynn Compton

NOES: None

ABSENT: None

ABSTAINING: None

Lynn Compton

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

ATTEST:

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

By: _____
Deputy Clerk

The undersigned Deputy Clerk of the Board of Supervisors certifies that, pursuant to Section 25103 of the Government Code, delivery of this document has been made on October 13, 2020.

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:
Rita L. Neal

By: /s/ Benjamin Dore
Deputy County Counsel

Dated: August 19, 2020

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 October 13, 2020.

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

By: _____
Deputy Clerk