

# **Paso Basin Land Use Management Area Planting Ordinance**

***Public Review Draft***

**Agricultural Liaison Advisory Board  
November 1, 2021**

**Kylie Hensley, County Planning**



# Background – Board Direction

## April 6, 2021

- Authorization to develop new planting ordinance to be in effect through 2045

## June 22, 2021

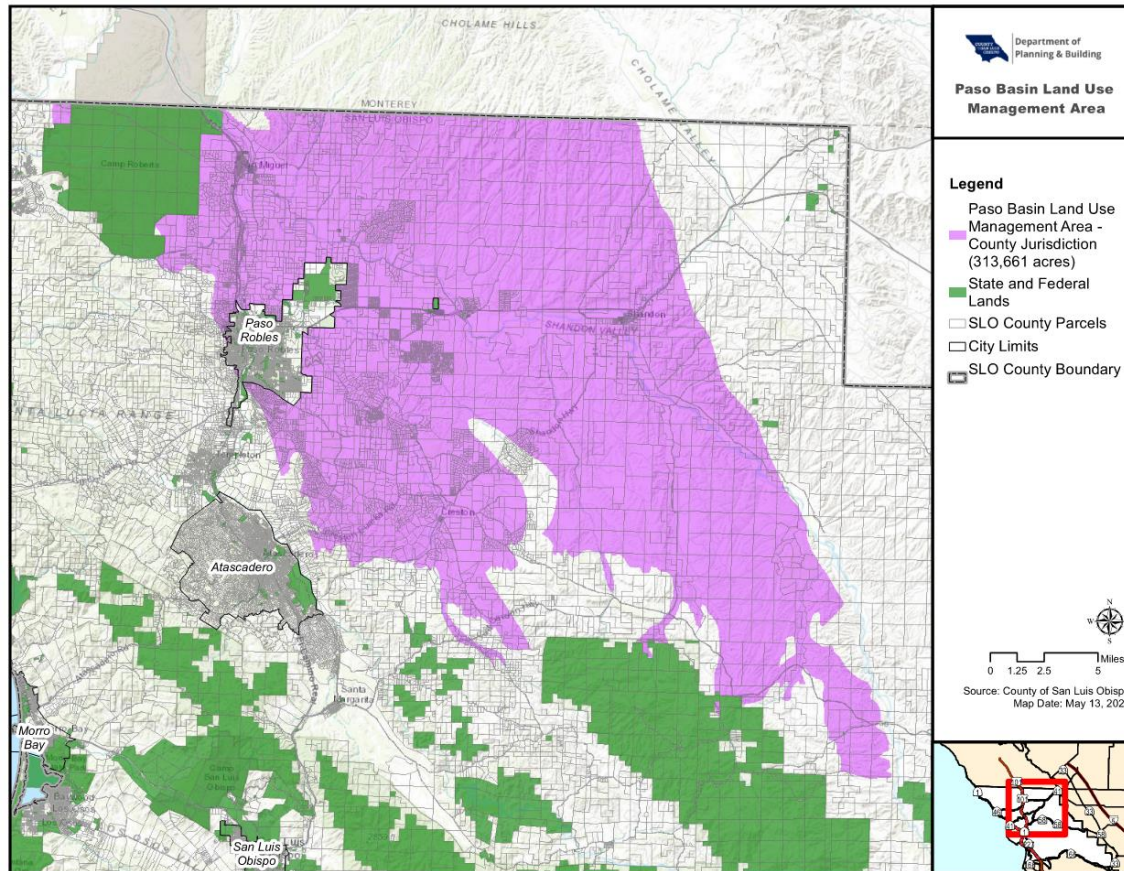
- Funding approved for new ordinance development and Environmental Impact Report

## August 24, 2021

- Existing agricultural offset requirements extended to August 31, 2022 to allow time to develop new ordinance



# Affected Area: Paso Basin Land Use Management Area (PBLUMA)



COUNTY OF SAN LUIS OBISPO

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# Planting Ordinance Objectives

## Planting Permits

- Require “planting permits” for new commercial crops irrigated from groundwater wells within the PBLUMA
- New crops must use the same water demand as crops fallowed/removed on-site within 6 years (“water neutral”)
- Ministerial approval, not subject to CEQA review



# Planting Ordinance Objectives

## Exemption

- Exemption allowed to use up to 25 AFY total per site
- Site = contiguous parcels under common ownership when the ordinance takes effect

## Applicability

- *Would not affect existing, dryland, & non-commercial crops*
- Effective August 31, 2022 – January 1, 2045



# Planting Ordinance Procedures

- **Both “water neutral” planting permits and 25 AFY exemptions would require:**
  - Application approval prior to planting
  - Final site inspection after planting is complete
  - Annual site inspections through 2045
  - Maintaining Williamson Act compliance, if applicable
- **Outstanding ag offset clearances to be issued new planting permits or exemptions**



# Application Requirements

## For both “water neutral” planting permits and 25 AFY exemptions

- Site map showing existing, removed, and proposed commercial irrigated crops and groundwater wells
- Estimates of annual water demand for existing, removed, and proposed crops
- Title report or lot book guarantee
- Williamson Act contract (if applicable)



# Application Requirements

## For “water neutral” planting permits only

- Irrigation stop date for removed/fallowed crops
- Planned planting start date for new crops  
(within 6 years of the irrigation stop date)
- Evidence of irrigation of removed/fallowed crops for the 6 years preceding the irrigation stop date





# Water Demand Estimation Methodology

**water demand (AFY)**

**=**

**water duty factor (AFY/acre) x crop area (acres)**

- Water duty factors specified in the ordinance
- Unlisted crops shall be assigned a factor by a joint committee of reps from Planning & Building, Public Works, and Agriculture Departments, in consultation with the UC Cooperative Extension



# Water Duty Factors & Pasture Definition

Crop Group	Water Duty Factor (AFY/acre)
Pasture (irrigated grasses or grass mixes used for on-site livestock grazing, not harvested for hay or silage)	4.8 (irrigated through dry season)
Alfalfa	4.5
Deciduous	3.5
Table Grapes	3.0
Nursery	2.5
Citrus	2.3
Strawberries	2.3
Vegetables	1.9
CBD Hemp	1.5
Wine Grapes	1.25
Supplementally Irrigated Dry Cropland	Based on actual water usage data



# Time Limits and Extensions

- Approved exemption allows planting until 2045
- Planting permit allows 18 months to finish planting from identified planting start date
  - Planting start date must be within 6 years of the irrigation stop date for removed/fallowed crops
  - 1-yr extension granted if the County declares a local emergency due to drought conditions
  - Two 1-yr extensions at Director discretion and additional 1-yr extension at Planning Commission discretion



# Planting Ordinance Format

## Part 1: Ordinance Amendments (paraphrased)

### *Health and Sanitation Ordinance (Title 8)*

- Require verifying compliance with ~~ag offset~~ planting permit requirements before constructing or modifying a groundwater well in the ~~Paso Basin~~ PBLUMA

### *Land Use Ordinance (Title 22)*

- Add planting permit requirements
- Rescind agricultural offset requirements



# Planting Ordinance Format

## Part 2: General Plan Amendments (paraphrased)

### *Agriculture Element*

- *Ag Goal 1: Support Ag Production* – Do not require permits for ag practices that are currently exempt, except for ~~ag offset clearances~~ PBLUMA planting permits
- *Ag Policy 10: Water Conservation* – ~~In the Paso Basin, require new ag water use to be offset~~



# Planting Ordinance Format

## Part 2: General Plan Amendments (paraphrased)

### *Agriculture Element*

- *Ag Policy 11: Ag Water Supplies* – Planning & Building should propose amendments to ensure land divisions, land use permits, building permits, and new ag water use ~~in the Paso Basin~~ do not adversely affect water supplies, watershed yields or water quality based on approved resource capacity studies or studies for CEQA review and GSP actions



# Planting Ordinance Format

## Part 2: General Plan Amendments (paraphrased)

### *Conservation and Open Space Element*

- *Water Resources Policy 1.14: ~~Avoid~~ Limit net increase in water use in groundwater basins that are certified at LOS 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, limit further land divisions...*



# Project Timeline

Milestone	Tentative Timeline
Board of Supervisors authorization	Completed
EIR Contract approval	Completed
NOP/IS 30-day public review period	August 12 - September 13, 2021
EIR Scoping Meeting	September 1, 2021
<b><i>Draft ordinance public review period</i></b>	<b><i>October 22 - November 24, 2021</i></b>
Draft EIR 45-day public review period	January - February 2022
Final EIR Distributed	April 2022
Planning Commission	April 2022
Board of Supervisors	May 2022
Effective Date	August 31, 2022





# Public Comment Period for Draft Ordinance: *October 22 – November 24, 2021*

Written comments may be submitted  
via email to [khensley@co.slo.ca.us](mailto:khensley@co.slo.ca.us) or mailed to:

Department of Planning and Building  
ATTN: Planning Ordinance/Kylie Hensley

976 Osos Street, Room 300

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# Questions?



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