

County of San Luis Obispo

Agricultural Liaison Advisory Board

2156 Sierra Way, Suite A, San Luis Obispo, CA 93401



**Agricultural Liaison
Advisory Board (ALAB)**

Positions/Members/Terms

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VICE CHAIR: Lisen Bonnier

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District Two: Gibson Appt.
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County Agricultural Commissioner
Marty Settevendemie
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U.C. Coop. Extension, Farm Advisor
Mark Battany

DATE: July 6, 2022

TO: San Luis Obispo County Department of Planning and Building and the San Luis Obispo County Board of Supervisors

SUBJECT: ALAB Comments on the Paso Basin Land Use Planting Ordinance Draft Program EIR

To Kylie Hensley, Department of Planning and Building, and Honorable Supervisors,

On June 27, 2022, the San Luis Obispo County Agricultural Liaison Advisory Board (ALAB) voted unanimously to submit the following comments on the Draft Program Environmental Impact Report (Draft PEIR) for the Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance. In our comments we will reiterate certain important points raised in the ALAB comment letter dated November 23, 2021 regarding the Public Review Draft of the Paso Basin Land Use Planting Ordinance, as well as raise points more specific to the Draft PEIR.

We understand this Ordinance is attempting to provide relief for some property owners and farmers who face restrictions under the current Agricultural Offset program in San Luis Obispo County Code Title 8 and Title 22; however, ALAB has serious concerns about the entirety of this Ordinance and its implications countywide, including the implementation of the mitigation measures presented in the Draft PEIR.

This process is duplicative of the Sustainable Groundwater Management Act (SGMA) and local development of the Paso Robles Subbasin Groundwater Sustainability Plan (GSP), which remains the better vehicle for considering and addressing local needs and circumstances without creating new requirements that have potential countywide implications. We further recognize the need for an extension of the current offset program to serve as a stopgap measure before the GSP can be

implemented. For these reasons and others in this letter, ALAB supports Alternative 2: Continuation of Existing Agricultural Offset Requirements Through 2025, although in a separate motion ALAB voted unanimously to recommend the Board of Supervisors extend the existing Agricultural Offset requirements through 2027. Overall, ALAB believes that the Ordinance and mitigation measures required in the Draft

PEIR as currently drafted would create more problems than it would solve in the short and long term, both in the Paso Basin and Countywide.

The following comments are more specific to the Draft PEIR:

1. We are concerned that the Ordinance could potentially induce growth and impact the conversion of lands to non-agricultural use if agricultural uses are not sustainable due to high costs of doing business and limitations on the types and means of agricultural activities. The Draft PEIR failed to discuss the significant economic impacts that will result from the Ordinance, including the direct cost of implementing mitigation measures and the potential loss of existing farm ground because of increased groundwater pumping.
2. We are concerned about the fundamental change in direction in the relationship between the County and agriculture, both in the Paso Basin in the context of this Ordinance and mitigation measures, as well as the potentially precedential implications Countywide. More specifically, we are very concerned with the introduction of new requirements and mitigation measures for normal and customary agricultural operations, which will continue to change the fundamental relationship between County Land Use and agriculture. The mitigation measures listed create a new era of increased regulations, potentially Countywide. For example, Mitigation Measure (MM) Air Quality (AQ)-1 is not just related to construction-is this intended to be in perpetuity? What are the unintended consequences of creating impermeable surfaces on other types of resources?
3. We are concerned with the introduction of MM BIO-1 Riparian and Wetland Habitat Setback through the County's land use authority. Currently, the Inland Land Use Ordinance Section 22.10.140 – Setbacks is specific to buildings, which have different physical and biological characteristics. We are concerned with evolving definitions of "riparian vegetation and wetland areas" and the feasibility for implementing this requirement depending on the site. There was also discussion at ALAB regarding food safety concerns with the introduction of this specific requirement.
4. We would like further clarification on whether a planting permit for replanting established plantings would be needed and if such a water-neutral replanting would be considered a new planting. We are concerned if subsequent changes in acreage or crop type, even if there are no increases in water use, would trigger the mitigation measures/development standards. We strongly oppose the Ordinance treating the replanting of existing crops as new plantings subject to the Ordinance, which would fundamentally change the relationship between County government and agriculture and create significant interference in the efficient implementation of normal, customary, and efficient agricultural operations (which would also have negative environmental consequences).
5. We understand that CEQA requires the disclosure of potential impacts. However, in several places the document makes general characterizations that are not necessarily supported by fact. In many locations, the impacts, especially cumulative impacts, are described as "would have a considerable contribution...". Given the speculative nature of these statements, we encourage the document to state that they "may have a considerable contribution." For example, the discussion of the Cumulative Impacts for Transportation achieves a better balance of disclosure and the multiple variables involved that should be reflected throughout the discussion of potential impacts if the Draft PEIR does proceed.
6. Mitigation Measure Greenhouse Gas Emissions 1 (MM GHG-1 Carbon Sequestration): We are concerned with the potentially narrow interpretation and implementation of this proposed measure. Does this consider or allow for offsets due to carpool, vanpool, vehicle emissions advancements,

purchase of offsets, or other mitigation opportunities now and in the future? Is this a one-time mitigation or an annual requirement?

7. We are concerned with the dangerous precedent implied in Impact LU-1 that normal and customary agricultural activities “would result in potential General Plan inconsistencies...” and be potentially detrimental to the environment. We do not agree with this characterization or change in direction.
8. Mitigation Measure Utilities and Service Systems 1-Well Metering and Reporting (MM UTIL-1). We are concerned with creating a new requirement through the County’s land use jurisdiction and an additional layer of regulation and annual burden and cost. We believe this is better addressed locally through SGMA.
9. Mitigation Measure Utilities and Service Systems 2-Hydrology Report (MM UTIL-2). Like MM UTIL-1, we believe this is better addressed through SGMA, or as is temporarily the case, through the County’s well permitting process in response to the California Executive Order, rather than through the County’s land use authority.

These comments represent the collective input that ALAB members have compiled from the agricultural community and the commodities and organizations we represent.

We know our farmers and ranchers will play a critically important role in getting the Paso Robles Subbasin into balance, and ALAB will continue to offer input to help guide your policy decisions. We implore you to recognize the current and long-term need for this County to pursue new water sources, and to work more closely with State and Federal leaders in developing critical water infrastructure.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Rodrigues", with a long, sweeping underline.

Dan Rodrigues
ALAB Chair
dan@vinaquest.com