

ORDINANCE NO. 3532

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, AND LOCAL COASTAL PLAN BY AMENDING VARIOUS SECTIONS REGARDING MINERAL RESOURCE DESIGNATION AMENDMENTS

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1. That the purpose and intent of this ordinance is to make updates to the Energy and Extractive Resource Area (EX) (Chapter 23.07.040) and Processing Requirements (Chapter 23.07.042) following State Mining and Geology Board updates to maps of known mineral resources. Any interpretation of this Ordinance shall be consistent with this purpose and intent.

SECTION 2: Section 23.07.040 (Energy and Extractive Area (EX)) of Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

23.07.040 – Energy and Extractive Resource Area (EX):

As applied to specific parcels by the Official Maps (Part III) of the Land Use Element, an Energy or extractive Resource Area combining designation is to identify areas of the county where:

- a. Mineral or petroleum extraction occurs or is proposed to occur;
- b. The state geologist has designated a mineral resource area of ~~statewide or~~ regional significance pursuant to Sections 2710 et seq. of the Public Resources Code (The Surface Mining and Reclamation Act);
- c. Major public utility electric generation facilities exist or are proposed.

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the Land Use Element from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

SECTION 3: Section 23.07.042 (Processing Requirements) of Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

23.07.042 – Processing Requirements:

When located in an EX area, all proposed land uses required to have land use permit approval by Chapter 23.03 (Permit Requirements), Chapter 23.08 (Special Uses), or by planning area standards of the Land Use Element (Part II), are subject to the requirements of Sections 23.07.040 through 23.07.044.

a. Use restrictions. The following uses are prohibited within the EX combining designation:

Recycling & Scrap
Clubs, Lodges, and Private Meeting Halls
Libraries & Museums
Churches
Rural Recreation and Camping (except Incidental Camping)
Schools
Restaurants
Lodging (except Bed & Breakfast Inns, 3 or fewer units)
Waste Disposal Sites
Airfields & Landing Strips

b. New subdivisions - Minimum parcel size. The minimum parcel size for a new parcel is 10 acres unless a larger minimum parcel size is required by applicable sections in Chapter 23.04.

c.a. Permit required.

(1) **Resource extraction.** The land use permit requirements for oil wells or mining operations shall be as determined by Section 23.08.170 et seq. (Resource Extraction).

(2). **Electric generating facilities.** The land use permit requirements for new electric generation facilities and modifications to existing facilities are determined by Chapter 23.08.300 et seq. (Electric Generating Plants).

(3) **All other land uses.** Proposed land uses not directly related to energy or extraction operations are subject to Minor Use Permit approval, unless the project would otherwise be required by this Title to have Conditional Use Permit approval.

(4) **Uses related to an existing single-family residence.** The following development accessory to an existing legally-established single-family residence shall be exempt from the Minor Use Permit requirement of Subsection c(3):

- (i) Minor exterior alterations.
- (ii) Residence expansions not exceeding 50 percent.

- (iii) Residential accessory structures and accessory dwelling units.
- (iv) Home occupations.
- (v) Demolition and replacement of a single-family residence in the same location.

d.b. Application content.

- (1) Resource extraction:** As required by Section 23.08.170 et seq. (Resource Extraction).
- (2) Electric generating facilities:** As required by Section 23.08.300 et seq. (Electric Generating Plants).
- (3) All other land uses.** Where a land use other than resource extraction or power generation is proposed in an EX area, the permit application shall include a mineral resource report prepared by a geologist or mining engineer that evaluates:
 - (i) The estimated extent and commercial value of any mineral resources located on the site or known to be within the vicinity of the proposed uses;
 - (ii) The feasibility of extracting the identified mineral resources within a reasonable time before development of the proposed use;
 - (iii) The feasibility of conducting resource extraction operations at the same time as the proposed use.

e.e. Required findings. Approval of any use other than energy production or resource extraction may be granted when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of the energy or extraction use.

SECTION 4: 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 5: 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 6: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 7: This project is not a project as defined under CEQA and even if it were a project under CEQA, it would be exempt under the Common Sense Exemption in accordance with CEQA Guidelines sec. 15061(b)(3). The proposed amendments do not involve the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The proposed amendments simply update resource maps in accordance with the State Mining and Geology Board's Special Report 215, creates a Mining Disclosure Zone, and imposes regulations and restrictions on development which may impact future resource extraction activities consistent with Public Resources Code sec. 2710 et seq., the Surface Mining and Reclamation Act. None of these activities have the potential to cause a direct or indirect physical change in the environment. See *Union of Medical Marijuana Patients, Inc. v. City of San Diego*, 4 Cal.App.5th 103 (2016).

SECTION 8: 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 hearing meeting of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 25th day of March 2025, by the following roll call to vote, to wit:

AYES: Supervisors Bruce S. Gibson, Jimmy Paulding, Heather Moreno and
Chairperson Dawn Ortiz-Legg

NOES: None

ABSENT: None

ABSTAINING: None


Chairman of the Board of Supervisors

ATTEST:

MATTHEW P. PONTES
Ex-Officio Clerk of the Board of Supervisors

By: 
Deputy Clerk
[SEAL]

APPROVED AS TO FORM AND LEGAL FORM:

RITA NEAL
County Counsel

By: /s/ Jon Ansolabehere
Assistant County Counsel

Dated: March 6, 2025

STATE OF CALIFORNIA) ss.

COUNTY OF SAN LUIS OBISPO)

I, **MATTHEW P. PONTES**, 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 August 14, 2025.

MATTHEW P. PONTES
County Administrative Office and
Ex-Officio Clerk of the Board of Supervisors

By: 
Deputy Clerk