

## ORDINANCE NO. 3531

### AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, 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 22.14.040), Extractive Resource Area (EX1) (22.14.050), and Combining Designation Standards (22.98.020) 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 22.14.040 (Energy and Extractive Resource Area (EX)) of *Title* 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

#### **22.14.040 - Energy and Extractive Resource Area (EX)**

**A. Purpose and applicability.** The Energy and Extractive Resource Area (EX) combining designation is used to identify areas of the county where:

1. Mineral or petroleum extraction occurs or is proposed to occur;
2. The state geologist has designated a mineral resource area of statewide or regional regional significance pursuant to Sections 2710 et seq. of the Public Resources Code (The Surface Mining and Reclamation Act);
3. 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.

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

Recycling - Scrap and dismantling yards  
Small Scale Manufacturing  
Clubs, Lodges, and Private Meeting Halls  
Libraries and Museums  
Religious Facilities

Rural Recreation and Camping (except Incidental Camping)

Schools

Restaurants

Lodging (except Bed & Breakfast Inns, 3 or fewer units)

Waste Disposal Sites

Airfields and Heliports

**C. 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 22.22.

**D.B.- Processing requirements.** When located in an EX area, all proposed land uses required to have land use permit approval by Section 22.06.030 (Allowable Land Uses and Permit Requirements), Article '1 (Standards for Specific Land Uses), or by planning area standards in Article 9, are subject to the requirements of this Section.

**1. Permit required.**

- a. **Resource extraction.** The land use permit requirements for oil wells or mining operations shall be as determined by Chapters 22.34 and 22.36.
- b. **Electric generating facilities.** The land use permit requirements for new electric generation facilities and modifications to existing facilities are determined by Chapter 22.32.
- c. **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. The following are exceptions to the Minor Use Permit requirement:

iii **Uses related to an existing single-family residence.**  
Development accessory to an existing legally-established single-family residence, including but not limited to, the following:

@1 Minor exterior alterations.

M Residential expansions not exceeding 50 percent

(g Residential accessory structures and accessory dwelling units.

(Q} Home\_occupations.

(fi Demolition and replacement of a single-family residence in the same location.

w **Planning area standard.** Where planning standards in Articles 9 or 10 for the EX designation authorize Zoning Clearance roval.

**2. Application content.**

- a. **Resource extraction:** As required by Chapters 22.34 and 22.36.
  - b. **Electric generating facilities:** As required by Chapter 22.32.
  - c. **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:
    - (1) 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;
    - (2) The feasibility of extracting the identified mineral resources within a reasonable time before development of the proposed use;
    - (3) The feasibility of conducting resource extraction operations at the same time as the proposed use.
- 3. 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.

**E. Development standards.** Resource extraction operations shall be established and operated in compliance with the standards of Chapters 22.36 and 22.36. Electric generating facilities shall comply with Chapter 22.32. Development standards for other land uses shall be established through the land use permit review and approval process.

SECTION 3: Section 22.14.050 (Mineral Resource Area (MRA)) of Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

**22.14.050 - Extractive Resource Area (EX1) Mineral Resource Area (MRA)**

- A. Purpose and applicability.** The Mineral Extractive Resource Area (MRA -EX+) combining designation is used to identify areas of the county which the California

Geological Survey California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain regionally significant mineral deposits.

The purpose of this combining designation is to protect existing resource extraction operations and areas with significant mineral resources from encroachment by incompatible land uses that could hinder resource extraction. In addition, Framework for Planning- Inland Portion, Part I of the Land Use Element contains guidelines which call for proposed land use category amendments to give priority to maintaining land use categories which allow and are compatible with resource extraction.

**B. Use restrictions.** The following uses are prohibited within the MRA combining designatiQri;\_

Recycling - Scrap and dismantling yards  
Small Scale Manufacturing  
Clubs, Lodges, and Private Meeting Halls  
Libraries and Museums  
Religious Facilities  
Rural Recreation and Camping (except Incidental Camping)  
Schools  
Restaurants  
Lodging (except Bed & Breakfast Inns, 3 or fewer units)  
Waste Disposal Sites  
AictLelds and Hf!liports

**C. New subdivisions - Minimum parcel size.** The minimum parcel size for a new residential parcel is 10 acres unless a larger minimum parcel size is required by applicable sections in Chapter22.22.

**D. & Processing requirements.** The following standards apply to proposed land uses within the MRA €X+ combining designation which are required to have Minor Use Permit or Conditional Use Permit approval by Section 22.06.030 (Allowable Land Uses and Permit Requirements), Article Chapter 22.3004 (Standards for Specific Land Uses), or by planning area standards in Article.s9 and 10.

1. All proposed mineral or petroleum extraction uses are subject to the requirements of Sections 22.14.040 through 22.14.044 and Chapters 22.34 and 22.36 22.08.170 through 22.08.198.
2. Approval of any use other than mineral resource extraction may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.

SECTION 4: Section 22.98.020 (Energy and Extractive Resource Areas (EX) - Permit Requirements for Price Canyon Oilfield) of Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

**22.98.020 - Combining Designation Standards**

**a. Energy and Extractive Resource Areas (EX) - Permit requirement for Price Canyon Oilfield.**

1. **Oilfield Expansion.** Conditional Use Permit approval is required for any expansion of existing oilfield operations in Price Canyon, Tiber Canyon and in the hills off Ormonde Road into adjacent land use categories.
2. **Residential Development. Notwithstanding the Minor Use Permit requirement of Section 22.14.040, residential development not otherwise requiring Minor Use Permit or Conditional Use Permit approval pursuant to Chapters 22.06 and 22.08 may be authorized through Zoning Clearance approval, subject to the following requirements:**
  - a. A licensed land surveyor shall identify the locations and status of all wells on record with the California Department of Conservation - Division of Oil, Gas, and Geothermal Resources (DOGGR) on the site Q@lh
  - b. No structures shall be placed within 10 feet of any abandoned oil well.

**c. ExtractiveMineral Resource Area (-EX--1-MRA) - Santa Maria and Sisquoc River Specific Plan.** The following standards apply within the Extractive Mineral Resource Area (-EX--1-MRA) combining designation in and along the Santa Maria River.

1. **Compliance with Specific Plan required.** All development within the Santa Maria and Sisquoc Rivers Specific Plan Area (see Figure 98-4) shall comply with the adopted Specific Plan. In the event of any conflict between the provisions of this Title and the Specific Plan, the Specific Plan shall control. Any deviation of existing or proposed development from the provisions of the Specific Plan shall occur only after appropriate amendment of the Specific Plan.

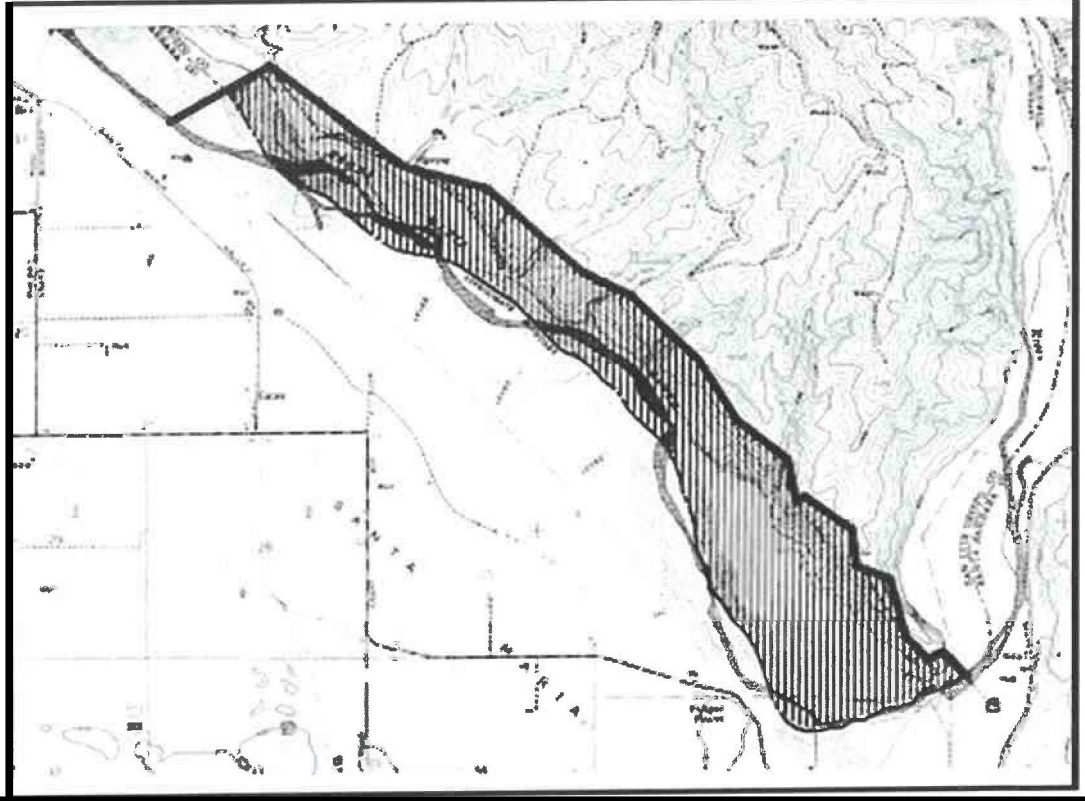


Figure 98-4 • Santa Maria and Sisquoc Rivers Specific Plan

2. **New mining operations.** Proposals for new mining operations located in the MRA-EX--+ Combining Designation shall apply for and fund appropriate amendments to update the existing Santa Maria and Sisquoc Rivers Specific Plan. Where a substantial change to the operation of a mine with a vested right is proposed (as described in Chapter 22.36, and as provided by Public Resources Code (PRC) Section 2776), the operation will be considered a new mining operation and a new land use permit and reclamation plan shall be required.
3. **Review of proposed operations on prime agricultural land.** Land use permits for mining on prime agricultural land (as defined in Government Code Section 51201) are subject to review and recommendations by the Agricultural Preserve Review Committee or its equivalent prior to review and approval by the Commission.

SECTION 5: Title 22 of the San Luis Obispo County Code, is hereby amended to replace all references to "EX1 Extractive Resource Area" with "MRA Mineral Resource Area".

SECTION 6: Title 22 of the San Luis Obispo County Code, is hereby amended to replace all references to "Extractive Resource Area" with "Mineral Resource Area".

SECTION 7: Title 22 of the San Luis Obispo County Code, is hereby amended to replace all references to "EX1" with "MRA".

SECTION 8: 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 9: 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 10: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 11: 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 12: 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 of the San Luis Obispo County Planning Commission held on the 23<sup>rd</sup> 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 25<sup>th</sup> 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: Supervisor John Peschong

ABSTAINING: None

Dawn Ortiz-Legg  
Dawn Ortiz-Legg  
Chairman of the Board of Supervisors

ATTEST:

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

By: Niki Martin  
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL FORM:

RITA L. NEAL  
County Counsel

By: /s/ Jon Ansolabehere  
Assistant County Counsel

Dated: March 6, 2025