

EXHIBIT A

IN THE BOARD OF SUPERVISORS  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 2013

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. 2013 - \_\_\_\_\_

RESOLUTION REGARDING A VESTED RIGHT TO COMPLETE SITE PREPARATION,  
PLANTING, OR SALE OF PRODUCT UNDER ORDINANCE NO. 3246

The following resolution is now hereby offered and read:

WHEREAS, Ordinance No. 3246 became effective on August 27, 2013 and imposed new legal limitations and prohibitions on production agricultural activity that was previously unregulated by County ordinance; and

WHEREAS, in adopting the Ordinance the Board recognized that agriculturalists subject to the Ordinance may have begun substantial site work and incurred substantial liabilities in detrimental reliance upon the lack of any needed approval in the pre-Ordinance environment; and

WHEREAS, the Ordinance contains certain exemptions, including an exemption creating a limited vested right to complete the installation of new irrigated crops where satisfactory evidence can be provided that, prior to the effective date of the Ordinance, an applicant has secured such a vested right to complete site preparation, planting, or sale of product; and

WHEREAS, in order to better implement the Ordinance and based on the advice of its County Counsel, the Board of Supervisors wishes to direct its staff regarding the appropriate application of the vested right exemption in Ordinance No. 3246.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2013, that:

County staff shall use the following procedure when presented with a request for an Ordinance 3246 vested right determination:

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1. Satisfactory evidence that an applicant has secured a vested right to complete site preparation, planting, or sale of product, as described in Section 6.A.4 of Ordinance 3246, consists of **all** of the following:
  - a. Evidence of a valid well permit applied for and issued pursuant to Chapter 8.40 of the County Code prior to August 27, 2013.
  - b. Evidence that a well has been installed onsite pursuant to the valid well permit described above, or evidence that a contract was entered into with a licensed well driller prior to August 27, 2013 for installation of the well.
  - c. Evidence that the applicant owned the land prior to August 27, 2013 or had entered into an irrevocable lease for the specific purpose of agriculture prior to August 27, 2013.
  - d. For permanent crop types (i.e. vineyard, orchard, tree fruits, tree nuts) evidence shall be provided to show that at least three (3) of the following requirements have been met prior to August 27, 2013:
    - i. The applicant was contractually obligated to accept future delivery of the plants intended to be planted and all contractual conditions precedent to accepting future delivery of said plants were satisfied including a deposit paid towards the full cost of the contract or the plants intended to be planted (i.e. rootstock, trees) were delivered to the applicant.
    - ii. The applicant has entered into a contract, including paying a deposit towards the full cost of the contract, for the design and installation of irrigation infrastructure (such as tanks, pumps, underground piping) required to supply water to the area intended to be planted or such infrastructure has been installed in the area intended to be planted.
    - iii. 100 percent of the area that is intended to be planted has been ripped, disked or tilled or other observable and evident site preparation for the intended crop has occurred.
    - iv. If the crops are intended to grow in rows, the rows have been surveyed and staked or clearly identified or other observable work such as trellis installation has occurred.
    - v. Any fencing required to maintain the crop has been installed.
    - vi. The applicant was contractually obligated to provide product from the area that is intended to be planted within a specific time frame that would require that the area be planted within the timeframe the Ordinance 3246 is in effect.

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- e. For annual crops (i.e. grains, field crops, vegetables, field fruits, flower fields and seed production, ornamental crops, irrigated pasture) evidence shall be provided to show that at least two (2) of the following requirements have been met prior to August 27, 2013:
  - i. The applicant was contractually obligated to accept future delivery of the plants intended to be planted (i.e. seeds, transplants, plugs) and all contractual conditions precedent to accepting future delivery of said plants were satisfied, including a deposit paid towards the full cost of the contract, or the plants intended to be planted were delivered to the applicant.
  - ii. The applicant has entered into a contract, including paying a deposit towards the full cost of the contract, for the rental of irrigation infrastructure (such as sprinklers, piping) required to supply water to the area intended to be planted, or the applicant owns such infrastructure.
  - iii. 100 percent of the area that is intended to be planted has been disked or tilled or other observable and evident site preparation for the intended crop has occurred.
  - iv. The area that is intended to be planted has had soil amendments appropriate for the intended crop applied.
  - v. If the crops are intended to grow in rows, the rows have been clearly identified.
  - vi. The applicant was contractually obligated to provide product from the area that is intended to be planted within a specific time frame that would require that the area be planted within the timeframe Ordinance 3246 is in effect.
2. Persons or organizations wishing to rely on the exemption described in Section 6.A.4 of Ordinance No. 3246 to establish new or expanded irrigated crop production, and/or to convert dry farm or grazing land to new irrigated crop production, will provide the evidence described in Section 1 above to the Director of Planning and Building prior to establishment of, and/or conversion of dry farm or grazing land for, new irrigated crop production, who will review the evidence submitted and render a written decision.
3. The decision of the Director of Planning and Building pursuant to Section 2 above is equivalent to issuance of a ministerial permit. At the discretion of the Director, any request for an Ordinance 3246 vested right determination that does not meet

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the evidence described in Section 1 above, may be referred to the Board of Supervisors who will review the evidence submitted and render a decision.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES: Supervisors

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors  
of the County of San Luis Obispo,  
State of California

ATTEST

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

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: November 15, 2013