



Fw: Creston Advisory Body Letter to B of S , item 23, 9-25-12
Amy Gilman to: cr_board_clerk Clerk Recorder

09/21/2012 12:51 PM

for the record please.

----- Forwarded by Amy Gilman/BOS/COSLO on 09/21/2012 12:50 PM -----

From: "Sheila Lyons" <salyons@airspeedwireless.net>
To: <ahill@co.slo.ca.us>, <bgibson@co.slo.ca.us>, <fmecham@co.slo.ca.us>, <pteixeira@co.slo.ca.us>, <sbaker@co.slo.ca.us>, <jpatterson@co.slo.ca.us>
Cc: <choward@co.slo.ca.us>, "James Caruso" <jcaruso@co.slo.ca.us>
Date: 09/21/2012 12:45 PM
Subject: Creston Advisory Body Letter to B of S

Hello,

Please find enclosed a letter from the Creston Advisory Body (CAB) directed to the members of the Board of Supervisors on the topic of adoption of the proposed changes to institute water conservation measures in the form of land use policy in the county. We understand this is a topic for the September 25, 2012 Board of Supervisors meeting. Since I personally can not be present, Maria Lorca, my alternate will attend to read the main points addressed in this letter.

Thanks for your attention to this most important topic.

Sheila Lyons
CAB Chairperson



To B of S from CAB on Water Ord 9-12.doc CAB overlap PR Groundwater Basin.JPG Water delivery ads in Word.doc

ITEM NO. 23
MEETING DATE: SEPTEMBER 25, 2012
PRESENTED BY: SHEILA LYONS
RECEIVED PRIOR TO MEETING
POSTED ON: SEPTEMBER 24, 2012

Creston Advisory Body Communication

Chairperson: Sheila Lyons, 805-239-0917, P.O. Box 174 Creston CA 93432, salyons@airspeedwireless.net

Sept 25, 2012

San Luis Obispo Board of Supervisors

Subject: Proposed Water Ordinance before the SLO Board of Supervisors Sept. 25, 2012

The Creston Advisory Body (CAB), a citizen's advisory council located in the 5th District of San Luis Obispo (SLO) County discussed the proposed changes to the Article 9 of the Land Use Code, Title 22 of the County Code to add water conservation requirements for discretionary land use permit applications at the August 15th, 2012 meeting. Maria Lorca, alternate for Claudia Engel, the At-Large representative from Creston to the Paso Robles Groundwater Basin Steering Committee, was present for the discussion.

A majority of the properties in the Creston community, represented by CAB, lie over the Paso Robles Groundwater Basin. See attached map. We are aware that the Basin has reached a Severity Level III and that pumping appears to be increasing with no end in sight. Due to our concern for how our basin is being managed, or not managed as the case may be, CAB maintains as a standing agenda item at our monthly meetings, a report on the water situation. We listen, read, and discuss the studies generated and the subsequent progress being made by the PR Groundwater Steering Committee, the Planning Commission and the Board of Supervisors. None of the information we have received to date has served to calm our fears, but rather to enhance our concerns.

The Creston Community is primarily agriculture and rural lands. The properties in Creston, be they farms, vineyards, olive groves, etc. are worked and managed by the resident owners and represent a lifetime of investment. Because we have so much at stake, we pushed to have Creston represented on the PR GW Steering Committee. Outside interests who operate businesses in our county have much more money at their disposal to lobby than do the individual residents of the Creston Community. You, the Board of Supervisors, are our representation and as such are charged to act on our behalf to manage this most vital resource, water. Our expectation is that you will adopt measures that can be implemented now, however unpopular, to ensure that our investments are protected.

The stories told at our CAB meetings are alarming. Creston properties in the recharge area of our basin that used to have water tables at 15-20 feet are now pumping air at 180 ft. Local truckers are being contracted to haul water regularly, as often as every 3 days, to properties attempting to manage through the summer and hoping that the rains of next winter will replenish their current dwindling supplies. See attached fliers posted at the Creston Post Office community bulletin board. We believe we sit on top of some of the most secure water in the basin and yet our outlook is still grim. Alternative outside sources of water are hypothetical, out of reach due to cost and lack of infrastructure and would not be ready in time to alleviate this crisis. We need solutions now. The situation is already urgent. Procrastination and delays are unacceptable.

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1. **Requires discretionary development to offset its new net water usage for non-agricultural purposes.**
2. **Requires offsets to conserve water used or potentially used for non-agricultural purposes.**
3. **Exempts agricultural processing in uses from the offset requirements.**
4. **Prohibits general plan amendments that would result in a net increase in the use of water for non-agricultural purposes until a Level of Severity I is certified by the Board of Supervisors.**
5. **Prohibits the approval of new land divisions until a Level of Severity (LOS) I is certified by the Board of Supervisors.**
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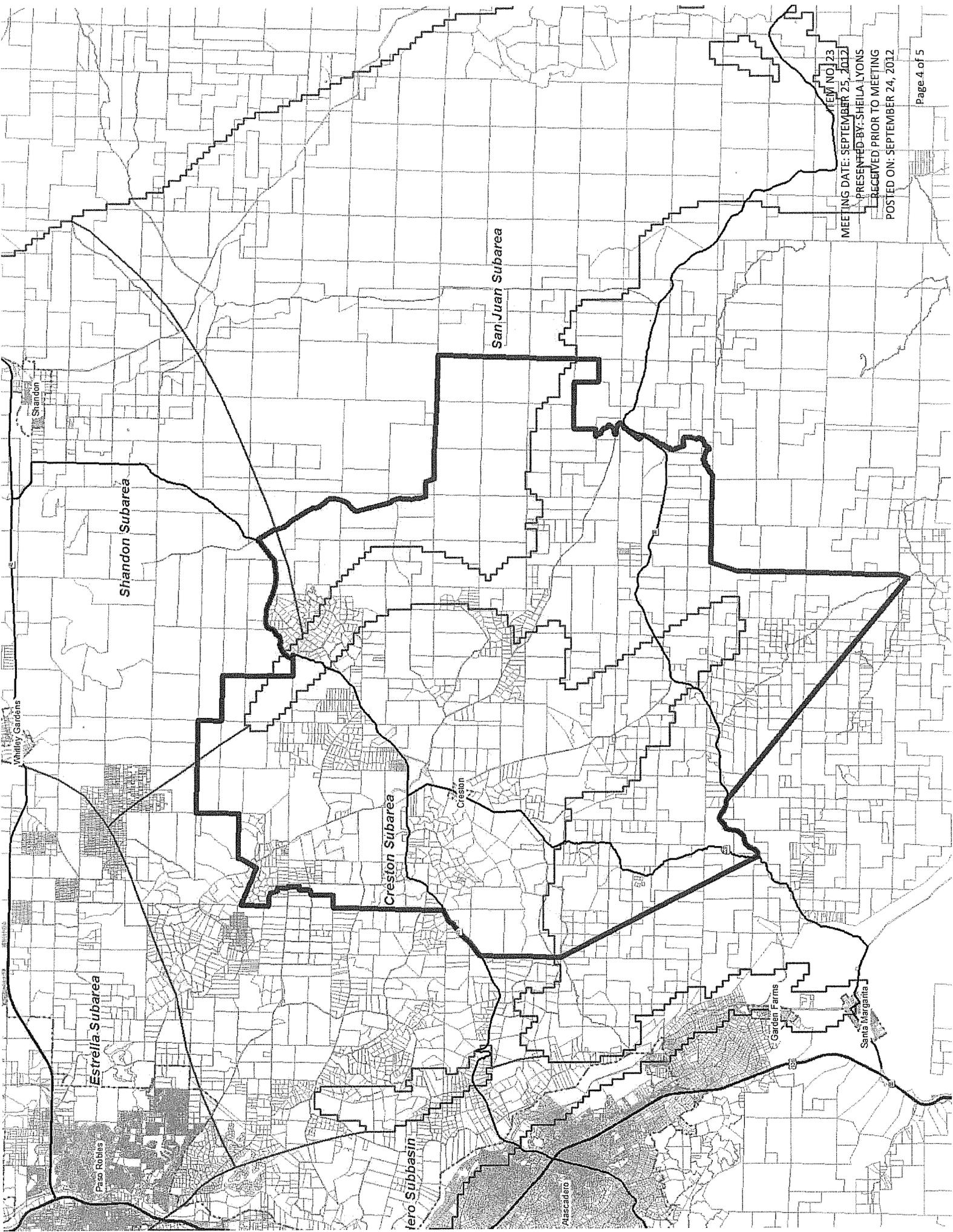
These changes would be the first step, however small, in managing our groundwater basin **without spending a penny of grant money.** As noted above, CAB is paying close attention to the actions of the PR GW Steering Committee and the SLO County Board of Supervisors. We hope that all members of the Board of Supervisors will realize the urgency and do the right thing. Vote to adopt these measures as official County policy.

Thank you for the opportunity to comment on this most serious matter.
Sincerely,

Sheila Lyons
CAB Chairperson
Participant in the early workshops conducted by the Paso Robles Groundwater Basin –
Groundwater Advisory Committee

CC: Supervisor 5th District, James Patterson
Supervisor 1st District, Frank Mecham
Supervisor 2nd District Bruce Gibson
Supervisor 3rd District Adam Hill
Supervisor 4th District Paul Teixeira
Clerk for SLO County Supervisors Amber Wilson
James Caruso, SLO Planning and Building Department
Courtney Howard, Water Resources Engineer, SLO County Public Works Department

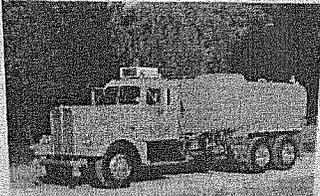
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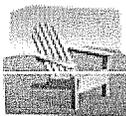
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Fw: Paso Robles Groundwater

Amber Wilson to: BOS_Legislative Assistants
Cc: cr_board_clerk Clerk Recorder

09/24/2012 08:09 AM

Amber Wilson

Secretary/Board of Supervisors
San Luis Obispo County
805.781.4335
abwilson@co.slo.ca.us

----- Forwarded by Amber Wilson/BOS/COSLO on 09/24/2012 08:08 AM -----

From: Douglas Brown <dsbrown@hughes.net>
To: abwilson@co.slo.ca.us, rhedges@co.slo.ca.us
Cc: jcaruso@co.slo.ca.us
Date: 09/24/2012 06:24 AM
Subject: Paso Robles Groundwater



DOCSOC-#1495211-v1-Statement_re_Groundwater_Plan.doc

Please see the attached comments I delivered to Mr. Caruso as well as County Counsel back in 2011 concerning the deficiencies in the Paso Robles Groundwater RCS as well as the County's failure to comply with CEQA in connection with its adoption as well as the "approval" of the RCS's recommendations. Please note I have never received a formal response to my communication and I continue to believe that the County's actions on these issues since adoption of the RCS is in violation of CEQA, including the proposed adoption of the ordinances before you.

While I continue to reiterate all of the comments in the attached letter, I would like to highlight three points. First, the County's own experts disagreed with whether the Atascadero sub-basin should be considered part of the Paso Robles Groundwater basin -a clear indication that there is credible evidence of potential negative effects on the environment in the Atascadero sub-basin even under the County staff's own view of the world. Second, the fact that the City of San Luis Obispo's export of water from the basin was completely ignored (not studied and determined to be without effect on the environment-but ignored completely in the RSC and the ordinance before you) is a sad commentary on how flawed the RCS and all County actions since adoption of the RCS have been. Third, neither the RSC nor any of the materials I have seen have discussed whether the RSC, the plan or these ordinances and the burdens they create will accelerate the incorporation of agricultural land and open space into the cities of Atascadero and Paso Robles and the effect on the environment such activities would entail.

I will not be able to attend the board of supervisor's meeting because of a work obligation. I would respectfully request that this email along with the attached statement be entered into the record. I urge the Board of Supervisor's to stop the rush to adopt the ordinances, that staff be directed to respond formally to the issues raised in this email and other communications from the public on this matter and that the County fully comply with its obligations under CEQA before adoption of the ordinances.

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PRESENTED BY: DOUGLAS BROWN
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It would make far more sense to give the public the opportunity to comment through the CEQA process-and require the County staff to respond to these comments-rather than risk potentially costly and divisive litigation.

Doug Brown

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PRESENTED BY: DOUGLAS BROWN
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POSTED ON: SEPTEMBER 24, 2012

My name is Doug Brown and I am the owner of agricultural property overlying the Paso Robles groundwater basin southeast of the City of Paso Robles.

I am here tonight to speak about the process that the County has followed in connection with the Paso Robles Groundwater Plan as well as the substance of the Plan. I would first like to thank Mr. Caruso for making himself available by phone on a number of occasions to discuss the Plan with me. Second I would like to stress that notwithstanding the fact that I have concerns over both the process and the substance of the Plan, these concerns are not in any way motivated by opposition to water conservation. In fact I strongly support voluntary water conservation by all water users in the Basin.

I first became aware of the Plan when a mailer arrived at our ranch two weeks ago. What first concerned me was that the Plan states that the Board of Supervisors had already “adopted recommendations” contained in the Resource Capacity Study, including the declaration of a Level III severity level. I found it odd that these recommendations were approved PRIOR to this public process and in advance of complying with the California Environmental Quality Act. To me, it seemed that the process was backwards.

Upon reviewing the Plan as well as the RCS, I had specific concerns that certain of the recommendations were inconsistent with the Open Space Element of the General Plan.

These include Land Use Measure 2, which prohibits land divisions even if there is no increase in non-agricultural water use. This appears to be inconsistent with Open Space Element 1.13 of the General Plan. Staff has indicated to me that only land divisions which result in a net increase in non-agricultural water use are intended to be prohibited and that this can be clarified in the implementing ordinances.

Similarly, Section 8(c) on page 22 of the RCS suggests that even discretionary AGRICULTURAL development will trigger the requirement to mitigate ALL water use. While staff initially told me that the language only applies to NON-AGRICULTURAL development and only required mitigation of NET INCREASES in water use, I understand staff to now agree that the language is imprecise and can be clarified in the implementing ordinances.

Unless staff believes I have misunderstood their answers to these questions, I would respectfully request that both of these issues be corrected or clarified in those implementing ordinances.

My broader concern is with the lack of environmental review of the RCS and its recommendations. In my conversations with both county planning staff, the county clerk and county counsel it appears that no environmental approval was done prior to the adoption of the RCS recommendations. While planning department staff have suggested that adoption of the RCS recommendations was only part of a feasibility study and therefore exempt from CEQA, I do not believe that is legally defensible.

While there has clearly been significant work done by the consultant and staff on the RCS, there seems to be a number of issues that should have been addressed by the RCS and the environmental review process.

First, the RCS does not appear to be a comprehensive review of the water resources in the watershed. For example, the RCS does not acknowledge that the City of San Luis Obispo is the one of the largest water users in the watershed and the only sizable entity exporting water from the watershed. As best as I can tell from City's own reports, the City exports up to 2,600 acre feet of water a year from Santa Margarita. Yet the RCS is completely silent about its water use and its impact on the Basin. I would suggest that the RCS should have reviewed the operations of Santa Margarita by the County Flood Control District to see whether re-operation of Santa Margarita could have a positive effect on groundwater levels in the main Basin.

Similarly the RCS appears to be largely silent on the lack of implementation by the County, through CSA 16, of the Shandon state water contract. This contract was first executed back in the early 1990's but has never been implemented. Implementation of this readily available water source by the County would significantly reduce non-agricultural pumping in the Shandon area.

The RCS is also unclear (at least to me) on the use of the additional Lake Nacimiento water by the urban agencies. Such use would clearly reduce pumping by some of the largest non-agricultural groundwater pumpers in the basin.

I want to be clear that I am not arguing that the urban pumpers be required to undertake these projects. I am suggesting, however, that omitting a robust discussion of these water sources effectively created a “need” in the RCS for recommendations which would negatively affect agricultural pumpers and rural residents - even though agriculture, according to the General Plan, the RCS and the Plan, is supposed to have a “priority” to the Basin (Policy WR 1.7)

Second, the RCS suggests that the Atascadero sub-basin is hydraulically separate from the main Basin. The Planning Commission conceded that the peer review study found that prior reports “overemphasizes the hydraulic separation...” of the Atascadero sub-basin from the main basin. The Planning Commission and Board action nevertheless treated the Atascadero sub basin as separate from the main basin. By doing so, another non-agricultural pumper continues to pump groundwater from the basin and the alluvium without even handed treatment under the Plan.

Third, according to the data contained in the RCS there appears not to have been a sustained groundwater level drop below historic levels in the Creston sub area. Yet the RCS recommends the same set of land use and other recommendations be implemented in the Creston sub area as more impacted areas. The RCS should have considered less intrusive recommendations for the Creston sub area, including but not limited to water conservations efforts and continued monitoring.

My point here is not that exploring these questions through an environmental review process will inevitably lead to different conclusions or that my particular views on these issues are correct. My point is simply that the Board’s actions finding a Severity Level III and approving recommendations BEFORE compliance with CEQA was unfair to landowners and potentially contrary to California law. If an EIR had been done, these (and probably other issues raised by people far more expert than me) could have been resolved in a co-operative manner.

I agree with the authors of the Plan that no one in the Basin will be well served by an adjudication. But I also believe that everyone in the Basin was entitled to an appropriate environmental review of the RCS recommendations prior to their adoption.

Since no environmental review was done prior to Board approval and the 180-day challenge period has not yet run, the County is running the risk of a CEQA challenge. I strongly urge the County to take this opportunity to rescind the approval of the Severity Level III for the main basin

and the adoption of the RCS recommendations and related actions, cease enforcing any of the RCS recommendations and prepare an appropriate environmental review in compliance with CEQA which adequately responds to these and other issues raised tonight. I believe that this will allow for the cooperative development of meaningful water conservation efforts to protect the Basin that all stakeholders can support.

Thank you very much.



Fw: Letter from Dana Merrill : Re: Tuesday vote on land use amendment

Frank Mecham, Bruce Gibson, Adam Hill,
Frank Mecham to: Paul Teixeira, James Patterson, Cherie
Aispuro, Amy Gilman, Debbie Geaslen,
Sent by: Vicki Shelby

09/24/2012 08:44 AM

Frank R. Mecham
District 1 Supervisor
1055 Monterey St. Rm. D430
San Luis Obispo, CA 93408
(805) 781-5450

FMecham@co.slo.ca.us

----- Forwarded by Vicki Shelby/BOS/COSLO on 09/24/2012 08:43 AM -----

From: Marsha Merrill <marsha.merrill@gmail.com>
To: fmecham@co.slo.ca.us
Date: 09/23/2012 10:40 PM
Subject: Letter from Dana Merrill : Re: Tuesday vote on land use amendment



Mecham letter Lot Split 9 23 12 BOS .docx

Supervisor Mecham, Sorry to send this on the late side, harvest etc makes time tight. I spoke to Planning Commissioner Irving very briefly indicating that I was very concerned about backlash in reduced future cooperation from ag and other rural interests if the lot split ban moves forward. Right now, we are getting great cooperation in adding new monitoring wells for the County and keeping ag on board. Getting into a property rights dispute, or Smart Growth disputes which some feel this lot split ban is related to (build in the cities, not in the country) diverts our attention from the real problem: manage the water levels in the Basin. We will use up valuable "bullets" we will need later going for a lot split ban that has not been shown to have great prospects at saving water to any extent. Something like 350 acre feet over 20 years; not material. Lot splits have plenty of current requirements for ag viability, etc. as things stand now.

I can support an ordinance but keep it focused on the issue at hand: reduce groundwater demands or at least hold them at current levels. Don't design the ordinance so that it becomes a "no growth" ordinance. For all practical purposes, it will be difficult if not impossible, to ever get a return move to Level III certified.

Good to see you at the Friday tour, very useful.

Also, after this harvest, I would like to give you my thoughts on the wine industry, water, etc.

Thanks

DM

ITEM NO. 23
MEETING DATE: SEPTEMBER 25, 2012
PRESENTED BY: MARSHA MERRILL
RECEIVED PRIOR TO MEETING
POSTED ON: SEPTEMBER 24, 2012

1220 Beaver Creek Lane, Paso Robles, CA 93446 (residence)

805.434.4100 office

Mesa Vineyard Mgmt, Inc. and Pomar Junction Vyd and Winery

PO Box 789

Templeton, CA 93465

ITEM NO. 23
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PRESENTED BY: MARSHA MERILL
RECEIVED PRIOR TO MEETING
POSTED ON: SEPTEMBER 24, 2012

September 22, 2012

The Honorable Frank Mecham,
County Supervisor, First District
County of San Luis Obispo, CA 93446

Dear Supervisor Mecham,

The Board will be considering a vote to add water conservation requirements for discretionary land use permit applications and to prohibit lot splits until the Paso Robles Water Basin is certified to move from its present Level III Severity level to Level I. I can support logical conservation requirements but the lot split moratorium should be removed from consideration.

As an experienced agriculturist, land owner and farmer, I know that there is no logical connection between banning lot splits and reducing demands on our Basin. Increases in irrigated acreage from winegrapes, vegetables and alfalfa in our Basin have no correlation to lot splits. There will be an increase in the intensity of production, which includes moving from dryland to irrigated practices, but lot splits are not typically part of this intensification of agricultural use.

I would instead urge an amendment of required mitigation when building permits are granted, to require that no net increase in water use result from a lot split or discretionary use. This will target the area of concern, namely increased water use, directly rather than indirectly.

We need also to keep all stakeholders working together while we work toward a solution. Alienating land owners, some of whom may need lot splits to cope with estate planning, as one example needlessly will foster animosity as we need to keep moving forward proactively to control the future of our Basin. We should not enact this measure simply to emphasize the point that our Basin needs attention from all interests. I feel that we are making progress and enacting this provision threatens the goodwill especially from agricultural interests who must stay part of this process if it is to have any chance of success.

As one who has invested many hours of time working with other stakeholders to find solutions on the Basin Steering Committee along with other entities, I hope you will direct staff to amend the proposal to more directly deal with the challenge at hand and not enact the lot split ban component.

Sincerely,

Dana M. Merrill
1220 Beaver Creek Lane
Paso Robles, CA 93446

ITEM NO. 23
MEETING DATE: SEPTEMBER 25, 2012
PRESENTED BY: MARSHA MERILL
RECEIVED PRIOR TO MEETING
POSTED ON: SEPTEMBER 24, 2012



Fw: Creston Advisory Body Letter to B of S for Sept 25
 Board of Supervisors to: BOS_Legislative Assistants
 Sent by: Amber Wilson
 Cc: cr_board_clerk Clerk Recorder

09/24/2012 09:44 AM

----- Forwarded by Amber Wilson/BOS/COSLO on 09/24/2012 09:43 AM -----

From: Maria Lorca <maria7551@charter.net>
 To: boardofsups@co.slo.ca.us
 Date: 09/24/2012 09:11 AM
 Subject: Fwd: Creston Advisory Body Letter to B of S for Sept 25

Begin forwarded message:

From: "Sheila Lyons" <salyons@airspeedwireless.net>
Subject: Creston Advisory Body Letter to B of S
Date: September 20, 2012 4:44:12 PM PDT
To: <ahill@co.slo.ca.us>, <bgibson@co.slo.ca.us>, <fmecham@co.slo.ca.us>, <pteixeira@co.slo.ca.us>, <sbaker@co.slo.ca.us>, <jpatterson@co.slo.ca.us>
Cc: <choward@co.slo.ca.us>, "James Caruso" <jcaruso@co.slo.ca.us>
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 CAB Chairperson



To B of S from CAB on Water Ord 9-12.doc



CAB overlap PR Groundwater Basin.jpeg



Water delivery ads in Word.doc

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Chairperson: Sheila Lyons, 805-239-0917, P.O. Box 174 Creston CA 93432, salyons@airspeedwireless.net

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CAB Chairperson
Participant in the early workshops conducted by the Paso Robles Groundwater Basin –
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Supervisor 4th District Paul Teixeira
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11 Star, Your Standard.com, Pro.com & Professional Management company !!

NEED WATER DELIVERED?



CRESTON BASED
3200 GALLON WATER TRUCK
OWNER/OPERATOR: C WATER DELIVERY 888-239-2002

WATER DELIVERY 888-239-2002
WATER DELIVERY 888-239-2002
WATER DELIVERY 888-239-2002
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H2ED

Delivering clean non-potable water to all of North County SLO

- 3600 gallon capacity
- Regular service, weekends and emergencies
- Call and leave a message

Call [REDACTED] -805 239 [REDACTED]

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