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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Promoting the wise use of land
Helping build great communities

PLANNING COMMISSION

MEETING DATE July 26, 2012	CONTACT/PHONE James Caruso, 781-5702 Jcaruso@co.slo.ca.us	APPLICANT County of San Luis Obispo	FILE NO. LRP2010-00014
SUBJECT Hearing to consider a request by the County Of San Luis Obispo to amend Article 9 of the Land Use Ordinance, Title 22 of the County Code, to add water conservation requirements for discretionary land use permit applications within: 1) the rural portions of the Paso Robles Groundwater Basin, outside of the Atascadero Sub-basin, 2) the Whitley Gardens and Creston Village Reserve Lines, and 3) the unincorporated Paso Robles Urban Reserve Line. This request amends Article 9, Community Planning Standards, by adding Sections 22.92.020D, 22.94.020E, 22.98.030E, 22.100.020B, 22.102.020D, 22.104.020I, 22.110.030E, and 22.110.060A that include standards to: 1) require discretionary land use permit applications in the Paso Robles Groundwater Basin to offset the net new demand for water used for non-agricultural purposes; 2) prohibit the approval of new land divisions until the groundwater basin is certified at a Level of Severity I or better pursuant to the Resource Management System (Chapter 3 of the Framework for Planning, Part I of the Land Use Element of the General Plan); 3) prohibit the approval of new General Plan Amendments that result in a net increase in the use of water for non-agricultural purposes and 4) establish special landscape irrigation requirements. The Paso Robles Groundwater Basin extends from the Garden Farms area south of Atascadero to the northern county boundary (and into Monterey County) and from the Highway 101 corridor east to Shandon. It underlies portions of the Adelaida, El Pomar-Estrella, Las Pilitas, Los Padres, Nacimiento, Salinas River, and Shandon-Carizzo Planning Areas. The Atascadero Sub-basin, which is <i>not</i> subject to this request, extends from approximately San Margarita along the Salinas River corridor north to Paso Robles.			
RECOMMENDED ACTION Recommend approval of Land Use Ordinance amendment LRP2010-00014:B to the Board of Supervisors based on the findings listed in Exhibit LRP2010-00014:A.			
ENVIRONMENTAL DETERMINATION This project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15308 of the CEQA Guidelines (Class 8 exemption), as it is an action taken to assure the maintenance, restoration, or enhancement of the environment [Reference: State CEQA Guidelines sec. 15308, Categorical Exemptions]			
LAND USE CATEGORY Agriculture, Rural Lands, Recreation, Residential Rural, Residential Suburban, Residential Single Family, Commercial Retail, Public Facilities	COMBINING DESIGNATION Various	ASSESSOR PARCEL NUMBER Various	SUPERVISOR DISTRICT(S) 1, 5
PLANNING AREA STANDARDS: Not Applicable			
EXISTING USES: In general, agriculture, residential on a variety of lot sizes, vacant			
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The Water Resources Advisory Committee (WRAC) adopted subcommittee comments (see Attachment 3).	
TOPOGRAPHY: Varied	VEGETATION: Various
PROPOSED SERVICES: Not applicable	AUTHORIZED FOR PROCESSING DATE: July 21, 2009
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	

PROJECT SUMMARY

The proposed water conservation ordinance implements recommended actions in the Paso Robles Groundwater Basin Resource Capacity Study (RCS), which was adopted by the Board of Supervisors in February 2011. The proposed ordinance applies within the following areas (see the figure accompanying the proposed ordinance in attached Exhibit LRP2011-00014:B):

1. The rural portions of the main Paso Robles Groundwater Basin, outside of the Atascadero Sub-basin
2. The Whitley Gardens and Creston Village Reserve Lines
3. The unincorporated Paso Robles Urban Reserve Line

The proposed ordinance:

1. Requires new discretionary development to offset its new net water demand for non-agricultural purposes
2. Requires that offsets conserve water used or potentially used for non-agricultural purposes
3. Exempts agricultural processing 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
6. Includes conservation measures for outdoor water use by discretionary development

Two other ordinances respond to the Board's direction in the adopted RCS regarding urban water use and outdoor landscaping. These ordinances are being considered through separate processes. The countywide landscape ordinance will address outdoor landscaping, and the San Miguel Community Plan update--currently underway--deals with urban water use within the groundwater basin. This proposed ordinance addresses primarily rural water use by development requiring discretionary land use permits.

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BACKGROUND

In February 2011, the Board of Supervisors certified a LOS III for water supply in the main basin, where water demand was determined to be approaching the basin's perennial yield. The Board also adopted the Paso Robles Groundwater Basin RCS, which includes several recommended actions in response to the certified LOS III. The RCS calls for several monitoring measures:

1. Improved groundwater monitoring and reporting;
2. Continued study of the groundwater basin;
3. Development of a water conservation and education public outreach program;
4. Continued work on the Groundwater Management Plan (now completed).

The RCS also recommends that the County use its authority to enact land use measures primarily in the rural¹ portion of the main basin (these measures do not affect the Atascadero Sub-basin). These measures include:

1. Do not approve General Plan amendments in rural areas that result in a net increase in the non-agricultural use of groundwater;
2. Prohibit approval of new land divisions in the rural areas of the basin until a LOS I is certified;
3. All discretionary development in the rural areas of the basin shall offset its water use with non- agricultural water, except that proposed Agricultural Processing uses (as defined in the Land Use Ordinance), including outdoor and other appurtenant water use, shall be subject to project-specific land use and/or water conservation mitigation measures required by the review authority based on environmental review;

The proposed ordinance addresses water conservation measures 1-3 above. The improved monitoring and outreach efforts in 1-4 above are underway and are being led by the Department of Public Works, the Flood Control District and the Groundwater Management Plan Steering Committee. The Steering Committee is a volunteer organization that is implementing the basin's Groundwater Management Plan. Membership on the Steering Committee includes representation from the grape industry, wineries, public agencies and the general public.

Implementation of the RCS

The actions adopted as part of the RCS and summarized above are being implemented under several different umbrella programs. This proposed ordinance addresses primarily rural water conservation requirements for discretionary development. Water use for discretionary development in urban areas is being addressed as part of the San Miguel Community Plan update. Landscaping and outdoor water use will be addressed through a comprehensive amendment to the landscape ordinance through a grant from the Regional Water Quality Control Board.

¹ As used in the RCS Recommended Land Use Actions, "rural" refers to areas outside urban reserve lines, which would include areas within the Whitley Gardens and Creston Village Reserve Lines.

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The voluntary Groundwater Management Plan will address water use by existing development, future non-discretionary development, agriculture and other users. This Plan, being managed by the Steering Committee noted above, will try to stabilize water levels in the basin. It is now the primary tool to be used to address basin-wide issues.

DISCUSSION OF PROPOSED ORDINANCE

The proposed ordinance addresses water use by new discretionary development in the basin by:

1. Prohibiting approval of new subdivisions until a LOS I or better is reached;
2. Prohibiting approval of new general plan amendments that will increase the use of non-agricultural water;
3. Requiring new discretionary development in primarily rural areas of the basin to offset its new net demand for water.
4. Requiring conservation measures for outdoor water use

The proposed ordinance applies to the rural portions of the main groundwater basin, which excludes the Atascadero Sub-basin. It also applies to land within the Whitley Gardens and Creston Village Reserve Lines, consistent with the RCS Recommended Land Use Actions. However, staff also proposes to apply the ordinance to areas of the main basin that are within the Paso Robles Urban Reserve Line. Those areas consist of the Jardine Road tract and another area in the vicinity of the Paso Robles Airport. They are included in the Residential Suburban and Residential Rural land use categories and are more rural in character, similar to many other areas within the rural portions of the basin.

The groundwater basin stretches over seven planning areas. The proposed ordinance language needs to be added in the appropriate section of each planning area such as the areawide, rural or communitywide planning area standards for these seven planning areas and two villages.

In order to address water use, the ordinance develops definitions of key terms, describes how water use may be offset, provides for the timing of the offsets and identifies exempt development. The following is a description of each section of the ordinance.

Definitions

Demand for water is defined in terms of "net" demand. This refers to water pumped from the ground, used and then returned to the groundwater through leach fields (or wastewater treatment plants). The 2003 Paso Robles Groundwater Basin Study by Fugro (Fugro 2003) estimated that 50% of water use in residential applications was returned to the groundwater basin through leach fields. These definitions also recognize that existing water use on a site may be transferable to the new use.

The term, "water used for non-agricultural purposes," is used several times in the ordinance, as the "net new water demand" refers to water used for non-agricultural purposes. In addition, the offset must be achieved by conserving water used or potentially used for non-agricultural purposes (for example, through retiring the residential development potential of a lot). The definition states that water used for non-agricultural purposes is..."water that has never been used, whether on or off the site, for an agricultural activity..." Staff's originally-proposed language offered periods of time from 5 to 10 years during which water could not have been

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used for an agricultural purpose. However, the definition brought forward here was developed by the Water Resources Advisory Committee (WRAC) and uses the term "never been used" for an agricultural activity. The effect of this language is to prohibit offsetting with water used for agriculture in order to facilitate its use for new non-agricultural development. The proposed language is consistent with the County General Plan's Agriculture Element Policy 11 (discussed later in this report).

General Plan Amendments

As recommended by the adopted RCS:

General Plan amendment applications that would result in a net increase in the non-agricultural use of water shall not be approved until a Level of Severity I is certified for the Basin by the Board of Supervisors after adoption of a Resource Capacity Study.

This section addresses land use category changes that may increase water demand. A similar standard is used in the South County's Nipomo Mesa Water Conservation Area. A General Plan amendment application would have to be found to be at least "water neutral" in order to be approved.

Land Divisions

Future divisions of land would add to the supply of parcels in the basin that could be independently developed and would increase the demand for groundwater. Creation of additional new parcels would also add to the number of properties and persons subject to lowering water levels, increasing well drilling expenses and the threat of running out of economically available groundwater in the future.

A prohibition on the creation of new parcels does not affect the development of existing parcels. In other words, building permits for the over 1,500 vacant parcels are not metered or constrained under the proposed ordinance.

In order to evaluate the effects of a prohibition on creating new parcels, it is useful to compare projected future population growth and development in the basin with supply of vacant parcels available for projected growth. Using assessor data available through the County Geographic Information System (GIS), approximately 6,100 parcels currently exist in the rural portion of the basin (not included in this total are lots that could exist through the issuance of a certificate of compliance). Of these parcels, approximately 1,570 are currently vacant.

The rate of population increase in the basin is projected to be approximately 1.5%/year. Looking out to the year 2035, approximately 1,400 lots would be needed to provide housing for the expected additional population. Therefore, without evaluating the site-specific development potential of the 1,570 vacant lots in the basin, the number of existing vacant lots would be sufficient to provide for the expected population growth in the area. In addition to these existing vacant lots, there are an unknown number of lots that may be eligible for certificates of compliance. The certificates would add to the supply of developable lots. It's also important to note that the subdivision prohibition would only last as long as the Level of Severity II or III determination pursuant to the Resource Management System (RMS).

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Based on this analysis, it is likely that there are enough developable parcels to provide development opportunities in the basin to 2035 and beyond. This projection, while over 20 years in the future, is a reasonable horizon to assess the effects of the proposed prohibition of subdivision approvals. An analysis any further out into the future would be highly speculative, as projections lose accuracy as the planning horizon increases.

Outdoor Water Use

Outdoor water use associated with discretionary development is required to comply with the following outdoor water use requirements:

- a. Residential uses shall have no more than 25% percent of the area of irrigated, ornamental landscaping planted with turf.
- b. All landscaped areas shall be irrigated with automatic irrigation systems, including irrigation controllers and moisture sensors.
- c. All landscape plantings shall be low-water using.
- d. Non-irrigated, drought resistant landscaping is encouraged in lieu of irrigated landscaping. The portion of a parcel that is not used for structural development, landscaping or driveways is encouraged to be left in a native state.

The WRAC subcommittee formulated these outdoor water use requirements. The requirements acknowledge that turf is generally the largest water user in outdoor residential applications.

Offset Requirements for Discretionary Permits

This section sets the requirement that new development requiring a discretionary land use permit (e.g., Minor Use Permit and Conditional Use Permit) offset its new net demand for water. The section further describes the information needed to make determinations of water demand and offsets. A discretionary land use permit application is to be accompanied by records of existing water use on a site and descriptions of all proposed uses on the site in a level of detail adequate to calculate the proposed project's net new water demand. In any case, the calculation of net existing and net new demand requires careful attention and conservative estimates. The final determinations of these demands will be the responsibility of the Department.

The proposed ordinance requires net new water demand (as defined in the ordinance) to be offset at a ratio of 2:1. This section specifically states that net existing demand shall be taken into account in the calculation of required offsets of net new water demand. Net existing demand will be determined through pumping or other metered records. If no records exist, the Department will calculate existing water demand through other means.

Offsetting net new demand can be accomplished in two ways: through provision of new water resources to supplement existing supply or by using existing water resources more efficiently and dedicating the surplus to meet net new water demand. Both of these methods can be difficult and expensive to implement and require multiple pathways to success. Supplementing existing water supply requires that new water be brought into the rural portion of the basin. This is highly unlikely, as the supplemental water available to rural water users would be either from the State Water Project or the Nacimiento Project. Both of these water projects deliver water that is substantially more expensive than groundwater and is available in areas directly adjacent

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to or near the pipeline routes. Additionally, Conservation and Open Space Element (COSE) Water Resource Policy WR 1.8, Use of surface water projects, states:

“Water from surface water projects (e.g. Lopez Lake, Lake Nacimiento) will only be used to serve development within urban and village reserve lines and will not be used to serve development in rural areas.”

The Nacimiento water pipeline traverses the western portion of the basin. Approximately 6,000 acre-feet of unallocated Nacimiento project water are available to the project contractors (Cities of Paso Robles and San Luis Obispo, Templeton Community Services District and the Atascadero Mutual Water Co.). However, delivery of this untreated water to users would require “water wheeling” through the City of Paso Robles’ proposed water treatment plant. There is no feasible program to accomplish this task, as the plant is not yet funded or constructed. City staff has indicated that there is no opportunity to expand the plant to treat additional water as an offset to rural area pumping.

The State Water Project pipeline crosses the eastern portion of the basin and is controlled by the Central Coast Water Authority. The community of Shandon is the only town with access to State Water in North County. There does not appear to be an opportunity to use the State Water project in the basin outside of the community of Shandon due to contractual and capacity issues.

If there is not a source of supplemental water available to use as offsets for new water demand, then the only other source of offsets is to use existing non-agricultural water more efficiently and use the surplus to meet a project’s new net demand. The “low hanging fruit” of water efficiency is to retrofit higher water-using interior appliances such as toilets and washing machines. These types of retrofit programs are usually run by water providers who use their water rates to fashion rebates and subsidies for water efficient improvements. There are no water rates paid by groundwater pumpers, so no funds are available to operate, market and subsidize a basin-wide retrofit program.

Individual developers could try to find retrofit opportunities in the basin themselves. However, there is relatively little gain from toilet retrofits, as toilets have become more efficient over time. The older style 6-7 gallon-per-flush (gpf) toilets were replaced by toilets meeting the 3.5 gpf standard starting in 1980. Then, an even more stringent 1.6 gpf standard was introduced in 1992. The County’s latest experience with toilet retrofits indicates that except in special situations such as Los Osos, toilet retrofitters will have difficulty finding older toilets to replace with more efficient models.

The import of supplemental water or implementation of water efficiency improvements represent what is colloquially referred to as “wet water.” “Wet water” represents actual water being available in an area where it was not available before. A volume of wet water or supplemental water can be calculated. Alternatives to supplemental water represent water that may be available to meet new demand, but for which an exact accounting is not possible. The County has experience with programs that result in both types of offsets. A Nipomo Mesa Water Conservation Area program requires new development to pay into a fund for water conservation purposes. There is no exact accounting of how much water this program represents. It’s simply assumed that some amount of water is being conserved through the conservation program being funded by new development. That assumed surplus is then used for new development.

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On the other hand, the County's retrofit program in Los Osos carefully calculated household water use, the volume of water used by toilets and how much water could be saved by installing more efficient toilets. Los Osos is an unusual example, as it has an older housing stock due to the long-standing development moratorium. Older 6.0 gpf toilets are more prevalent in the town than they are elsewhere. Nipomo, which has a relatively new housing stock (more than 70% of the dwellings are post 1992), has very few retrofit opportunities.

This section of the proposed ordinance amendment identifies the general ways a project applicant could offset the new water demand. These methods are:

- i. Retiring the development potential of lots in the Paso Robles groundwater basin through an agreement with the County or qualified land trust.
- ii. Retrofitting plumbing fixtures in the basin.
- iii. Purchasing supplemental water for a water supplier that uses groundwater from the main basin
- iv. Participating in an approved water conservation program in the basin that results in water savings
- v. Reducing water demand in the basin through other means approved by the Planning Director

Some of these offsets represent "wet water" (e.g. retrofitting, purchasing of supplemental water) and some are alternatives to supplemental water (e.g., participating in a water conservation program). Because there is very little or no supplemental water available in the rural area, both types of offset programs are needed and should be available for developers to use.

Agricultural Processing Exemption

The adopted RCS specifically provided for an exemption from the water demand offset requirement for "agricultural processing uses." Section 5e of the proposed ordinance states:

- e. Agricultural Processing uses (as defined in the Land Use Ordinance), including outdoor and other appurtenant water use, shall be exempt from the preceding offset requirements for discretionary permits. Instead, agricultural processing uses shall be subject to project-specific land use and/or water conservation mitigation measures required by the review authority based on environmental review.

Agricultural processing is defined in Title 22 as:

Ag Processing (land use). Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries, alcohol fuel production; and receiving and processing of green material, other than that produced on-site (commercial composting). Green material is any wastes which are derived from plant material, including but not limited to, leaves, grass

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clippings, weeds, tree trimmings or shrubbery cuttings. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings (with the exception of the receiving and processing of green material other than that produced on-site) are included under "Crop Production and Grazing." (SIC: 0723, 0724) (Amended 1995, Ord. 2740)

These exempt land uses will be subject to CEQA review. If the Initial Study identifies potentially significant water resource impacts, then those impacts will need to be mitigated. The CEQA process will determine the need for mitigation and offsets of net new demand for water.

General Plan Consistency

The County General Plan policies on water and development are found in the Conservation and Open Space Element (COSE), Land Use Element and the Agriculture Element. The applicable COSE policies framing water policy include:

Policy WR 1.3 New Water Supply

Development of new water supplies should focus on efficient use of our existing resources.

Policy WR 1.8 Use of surface water projects

Water from surface water projects (e.g. Lopez Lake, Lake Nacimiento) will only be used to serve development within urban and village reserve lines and will not be used to serve development in rural areas.

Policy WR 1.11 Reduce RMS alert levels

The County will work with local agencies to reduce Resource Management System alert levels for water supply and water systems from recommended or certified Levels of Severity II or III to Level of Severity I or better by 2020.

Policy WR 1.14 Avoid net increase in water use

Avoid a net increase in non-agricultural water use in groundwater basins that are recommended or certified as Level of Severity II or III for water supply. Place limitations on further land divisions in these areas until plans are in place and funded to ensure that the safe yield will not be exceeded.

These policies drive the language in the proposed ordinance so that existing water resources are used more efficiently, RMS alert levels are reduced, surface water not be used to directly offset rural demand (water wheeling could be used given the opportunity), and net increases in non-agricultural water are avoided.

The Land Use Element (Framework For Planning) contains policies that address the need to preserve sustainable resources:

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Principle 1, Policy 1

Keep the amount, location and rate of growth allowed by the Land Use Element within the sustainable capacity of resources, public services and facilities.

Principle 1, Policy 3

Preserve and sustain important water resources, watersheds and riparian habitats.

Principle 2, Policy 3

Plan for most future development to be within existing and strategically planned cities and communities.

The proposed ordinance amendment, along with the provisions of the Groundwater Management Plan and water efficiency and conservation measures practiced in the urban areas, will help sustain the area's water resources. Additionally, the proposed ordinance amendment affects primarily rural development, where there are limited opportunities to implement water efficiency and conservation measures for all users.

The Agriculture Element also contains a General Plan water resource policy. Agriculture Element Policy 11 states, in part:

AGP11: Agricultural Water Supplies.

- a. Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development.

This policy acknowledges the conflict between agriculture and development for a limited water supply. The proposed ordinance seeks to address this issue by reducing and offsetting demand for water used for non-agricultural purposes, thereby reducing conflicts over the limited groundwater resource.

Water Resources Advisory Committee (WRAC)

The WRAC formed a subcommittee to review the proposed ordinance. The WRAC comment letter is attached as Exhibit C. Most of the WRAC recommendations were merged into the proposed ordinance. However, two WRAC recommendations have not been included in this proposed draft:

- a. Land divisions creating lots of at least 640 acres should be exempt from the ordinance.
- b. Offsets using lot retirements should occur at a 4:1 ratio.

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The proposed ordinance does not exempt large subdivided lots. There is no demonstrated difference in water use on parcels larger than 640 acres; they also represent additional, unmanaged demand. Each new subdivided parcel can drill additional wells and withdraw additional groundwater from the basin. The creation of additional parcels also exposes more individual parcels to the effects of lowering groundwater levels.

Rural lot retirements are one of the methods identified in the proposed ordinance to offset net new water demand. Rural parcels that are not developed and have no water demand will not be part of the ultimate use of water in the basin. A 1:1 ratio is appropriate as long as a well thought-out water duty factor is used to calculate pumping offsets from rural parcel retirements.

Environmental Review

The adoption of an ordinance is an action subject to CEQA review. The Department has found that the proposed ordinance qualifies for a Class 8 exemption from CEQA. A Class 8 exemption states that the proposed project or ordinance is an action "taken to assure the maintenance, restoration, or enhancement of the environment." The proposed ordinance amendment seeks to protect groundwater resources by limiting the proliferation of developable parcels that add demand for groundwater, prohibiting changes in the general plan that would lead to additional non-agricultural water use and requiring discretionary land uses to offset their net new water demand.

As noted above in the section of this report on offset requirements, there are enough vacant parcels in the basin to support development through the planning horizon year 2035. Another possible result of the land division prohibition needs to be reviewed; that is, can the land division prohibition cause additional parcels to be subdivided in other areas of the county where adequate resources and services are not available and existing land use regulation is not adequate to mitigate impacts?

In order to explore this issue, there is a need to understand how many parcels could be created, notwithstanding the proposed land division prohibition. Using information from permit databases, it estimated that approximately 200 parcels were created through parcel and tract maps from 1990 to 2010 (20 years) in the rural areas of the groundwater basin. These years saw two time periods where there was substantial subdivision and development activity throughout the entire county, including the groundwater basin area. A repeat of this type of activity is not projected in the population forecasts for the next 20 years. Therefore, it is expected that fewer than 200 lots would be created in the next 20 years in the groundwater basin.

A worst-case analysis assumes that these 200 lots would be created elsewhere in the county if they could not be created in the groundwater basin. This assumption is very broad and conservative and probably does not accurately reflect the result of lost subdivision opportunities. According to the State Subdivision Map Act, subdivisions of property occur for the purposes of the sale, lease or financing of land. If any land will do for a subdivider's purpose, then these lost subdivision opportunities in the basin could be realized in other rural areas of the county. Population data shows that the South County rural, San Luis Bay rural, Salinas River rural (outside the main basin) and San Luis Obispo rural areas had the most population growth over the period 2000 -2010. Assigning the lost subdivision opportunities to these four rural portions of planning areas results in 50 more lots being created over the next 20 years in each of these areas. The population implications in each area represent a total population increase due to

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these new subdivision opportunities of approximately 110 people compared to total 2010 populations of between 4,400 and 10,550 people--increases that range from about 1 to 2.5 percent. Based on the foregoing, the proposed prohibition on land divisions in the groundwater basin would not cause environmental impacts in other areas of the county.

ATTACHMENTS

Exhibit LRP2011-00014:A - Findings
Exhibit LRP2011-00014:B - Proposed Land Use Ordinance Amendment
Exhibit LRP2011-00014:C - Water Resource Advisory Committee Comments

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**EXHIBIT LRP2010-0014:A
FINDINGS**

Environmental Determination

- A. This project is covered by a categorical exemption under Section 15308 of the CEQA Guidelines (Class 8 exemption), as it is an action taken to assure the maintenance, restoration, or enhancement of the environment. Therefore, the activity is categorically exempt from CEQA. Approximately 200 parcels were created in the groundwater basin in the twenty-year period 1990 through 2010. If these lost subdivision opportunities were transferred to the four most active rural areas of the county, a total of 110 additional people would be expected in each of the four rural areas. The 2010 populations of these four rural areas range from 4,400 in San Luis Bay to 10,550 in the South County rural area. At the most, the resulting increase in population and subdivided lots in the four most active rural areas of the county over the next 20 years would be between about 1-2.5 percent.

Amendment

- B. The proposed amendment is consistent with the Land Use Element, the Conservation and Open Space Element and other adopted elements of the general plan because the changes are consistent with the general goals of the Land Use Element and will protect water resources.
- C. The proposed amendment is consistent with the guidelines for amendments to the Land Use Ordinance and Land Use Element because the modifications and will not result in any new physical development.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents because lowering water levels in the Paso Robles groundwater basin threaten the public's drinking water supply and the proposed amendments will help protect that water resource.

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EXHIBIT LRP2010-0014:B

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 9 OF TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, BY ADDING SECTIONS 22.92.020D, 22.94.020E, 22.98.030E, 22.100.020B, 22.102.020D, 22.104.020I, 22.110.030E, AND 22.110.060A RELATING TO WATER CONSERVATION IN THE PASO ROBLES GROUNDWATER BASIN

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Article 9 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding the following:

- I. **Add Sections 22.92.020D, 22.94.020E, 22.98.030E, 22.100.020B, 22.102.020D, 22.104.020I, and 22.110.030E to read as follows:**
- D. **Paso Robles Groundwater Basin.** The following standards apply to lands where development uses or would use water from the Paso Robles Groundwater Basin in the areas shown in Figure xx-xxx.

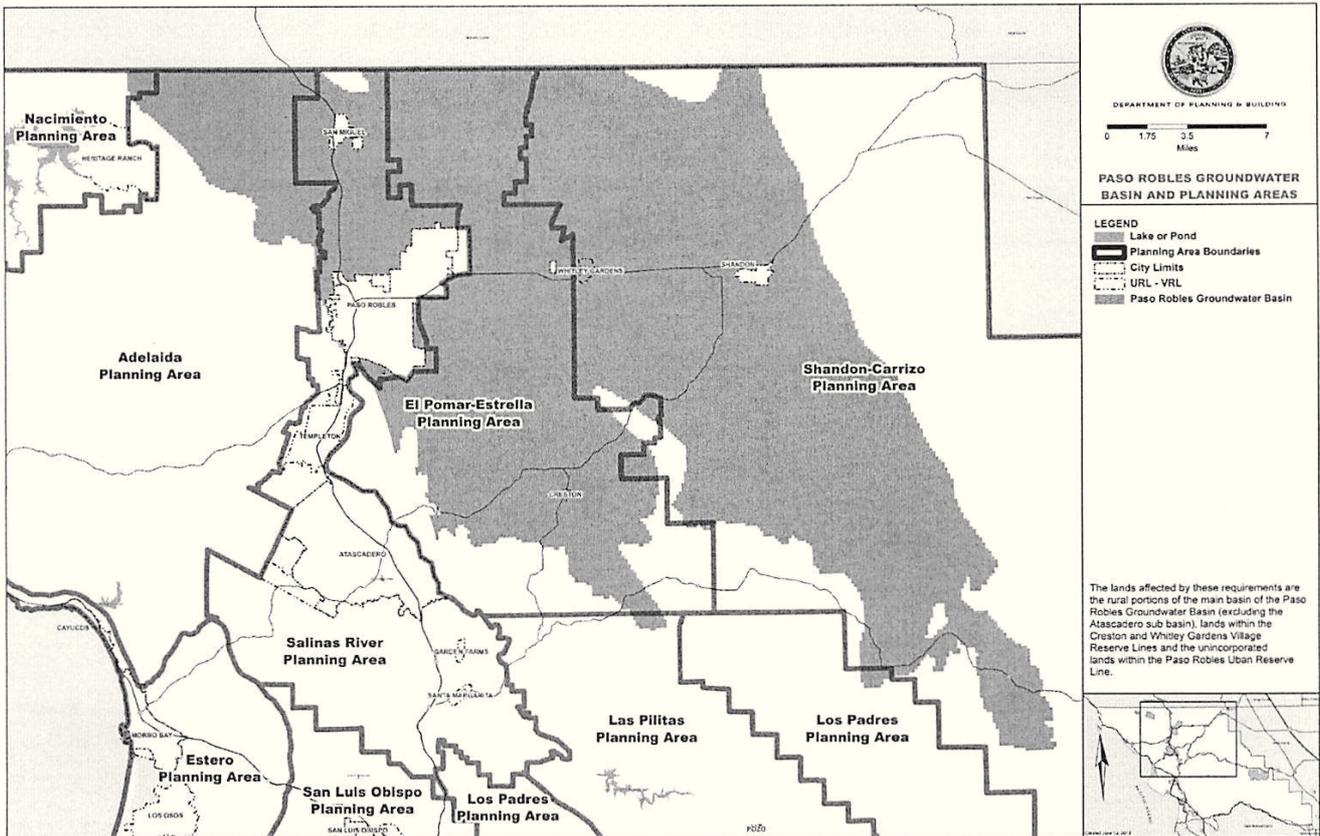
1. Definitions

- a. "Net increase" means the expected increase in water use due to proposed development requiring a discretionary permit, taking into account net existing demand.
- b. "Net existing water demand" is the amount of water used for non-agricultural purposes on the site of proposed development requiring a discretionary permit minus the volume of water returned to the groundwater basin through wastewater return flows. The calculation of net existing water demand is the sole responsibility of the Planning Director using historical water records if available or other means if records are not available.
- c. "Net new water demand" is the amount of water used for non-agricultural purposes by new development requiring a discretionary permit minus the volume of water returned to the groundwater basin through wastewater return flows. The calculation of net new water demand is the sole responsibility of the Planning Director using water demand factors for the proposed land uses.

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- d. "Water used for non-agricultural purposes" as used in this section is water that has never been used, whether on or off the site, for an agricultural activity such as cultivation, growing, harvesting and production of any agricultural commodity and appurtenant practices incidental to the production of agricultural commodities.
2. **General plan amendments.** General Plan amendment applications that would result in a net increase in the amount of water used for non-agricultural purposes shall not be approved until a Level of Severity I is certified for the Basin by the Board of Supervisors after adoption of a Resource Capacity Study.

Figure xx-xxx



2-16

- 3. Land divisions.** Divisions of land shall not be approved until a Level of Severity I is certified for the Basin by the Board of Supervisors after adoption of a Resource Capacity Study. Exceptions to this provision may be approved by the review authority only when the proposed land division is:

 - a. For a public use or facility (e.g. fire station), or
 - b. Required for conservation purposes and found to be consistent with the Conservation and Open Space Element of the General Plan.
- 4. Outdoor water use, discretionary permits.** New development requiring discretionary land use permits is subject to the following requirements:

 - a. Residential uses shall have no more than 25% percent of the area of irrigated, ornamental landscaping planted with turf.
 - b. All landscaped areas shall be irrigated with automatic irrigation systems, including irrigation controllers and moisture sensors.
 - c. All landscape plantings shall be low-water using.
 - d. Non-irrigated, drought resistant landscaping is encouraged in lieu of irrigated landscaping. The portion of a parcel that is not used for structural development, landscaping or driveways is encouraged to be left in a native state.
 - e. In cases where other sections of this Title are more stringent, the more stringent sections shall apply.
- 5. Offset requirements for discretionary permits.** New development requiring discretionary land use permits shall offset the resulting net new water demand as follows:

 - a. Land use permit applications shall include existing water use data, if it is available, that is sufficient to calculate net existing water demand on the proposed project site. The land use application shall include descriptions of all proposed uses on the site in a level of detail adequate to calculate the proposed project's net new water demand. In any case, determinations of net new water demand, net existing water demand and net increase shall be the responsibility of the Planning Director or designee.

2-17

- b. The net new water demand shall be offset at a ratio of 2:1 through participation in water conservation programs listed in subsection c below. Any net existing water demand shall be taken into account in the calculation of required offsets of net new water demand.
- c. Programs to offset water used for non-agricultural purposes may include but are not limited to the following, but in any case, shall conserve only water used or potentially used for non-agricultural purposes:
 - i. Retiring the development potential of lots in the Paso Robles Groundwater basin through an agreement with the County or qualified land trust.
 - ii. Retrofitting plumbing fixtures in the Paso Robles Groundwater Basin.
 - iii. Purchasing supplemental water for a water supplier that uses groundwater from the main Paso Robles Groundwater Basin.
 - iv. Participating in an approved water conservation program in the Paso Robles Groundwater Basin that results in water savings.
 - v. Reducing water demand in the Paso Robles Groundwater Basin through other means approved by the Planning Director.
 - vi. Water from the Nacimiento or State Water Projects shall not be used for development in the rural area.
- d. Any required offset of net new water demand shall be completed at the time of final inspection or issuance of a certificate of occupancy unless an alternative completion time (which may be more or less time) is approved by the review authority. In any case, the review authority must find the offsets to be verifiable, permanent and enforceable.
- e. Agricultural Processing uses (as defined in the Land Use Ordinance), including outdoor and other appurtenant water use, shall be exempt from the preceding offset requirements for discretionary permits. Instead, agricultural processing uses shall be subject to project-specific land use and/or water conservation mitigation measures required by the review authority based on environmental review.

2-18

- II. **Revise Section 22.100.020 to recodify the existing standard regarding land divisions as Section A, as follows:**

22.100.20 - Areawide Standards –Land Divisions

- A. Land Divisions. The County shall refer all land divisions proposed within the Los Padres planning area to the U.S. Forest Service for review.
- B. Paso Robles Groundwater Basin. *[this section to be added per preceding SECTION 1]*

- III. **Add Section 22.110.060A to read as follows:**

22.110.060 - Whitley Gardens Village Standards

The following standards apply within the Whitley Gardens village reserve line to the land use categories or specific areas listed.

- A. Paso Robles Groundwater Basin.** The following standards apply to all land use categories within the Whitley Gardens village reserve line.

[Add all the new language in preceding SECTION 1 starting with I.D.1., Definitions]

- A.B. Residential Suburban (RS).** The following standards apply within the Residential Suburban land use category.
1. **Limitation on land division.** Further divisions of lots existing on the effective date of the Land Use Element are allowed only after the community water system is brought into conformity with County Health Department standards.
 2. **Parcel size.** The minimum allowable parcel size for new land divisions after completion of upgrading of the Whitley Gardens community water system is 2½ acres unless a larger size would otherwise be required by Chapter 22.22.

SECTION 2. This project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15308 of the CEQA Guidelines (Class 8 exemption) as it is an action taken to assure the maintenance, restoration, or enhancement of the environment.

2-19

SECTION 3. 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 4: 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20_____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
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]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

2-20

WARREN R. JENSEN
County Counsel

By: _____
Timothy McNulty
Chief Deputy County Counsel

Date: _____

EXHIBIT LRP2010-0014:C
Water Resource Advisory Committee Comments



Michael Winn Sue Luft Courtney Howard
 Chairperson Vice Chairperson Secretary
 Room 207, County Government Center PH (805) 781-1016
 San Luis Obispo CA 93401 FAX (805) 788-2182

Members

- Steve Sinton
District 1
- Bill Gerfinkel
District 2
- Marilee Hyman
District 3
- James Toomey
District 4
- Debra Barrett
District 5
- Tim Brown
Arroyo Grande
- Russ Thompson
Atascadero
- Phyllis Mohr
Grover Beach
- Noah Smucker
Morro Bay
- Christopher Alakel
Paso Robles
- Ed Waage
Pismo Beach
- John Ashbaugh
San Luis Obispo
- Bob Gresens
Cambria CSD
- John O'Malley
Heritage Ranch CSD
- Leonard Moothart
Los Osos CSD
- Michael Winn
Nipomo CSD
- Mary Lucey
Oceano CSD
- Rene Salas
San Miguel CSD
- Charles Grace
San Simon CSD
- Jeff Hodge
Templeton CSD
- Linda Chipping
Coastal San Luis RCD
- Michael Broedhurst
Upper Salinas RCD
- Jackie Crabb
County Farm Bureau
- Ray Allen
Agriculture At-Large
- Lowell Zelinski
Agriculture At-Large
- Eric Greening
Environmental At-Large
- Sue Luft
Environmental At-Large
- Arnie Gillespie
Environmental At-Large
- Greg Nester
Development At-Large
- John Nail
Atascadero MWC
- Tisdal Thomas
California Men's Colony
- John Reid
Camp SLO
- Edrafin Madul
Cuesta College
- Mark Zimmer
Golden State Water

June 12, 2012

Honorable James Patterson
 Chairperson, Board of Supervisors
 County of San Luis Obispo
 976 Osos Street, Room 200
 San Luis Obispo, CA 93408

**Subject: Consideration of WRAC Report Regarding the Draft Ordinance
 Language for the Land Use Actions in the Paso Robles Groundwater
 Basin Resource Capacity Study**

Dear Chairperson Patterson:

County Planning and Building Department Staff provided the Water Resource Advisory Committee (WRAC) with draft ordinance revisions for the land use actions associated with the Paso Robles Groundwater Basin Resource Capacity Study (RCS). On December 7, 2011, the WRAC formed an ad hoc subcommittee whose purpose was to review and comment on draft ordinance language for the land use actions in the Paso Robles Groundwater Basin RCS. Attached are comments for the Planning and Building Department Staff to consider before the ordinance revisions are taken to the July 26, 2012 Planning Commission meeting. Planning and Building Department Staff will receive a copy of this letter.

Subcommittee members included Member Sinton (District 1), Member Winn (Nipomo CSD), Member Luft (Environmental at-Large), Member Zelinski (Agriculture at-Large), Member Allen (Agriculture at-Large), Alternate Member Larson (City of Paso Robles), Member Neil (Atascadero Mutual Water Company), and Member Barrett (District 5). Member Barrett served as chair to the ad hoc subcommittee. The subcommittee met on December 27, 2011, and January 5, 2012, and subsequently developed a subcommittee report.

On February 1, 2012, the WRAC reviewed and revised the ad hoc subcommittee's report and voted (18-3-0) to submit the attached revised ordinance language to you for further consideration. It should be noted that one member clarified his negative vote was indicative of the need to further discuss antiquated subdivisions and their reconfigurations; however, he was otherwise generally supportive.

Purpose of the Committee:

To advise the County Board of Supervisors concerning all policy decisions relating to the water resources of the SLO County Flood Control & Water Conservation District. To recommend to the Board specific water resource programs. To recommend methods of financing water resource programs.

Excerpts from WRAC Bylaws dated 3/2/2011

2-23

Respectfully,



MICHAEL WINN
Chairperson, Water Resources Advisory Committee

cc: SLO County Board of Supervisors
SLO County Planning Commission
James Caruso, County Department of Planning and Building
Sue Luft, Water Resources Advisory Committee Vice Chairperson

Attachments: Redlined Draft Ordinance Language for Land Use Actions in the Paso
Robles Groundwater Basin Resource Capacity Study

2-24

Discretionary Development and Water Offsets – Rural and Village Areas

**Note: WRAC Subcommittee comments are reflected as redline edits.*

RCS Recommendation

In unincorporated rural areas of the basin defined as lands located outside the County Land Use Element's Urban Reserve Lines:

- a. *Do not approve General Plan amendments that result in a net increase in the non-agricultural use of groundwater;*
- b. *Prohibit new land divisions in the rural areas of the ~~basin~~basin;*
- c. *All discretionary development shall offset its water use with nonagricultural water, except that proposed Agricultural Processing uses (as defined in the Land Use Ordinance), including outdoor and other appurtenant water use, shall be subject to project-specific land use and/or water conservation mitigation measures required by the review authority based on environmental review.*

Staff-recommended Implementation

Revise Title 22 to add the following sections:

22.25.010 – Discretionary Development in the Paso Robles Groundwater Basin (see Figure xx-xxx)

The following standards apply to lands that use water from the Paso Robles Groundwater Basin and are located outside of ~~urban reserve lines~~city limits.

a. Definitions

- i. "Net increase" means the expected increase in non-agricultural water use due to the proposed project, taking into account net existing water demand.
- ii. "Net existing water demand" is the amount of non-agricultural water ~~groundwater~~ used on the proposed project site, ~~at the time of permit application~~ minus the volume of water returned to the groundwater basin through wastewater return flows. The determination of net existing water demand is the sole responsibility of the Planning Director, using historical water records if available or other means if records are not available. ~~At the discretion of the Planning Director, historical water use can be considered as part of net existing demand if that water use was metered and recorded at the time it was pumped.~~
- iii. "Net new water demand" is the amount of non-agricultural groundwater to be used by the new discretionary development, minus the volume of water returned to the groundwater basin through wastewater return

2-25

- flows. The determination of net new water demand is the sole responsibility of the Planning Director, using water demand factors for the proposed land uses.
- iv. "Non-agricultural water" as used in this section is water that has been used on the site in the past five years for allowable non-agricultural purposes, and has not been used, is not currently used, whether on or off the site, for an agricultural activity. Non-agricultural water does not include water used for agricultural activities, including includes, but is not limited to, use of water for cultivation, growing, harvesting and production of any agricultural commodity and appurtenant practices incidental to the production of agricultural commodities.
- b. General Plan Amendments – General Plan amendment applications that would result in a net increase in the non-agricultural use of water shall not be authorized for processing.
- c. Land Divisions – Divisions of land are prohibited until a Level of Severity I or better is certified by the Board of Supervisors after adoption of a Resource Capacity Study. Exceptions to this provision may be approved by the review authority only when the proposed land division is:
- i. For a public use by a public agency (e.g. fire station), or
 ii. Required for conservation purposes and found to be consistent with the Conservation and Open Space Element of the General Plan; or
 iii. The creation of no more than four new parcels, each of which is 320 acres or greater.
- d. Outdoor water use is subject to the following requirements:
- i. Irrigated, ornamental landscaping shall be limited to a total area of 1,000 square feet. No more than 50 percent of the area of irrigated, ornamental landscaping may be planted with turf.
- ii. All landscaped areas shall be irrigated with automatic irrigation systems, including irrigation controllers and moisture sensors.
- iii. All landscape materials will be low water using shall be drought tolerant.
- iv. Non-irrigated, drought-resistant landscaping Xeriscape is encouraged in lieu of irrigated landscaping. The portion of a rural parcel that is not used for structural development, landscaping or driveways is encouraged to be left in a native state consistent with fire protection standards.
- ii.
- iii. For single-family residential detached development, turf grass may be planted in the smaller of 25% or 1,000 square feet of the landscaped area.
- iv. For multi-family development, turf grass shall be limited to 20% of the landscaped area. The 20% limitation shall be exclusive of areas designed as public active play surfaces (e.g. sports fields, playgrounds, picnic areas).

2-26

- v. For commercial and industrial projects, the area planted in turf grass and irrigated with spray irrigation shall be limited to 10% of the development's landscaped area.
 - vi. Any area taken up by ornamental ponds shall be subtracted from the area allowed for turf grass.
- e. The net new water demand resulting from discretionary development shall be ~~completely offset with non-agricultural water at a ratio of 2:1, except for programs included in (g. vi) below.~~ Any net existing water demand shall be taken into account in the calculation of required offsets of ~~new-net~~ new water demand.
- f. Any required offset of net new water demand shall be completed at the time of final inspection or issuance of a certificate of occupancy, ~~unless an alternative completion time (which may be more or less time) is approved by the review authority. In any case, †~~ The review authority must find the offsets to be real, verifiable, permanent and enforceable.
- g. Offsets programs may include but are not limited to following:
- i. ~~Retiring rural lots~~
 - ii. Retrofitting of plumbing fixtures in the Paso Robles Groundwater Basin
 - iii. Paying an in-lieu fee to a fund restricted to the purchase of ~~Purchasing~~ supplemental water for a specified water supplier that uses groundwater from the ~~main~~ Paso Robles Groundwater Basin.
 - iii. Participation in a ~~County-~~ approved water conservation program in the Paso Robles Groundwater Basin that results in measurable water savings.
 - iv.
 - v. iv. Participation in a ~~County-~~ approved water conservation program in the San Miguel or Paso Robles urban area that results in measurable water savings.
 - vi. v. Reducing water demand in the San Miguel or Paso Robles Groundwater ~~Basin~~ urban areas through other means that result in measurable water savings.
 - vi. At a ratio of 4:1, retiring the development potential of lots within the Paso Robles Groundwater Basin that are outside of urban reserve lines through an agreement with the County or qualified land trust (without using TDCs).
- h. Discretionary Land Use Permits - Discretionary land use permits shall offset the resulting net new demand for water. Land use permit applications shall include existing water use data, if it is available, that is sufficient to calculate the maximum net existing water demand on the proposed project site. The land use application shall include descriptions of all proposed uses on the site

2-27

in a level of detail adequate to calculate the proposed project's maximum new net water demand.

All discretionary indoor development shall be designed and operated to use water as efficiently as possible. At a minimum, ~~the following~~ all interior water fixtures (such as toilets, faucets and showerheads) shall be installed meet the most efficient current State plumbing code standards.

~~Toilets using no more than 1.28 gallons per flush (gpf)~~

~~Showerheads using no more than 1.5 gallons per minute (gpm)~~

~~Tankless, instant hot water systems or hot water circulation systems.~~

Regarding the proposed ordinance for the Paso Robles Groundwater Basin:

We own and live on property just east of the Geneseo Rd. & Union Rd. junction. Our only source of water is the Paso Robles Groundwater Basin. In the 9.5 years that we have lived here, we have seen well levels drop significantly. Three years ago an immediate neighbor had his well worked on and discovered the water level had receded 25 feet in two years.

Water has been, and always will be, a precious resource in California. The decline of our water supply is the major concern we have about our property. We have done what we can to reduce and limit the amount of water we use. We realize the county has limited authority concerning water use from the PR Groundwater Basin. The proposed county ordinance is a responsible step in the right direction to help stabilize our dwindling water supply. We support this ordinance and implore you to adopt it.

Sincerely,
Gary & Jan Seals

July 16, 2012

Commissioner Jim Irving
976 Osos Street
San Luis Obispo, CA 93408

Dear Commissioner Irving:

The upcoming proposed ordinance (July 26) relating to “Water Conservation in the Paso Robles Groundwater Basin” poses a significant problem to rural residential property owners. As someone involved in real estate, you are more critically aware of how the ordinance, as proposed, will not only frustrate what limited development there is in rural areas, it will cause significant financial hardships for those who have worked within county guidelines and who have expended large sums to realize their dreams. I am referring to the central focus of the ordinance, that “...divisions of land shall not be approved until a level of “Severity 1” is certified for the basin (an area of 790 square miles). I think we’re throwing the baby out with the bath water with this approach.

My concerns focus on the following:

- The City of Paso Robles experienced a population growth of 22% from year 2000 to 2010 (and still growing.) Note – SLO Tribune July 16, 2012...The Paso Robles City Council considers a proposed 225-room hotel. This new, very large structure along with smaller hotels under construction, and the re-build of the 302 home Oak Park Project, suggest that building in Paso Robles is not being impacted
- From the late 1990s to present, the plantings of wine grapes has been exponential (and still growing) This massive agricultural change-around (from essentially dry-farm almonds to water needy grapes) accounts for most of the PRGWB decline.

The real estate sub-prime bubble wasn’t the only thing ready to blow when you try to factor where our thinking was centered when these incredible growth factors were occurring. It would seem to the prudent man that a modicum of planning would have taken place early on...now for sure...but why so heavy a blow, now, to rural folks when it would appear many were asleep on their watch.

So now we come to the County and their approach to the problem. The County has stepped to the plate and, what? The “only” thing it can do, according to the June, 2011 Newsletter on the subject, is to “...preclude the creation of new lots.” That, frankly, doesn’t make much sense. Perhaps I can convince you with the following:

Scenario:

Owners of a successful Bed and Breakfast decide to retire and list their B&B and its 21 acres. A buyer comes forth who likes the B&B idea but would also like to cleave off five acres to build a home for his parents (this on ground already approved for division by the Board of Supervisors.) He proceeds to the Building and Planning Dept. where he is told that he would not be able to divide off five acres because the property is in the PRGWB (this before the ordinance was presented, adopted or approved.)

Result:

No sale, and, no continued bed-tax revenue to the county, and the future potential for the property? How about a vineyard on the 21 acres? Now, what makes more sense, an elderly couple in a home on five acres, or 21 acres of grapes thirsting for irrigation?

I point this out to show the damage that can be done by such a broad-brush stroke in dealing with the water problem. This ordinance is much too direct and hurts those who have done little to bring on this problem. We have 105 pages in the PRGWBP, but not much information on how restricting rural residential development would help in alleviating the overdraft. Again, what is less of an impact, over 500 new units in Paso Robles or small, single lot divisions scattered throughout the rural areas?

- Personally, I would like to see this ordinance shelved and an enthusiastic and realistic water conservation effort taken in the City of Paso Robles and in the rural areas (I can't feel impressed with general efforts in Paso Robles when virtually every restaurant my wife and I enter plops down glasses of water as a normal routine.)

If, in fact, this proposed ordinance moves onto a more formalized document, I would hope that smaller entities in rural residential zonings would be exempt, particularly if they have already been approved for division.

Respectfully submitted,



Richard (Dick) Rogers
200 Hollyhock Lane
Templeton, CA 93465

Commissioners,

We have been following Paso Robles Groundwater Basin issues since the groundwater model report was presented in early 2005. Our property is located within the Paso Robles Groundwater Basin. Our only source of water is from our well which draws from the Paso Robles Groundwater Basin.

The water level in our well has dropped over 90 feet since it was drilled in 1998. Prior to purchasing the property in 2000, we had a pump test performed and tested the water quality. No reports were available at that time regarding the overall groundwater situation. We purchased our property within the Paso Robles Groundwater Basin based on what we believed to be a good well. Since that time, we have watched the water level in our well drop continually.

With the proposed land use ordinance, the County is doing what they can within their limited authority to deal with the declining groundwater levels. This proposed ordinance is a responsible approach that addresses a serious problem. The declining groundwater levels are putting many rural property owners within the basin at risk. Our properties will be worthless without a source of water.

We cannot attend the July 26th hearing due to a prior commitment. We ask that you consider our comments and recommend approval of Land Use Ordinance amendment LRP2010-00014 to the Board of Supervisors.

Thank you.

Sue & Karl Luft

July 20, 2012

Dear James Caruso,

We are located within the Paso Robles Groundwater Basin and depend on a well for our drinking water.

In February 2012 we had to drill a new well at twice the depth as our original well to supply our home with water.

We are concerned about the dropping water levels and what it means to us as homeowners who depend on access to drinking water to stay in our homes.

Thank you for your time.

Brandi and Charlie Lykes

Bonita L. Churney
P.O. Box 793
San Miguel, California 93451

July 20, 2012

Mr. James Caruso
San Luis Obispo County Department
of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: File No. LRP2010-00014

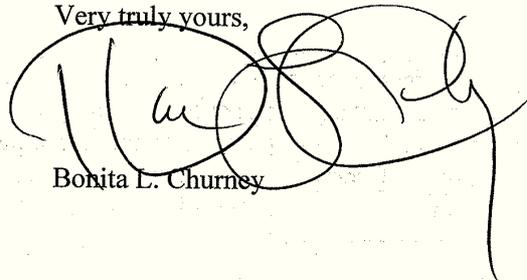
Dear Mr. Caruso:

Thank you for notifying me of the July 26, 2012 hearing before the San Luis Obispo County Planning Commission relating to consideration of an ordinance addressing water use for new development in the county portion of the Paso Robles Groundwater Basin area, where I reside. I own approximately 156 acres of land northeast of San Miguel in San Luis Obispo County on the Monterey County line. I wish to express my strong support of the proposed ordinance as outlined in your June 27, 2012 letter to me which, as I understand it, would change sections of the County Land Use Ordinance to (a) require certain types of new development to offset new water use; (b) require that changes to the County General Plan be water neutral; (c) prohibit creation of new parcels until the water situation shows improvement; and (d) establish special landscape irrigation requirements.

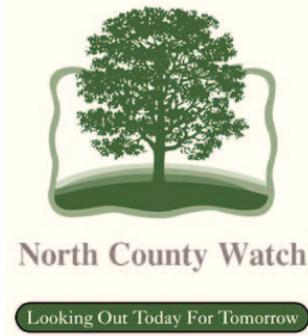
I am well aware of the precarious water level situation in this area of the County. I absolutely support everything the County can do to encourage water conservation and to preserve our precious water resources here in northern San Luis Obispo County.

Unfortunately, I will not be able to attend the July 26th public hearing before the Planning Commission. However, please enter this letter of support into the public record. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Bonita L. Churney', written over a circular stamp or seal.

Bonita L. Churney



July 23, 2012

Planning Commission
County of San Luis Obispo
San Luis Obispo, CA 93406
Via Email "Ramona Hedges" <rhedges@co.slo.ca.us>

RE: Item 2 Amend Article 9 of the Land Use Ordinance, Title 22 of the County Code, to add water conservation requirements for discretionary land use permit applications within: 1) the rural portions of the Paso Robles Groundwater Basin, outside of the Atascadero Sub-basin, 2) the Whitley Gardens and Creston Village Reserve Lines, and 3) the unincorporated Paso Robles Urban Reserve Line.

Dear Chair O'Grady and Commissioners,

North County Watch is a 501 3c non-profit Public Benefit corporation. We are an all-volunteer organization committed to sustainable development in and around north San Luis Obispo County.

NCW strongly supports the passage of the proposed amendment. The declaration by the Board of Supervisors to find a Level of Service III for the Paso Groundwater Basin was based on extensive study of the basin and procedures mandated in the Framework for Planning, which is part of the General Plan.

The Paso Robles Groundwater Basin has been declared to be in a Level of Severity III. The Framework for Planning describes an LOS III as an "Unavoidable Resource Deficiency":

Level III: Unavoidable Resource Deficiency

This is the most critical level of concern. Level III occurs when the capacity (maximum safe yield) of a resource has been met or exceeded. At Level III, there is a deficiency of sufficient magnitude that drastic actions may be needed to protect public health and safety. While the intention of the RMS is to avoid reaching Level III entirely through a prior series of advisory memos, it is still possible that such a situation may occur. (Framework for Planning, p. 3-11)

The Framework is specific about criteria for LOS III for Water Resources:

Water Supply Criteria

Water Resources

A Level of Severity III exists when water demand equals the available resource; the amount of consumption has reached the dependable supply of the resource. A Level III may also exist if the time required to correct the problem is longer than the time available before the dependable supply is reached. (Framework for Planning, p. 3-13)

EXHIBIT LRP2010-00014:E

The LOS III for the Paso Groundwater Basin was based on a long term Resource Capacity Study ordered by the Board of Supervisors a number of years ago as described in the Framework for Planning:

Resource Capacity Study: A resource capacity study should: 1) Inventory existing water resources available to the agency operating the system; 2) document existing demand for water by all area user-groups; and 3) explore any conservation measures that could reasonably be imposed by the water agency. (Framework for Planning, p. 3-15)

When an LOS III is determined, the Framework for Planning and thus the General Plan **require specific action**. The Board **shall** adhere to the following procedures:

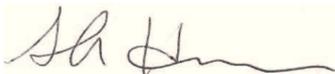
Level III Action Requirements

If Level III is found to exist, the board shall make formal findings to that effect, citing the basis for the findings, and shall:

1. Institute appropriate measures (including capital programs) to correct the critical resource deficiency, or at least restore Level II so that severe restrictions will be unnecessary. In many cases, other agencies or districts will control decisions about necessary measures. The Board of Supervisors shall only seek cooperative assistance for a certain time period, beyond which measures may be considered to enact county ordinances or standards affecting resource usage such as development restrictions.
2. Adopt growth management or other urgency measures to initiate whatever restrictions are necessary to minimize or halt further resource depletion. Any such restrictions shall be reduced or removed only after a public hearing where the Board of Supervisors determines that Level III no longer exists and any dangers to public health or safety have been eliminated.
3. A moratorium on land development or other appropriate measures shall be enacted in the area that is affected by the resource problem until such time that the project provides additional resource capacity to support such development (Framework for Planning, p. 3-11)

The Board is directed to adopt appropriate measures to correct “critical resource deficiencies” including ordinances “affecting resource usage such as development restriction”. The Framework for Planning requires measures be taken to protect the resources. Securing adequate water resources for communities is a health and safety issue. It is negligent to fail to enact measures to secure the Paso Basin from depletion. Above all, it plain doesn’t make sense not to protect this important resource. We have the evidence that warrants an LOS III and the adoption of these amendments are a necessary outgrowth of LOS III in the Paso basin.

Thank you for your consideration of our comments.



Susan Harvey
President

Attachment: Table F Framework for Planning

TABLE F
RESOURCE DEFICIENCY CRITERIA FOR LEVELS OF SEVERITY

RESOURCE	LEVEL I			LEVEL II		LEVEL III
		Projected consumption estimated to exceed dependable supply within 9 years	7 year lead time to develop supplementary water for delivery to users	Resource is being used at or beyond its estimated dependable supply or will deplete dependable supply before new supplies can be developed		
1. WATER SUPPLY						
a. Water Resource	Projected consumption estimated to exceed dependable supply within 9 years	7 year lead time to develop supplementary water for delivery to users	Resource is being used at or beyond its estimated dependable supply or will deplete dependable supply before new supplies can be developed			
b. Water System	System projected to be operating at design capacity within 7 years	5 year lead time to complete major improvements	System operating at or beyond design capacity or will be at capacity before improvements are constructed			
2. SEWAGE DISPOSAL						
a. Treatment Plant	Projected average daily flow = plant capacity within 6 years	5 year projected average daily flow = plant capacity	Average daily flow = plant capacity or the plant will be at capacity before improvements can be made			
b. Sewage Collection Lines and Lift Stations	Projected flow will equal 90% of system capacity within 2 years	System at 90% capacity; or 5 year projected flow equals capacity; or LUE build-out capacity effluent would exceed system capacity	System operating at 100% capacity or will be at capacity before improvements can be made			
c. Individual Septic Tank Systems	System failures reach 5% by area; RWQCB, Health or Engineering Departments to identify potential health problem	System failure rate reaches 15% by area or community	System failures at 25%; threat to public health and safety exists. 5 years needed to build public sewer system			
3. SCHOOLS	7 year projected enrollment will be at or above maximum students/classroom ratio established by school district	5 year projected enrollment will be at or above maximum students/classroom ratio	Enrollment at or above maximum students/classroom ratio			
4. ROADS/CIRCULATION	Projected traffic volume will reach Level of Service (LOS) D within 5 years	Route will be operating at LOS-D in 2 years or less	Route is operating at LOS-D (As defined in the 1985 Highway Capacity Manual)			
5. AIR QUALITY	Infrequent violations of the federal ozone standard, or emissions reach 75% of the standard, or offsets are reduced to less than 50% of baseline levels	Periodic violations of the federal and state ozone standard, or emissions reach 90% of the designated threshold, or offsets are reduced to 25% of baseline levels	Federal ozone standard is exceeded one or more days within three consecutive years, or emissions regularly exceed the standard, or offsets have been depleted			

e:\wpdocs\gumplan\92010141_gin

July 24, 2012

Re: Land Use ordinance Amendment # LRP 2010-0014

Planning Commissioners:

It's taken a long time for these proposed ordinances to come before you. The first study was completed 10 years ago, and there have been four different studies of the groundwater basin since then. Then there was the two year public process of preparing, presenting, reviewing, and adopting the Resource Capacity Study. This has been a slow and thorough process.

In past years, because people assumed there would always somehow be enough groundwater, many mistakes were made in subdividing, building, and other water uses. With hindsight, "blame" can be thrown in every direction. Like Shakespeare's "death by a thousand cuts", the basin has been sucked into decline by 10,000 wells, and now the basin is now in a certified Level of Severity III.

In the rural areas, there is no possibility of supplemental water from Nacimiento, or state water, or desalinization. Dams and pipelines and big expensive projects that might or might not be feasible would in any event take many years and a lot of money to bring water in – assuming there is water somewhere else to be brought. Groundwater is the only source of water for homes and agriculture.

The County's ability to effect ordinances that would protect groundwater is quite limited. Agricultural, the biggest water user, is protected by state law. Some of the winegrowers are leading the way with voluntary water conservation, but others are not. More big deep wells are going in all the time, converting dry land farming into vineyards, and increasing total vineyard water use. Voluntary measures are good, but they are inadequate to reverse the trend.

The proposed ordinances are modest and well thought out. They have the support of the Water Resources Advisory Committee.

The people who oppose the ordinances seem to do so mainly for two reasons:

1. As a general philosophy, they want to keep government out. That has been the approach thus far, and it has contributed to the basin's decline.
2. Others object because they want to be able to subdivide their property. But with 1,500 existing vacant lots over the basin, there is no need for more rural lots. Existing homes and ag properties are in danger of losing their water and their investments becoming worthless. The water rights of current users should take precedence over possible future sub dividers.

I support the staff recommendation and urge you to adopt it.

Respectfully,

Della Barrett



Planning Commission item 2 Groundwater Basin- July 26, 2012

Maria Lorca to: rhedges

07/25/2012 07:41 AM

Cc: jcaruso

Ramona,

Please distribute to the Planning Commissioners.

Thank you,

Maria Lorca
226-7551

July 25, 2012

Re: Item 2 Paso Robles Groundwater Basin

Planning Commissioners:

I support the staff recommendation and urge you to recommend that the Supervisors adopt it without delay. I own two parcels near Creston and a house in Paso Robles.

Those of us dependent on our wells in the basin are watching helplessly as large parcels are being converted from dry farming to wine grapes.

These conversions mean increased pumping from the basin and makes it even more critical that you act responsibly to use the power you do have to protect our water resource and our property values.

Respectfully,

Maria Lorca
PO Box 502
Creston, CA
226-7551



Fw: Water

James Caruso to: Ramona Hedges

07/25/2012 11:31 AM

I don't know if this email has been forwarded to Commissioners.

James Caruso
San Luis Obispo County
Department of Planning and Building
Senior Planner
(805) 781-5702
www.sloplanning.org

----- Forwarded by James Caruso/Planning/COSLO on 07/25/2012 11:31 AM -----

From: janine Kirkpatrick <janinezk@gmail.com>
To: jcaruso@co.slo.ca.us
Date: 07/09/2012 06:29 PM
Subject: Water

James, Hi. I spoke to you today by phone and expressed my concern about the diminishing water in the Paso Robles Groundwater Basin area.. I have lived here on this 16 acre parcel for 40 years. My well is 220 feet and is 50 years old. As a retired senior I would find it extremely difficult to finance any well work. However I am very interested to know how much water I am actually using, so if there is ever a pilot project for measuring water use I would volunteer my well.

To reiterate what I said this morning I think we need a twenty year plan with the end goal to regulate water use per acre. The first step would have to be voluntary monitoring of wells, then everyone would have to comply by say 10 years. Then a fair and equitable use of gallons per acre would have to be mandated and penalties applied for overuse.

The current drainage of our aquafer by the wine industry is unsustainable. It is similar to strip mining where the industry would take our precious resources and leave us with a disaster. This land is worthless with no water. Please continue to express the very real concerns of most North County citizens. The wine industry needs to hear the truth as does any farmer growing thirsty crops like alfalfa or rice. Thank you for working on this. Janine Kirkpatrick 1221 Kilnhouse Road Templeton CA



Planning Commission Hearing #2

Lisa Bodrogi to: rhedges

07/25/2012 11:45 AM

1 attachment



LettertoPC-OrdinanceChanges.doc

Dear Ramona,

Please forward the enclosed letter for the Planning Commission's consideration during their hearing tomorrow on changes to Title 22 for the Paso Robles Groundwater Basin.

Sincerely,

Lisa Bodrogi
Government Affairs Coordinator
Paso Robles Wine Country Alliance
Ph: (805)937-8474 Cell: (805)260-2461
lbodrogi@pasowine.com

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San Luis Obispo County
Planning Commission
1055 Monterey Street, Rm D170
San Luis Obispo, CA

July 26, 2012

Re: Land Use Ordinance Changes in the Paso Robles Groundwater Basin

Dear Honorable Planning Commission:

The Paso Robles Wine Country Alliance has been very active and participatory in the efforts to address the state of the Paso Robles Groundwater Basin over the past three years. We do not question that there has been a showing of decline in the basin, particularly in the area known as the Estrella-Creston area. This decline threatens residential and vineyards alike.

As such, we readily signed on to the Groundwater Basin Management Plan Steering Committee, have participated in encouraging additional wells be added to the Groundwater Monitoring Program, and assisted in the Vineyard Irrigation Study due to be released early next year. Moreover, vineyards are water efficient and programs at both the local at state level continue to develop methods of improvement and performance measures.

Throughout the public hearing process on the Resource Capacity Study, the Alliance commented on the Board's action as premature until these efforts had more fully matured. Of most considerable concern with the land use restrictions is the absolute restriction on all subdivisions, or the creation of new parcels until a LOS I is achieved.

We find this single action egregious and over-reaching for the following reasons:

- There is no evidence that this prohibition will result in a net water savings.
- A thorough and complete analysis should be performed to determine what benefits will be derived through a moratorium on all subdivisions.
- Staff has failed to demonstrate how imposing land use restrictions, particularly prohibiting all land subdivisions, will result in a net reduction of water demand on the basin.
- An outright restriction on all land divisions in the rural area of the basin is over-reaching. There are explicit standards already in place that allow Agricultural Subdivisions so long as they are adequate in size and design to ensure the long term protection of agricultural resources.

- Eliminating agricultural land divisions would not result in a significant change in overall water – for example, 40 acres within 120 acre single parcel vs. 40 acre subdivided parcels would yield relatively the same water usage.
- Land Divisions may be sought for inheritance or estate planning to keep the farm in the family and should not be precluded.
- Unintended consequences could result including: negative land values; reduced investment interest, negative public perception; economic impacts and discouraging collaborative efforts.
- Adopting ordinance changes that result in land use restrictions will take away from the spirit of cooperation that has been established over the past 16 months through the collective efforts of the Blue Ribbon Steering Committee.
- The Blue Ribbon Committee has made much progress to work cooperatively together with key stakeholders to ensure the health of the basin. We oppose the shift from stakeholder-driven cooperation to a prohibition on all land subdivisions.

Moreover, we find the CEQA exemption to be inadequate for the land use changes proposed. The Proposed Ordinance is a project under CEQA and a thorough environmental analysis needs to be conducted. The conclusion of staff that these changes are exempt from CEQA disregards the CEQA process, and more importantly, the public review process.

During the hearings on the Resource Capacity Study, questions were raised whether or not the adoption of the RCS, with incorporated recommendations subject to further action, was subject to CEQA. The response from staff was the adoption of the RCS did not constitute a “project” under CEQA, and on the record assured the public and decision-makers that a full environmental analysis would be performed on any ordinance changes. We object to the finding of staff that these changes are exempt from CEQA. We assert a full environmental analysis and public review vetting is necessary to address potential impacts in the following CEQA categories:

Population and Housing:

An environmental analysis should determine growth inducing impacts on other areas as a result of the ordinance changes. An increase in population within concentrated urban areas should be considered while the reduction of housing type or desirability/marketability need also be assessed.

Transportation/Traffic:

An assessment on transportation and traffic patterns that may result by restricting all land subdivisions in the rural area needs to be conducted. An increase in vehicular trips and effect on Levels of Service within areas where residential development may shift needs to be analyzed.

Land Use/Planning

A full analysis needs to be conducted to consider the overall land use planning consequences as a result of restricting the creation of all new parcels in the rural areas of the Paso Robles Groundwater Basin.

Hydrology/Water Quality:

Shifting residential development from the rural areas to the urban centers fails to recognize that the municipalities withdraw from the same basin. A shift from one area to another, particularly when that shift is directed towards the areas of highest concentration and use could significantly exacerbate the problem, rather than fix it. A full environmental analysis is necessary to understand the potential impacts to both hydrology and water quality as a result of these ordinance changes which will re-direct development away from the rural areas to more concentrated urban centers.

An adequate environmental review would include an analysis on current groundwater data and actual water savings of the proposed ordinance requirements. A CEQA document should look at the potential for measureable reductions and the ability for other Community Water providers to handle re-directed growth as a result of these land use restrictions.

Agricultural Resources:

Consideration must be given on the environmental consequences to agriculture by restricting all land subdivisions. There are situations where a subdivision may be necessary to keep the family farm in the family or create more manageable parcel sizes for production. The potential environmental effect on agriculture as a resource identified under CEQA must be examined.

Utilities/Service Systems:

Development in the rural areas require support through individual service systems to provide wastewater and water. An analysis should be performed to consider the net effect on public water and wastewater systems to be certain these systems are not overburdened or their capacity is exceeded as a result of these changes.

Public Services:

An analysis should be performed to determine what effect the project may have on the need for new or altered public services including but not limited to fire, police, schools, etc.

Aesthetics:

Aesthetics should be considered and the potential impact to aesthetic qualities found in a rural setting that combines native open spaces, along with ranch homes and homesteads, well-manicured and maintained rural residential and winery development. All of these amenities add to the aesthetic quality of the rural setting that should be considered.

We appreciate the opportunity to continue to work collectively on cooperative groundwater management and continue to remain fully engaged to ensure the health of the basin. For any questions or comments please don't hesitate to contact Lisa Bodrogi, Government Affairs Coordinator at 937-8474 or lbodrogi@pasowine.com.

Sincerely,

Lisa M. Bodrogi
Government Affairs Coordinator
Paso Robles Wine Country Alliance
530 10th Street
Paso Robles, CA 93446



Water issues

Larry Smyth to: rhedges

07/25/2012 03:20 PM

1 attachment



LettertoPC-OrdinanceChanges.pdf

Dear Ms Hedges

As a farmer TRYING to make at least a little money I am most concerned about two things -- water and contract labor. Please do make our lives worse. I am sympathetic to what the PRWCA is saying.

Thank you for helping Larry Smyth Carriage Vineyards www.CarriageVineyards.com