

ATTACHMENT C – Sample Ordinance Language

OPTIONS DISCUSSED UNDER I. - Applicability

Option I.

Applicability – This Ordinance applies to all properties within the unincorporated areas of the Paso Robles Groundwater Basin as shown on Exhibit _____ except those properties within the Atascadero Sub-Basin and within the Shandon and San Miguel urban reserve lines.

Option I.A.1.

Applicability – This Ordinance applies to all properties within the unincorporated areas of the Paso Robles Groundwater Basin as shown on Exhibit _____.

Option I.A.2.(a)

Applicability – This Ordinance applies to all properties within the unincorporated areas of the Paso Robles Groundwater Basin as shown on Exhibit _____ except those properties within the Atascadero Sub-Basin and within the Shandon, Paso Robles and San Miguel urban reserve lines.

Option I.A.2.(b)

Applicability – This Ordinance applies to all properties within the unincorporated areas of the Paso Robles Groundwater Basin as shown on Exhibit _____ except those properties within the Atascadero Sub-Basin and within all urban and village reserve lines.

OPTIONS DISCUSSED UNDER II. - Prohibitions

Option II.A.

Limitation on Use –The following uses shall be prohibited, unless specifically exempted by this ordinance. No applications filed pursuant to Chapter 8.40 of the County Code to construct, repair or modify a water system proposed to serve any of the following uses or applications for a construction permit in connection with the establishment of any of the following uses shall be issued, except in conformance with this ordinance.

1. New or expanded irrigated crop production involving an irrigation source from the groundwater Basin.
2. Conversion of dry farm or grazing land to new irrigated crops involving an irrigation source from the groundwater Basin.
3. New development dependent upon a well in the groundwater Basin.

Option II.B.

Use same language as Option II.A. – add the following:

- B. No construction permit for any of the following uses that may use groundwater as a water source shall be issued during the period this ordinance is in effect.
 1. Secondary Dwellings in the Residential Suburban and Residential Rural Land Use Categories.
 2. Second Primary Dwellings in the Agriculture and Rural Lands Land Use Categories.

OPTIONS DISCUSSED UNDER III. - Exemptions

Option III

Exempted Uses. – The following are exempt from the requirements of this ordinance:

1. A "minor modification" meaning a modification to an existing water supply for an existing use or to replace a destroyed use that involves simple repair or replacement of pipes, fittings, faucets, hoses, pumps, meters, components of irrigation systems, sinks, tubs, toilets, showers, washing machines, and all other elements of the water supply and delivery system that will not potentially increase the amount of groundwater extraction at that site. For the purposes of this definition, swimming pools (if filled with trucked in water from a supply source that does not include groundwater from the Basin and is provided with a cover), and additional potential bedrooms whether or not attached to the single-family dwelling unit are considered minor modifications. Any modification or improvement that will increase the amount of groundwater extracted is **not** a minor modification; or
2. An "efficiency improvement" meaning an addition, change, upgrade, improvement or replacement of a site's existing well or water supply and distribution system (including the addition of plumbing fixtures) for an existing use or to replace a destroyed use which is for purposes of rendering the system more efficient and is not intended to supply water or make plumbing fixtures available to additional users of said system and does not increase the total consumption of groundwater at that site. If a replacement well is permitted, the existing well must be destroyed under permit and the new well must be drilled to the same or smaller diameter as the existing well; or
3. The proposed development is for a public use or facility (e.g. fire station) or the Board of Supervisors has determined there is an overriding public or emergency need for the proposed development; or
4. Replacement dwellings (when an existing legal dwelling unit had previously existed on the property) or other structures where there is no increase to the square footage and number of bathrooms.

Option III.A.

Use same language as Option III - add the following:

5. New or expanded irrigated crop production where the total area of irrigated crop production on the site (defined as any lot or parcel of land or contiguous combination thereof, under the same ownership) will not exceed 20 acres (including existing irrigated crops).
6. A single-family dwelling unit with low water using outdoor landscaping of no more than X square feet and including no irrigated turf on an existing legal parcel, when such residence will be the only use on the parcel, provided a meter is installed on the well serving the parcel and on or near the first day of each month the water meter is read and this data is provided to the Public Works Director during the first week of April and October of each year.
7. Farm Support Housing with low water using outdoor landscaping of no more than X square feet and including no irrigated turf on an existing legal parcel, when such residence will be the only use on the parcel, provided a meter is installed on the well serving the parcel and on or near the first day of each month the water meter is read and this data is provided to the Public Works Director during the first week of April and October of each year.

Option III 5. / Option IV.

Use same language as Option II.A. - add the following:

- B. Urgency Water Permit. A use not otherwise exempted by this ordinance shall be required to obtain an Urgency Water Permit as required by this ordinance. The Urgency Water Permit shall be obtained prior to the issuance of a permit filed pursuant to Chapter 8.40 of the County Code to construct, repair or modify a water system proposed to serve any of the uses identified in Section II.A.1-3 or issuance of a construction permit in connection with the establishment of any of the uses identified in Section II.A.1-3.

OPTIONS DISCUSSED UNDER IV. – Urgency Water Permit

Option IV.1 (a)-(c)

Use same language as Option III.5. / Option IV - add the following:

- C. Application content. Requests for an Urgency Water Permit shall be accompanied by the following:
 - 1. Evidence that the offset requirements have been fulfilled. The net new water demand (based on actual water data or by approved assumptions about the water demand for that use) shall be offset at a ratio of (2:1 or 1:1) through participation in water conservation programs listed in subsection C.2. or C.3.
 - 2. For any new development (other than new irrigated crop production) or any expansion of residential or other development (other than new irrigated crop production) that would increase demand, one or more of the following shall be used to offset water used for non-agricultural purposes.
 - (a) Retrofitting plumbing fixtures in the Paso Robles Groundwater Basin.
 - (b) Purchasing supplemental water for a water supplier that uses groundwater from the main Paso Robles Groundwater Basin.
 - 3. For any new irrigated crop production and / or conversion of dry farm or grazing land to new irrigated crop production or any proposed expansion to existing irrigated crop production that would increase demand, one or more of the following shall be used to offset water used for the new irrigated crop production use.
 - (a) Retiring an existing irrigated crop production use in the Paso Robles Groundwater basin through an agreement with the County or qualified land trust
 - (b) Retrofitting existing irrigation in the Paso Robles Groundwater Basin
 - (c) Purchasing supplemental water for a water supplier that uses groundwater from the main Paso Robles Groundwater Basin.

D. Metering, Monitoring and Reporting. The following requirements apply to all issued Urgency Water Permits.

1. Within 30 days of installation of a well for which a permit has been issued pursuant to Chapter 8.40 of the County Code, or prior to final building inspection, whichever is applicable, evidence shall be submitted to the Public Works Director that the permittee has installed a meter on the well serving the use to measure all groundwater used from that well. The configuration of the installation shall conform to a drawing prepared by the permittee and shall conform to the technical standards set forth by the Public Works Director.
2. On or near the first day of each month the permittee shall read the water meter and provide this data to the Public Works Director during the first week of April and October of each year. The permittee shall also grant to the Public Works Director right to access and verify the operation and readings of the meters and well levels at any reasonable time during regular working hours.
3. The permittee shall be limited to an average of 0.50 acre feet of water per year or such other amount as may be adopted by the Board of Supervisors by resolution for any new development (other than crop production) or expansion of any residential or other development (other than new irrigated crop production) that would increase demand. This limitation shall be calculated as the average water used over a two-year period with no yearly use exceeding the acre foot of water per year allotment by more than fifteen percent.
4. The permittee shall be limited to an average of 0.20 acre feet per acre per year or such other amount as may be adopted by the Board of Supervisors by resolution for any new irrigated crop production and / or conversion of dry farm or grazing land to new irrigated crop production or any proposed expansion to existing irrigated crop production that would increase demand. This limitation shall be calculated as the average water used over a two-year period with no yearly use exceeding the acre foot of water per acre per year allotment by more than fifteen percent.

Option IV.2 (a)-(d)

Use same language as Option II.A. - add the following:

- B. Urgency Water Permit. A use not otherwise exempted by this ordinance shall be required to obtain an Urgency Water Permit shall be obtained as required by this ordinance. The Urgency Water Permit shall be obtained prior to the issuance of a permit filed pursuant to Chapter 8.40 of the County Code to construct, repair or modify a water system proposed to serve any of the uses identified in Section II.A.1-3 or issuance of a construction permit in connection with the establishment of any of the uses identified in Section II.A.1-3. The authority to take final action on an Urgency Water Permit as set forth in this subsection is assigned to the Planning and Building Director for the purposes of this Section, in compliance with Section 22.70.020.B of Title 22 of the County Code and the authority established by Government Code Sections 65900 et seq. Decisions by the Director on Urgency Water Permits may be appealed to the Board of Supervisors. After acceptance of an Urgency Water Permit application and completion of the environmental review consistent with the California Environmental Quality Act and a staff report, the Planning and Building Director shall conduct a public hearing on the request. Notice and scheduling of the hearing shall comply with Section 22.70.060 (Public Hearing) of Title 22 of the County Code.

- C. Application content. Requests for an Urgency Water Permit shall be accompanied by the following:
1. Identify any present and future uses of any existing water system, including whether and to what extent groundwater is or will be used as a water source on the affected property. When an applicant identifies the existing water uses on a parcel to establish the existing water use level on that parcel, those existing uses which will be considered are only those water using activities such as residential structures, other legal uses (wineries, etc.), vineyards, or other viable agricultural crop or animal operation which were not discontinued for more than two years prior to the date of the application for the Urgency Water Permit. For the purposes of the application, future uses are those for which permits will be secured or improvements completed within two years of the application.
 2. Sufficient information and supporting documentation to enable the Planning and Building Director to determine whether it is likely the new use might significantly affect the Paso Robles Groundwater Basin, whether or not the proposed improvement or new system may be reasonably expected to adversely affect the Paso Robles Groundwater Basin.
 3. Identify any water sources other than groundwater intended to be used for the proposed use.
 4. If the use includes development of a new water system or improvement to an existing water system, state the number of parcels and service connections the new water system or improvement are intended to serve, identify the location of the structures and improvements to be served by that new or improved water system, and identify existing and future uses and users to be served by that new or improved water system.
 5. Proposed offset requirements for the proposed use that would be equivalent to offsetting the net new water demand at a ratio of (2:1 or 1:1).
- D. Finding. An Urgency Water Permit may be approved only where the Review Authority makes the following finding in addition to those required in Sections 22.62.060.C.4
1. The use will not create a net increase in the demand for water from the Paso Robles Groundwater Basin.
- E. Conditions of approval. In approving an Urgency Water Permit, the Planning and Building Director may impose reasonable conditions on the permittee as needed to satisfy the requirements of this ordinance, minimize groundwater use and to protect the public health, safety and welfare including but not limited to requiring implementation of Best Management Practices, plumbing retrofits, and limits on groundwater consumption.
1. The following requirements shall apply to all Urgency Water Permits.
 - (a) The permittee shall install a meter on the well serving the parcel to measure all groundwater used from that well. The configuration of the installation shall conform to a drawing prepared by the permittee and shall conform to the technical standards set forth by the Public Works Director.

- (b) On or near the first day of each month the permittee shall read the water meter and provide this data to the Public Works Director during the first week of April and October of each year. The permittee shall also grant to the Public Works Director right to access and verify the operation and readings of the meters and well levels at any reasonable time during regular working hours.

OPTIONS DISCUSSED UNDER V. – Existing Irrigated Crop Production

Option V.A.1

Existing irrigated crop production (including irrigation practices) in effect as of the date of the urgency ordinance can continue until the permittee expands the irrigated crop production or adds a new use other than irrigated crop production. At that time, the following shall apply to any existing irrigated crop production on the site.

1. Offset Required. For existing irrigated crop production, one or more of the following shall be used to offset water used for that irrigated crop production use at a (2:1 or 1:1) ratio.
 - (a) Retiring a different existing irrigated crop production use in the Paso Robles Groundwater basin through an agreement with the County or qualified land trust
 - (b) Retrofitting existing irrigation in the Paso Robles Groundwater Basin
 - (c) Purchasing supplemental water for a water supplier that uses groundwater from the main Paso Robles Groundwater Basin.

Option V.A.2

Existing irrigated crop production (including irrigation practices) in effect as of the date of the urgency ordinance can continue until the permittee expands the irrigated crop production or adds a new use other than irrigation crop production. At that time, the following shall apply to any existing irrigated crop production on the site.

1. Best Management Practices. Existing irrigated crop production shall be required to meet Best Management Practices, including limiting the use of overhead sprinklers (drip only), reuse, flow meters, etc
2. Meter, Monitor and Report.
 - (a) The permittee shall install a meter on the well serving the parcel to measure all groundwater used from that well. The configuration of the installation shall conform to a drawing prepared by the permittee and shall conform to the technical standards set forth by the Public Works Director.
 - (b) On or near the first day of each month the permittee shall read the water meter and provide this data to the Public Works Director during the first week of April and October of each year. The permittee shall also grant to the Public Works Director right to access and verify the operation and readings of the meters and well levels at any reasonable time during regular working hours.

Option V.A.3

Use same language as Option V.A.2. - add the following:

- (c) The permittee shall be limited to an average of 0.20 acre feet per acre per year for any new irrigated crop production and / or conversion of dry farm or grazing land to new irrigated crop production or any proposed expansion to existing irrigated crop production that would increase demand or such other amount as may be adopted by the Board of Supervisors by resolution. This limitation shall be calculated as the average water used over a two-year period with no yearly use exceeding the acre foot of water per acre per year allotment by more than fifteen percent.

OPTIONS DISCUSSED UNDER VI. – Agricultural Ponds

Option VI.A.1

Use same language as Option II.A. – add the following:

- B. A new reservoir constructed to regulate or store a supply of water for frost protection, seasonal irrigation, or livestock purpose shall not be allowed during the period this ordinance is in effect.

Option VI.A.2

Use same language as Option II.A. – add the following:

- B. A new reservoir that will contain greater than one acre foot of water constructed to regulate or store a supply of water for frost protection, seasonal irrigation, or livestock purpose shall not be allowed during the period this ordinance is in effect.

Option VI.A.3

Use same language as Option II.A. – add the following:

- B. A new reservoir that will contain greater than five acre feet of water constructed to regulate or store a supply of water for frost protection, seasonal irrigation, or livestock purpose shall not be allowed during the period this ordinance is in effect.

OPTIONS DISCUSSED UNDER VII. – Pipeline Projects

Option VII.A.1

No ordinance language would be needed for this option as this is the standard that would otherwise apply.

Option VII.A.2

Projects in Process. This ordinance does not apply to any application for a land use permit, land division, general plan amendment, ordinance amendment, well that was submitted to the County, including any required fees, prior to August 6, 2013.

Option VII.B.1

No ordinance language would be needed for this option as it would be subject instead to the existing irrigated crop production section of the ordinance.

Option VII.B.2

Projects in Process. This ordinance does not apply to new irrigated crop production where the crop was being planted (even where the entire acreage has not yet been planted but the entire site has been prepared for planting) prior to August 6, 2013.

Option VII.B.3

Projects in Process. This ordinance does not apply to new irrigated crop production where the site has been prepared for planting prior to August 6, 2013.

Option VII.B.4

Projects in Process. This ordinance does not apply to new irrigated crop production where evidence is submitted showing that financing has been obtained prior to August 6, 2013 for the purposes of site preparation and planting.