



July 24, 2015

San Luis Obispo County Planning Commission  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408

Re: San Luis Obispo County Water-Related Code Amendments

Dear Planning Commissioners,

Thank you for your consideration of our previous oral and written comments. The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 160 growers, shippers, farm labor contractors, and supporting agribusinesses. **Our members grow diverse field and nursery crops such as broccoli, strawberries, vegetable transplants, flowers, tree fruit, and wine grapes. The policies being contemplated could have a potential lasting impact on local farmers' ability to grow safe, local produce for our communities.** We have members operating within the Nipomo Mesa Management Area and throughout the southern portion of the County. **Water is the Association's top priority. We ask that you resolve the following concerns before forwarding your final recommendations to the Board of Supervisors.**

#### Agriculture Element

- **We do not support including a bullet list of best management practices** as presented on page 3, number 2. The statement that precedes it—"Encourage farmers to use best management practices in order to best promote the efficient use of water"—is adequate and will better enable the agricultural community to continue to innovate and adapt to specific site and crop needs. For example, item D "Use of tailwater return systems for any surface water application" conflicts with current food safety best management practices for fresh produce. **We ask that this list, or at a minimum item D, be removed.**
- **The termination provisions for the Paso Robles Basin that are included in Title 22 should also be included in the Agriculture Element.**

#### Conservation and Open Space Element

- The proposed additions to policies **WR 1.7, 1.7.1, and WR 1.14** (page 6) are **overly broad**. These aspects are better handled in other revisions and could result in unintended consequences. They are **duplicative** of current basin adjudications and/or implementation of the Sustainable Groundwater Management Act. We ask that the proposed additions to WR 1.7, 1.7.1, and 1.14 **be removed**.

#### Title 19, Plumbing Code

- **We ask that all references to an offset ratio of "at least" be deleted and rather require an "offset at a 1:1 ratio"** (page 3, number 1, Roman numeral ii). This important distinction will provide essential clarity and certainty in the context of a County Ordinance.
- We request the addition of a **termination provision for the Nipomo Mesa Management Area**.

- **We adamantly oppose requiring “Water Meter Installation and Reading” (page 5).** The Courts have consistently accepted methods for estimating water use for the purposes of basin adjudication, rather than requiring metering. We are confused about its applicability, particularly for our member nurseries on the Nipomo Mesa. The operator, rather than property owner, may be the more appropriate party to maintain the records. We are unclear on what would be investigated as a violation (Roman numeral iii) and on what grounds. **We ask that the “Water Meter Installation and Reading” section be deleted entirely.**

## Title 22

We are pleased to see some substantive improvements in the July 2015 draft based on our previous comments and appreciate your responsiveness. **We have remaining concerns with the precedent being set by certain provisions of Title 22 if they were to apply to additional areas of the county in the future.**

- The **definition of “New or Expanded Irrigated Crop Production”** (page 13) includes “other improvements.” This creates too much uncertainty in future interpretation. We ask that “other improvements” be deleted from the definition of “New or Expanded Irrigated Crop Production” and that these definitions be removed upon termination.
- At what point does the cumulative impact of the proposed ***de minimis* exemption** (page 5, number B3) have a major impact? This may become particularly troublesome for small-acreage parcels located in close proximity to each other with wells pumping from the same water-bearing formation at similar depths.
- We oppose requiring well metering (page 6). This topic would be more consistently addressed through the implementation of the Sustainable Groundwater Management Act. We are unclear on what would be investigated as a violation (Roman numeral ii) and on what grounds. **We ask that the well meter requirement be deleted as a permit requirement and from Table 1** (page 7).
- **We ask that all references to an offset ratio of “a minimum” be deleted and rather require an “offset at a 1:1 ratio”** (page 8, number 3). As previously mentioned, this important distinction will provide essential clarity and certainty in the context of a County Ordinance.
- We do not support requiring a **courtesy notice** (page 8, number 7). While we recognize the intent of the notification, in practice the overly broad wording to notify “all property owners of immediately adjacent parcels and any agency with jurisdiction over the site(s)” would be difficult to manage and potentially create unnecessary strife.
- In regards to replanting (page 5, item B2), what if the acreage increases but the water use stays the same? Would this trigger the time and expense of soliciting an on-site offset clearance?

Thank you for your consideration and hope you will incorporate these comments into your final recommendations.

Sincerely,



Claire Wineman, President



# SAN LUIS OBISPO COUNTY FARM BUREAU

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July 30, 2015

Commissioners  
San Luis Obispo County Planning Commission  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408

Re: Countywide Water Conservation Amendments

Dear Commissioners:

The San Luis Obispo County Farm Bureau thanks the Planning Commission for this opportunity to present Farm Bureau's input on issues relating to the Countywide Water Amendments. We recognize and appreciate the complexity of the Water Conservation Amendments, as well as the willingness of the Commission to listen to concerns and suggestions. Please consider the following points:

Agricultural Element:

- Page 2-3, Implementation, 2: We ask that the new listing of BMPs be deleted, as a listing of 6 BMPs does not reflect the wide range of possible BMPs that could be used and even though it is encouragement to use BMPs as stated in AGP a, the list gives the impression that these are the only ones to be used and that they must be used.

Conservation and Open Space Element:

- Page 6, WR 1.7: The use of "proposed development" creates distinct uncertainty as to what development. What is this really trying to do? Is this even appropriate?

Building and Construction Ordinance:

- Page 2, (1): We appreciate that the offset for new structures and plumbing fixtures is clearly set at a 1:1 ratio.
- Page 3, ii: We are confused and ask that the reference of "at least" be removed from the 1:1 offset ratio. The offset should reflect clearly a 1:1 ratio no a subjective "at least" condition.
- Page 5: We concur with the Grower Shipper comments regarding the deleting of *Water Meter Installation and Reading* as the only accepted means of monitoring water use.

Land Use Ordinance:

- Page 5, 2: We are concerned with the linking of the replanting to acreage as opposed to water use. It is increased water use that is the issue not the acres. If

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Mission Statement:

"To lead San Luis Obispo County in the protection, promotion and advocacy of agriculture for the benefit of our members and community."

the replanting is with a plant that, although the same as what is removed, but technically improved to require less water then added acreage would not be a problem. The issue is the exceedance of acre feet of water, not acreage.

- Page 5, 3: We have questions regarding the *de minimis* of “no more than 2.5 AF per year”. Does this mean in two years the 2.5 AF of the first year is increased by another 2.5 AF the second year so the total is now 5AF. At what point does this become an issue? In 5 years this could total 12.5 acre feet of new irrigation.
- Page 6, 2: As stated above for the Building and Construction Ordinance, there are other means of monitoring water use besides a meter. We agree with the Grower Shipper comments that the Sustainable Groundwater Management Act would be the appropriate place to address this.
- Page 8, 3: Once again we would like to see the offset ratio reflect a 1:1 ratio as opposed to “a minimum 1:1 ratio”. Please delete “a minimum”.
- Page 11, New and Expanded Crop Production: “The development, new plantings, or other improvements of a property for the purposes of farming irrigated crops” is a serious issue. This is a very wide ranging definition. So a grower wants to improve the efficiency of an agricultural operation, no matter what that might be, such as a new packing shed or barn, under this definition this would be considered “new and expanded crop production”? New plantings requiring additional water would seem to be the only criteria for defining new and expanded crop production. We ask that you correct this error.

We appreciate your consideration of our comments and hope that they have been helpful in improving the amendments.

Sincerely,



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JOY FITZHUGH  
Legislative Analyst

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July 28, 2015

San Luis Obispo County Planning Commission  
County Government Center  
San Luis Obispo, CA 93401

**RE: Ordinance amending Title 8 and Ordinance Amending Title 22, Meeting of July 30**

Dear Chairperson Topping and Members of the Commission:

Several items that remain in these proposed ordinances are of great concern to our members. We ask that you consider the following:

Section 8.40.030. Acts prohibited, permit required. (a) No person shall, within the unincorporated area of San Luis Obispo County, construct, repair, modify or destroy any well unless such a person possesses a valid permit issued by the health officer as provided in this chapter.

*If this section is meant to require a permit for any repairs to an existing well water system, it is completely unacceptable and potentially disastrous for any Ag operation. One of our members states, "Twice I have had major well failures during the warmest part of the growing season. It took every effort to make repairs in time to save my crop." The requirement to seek a County permit for repairs, particularly during a crisis is unworkable and overly restrictive. Please strike the word "repair."*

Section 22.30.204.H. Termination. The provisions of this section shall expire upon the effective date of a final, adopted, and approved Water Code section 10720 et seq. Groundwater sustainability plan(s) covering the entirety of the Paso Robles Groundwater Basin within the land use jurisdiction of the County of San Luis Obispo.

*We concur with the Paso Basin Advisory Committee that this needs to be clarified as it is too vague and creates undue difficulty for agriculturists and landowners for whom planning ahead is key. We suggest "provisions of this section shall expire upon the adoption of a Groundwater Sustainability Plan (GSP) by the Groundwater Sustainability Agency (GSA) for the PRGWB." It would also be helpful to add a statement indicating the date by which the State is requiring these plans to be adopted, that is, by June 30, 2017 local agencies must establish GSA's and by January 31, 2022, GSA's in medium and high priority basins must adopt a GSP.*

Thank you for your consideration of these points.

Patricia Wilmore  
Government Affairs Coordinator

