



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 11/5/2019	(3) CONTACT/PHONE Kip Morais, Project Manager (805) 781-5136 Tami Douglas-Schatz (805) 781-5959 Chris Macek, Secretary / (805) 781-5708	
(4) SUBJECT Hearing to consider 1) the submittal of a resolution amending Title 22 and Title 19 (LRP2019-00007) of the County Code extending the Water Neutral New Development programs in the Paso Robles Groundwater Basin to January 1, 2025, and formalizing procedures for managing the Agricultural Offset Ordinance regarding application review and establishment of water duty factors and 2) submittal of a resolution amending the Position Allocation List for FC 142 – Planning and Building extending the sunset date for 1.00 FTE Limited Term Planner I/II/III position to December 31, 2024. Districts 1 and 5.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Approve the Addendum to the previously certified EIR as complete and adequate in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.; 2. Adopt the resolution (Attachment 7) amending Title 22 and Title 19 for the Water Neutral New Development programs in the Paso Robles Groundwater Basin; 3. Adopt the ordinance amendments to Title 22 and Title 19; 4. Waive the reading of the ordinance if adopted; and 5. Adopt the resolution amending the Position Allocation Listing for Fund Center 142 – Planning and Building extending the sunset date for a 1.00 FTE Limited Term Planner I/II/III position to December 31, 2024. 			
(6) FUNDING SOURCE(S) Planning Department Budget (General Fund)	(7) CURRENT YEAR FINANCIAL IMPACT \$45,702 (General Fund)	(8) ANNUAL FINANCIAL IMPACT \$127,742 (General Fund)	(9) BUDGETED? yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>30 minutes</u>) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date <u>June 18, 2019</u>	

(17) ADMINISTRATIVE OFFICE REVIEW

Zachary A. Lute

(18) SUPERVISOR DISTRICT(S)

District 1 and District 5



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building / Kip Morais, Planner II

VIA: Trevor Keith, Director of Planning and Building
Tami Douglas-Schatz, Human Resources Director

DATE: 11/5/2019

SUBJECT: Hearing to consider 1) the submittal of a resolution amending Title 22 and Title 19 (LRP2019-00007) of the County Code extending the Water Neutral New Development programs in the Paso Robles Groundwater Basin to January 1, 2025, and formalizing procedures for managing the Agricultural Offset Ordinance regarding application review and establishment of water duty factors and 2) submittal of a resolution amending the Position Allocation List for FC 142 – Planning and Building extending the sunset date for 1.00 FTE Limited Term Planner I/II/III position to December 31, 2024. Districts 1 and 5.

RECOMMENDATION

It is recommended that the Board:

1. Approve the Addendum to the previously certified EIR as complete and adequate in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.;
2. Adopt the resolution (Attachment 7) amending Title 22 and Title 19 for the Water Neutral New Development programs in the Paso Robles Groundwater Basin;
3. Adopt the ordinance amendments to Title 22 and Title 19;
4. Waive the reading of the ordinance if adopted; and
5. Adopt the resolution amending the Position Allocation Listing for Fund Center 142 – Planning and Building extending the sunset date for a 1.00 FTE Limited Term Planner I/II/III position to December 31, 2024.

DISCUSSION

Water Neutral New Development Program

On October 27, 2015, the Board of Supervisors established the Countywide Water Conservation Program (CWWCP), which includes the Water Neutral New Development (WNND) program, in response to declining groundwater levels. WNND programs that are being implemented in the Paso Robles Groundwater Basin (PRGWB) include the following:

- The Urban/Rural Water Offset and Rebate Programs (Title 19 Building and Construction Ordinance Section 19.07.042)
- The Agricultural Offset Program (Title 22 Land Use Ordinance Section 22.30.204)

These WNND programs ensure that all new construction and new or expanded irrigated crop production overlying Paso Basin offset predicted water use at a 1:1 ratio. The ordinances were originally intended to be a “stop gap” measure to avoid further depletion of the Paso Basin until new State legislation (at the time) became effective. The adopted ordinance includes a termination clause that states the WNND programs in the Paso Basin shall expire upon the effective date of a final and adopted Groundwater Sustainability Plan (GSP) pursuant to the requirements of the State’s Sustainable Groundwater Management Act (SGMA)⁽¹⁾ for the Paso Basin⁽²⁾.

The County, acting as the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency (GSA), and three other GSAs⁽³⁾ within the Paso Basin are developing a GSP under the requirements of SGMA. Each GSA must adopt the GSP by January 31, 2020, to meet the SGMA deadline.

The GSP will include management actions that will be taken after its adoption. These management actions are intended to stabilize groundwater levels, reduce depletion of groundwater storage, and avoid other undesirable results as required by SGMA. The intention of the termination clause in the WNND ordinances was to allow the new GSP management actions to replace the WNND programs. However, even when the GSAs adopt the GSP, the GSP will take many years to implement the new management actions. Consequently, if the WNND ordinances expire upon adoption of the GSP, there will be a significant period of time in which there are no water conservation measures/management actions within the Paso Basin, which will adversely impact the Paso Basin and efforts related to GSP development. This period of time has been discussed as “the gap.” In addition, any future management actions taken by the Paso Basin GSAs will likely be subject to the California Environmental Quality Act (CEQA) and may need significant time to develop and implement.

Recent Board of Supervisors Direction

On June 18, 2019, the County Board of Supervisors directed staff to extend the WNND program to avoid “the gap”. The amendments are to occur in two phases, with the first phase to be completed before November 2019 to avoid “the gap.” Phase I amendments would not require environmental review because the changes from the existing ordinance are relatively minor or would otherwise not result in additional adverse environmental impacts. Items in Phase II are those which could trigger additional environmental review because they have the potential to result in adverse environmental impacts, and as such, more time is needed to complete those amendments.

¹ Water Code Section 10720 et seq.

² Section 22.30.204(H) and Section 19.07.042(4) of the County Code both provide as follows: “The provisions of this section for the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) shall expire upon the effective date of a final and adopted Water Code section 10720 et seq. groundwater sustainability plan(s) by a local groundwater sustainability agency or agencies, covering the entirety of the Paso Robles Groundwater Basin within the land use jurisdiction of the County of San Luis Obispo.”

³ The GSAs within the Paso Basin are the County of San Luis Obispo, City of Paso Robles, Shandon San Juan Water District, and San Miguel Community Services District.

Please reference the Planning Commission staff report (Attachment 5 – Planning Commission Staff Report) for a detailed discussion regarding each of the Phase I amendments and analysis. Per Board of Supervisors direction, the phases of the amendments are to be as follows:

Phase I

- Extend the ordinance expiration dates by 5 years
- Include a process to add water duty factors to unlisted crops
- Include a water duty factor for supplementally irrigated Dry Cropland and a methodology for determining previous 5-year onsite water use
- Include a water duty factor for hemp
- Eliminate offsite offsets

Phase II

- Consider increasing the existing 5-acre foot di-minimus to 25 acre-feet
- Revisit the 1:1 offset requirement for Nipomo Mesa Water Conservation Area
- Reevaluate the 5-year look-back period for the Agricultural Offset Ordinance

Planning Commission Recommendation

On September 12, 2019, the Planning Commission reviewed the proposed amendments to Title 22 and Title 19 and recommended the Board of Supervisors approve the amendments to Title 22 and Title 19 as attached (Attachment 2 and Attachment 3). Details of the phase I amendments and discussions regarding why these changes were made are provided in the attached Planning Commission staff report (Attachment 5). The Planning Commission did not support the removal of Offsite Offsets, based on the rationale that the current ordinance already prevents water credits from being transferred to the area of severe decline, thereby preventing increased pumping over those areas. The Planning Commission also discussed the water duty factor for supplementally irrigated Dry Cropland and the methodology for determining historic water use. Commissioners spoke in favor of adding increased flexibility by possibly increasing the lookback period as part of the Phase II updates. With the exception of the Offsite Offset, the Planning Commission adopted all staff recommendations.

The Planning Commission considered the proposed amendments and took the following action:

On the motion of Commissioner Don Campbell, seconded by Commissioner Jay Brown, and carried (4-1), recommending to the Board of Supervisors approval of the amendments with modifications as attached.

Extension of the Planner I/II/III – Limited Term Position

When the WNND program was adopted in 2015, the adoption was accompanied by the approval of 1.00 FTE Limited Term Planner I – III. If the program is extended another 5 years, staff is requesting that the same position be extended accordingly to provide on-going support to the program. The scope of work includes but is not limited to the following:

Scope for the Paso Robles Groundwater Basin would include:

- Implementation and management of the WNND offset requirements areas overlying the Paso Robles Groundwater Basin (PRGWB) (excluding the Atascadero Sub-basin)
- Implementation and management of the Plumbing Retrofit program for areas overlying the PRGWB
- Implementation and management of the Turf Removal Incentive Program (Cash for Grass) for areas overlying the PRGWB
- Assist with the investigation/research of Ag Offset requirement Code Enforcement complaints

- Respond to Public Information Requests

Scope for Los Osos Basin and Nipomo Mesa Water Conservation Area (Permanent Programs):

- Implementation and management of the WNND offset requirements overlying the Los Osos Groundwater Basin and the Nipomo Mesa Water Conservation Area (these are permanent programs that will need to be operated beyond the sunset date of the program overlying the PRGWB)
- Implementation and management of the Plumbing Retrofit program for areas overlying the Los Osos Groundwater Basin (this is a permanent program that will need to be operated beyond the sunset date of the program overlying the PRGWB)
- Development, implementation and management of the Turf Removal Incentive program (also known as Cash for Grass) for areas overlying the Nipomo Mesa Water Conservation Area (this is a permanent program that will need to be operated beyond the sunset date of the program overlying the PRGWB)
- Develop and maintain GIS mapping of all Plumbing Retrofit program recipients
- Develop and maintain GIS mapping of all Cash for Grass program recipients
- Development, implementation and management of the requirements for compliance with the Urban/Rural Water Waste Prevention Ordinance
- Assist with the investigation/research of all water waste prevention Code Enforcement complaints
- Community Outreach/Education
- Respond to public information request

This Planner I-III position has already administered the Water Neutral New Development Programs over the Paso Robles Groundwater Basin and Los Osos and Nipomo groundwater basins. In addition to processing, investigating, and documenting Agricultural Offset Clearances, this position is also currently responsible for managing plumbing retrofit programs, washer rebate programs, and Cash for Grass programs. In addition to the daily management of these programs, this position has continued to streamline processes by updating the water programs website and application forms. This Planner also works closely with applicants at the front counter, performs site visits and inspections, and works with Community Service Districts to come up with new ways to expand and implement the Water Neutral New Development Programs.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the proposed ordinance as to form and legal effect. The Department of Agriculture/Weights and Measures and Public Works were involved in the preparation of the proposed amendments. Human Resources has reviewed this request and prepared the resolution to amend the Position Allocation List (Attachment 8).

FINANCIAL CONSIDERATIONS

The Department’s FY 2019-20 budget included staffing costs for 1.00 FTE Limited-Term Planner I for six months (expiring 12/31/2019). The funding source for this position is the General Fund. No additional General Fund is requested at this time.

The cost for the remainder of this fiscal year will be \$45,702 (6 months). Remaining costs for the year will be covered by salary savings. In the 3rd Quarter Report, the Department will reassess whether it has sufficient salary savings to cover the position for the remainder of the current fiscal year. To the extent that departmental savings are not sufficient to cover the cost of the position, General Fund Contingencies may be required to fund the additional expense. Extending the expiration date of the position will require an increase in appropriation and General Fund Support in future fiscal years – as no other funding source is available.

The anticipated cost for FY 2020-21 will be \$95,437. The total yearly maximum salary and benefit of cost of 1.00 FTE Limited-Term Planner I – III is \$127,742. In addition to the salary and benefit costs identified in the chart below, the Department will also incur indirect staffing costs of \$4,600 per year for computer software and hardware, office furniture and supplies, travel and training, and telephone and network service charges.

The proposed ordinance amendment is covered by the current department budget as a county-initiated amendment.

FY 2019-20 Estimated Expense for Remaining 6 Months						
Action	Classification	FTE	Salary	Benefits	Total	Step Estimate
ADD	Planner I	1.00	\$29,203	\$16,499	\$45,702	Step 2 / 6 months
	Net Change FY 19/20	1.00	\$29,203	\$16,499	\$45,702	
FY 2020-21 Estimated Annual Expense						
Action	Classification	FTE	Salary	Benefits	Total	Step Estimate
ADD	Planner I	1.00	\$61,318	\$34,118	\$95,437	Step 3 / 12 months
	Net Change FY 20/21	1.00	\$61,318	\$34,118	\$95,437	
Estimated Annual Expense at Maximum Step (Step 5 of 5)						
Action	Classification	FTE	Salary	Benefits	Total	Step Estimate
ADD	Planner III	1.00	\$84,656	\$43,086	\$127,742	Step 5 / 12 Months
	Net Change at Max. Step	1.00	\$84,656	\$43,086	\$127,742	

RESULTS

The Phase I ordinance amendments for Title 22 and Title 19 will extend the Water Neutral New Development Programs over the Paso Robles Groundwater Basin to January 1, 2025. The amendments to the Ag offset Program in particular will provide flexibility for the adoption of water duty factors for new crops without returning to the Board to amend the ordinance, provide a process for assigning water duty factors for supplementally irrigated Dry Cropland and a methodology for determining previous 5-year onsite water use, and include a water duty factor for hemp cultivation. Approval of the Addendum to the Final Supplemental EIR for the Countywide Water Conservation Program (SCH # 2014081056) documents that no substantial changes have been proposed to the ordinances that would require major revisions to the previous EIR, that no substantial changes with respect to the circumstances under which the project is undertaken will require major revisions under the previous EIR, and that no new information of substantial importance which requires changes to the previous EIR have been identified. Adoption of

the resolution amending the position allocation list will extend the sunset date for a 1.00 FTE Limited Term Planner I/II/III position to December 31, 2024. Adoption of the proposed ordinance will allow the amendments to become effective in 30 days. Denial of any of the amendments will mean that the proposed amendment would not become effective. This item is consistent with the countywide goal of promoting well governed communities.

ATTACHMENTS

- 1 Attachment 1 - PowerPoint Presentation
- 2 Attachment 2 - Amendments to Title 22 and 19 Redline
- 3 Attachment 3 - Amendment to Title 22 and 19 Clean
- 4 Attachment 4 - Addendum to FSEIR
- 5 Attachment 5 - Planning Commission Staff Report – September 12, 2019 Meeting
- 6 Attachment 6 - Planning Commission Minutes – September 12, 2019 Meeting
- 7 Attachment 7 - Resolution Adopting Amendments to Title 22 and Title 19
- 8 Attachment 8 - Resolution Amending the Position Allocation List for Fiscal Year 2019/20