

TO: FACILITIES AND WATER
RESOURCES COMMITTEE

FROM: MICHAEL S. LEBRUN
GENERAL MANAGER



AGENDA ITEM

2

MAY 5, 2015

DATE: MAY 1, 2015

CONSIDER COUNTYWIDE WATER CONSERVATION PROGRAM DRAFT EIR

ITEM

Consider Countywide Water Conservation Program Draft EIR [RECOMMEND CONSIDER INFORMATION AND DIRECT STAFF].

BACKGROUND

The County of San Luis Obispo is considering a Countywide Water Conservation program and has drafted an environmental impact report in support of program adoption. The Conservation program includes two components, Water Neutral New Development and Water Waste Prevention.

On May 15, the County Planning Commission is scheduled to consider the draft EIR and proposed changes to County policy related to the Conservation program. The County staff report and materials – less the draft EIR itself – are included here as Attachment A. The draft EIR was not reproduced due to its' size and is available on the County's website and at the District office.

The County's Water Resource Advisory Committee is scheduled to consider sub-committee comments to the draft EIR on May 6. The WRAC Sub-committee comments are included here as Attachment B. District staff comments to the Subcommittee regarding the draft EIR are included here as Attachment C.

RECOMMENDATION

Staff is seeking Committee and public input on how best to protect the District's primary water supply thorough sustainable management of the local groundwater basin. Staff is seeking Committee comment and direction on responding to the County's draft EIR.

ATTACHMENTS

- A. May 14, 2015 Planning Commission Staff Report
- B. May 6, 2015 WRAC Subcommittee Comments
- C. May 1, 2015 District Staff Comments

May 5, 2015

ITEM 2

ATTACHMENT A



**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 May 14, 2015	CONTACT/PHONE Xzandrea Fowler / 781-1172 xfowler@co.slb.ca.us	APPLICANT County of San Luis Obispo	FILE NO. LRP2013-00012
SUBJECT Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO for amendments to the Agricultural Element and the Conservation and Open Space Element of the General Plan; and amendments to Title 8 (Health and Sanitation Code), Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance) of the County Code in order to implement the Water Neutral New Development and the Water Waste Prevention components of the proposed Countywide Water Conservation Program. The proposed Countywide Water Conservation Program and associated amendments would affect water use in both new and existing development, including all urban and rural land uses within the unincorporated areas of the county as well as agricultural operations. The requested amendments would specifically modify: 1) the Agricultural Element of the County General Plan, Agricultural Goal – AG1 (Support County Agricultural Production), Agricultural Policies – AGP10 (Water Conservation) and AGP11 (Agricultural Water Supplies); 2) the Conservation and Open Space Element of the County General Plan, Water Resource Policy – WR 1.7 (Agricultural operations), Water Resource Implementation Strategy - WR 1.7.1 (Protect agricultural water supplies), and Water Resource Policy - WR 1.14 (Avoid net increase in water use); 3) Title 8 (Health and Sanitation Ordinance) of the County Code for the addition of a new Chapter 8.69 – Urban and Rural Development Water Conservation Requirements; 4) Title 19 (Building and Construction Ordinance) of the County Code, Chapter 7 – Plumbing Code, Section 19.07.42 – Water Conservation Provisions; and 5) Title 22 (Land Use Ordinance) of the County Code, Chapter 22.06 – Allowable Land Uses and Permit Requirements by Land Use Category, Section 22.06.030 - Table 2-2, Section 22.06.040 – Exemptions from Land Use Permit Requirements, Chapter 22.30 – Standards for Specific Land Uses for the addition of a new Section 22.30.204 – New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin, Section 22.30.310 – Nursery Specialties, Chapter 22.62 – Permit Approval or Disapproval, Section 22.62.030 – Zoning Clearance, and Chapter 22.80 – Definitions/Glossary, Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases. This project affects all of the unincorporated portions of the County.			
RECOMMENDED ACTION Staff recommends the Planning Commission take the following action: <ol style="list-style-type: none">1. Review and provide comments on Draft SEIR;2. Review and provide comments on the proposed changes to the Agricultural Element and the Conservation and Open Space Element of the General Plan; and3. Review and provide comments on the proposed changes to Title 8 (Health and Sanitation Ordinance), Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance) of the County Code.			
<small>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</small>			

ENVIRONMENTAL DETERMINATION			
<p>The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Draft Supplemental Environmental Impact Report (DSEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. ("CEQA")) for this project. The DSEIR was prepared as a Supplemental EIR to the previously certified Environmental Impact Report for the Conservation and Open Space Element (COSE) of the County General Plan, which analyzed the potential impacts associated with the adoption and subsequent implementation of the COSE Consolidation and Update. The DSEIR addresses potential impacts on: Agricultural Resources and Land Use. Mitigation measures are proposed to address these impacts and have been incorporated into the proposed Countywide Water Conservation Program. Prior to completion of the Planning Commission hearings, a Final Supplemental Environmental Impact Report (FSEIR) will be completed (pursuant to CEQA) for this project and will be provided to the Planning Commission for consideration and potential certification recommendation to the Board of Supervisors. Anyone interested in commenting on or receiving a copy of the proposed Environmental Determination should submit a written statement. The public comment period on the DSEIR is open until Friday, May 15, 2015. Written comments received during that time will be included and responded to in the FSEIR, pursuant to CEQA. Additional comments will be accepted up until completion of the public hearing(s).</p>			
LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
All	Not Applicable	Not Applicable	All
PLANNING AREA STANDARDS:			
Not Applicable			
EXISTING USES:			
Not Applicable			
SURROUNDING LAND USE CATEGORIES AND USES:			
Not Applicable			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:			
<p>The project was referred to: Public Works, Environmental Health, Ag Commissioner, County Parks, CAL FIRE, County Assessor's Office, Health Commission, APCD, All Community Advisory Groups (including Water Resources Advisory Committee, Agricultural Liaison Advisory Board, Paso Basin Advisory Committee), Community Service Districts (Avila CSD, Atascadero Mutual Water Company, Cambria CSD, CSA 10-Cayuco Water, CSA 16-Shandon, CSA 23-Santa Margarita, Garden Farms Community Water District, Heritage Ranch CSD, Los Osos CSD, Nipomo CSD, Oceano CSD, Paso Robles Beach Water Association, San Miguel CSD, San Miguelito Mutual Water Company, San Simeon CSD, Templeton CSD), City of Atascadero, City of Paso Robles, City of San Luis Obispo, City of Pismo Beach, City of Arroyo Grande, City of Grover Beach, City of Morro Bay, County of Santa Barbara, County of Monterey, County of Kern, County of Kings, Upper Salinas-Las Tables Resource Conservation District, Coastal San Luis Resource Conservation District, Native American Heritage Commission, Regional Water Quality Control Board, State Water Quality Control Board, State Water Resources Control Board, California Coastal Commission, California Department of Fish and Wildlife, State Parks, Department of Conservation, Soil Conservation Service, Cal Trans, U.S. Fish and Wildlife, and U.S. Forest Service.</p>			
TOPOGRAPHY:		VEGETATION:	
Not Applicable		Not Applicable	
PROPOSED SERVICES:		AUTHORIZED FOR PROCESSING DATE:	
Not Applicable		March 4, 2014	

PROJECT HISTORY

The Resource Management System (RMS) classifies the availability of many resources in the County, including groundwater supplies. Three groundwater basins in the County have been certified at a Level of Severity (LOS) III, which indicates that groundwater demand has met or exceeded the dependable supply. The groundwater basins certified at LOS III are the Los Osos Groundwater Basin, the Nipomo Mesa Management Area (part of the Santa Maria Groundwater Basin), and the Paso Robles Groundwater Basing (PRGWB).

Los Osos Groundwater Basin

The Los Osos Basin underlies the unincorporated communities of Los Osos, Baywood Park and Cuesta-by-the-Sea in San Luis Obispo County. The onshore portion of the Los Osos Basin covers approximately 12 square miles, of which approximately four square miles underlie the bay (Morro Bay) and sand spit, and eight square miles underlie the Los Osos communities. The majority of groundwater (52 percent) is extracted for residential, commercial and community uses by the three water purveyors within Los Osos, although the basin also supports agriculture (24 percent), private domestic wells (22 percent), and community facilities (2 percent) (County of San Luis Obispo, 2013).

The LOS III designation for water supply was certified by the Board of Supervisors based on a Resource Capacity Study prepared by the County in February 2007. The Resource Capacity Study confirmed that, for the Los Osos area water demand exceeds sustainable yield and that the lower aquifer system in the Los Osos Basin was experiencing sea water intrusion.

Nipomo Mesa Management Area

The Nipomo Mesa Management Area (NMMA) is located completely within San Luis Obispo County and encompasses an area of approximately 27.5 square miles. The Basin contains Black Lake Canyon and Black Lake (California Department of Water Resources, 2002).

The LOS III designation for water supply was certified by the Board of Supervisors based on a Resource Capacity Study prepared by the County in November 2004. The Resource Capacity Study confirmed that, for the Nipomo Mesa area, demand equaled or exceeded the dependable yield. Therefore, LOS III was recommended for the water resources of the Nipomo Mesa area.

Paso Robles Groundwater Basin

The Paso Robles Groundwater Basin (PRGWB) encompasses an area of approximately 790 square miles and ranges from the Garden Farms area south of Atascadero in San Luis Obispo County to San Ardo in Monterey County, and from the Highway 101 corridor east to Shandon. The PRGWB supplies water for 29 percent of San Luis Obispo County's population and an estimated 40 percent of its agricultural production. The municipal and industrial water demands on the Paso Robles Groundwater Basin include the cities of Paso Robles and Atascadero, the communities of Templeton, Shandon, Creston, and San Miguel, Bradley, Camp Roberts, and the small community systems in Whitley Gardens and Garden Farms (City of Paso Robles, February 2011).

The LOS III designation for water supply was certified by the Board of Supervisors based on a Resource Capacity Study prepared by the County in February 2011. The Resource Capacity Study confirmed that, for the PRGWB, demand had met or exceeded perennial yield. Therefore, LOS III was recommended, and certified by the Board of Supervisors, for the water resources of the PRGWB. According to the Draft 2012-2014 Resource Summary Report (January 2015), portions of the PRGWB have experienced significant water level declines over the past 15 to 20 years.

On August 27, 2013, the Paso Robles Groundwater Basin Urgency Ordinance was adopted by the County Board of Supervisors, establishing a moratorium on new or expanded irrigated crop production, conversion of dry farm or grazing land to new or expanded irrigated crop production, as well as new development dependent upon a well in the PRGWB unless such uses offset their total projected water use by a ratio of 1:1.

In order to address the urgent water needs within the PRGWB prior the expiration of the Paso Robles Groundwater Basin Urgency Ordinance, specific provisions are included which allow for the County to contemplate amendments to its general plan and/or zoning ordinance. In addition, it also allows time to complete necessary studies and reports for the contemplated amendments, while preserving the resources of the Basin.

To assist in these efforts, the County Board of Supervisors established the Paso Robles Groundwater Basin Advisory Committee (PBAC) to advise policy decisions related to implementation of the Basin Groundwater Management Plan, development of an "enhanced" Groundwater Management Plan for the Basin, formation of a new water district, the Computer Modal Update, and other policies and ordinances. The PBAC also serves as a public forum to discuss and collect comments on PRGWB issues.

Current Drought Situation

California is entering its fourth year of severe drought. Precipitation throughout the state has been well below what would be typical for late winter. The manual snowpack surveys recorded throughout California have continued to be well below normal to date. Much of the state remains in a severe drought or worse. The latest U.S. Drought Monitor report indicates San Luis Obispo County remains at the D4 – Exceptional Drought intensity rating. The vast majority of California is in Severe Drought or worse. As a result of the exceptional drought conditions in San Luis Obispo County significantly lower water levels in groundwater basins, surface lakes, and reservoirs continue to occur throughout the County. An exceptional drought is characterized by the United States Department of Agriculture (USDA) and the National Drought Mitigation center as having exceptional and widespread crop and pasture losses, shortages of water in reservoirs, streams and wells creating water emergencies.

Board Direction

On March 4, 2014, the Board authorized staff to proceed with the processing of various General Plan and County Code amendments to develop and implement a County Water Conservation Ordinance (Countywide Water Program), consisting of New Landscape requirements, Retrofit-on-Sale, Water Waste Prevention, and Water Neutral New Development.

On May 20, 2014, the Board directed staff to include incentive based programs that could result in reductions of outdoor water use to the previously authorized processing of the County Water Conservation Ordinance (Countywide Water Program).

On October 28, 2014, the Board reviewed the AG Offset program for the PRGWB developed by the Upper Salinas-Las Tablas Resource Conservation District (RCD). At the meeting, concerns were raised regarding specific Ag Offset program details, such as the use of deed restrictions for properties participating in the program, and the use of certain well impact analysis methods. The Board directed staff to continue (to a date uncertain) the establishment of an Ag Offset program for new irrigated agriculture in the PRGWB, and also directed staff to have further discussions with the RCD on this matter; evaluate legal issues raised during the hearing; gather more information on the model update; and consider the consequences of Sustainable Groundwater Management Act (Pavley-Dickinson) rules and regulations as they start to unfold.

On February 3, 2015, the Board gave direction on the scope of specific program components associated with the development and implementation of a Countywide Water Program. During the discussion, the Board directed staff to not pursue further development of an Ag Offset program as a component of the Countywide Water Program.

On February 10, 2015, the Board directed staff to return with an unrestricted discussion regarding development of an Ag Offset program.

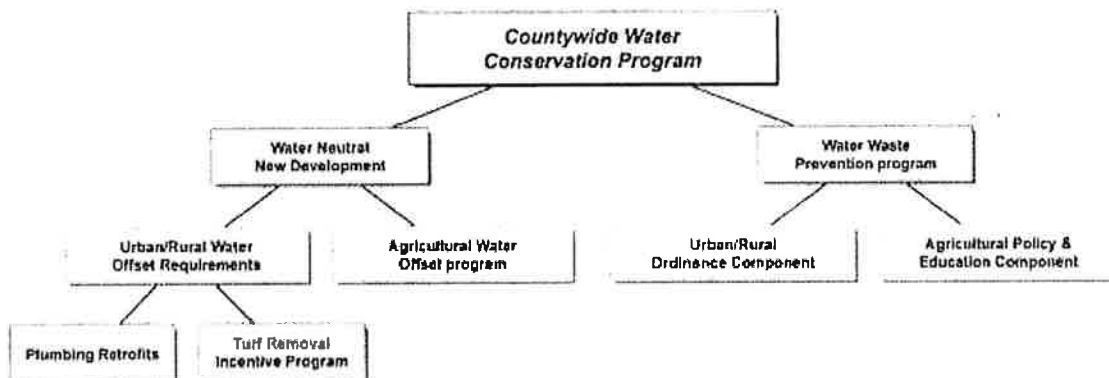
On February 24, 2015, staff presented the Board with a summary of Agricultural Water Conservation Offset (Ag Offset) program development options, ranging from a permanent program in all LOS III groundwater basins to no program.

The Board directed staff to pursue development of programs, policies and ordinance amendments related to the implementation of an Ag Offset program for the PRGWB. The Board specified that the Ag Offset program should contain sunset provisions that would allow for expiration upon adoption of a Groundwater Sustainability Plan (GSP). The Board also specified that the Ag Offset program should contain provisions that are similar to the ones currently required under the PRGWB Urgency Ordinance, and should not contain any provisions that would allow for new vested rights.

PROJECT DESCRIPTION

The objectives of the development and implementation of the proposed Countywide Water Conservation Program (Program) are to substantially reduce increases in groundwater extraction in areas that have been certified LOS III; provide a mechanism to allow new development and new or altered irrigated agriculture to proceed in certified LOS III areas, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and to reduce wasteful use of water in the county.

The proposed Program is comprised of two components, Water Neutral New Development (WNND) and Water Waste Prevention (WWP). The figure below shows the individual components of the Countywide Water Conservation Program.



Water Neutral New Development

Water Neutral New Development (WNND) means that any new water use will be offset through water savings from within the same water source. The proposed WNND component is intended to serve as an interim measure to substantially reduce increases in groundwater extraction and the lowering of groundwater levels in certified LOS III groundwater basins. Implementation of the WNND component would effect, enhance, alter, and/or extend the existing water neutral new development programs that are already in place for the Los Osos Groundwater Basin, the Nipomo Mesa Management Area (NMMA), and areas of the Paso Robles Groundwater Basin (PRGWB) that are subject to the PRGWB Urgency Ordinance, which is set to expire on August 27, 2015.

Urban/Rural Water Conservation Offset (Urban/Rural Water Offset)

The WNND component would require that all new urban and rural development offset new water use at a minimum 1:1 ratio in all groundwater basins currently certified at Level of Severity (LOS) III by the Board of Supervisors (the Urban/Rural Water Offset). The three areas of the county that are currently certified at LOS III for water supply are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin, and the Nipomo Mesa Management Area. Although the Los Osos Groundwater Basin is certified at LOS III, the proposed provisions are only applicable to the PRGWB and the NMMA, because current requirements for development within the Los Osos Groundwater Basin exceed the proposed water conservation efforts. New development participating in this program and served by an individual well must verify installation of a well meter. Implementation of the Urban/Rural Water Conservation Offset components requires amendments to Title 19 (Building and Construction Ordinance) of the County Code. Urban/Rural Water Offset requirements would be implemented through two primary methods to generate offset credits: plumbing retrofits and a turf removal incentive program.

Plumbing Retrofits

Plumbing retrofits are proposed because retrofitting plumbing fixtures in existing buildings results in measurable water savings. Specifically, replacing older, higher water-using toilets and showerheads with more efficient fixtures will save specific amounts of water each day. For example, replacing a 3.5 gallon-per-flush (gpf) toilet with a 1.28 gpf toilet will save 2.22 gallons with every flush. Replacing toilets and showerheads is the most reliable way to achieve water savings. Additional measures, such as water pressure adjustments and installing hot water recirculation systems also save water, but savings from these measures are more difficult to quantify.

Plumbing retrofit requirements are currently in place for all three certified LOS III groundwater basins, though the requirements applicable in the Paso Robles Groundwater Basin will expire on August 27, 2015. In effect, the proposed amendments would enhance, alter and extend the plumbing retrofit programs already in place as follows:

- No change will be made to the existing plumbing retrofit program in the area overlying the Los Osos Groundwater Basin;
- The retrofit-on-sale program would remain in effect in the NMMA. Since new development in the NMMA will have to be water neutral, the requirement for new development to pay into a water conservation fund would become optional at the discretion of the NCSO, in addition to a requirement to verify that new water use has been offset at a 1:1 ratio, either through plumbing retrofits, participation in a turf removal incentive programs, or participation in an approved program or project administered by the NCSO. The logistics of exactly how this program will align with current NCSO requirements is still being assessed.
- The existing residential plumbing retrofit program in the area subject to the Paso Robles Groundwater Basin Urgency Ordinance would be extended beyond the expiration date of the Urgency Ordinance, which is August 27, 2015.

Turf Removal Incentive Program (Cash for Grass)

The proposed turf removal incentive program (Cash for Grass) would apply in the NMMA and PRGWB because outdoor water use accounts for the majority of residential water use in those areas. Removing turf or other water intensive landscaping can save water.

The proposed turf removal incentive program (Cash for Grass) would offset the water use associated with urban/rural new development by offering cash incentives for property owners to replace existing turf with low-water demand landscaping. Although many water providers administer similar turf removal incentive programs throughout the state, this program would be unique in that the County would use the generated water savings as an offset credit that could be purchased by developers to comply with offset requirements associated with their proposed new development within specific urban/rural areas. Verifying that water savings are achieved would be accomplished through use of standard water savings calculations for landscaping and by inspections at the time of new landscaping installation to verify turf removal and replacement with low-water use landscaping.

Agricultural Water Conservation Offset (Agricultural Offset)

The proposed WNNND also requires that, in the PRGWB only, all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio (the Agricultural Offset program). The proposed WNNND irrigated agriculture offset requirement would be implemented by an Agricultural Offset program.

The intent of the Agricultural Offset program is to substantially reduce groundwater extraction and the lowering of groundwater levels in the PRGWB. The proposed Agricultural Offset program provides a formal framework for the transfer of offset credits to/from agricultural operations within the PRGWB. The Agricultural Offset program specifically applies to crop conversions, new irrigated agriculture, increased

crop density, and any outdoor use (beyond typical landscaping associated with allowable land uses) that are not regulated by the proposed Urban/Rural Water Conservation Offset program.

The Paso Robles Groundwater Basin Urgency Ordinance and the program developed by the Upper Salinas-Las Tablas Resource Conservation District (RCD), as directed by the Board, were used as the development model for the proposed Agricultural Offset program. The proposed Agricultural Offset program differs from the program developed by the RCD in that it does not require a proximity analysis, well impact analysis, or third party monitoring. The proposed Agricultural Offset program does require deed restrictions and verification of well meter installation. The Agricultural Offset program includes a sunset provision upon adoption of a Groundwater Sustainability Plan prepared pursuant to the Sustainable Groundwater Management Act.

Implementation of the Agricultural Offset program requires amendments to Title 22 (Land Use Ordinance) of the County Code, as well as the amendments to policies and implementation strategies identified in Agricultural Element and the Conservation and Open Space Element of the General Plan.

Water Waste Prevention

The intent of the proposed Water Waste Prevention (WWP) component is to develop, implement, and encourage behavioral measures that will result in improved water conservation efforts for urban /rural land uses and agricultural operations.

The proposed Water Waste Prevention (WWP) component, of the Countywide Water Conservation Program, is comprised of two elements: 1) an ordinance prohibiting certain uses of water deemed to meet the definition of water wasting in urban and rural areas, and 2) policy clarifications that would identify a series of best management practices (BMPs) aimed at reducing water waste and increasing water use efficiency in agricultural operations.

Urban and Rural Water Waste Prevention

The proposed ordinance component of the WWP program would prohibit certain activities defined as water wasting. Some examples of water waste are excessive irrigation of landscaping, washing of hard or paved surfaces, and excessive runoff. The ordinance would apply to all existing and proposed urban and rural development within the unincorporated areas of the county where a water purveyor does not already have a similar ordinance (or other comparable program) in place. Examples of these activities, in urban and rural areas, include:

- Application of water to outdoor landscapes in a manner that results in runoff into non-irrigated areas, public and private walkways, roadways, parking lots, structures or other hard surface areas
- Use of a hose to wash an automobile or other vehicle except where the hose is fitted with an automatic shut off nozzle or device attached to it that causes it to cease dispensing water when not in use
- Application of water to hard surfaces, including but not limited to, driveways, sidewalks, unpaved walkways and any other hard surface areas
- Use of potable water in a fountain or other decorative water feature
- Application of water to outdoor landscape more than 3 times per week

Implementation of this element would require an amendment to Title 8 (Health and Sanitation Code) of the County Code.

Agricultural Water Waste Prevention

The proposed policy clarifications would include provisions to reduce agricultural water waste. The provisions would be limited to expansion/clarification of existing policies and implementation measures found in the Agriculture and Conservation and Open Space Elements of the General Plan. These changes would include best management practices as well as implementation of an educational outreach

program. Examples of best management practices for efficient agricultural water use in different types of agricultural operations would include:

- Increased adoption of crop water status monitoring, such as soil moisture monitoring technology.
- More precise irrigation scheduling
- Enhanced irrigation monitoring practices
- Use of a tail water return system for any surface water application
- Use of covers or other evaporation reducing systems for agricultural irrigation ponds
- Use of wind machines for frost protection, rather than overhead sprinklers, where feasible

The County would institute an education program for interested parties on how agriculture uses water and the purpose behind certain practices. As an example, a website would be developed to educate the public on agricultural water use as well as to provide industry a clearinghouse of the newest water-efficient practices. Information on best management practices would also be provided to agriculturalists during the pesticide permit and operator identification number issuance process.

New Landscape Requirements

The objective of the new landscape requirements is to enhance water-efficient landscaping plans and landscaping associated with all new residential and commercial development construction, remodels, additions, and all public development. The proposed new requirements would be all inclusive and would focus on requiring ultra-low water using plantings based on a County recommended/or approved planting list. The new landscape requirements would also address other outdoor water uses (e.g. water features). All new requirements would also be integrated with the existing Low Impact Development (LID) policies of County.

Implementation of the proposed new landscape requirements would be achieved through the amendment of the Title 22 (Land Use Ordinance), Section 22.16 of the County Code. Staff is currently developing draft ordinance revisions that will be available for public review and consideration, prior to the end of the calendar year, at a future public hearing.

County General Plan and County Code Amendments

Implementation of the proposed Countywide Water Conservation Program would require amendments to the County General Plan and the County Code. The implementation of the proposed Water Neutral New Development component of the Countywide Water Conservation Program requires amendments to Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance), as well as the amendments to policies and implementation strategies identified in Agricultural Element and the Conservation and Open Space Element of the County General Plan.

The implementation of the proposed Water Waste Prevention component of the Countywide Water Conservation Program requires amendments to Title 8 (Health and Sanitation Code) of the County Code, as well as amendments to policies and implementation strategies in the Agricultural Element of the County General Plan to address agricultural and urban water waste prevention efforts.

The specific policy and ordinance amendments required in order to implement the proposed WNND and WWP components of the Program are discussed below.

General Plan Amendments

Conservation and Open Space Element

The Conservation and Open Space Element (COSE) is one of the elements of the County General Plan (Conservation and Open Space combines two of the required seven elements of every local jurisdiction's general plan) and was adopted after a four-year process in May 2010.

One of the ten chapters of the element addresses water resources. The chapter contains goals, policies and implementation strategies to employ those policies in ordinances and decision making processes. The following policies and implementation strategies require amendment:

- Conservation and Open Space Element of the County General Plan, *Water Resource Policy – WR 1.7* (Agricultural operations), *Water Resource Implementation Strategy - WR 1.7.1* (Protect agricultural water supplies), and *Water Resource Policy - WR 1.14* (Avoid net increase in water use);

Agriculture Element

The Agriculture Element contains goals and policies to address agricultural issues such as agricultural land protection, water availability and conversion of agricultural lands to other uses. Each policy includes an implementation strategy along with a discussion of the policy and its intent. The following policies require amendment:

- Agricultural Element of the County General Plan, *Agricultural Goal – AG1* (Support County Agricultural Production), *Agricultural Policy – AGP10* (Water Conservation) and *Agricultural Policy - AGP11* (Agricultural Water Supplies)

County Code Amendments

Title 8 (Health and Sanitation)

This Title contains retrofit-on-sale requirements and the standards for well permits and well construction. Any revisions or additions to retrofit-on-sale requirements in County jurisdiction will be part of Title 8. The Public Health Department's Division of Environmental Health is currently working on new well standards that include installation, monitoring and reporting of water use. The following chapter requires amendment:

- Title 8 (Health and Sanitation Ordinance) of the County Code for the addition of a new Chapter 8.69 – Urban and Rural Development Water Conservation Requirements

Title 19 (Building and Construction Ordinance)

Title 19, the Building and Construction Ordinance, contains all of the buildings standards for new or expanded dwellings, businesses and waste disposal systems. Potential changes to construction requirements such as retrofit-to-build would be part of this Title. Special water requirements in Los Osos and Nipomo are part of Title 19, as every dwelling constructed in the area is subject to building code requirements. The following chapter requires amendment:

- Title 19 (Building and Construction Ordinance) of the County Code, Chapter 7 – Plumbing Code, Section 19.07.42 – Water Conservation Provisions

Title 22 (Land Use Ordinance)

This title contains a majority of the land use regulations in the County jurisdiction. Title 22 addresses the inland area, and varies on how water issues are addressed based upon planning area designation. Regulatory requirements for land uses, minimum lot sizes, extension of services and new development water requirements are part of this title. The following chapters and sections require amendment:

- Title 22 (Land Use Ordinance) of the County Code, Chapter 22.06 – Allowable Land Uses and Permit Requirements by Land Use Category, Section 22.06.030 - Table 2-2, Section 22.06.040 – Exemptions from Land Use Permit Requirements, Chapter 22.30 – Standards for Specific Land Uses for the addition of a new Section 22.30.204 – New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin, Section 22.30.310 – Nursery Specialties, Chapter 22.62 – Permit Approval or Disapproval, Section 22.62.030 – Zoning Clearance, and Chapter 22.80 – Definitions/Glossary, Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases.

Drafts of the proposed implementation language for each specific policy and ordinance amendment are attached as Attachments A, B, C, and D.

ENVIRONMENTAL REVIEW / DETERMINATION

In order to implement the proposed Program, discretionary approval of the County of San Luis Obispo is required. This renders the Program subject to the requirements of the California Environmental Quality Act (CEQA). The County of San Luis Obispo, as lead agency, determined that an EIR must be prepared for the proposed Program.

In accordance with Section 15121 of the *State CEQA Guidelines*, the purpose of an EIR is to serve as an informational document that:

"...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project..."

The proposed new landscape requirements will be subject to subsequent environmental review.

Conservation and Open Space Element EIR

On May 11, 2010, the San Luis Obispo County Board of Supervisors certified the Conservation and Open Space Element (COSE) EIR. That EIR analyzed the potential impacts associated with the adoption and subsequent implementation of the COSE Consolidation and Update. The COSE unites five elements of the General Plan and incorporates conservation strategies. The consolidated elements include three elements (Conservation, Historic, and Esthetic) of the 1974 Environment Plan as well as the 1994 Energy Element, and the 1998 Open Space Element (extracted from the Agriculture and Open Space Element). This EIR is being prepared as a Supplemental EIR to the previously certified EIR for the Conservation and Open Space Element of the County of San Luis Obispo General Plan.

Supplemental EIR

The purpose of the Supplemental EIR is to comparatively analyze the environmental impacts of the proposed Program in light of the original project evaluated in the County-certified Conservation and Open Space Element Consolidation and Update General Plan Amendment EIR (SCH #2008031091).

The County of San Luis Obispo prepared a Notice of Preparation (NOP) for an environmental impact report and distributed the NOP for agency and public review for the required 30-day review period from August 15, 2014 to September 17, 2014. During that time, the County received six comment letters from public agencies and other commenters. The NOP, the Initial Study and the comment letters received on the NOP and Initial Study are included in Appendix A, of the Draft SEIR.

A public scoping meeting was held on August 27, 2014. The intent of the scoping meeting was to provide interested individuals, groups, public agencies and others a forum to provide input in an effort to assist in further refining the intended scope and focus of the EIR.

The Draft SEIR and its corresponding Notice of Availability were released for public and agency review on March 31, 2015. The public and agency review and comment period on the Draft SEIR is 45 days, and will conclude at the close of the business day on Friday, May 15, 2015. During this period, this Planning Commission hearing will serve as a public meeting on the contents and conclusions of the Draft SEIR. A reference to the web page link for the Draft SEIR is included as Attachment E.

A Final SEIR will be prepared following the close of the public comment period. The Final SEIR will include: a) the Draft SEIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments. The San Luis Obispo County Board of Supervisors will consider the information contained in the Final SEIR during a public hearing process, which is scheduled to begin on June 16, 2015. The Board may certify that: a) the Final SEIR has been completed in compliance with CEQA; b) the Final SEIR was presented to the decision making body of the lead

agency; and c) the decision-making body reviewed and considered the information in the Final SEIR prior to approving a project. If the Final SEIR is certified, acting as the lead agency, the Board may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted.

COMMUNITY ADVISORY GROUP COMMENTS/ PUBLIC PARTICIPATION

On May 23, 2014 and again on April 8, 2015 (following the release of the DSEIR and the draft language) the proposed Countywide Water Conservation Program and associated General Plan and County Code amendments were referred to the following Community Advisory Groups:

- Agricultural Liaison Advisory Board (ALAB)
- Avila Valley Advisory Council (AVAC)
- Cayucos Citizen Advisory Council (CCAC)
- Creston Advisory Body (CAB)
- Los Osos Community Advisory Council (LOCAC)
- North Coast Advisory Council (NCAC)
- Oceano/Halcyon Advisory Council (OHAC)
- Olde Towne Nipomo Association (OTNA)
- Paso Basin Advisory Committee (PBAC)
- San Miguel Advisory Council (SMAC)
- Santa Margarita Area Advisory Council (SMAAC)
- Shandon Advisory Committee (SAC)
- South County Advisory Council (SCAC)
- Templeton Area Advisory Group (TAAG)
- Water Resources Advisory Committee (WRAC)

To date, the Chairs of PBAC, SCAC, and WRAC have notified staff that during the months of April and May, their advisory body will be reviewing the proposed program and associated amendments. They have requested a staff presentation during this time. All formal comments received will be forwarded to your Commission for consideration as they become available.

PBAC is currently reviewing the proposed program and associated amendments, and has requested that their letter, submitted to the Board on February 20, 2015, be forwarded to your Commission for consideration. Staff has included this correspondence in Attachment F.

The WRAC Ad Hoc Subcommittee has reviewed and provided comments on the agricultural portions of the proposed Countywide Water Conservation Program, associated amendments, and the Draft SEIR. Staff has reviewed these comments and has attached responses in Attachments F and G.

AGENCY REVIEW

To date, the Chair of the Nipomo Community Services District is the only agency which has notified staff that their Board of Directors will be reviewing the proposed program and associated amendments at their next meeting. They have also requested that staff prepare a presentation specifically addressing how the proposed changes will affect their district.

Staff has not received comments from any other agencies on the draft Countywide Water Conservation Program or the Draft SEIR. Any formal comments received will be forwarded to your Commission for consideration as they become available.

PROCEDURES FOR PROCESSING

When changes to the County General Plan and County Code (ordinances) are proposed, the first step in the process is for the Board to authorize staff to commence work on the amendments. If the Board authorizes processing of amendments to the various elements and codes, staff begins review of potential revisions, conduct stakeholder outreach and environmental review. The item will then be scheduled for public hearings at the Planning Commission and at the Board.

On March 4, 2014, the Board authorized staff to proceed with the processing of various General Plan and County Code amendments to develop and implement a County Water Conservation Ordinance (Countywide Water Program), consisting of New Landscape requirements, Retrofit-on-Sale, Water Waste Prevention, and Water Neutral New Development.

Following the Board authorization, staff has conducted stakeholder outreach and is currently processing the environmental review. The next step will be to complete the environmental review process, hold public hearings before the Planning Commission, and then forward the recommendations of the Planning Commission regarding certification of the Supplemental EIR and the proposed General Plan and County Code amendments associated with the proposed Program for adoption by the Board.

STAFF RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

1. Review and provide comments on Draft SEIR;
2. Review and provide comments on the proposed changes to the Agricultural and Conservation and Open Space Elements of the General Plan; and
3. Review and provide comments on the proposed changes to Title 8 (Health and Sanitation Ordinance), Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance) of the County Code.

ATTACHMENTS

The following attachments include all of the required documentation for the implementation of the Countywide Water Conservation Program. However, for easier facilitation of discussion associated with the proposed amendments, they are being provided in a non-codified ordinance format. Following the Planning Commission hearings on this item, draft resolution language will be prepared for the Board's review.

Attachment A – Proposed Agricultural Element and Conservation and Open Space Element changes

Attachment B – Proposed Ordinance changes for Title 8

Attachment C – Proposed Ordinance changes for Title 19

Attachment D – Proposed Ordinance changes for Title 22

Attachment E – Draft Supplemental Environmental Impact Report, available online at:

<http://www.slocounty.ca.gov/planning/water-amendments/environmental-review.htm>

Attachment F – Correspondence

Attachment G – Staff Response to Correspondence

AGRICULTURE ELEMENT - PROPOSED REVISIONS

Page, 2-14, AGRICULTURAL GOALS (AG)

AG1: Support County Agricultural Production.

- a. Support and promote a healthy and competitive agricultural industry whose products are recognized in national and international markets as being produced in San Luis Obispo County.
- b. Facilitate agricultural production by allowing a broad range of uses and agricultural support services to be consistently and accessibly located in areas of prime agricultural activity.
- c. Support ongoing efforts by the agricultural community to develop new techniques and new practices.
- d. Develop agricultural permit processing procedures that are rapid and efficient. Do not require permits for agricultural practices and improvements that are currently exempt, with the exception of a groundwater offset program in the Paso Robles Groundwater Basin. Keep the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources, and sensitive habitats, and groundwater supply.

Page 2-16, AGRICULTURAL POLICIES (AGP)

To the maximum extent possible, the following policies, implementation measures and programs try to balance protection of open space resources and the needs of production agriculture, and minimize the impacts to ongoing production agriculture. It is the intent to **not** require permits for agriculturally-related projects that are currently exempt (with the exception of a groundwater offset program in the Paso Robles Groundwater Basin), and to **keep** the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources, and sensitive habitats, and groundwater supply. The policies and recommended implementation measures apply to discretionary land use permits for new development (see Glossary for definition of development) and proposed land divisions.

Page 2-22, AGP10: Water Conservation

- a. Encourage water conservation through feasible and appropriate "best management practices." Emphasize efficient water application techniques; the use of properly designed irrigation systems; and the control of runoff from croplands, rangelands, and agricultural roads.
- b. Encourage the U.C. Cooperative Extension to continue its public information and research program describing water conservation techniques that may be appropriate for

agricultural practices in this county. Encourage landowners to participate in programs that conserve water.

- c. In the Paso Robles Groundwater Basin, require new agricultural water use to be offset through mechanisms such as a water offset program.

Discussion: Land area, the water falling on it, and groundwater stored beneath its surface are inseparable in determining agricultural values and productivity in the County. Other than the land itself, water is the most precious resource for agriculture. Conserving water can benefit agriculture by reducing groundwater pumping. Uncontrolled runoff can contribute to soil loss, reduced water quality in streams, increased impact on riparian habitat, decreased opportunity for groundwater recharge and degradation of the general productivity of the watershed. The Paso Robles Groundwater Basin requires special conservation measures to ensure that groundwater levels do not drop significantly below historic levels.

Implementation:

1. Encourage farmers and ranchers to periodically conduct irrigation efficiency analyses, such as those provided by the U.S. Natural Resources Conservation Service mobile irrigation lab program, or an equivalent. If financially feasible, the County should consider funding assistance.
2. Encourage farmers to use the following best management practices in order to best promote the efficient use of water:
 - a. Increased adoption of crop water status monitoring, such as soil moisture monitoring technology
 - b. More precise irrigation scheduling
 - c. Enhanced irrigation monitoring practices
 - d. Use of tailwater return systems for any surface water application
 - e. Use of covers or other evaporation reducing systems for agricultural irrigation ponds
 - f. Use of wind machines for frost protection, rather than overhead sprinklers where feasible
3. The County Department of Agriculture should participate in educational efforts for farmers and the general public regarding water conservation. These efforts should be developed cooperatively by the Resource Conservation Districts, Consolidated Farm Services Agency, U.C. Cooperative Extension, and the U.S. Natural Resources Conservation Service. Educational efforts should utilize all available information and avoid duplication of effort. These efforts could include, but may not be limited to:
 - a. Online and/or printed educational materials
 - b. Expansion of "Ag in the Classroom" program
 - c. Farm tours for elected and other key officials

4. Conservation methods should also be applied to lands and facilities owned and operated by the County to set a positive example for water conservation.
5. County departments should facilitate the approval of water conservation, surface water retention, improvement of ground water recharge areas and artificial recharge structures by providing applicants for such structures with information identifying which local, state and federal agencies must be contacted regarding such projects.

Timeframe: Ongoing.

Page 2-23, 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.
- b. Do not approve proposed general plan amendments or rezonings that result in increased residential density or urban expansion if the subsequent development **would adversely** affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.
- c. Do not approve facilities to move groundwater from areas of overdraft to any other area, as determined by the Resource Management System in the Land Use Element.
- d. In the Paso Robles Groundwater Basin, require all groundwater users to conserve water through programs tied to permit applications.

Discussion: The purpose of this policy is to strongly promote agricultural uses and to preserve limited groundwater supplies. Where urban development uses groundwater supplies, surrounding agricultural uses are often eventually displaced. By maintaining groundwater supplies primarily for irrigated agriculture uses, the county can encourage continued and expanded agricultural uses. In addition, this could reduce the chances that urban and suburban development will diminish recharge, deplete agricultural water supplies, degrade water quality, or make those supplies uneconomical for agriculture to use.

Implementation:

1. The Department of Planning and Building should propose amendments to the guidelines for general plan amendments in Framework for Planning of the LUE to reference this policy as it applies to groundwater supplies.

Timeframe: 18 months from plan adoption.

2. The Department of Planning and Building should propose amendments to the LUO, CZLUO₁ ~~and~~ the Real Property Division Ordinance, and other Titles of the County Code, to establish standards to ensure that proposed land divisions₁ ~~and~~ discretionary land use permit projects, ministerial building projects, and new agricultural water use in

~~groundwater the Paso Robles Groundwater Basin that for non-agricultural purposes in rural areas~~ do not adversely affect water supplies, watershed yields or water quality ~~for existing or expanded agricultural uses~~. The standards should be based on approved groundwater basin/resource capacity studies, or other studies done in connection with the environmental review process.

Timeframe: 24 months from plan adoption.

3. On a watershed basis, County Planning, Engineering and Agricultural Departments will prepare a proposed work program to conduct or facilitate preparation of up-to-date groundwater basin/resource capacity studies that identify water supplies and drainage requirements (i.e., future demand vs. delivery capacity, trends, watershed yields, safe yields, surface drainage channels and salt sinks) relating to the needs of agriculture and other uses. The proposed work program and subsequent studies will be prepared in consultation with the county Water Resources Advisory Committee, U.C. Cooperative Extension and the Natural Resources Conservation Service.

Timeframe: Proposed work program submitted to Board of Supervisors within 12 months of plan adoption.

4. Recommend to LAFCO denial of proposed annexations to incorporated cities or special districts which would adversely affect existing agricultural water supplies and which could be inconsistent with preceding implementation measures.

Timeframe: Ongoing through review of proposed annexations.

5. The county Environmental Health Division should initiate an information program to fully identify the potential beneficial uses and potential hazards of reclaimed water.

Timeframe: 24 months from plan adoption.

6. The County Engineering Department, Agriculture Department, U.C. Cooperative Extension, and production agriculture representatives should advise the Planning and Building Department on matters involving agricultural water supplies, demand and water quality effects on crops.

Timeframe: Ongoing.

CONSERVATION AND OPEN SPACE ELEMENT - PROPOSED REVISIONS

Page 10.7, Policy WR 1.7 Agricultural operations

Groundwater management strategies will give priority to agricultural operations. Protect agricultural water supplies from competition by incompatible development through land use controls. In groundwater basins certified at LOS II or III for water supply, establish groundwater management strategies that consider all groundwater use, including groundwater used for agricultural operations.

Page 10.8, Implementation Strategy WR 1.7.1 Protect agricultural water supplies

Consider adopting land use standards, such as growth management ordinance limits, water offset programs for ~~non-agriculturally-related~~ proposed development ~~on certain rural areas~~, larger minimum parcel sizes in certain rural areas, and merger of substandard rural parcels, in order to protect agricultural water supplies from competing land uses.

Page 10.11, 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 at Level of Severity II or III for water supply. In addition, place limitations on further land divisions in these areas and establish and implement water offset programs for all groundwater users until plans are in place and funded to ensure that the safe yield will not be exceeded.

SECTION 1: Title 8 of the San Luis Obispo County Code, is hereby amended by adding Chapter 8.69 as follows:

Chapter 8.69 – URBAN AND RURAL DEVELOPMENT WATER CONSERVATION REQUIREMENTS

8.69.010 Purpose and Intent

The standards of this Section are applicable to all properties, except those in the Agriculture land use category and those served by a Community Service District, Community Service Area, or other water provider where comparable requirements are already enforced. These standards are necessary to conserve water, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water and prevent unreasonable methods of use of water in order to recognize that water is scarce natural resource that requires careful management not only in times of drought, but at all times.

8.69.020 Hose watering prohibition

No person shall hose water or wash down any sidewalk, walkway, driveway, parking area, street, alley, gutter, ditch or any other paved surface, except under the following conditions:

- (1) As is required for the benefit of public health and safety to alleviate safety or sanitary hazards, and then only by the use of a hand-held bucket or a water-hose equipped with an automatic shutoff nozzle.
- (2) When a low-volume, high-pressure cleaning machine or a low-volume high-pressure water broom is used.
- (3) All wash-down activities must comply with all state or local regulations pertaining to discharges.
- (4) Any use of water which results in excessive runoff is prohibited.

8.69.030 Watering of lawns and landscaping.

- (1) No residential or commercial ornamental landscapes or turf shall be watered between the hours of 9:00 a.m. and 7:00 p.m.
- (2) No ornamental landscapes or turf shall be watered more than once a day and no more than three times per week.
- (3) No ornamental landscapes or turf shall be watered to such an extent that runoff onto adjoining sidewalks, walkways, driveways, parking areas, streets, alleys, gutters, ditches or any other paved surfaces occurs. Sprinkler direction and run times shall be adjusted to prevent excess watering and run-off from landscaped or hardscaped surfaces.
- (4) No ornamental landscapes or turf shall be watered when it is raining.
- (5) All hoses, faucets and irrigation systems shall be regularly inspected and maintained and all leaks shall be repaired as soon as is reasonably practicable.

8.69.040 Indoor plumbing and fixtures. All hoses, faucets, pipes and any other indoor plumbing fixtures shall be regularly inspected and maintained and all leaks shall be repaired as soon as is reasonably practicable.

8.69.050 Washing vehicles. No motor vehicle, boat, trailer, or other type of mobile equipment may be washed, except at a commercial carwash or with reclaimed water, unless such vehicle is washed by using a hand-held bucket or a water-hose equipped with an automatic shutoff nozzle. No water hose shall be left running while washing a vehicle or at any other time.

8.69.060 Swimming pools and spas.

- (1) On properties overlying groundwater basins that have been certified Level of Severity III pursuant to the County's Resource Management System, emptying and refilling public or private swimming pools and/or spas or hot tubs are prohibited except to prevent structural damage and/or to provide for the public health and safety.
- (2) Overfilling or swimming pools and/or spas or hot tubs such that overflow water is discharged onto an adjoining sidewalk, walkway, driveway, parking area, street, alley, gutter, ditch or any paved surface is prohibited.

8.69.070 Decorative fountains. Potable water shall not be used to clean, fill, or maintain levels in decorative fountains, ponds, lakes, or other similar aesthetic structures unless such water flows through a recycling system.

8.69.080 Public restaurants.

- (1) No restaurant, hotel, cafeteria, café, or other public place where food is sold or served shall serve drinking water to any customer unless specifically requested to do so by such customer.
- (2) All new or remodeled restaurants and other food establishments shall install water conserving dish wash spray valves.

8.69.090 Transient lodging facilities. Hotels, motels and other transient lodging facilities shall provide customers the option of not having towels and linen laundered daily. Notice of this option shall be prominently displayed in each bathroom.

8.69.100 Construction activities. If non-potable water is available, the use of potable water for soil compaction or dust control purposes in construction activities is prohibited.

8.69.110 Agricultural processing uses - wineries. On properties overlying groundwater basins that have been certified Level of Severity III pursuant to the County's Resource Management System, the following standards apply to all winery uses as defined by Title 22, Land Use Ordinance Section 22.30.070.D.2.

- (1) Water conserving measures shall be used for activities during the winemaking process including crush operations, press, tank, and barrel washing and barrel soaking. These measures could include, but not be limited to:
 - a) Conducting crush and press activities outside and covered wherever feasible to reduce "baking" of waste material on equipment surface.

- b) Pre-cleaning with appropriate tools (e.g. a stiff brush or squeegee) should occur to loosen and remove large material before wash-down.
- c) Use of a timing system, shut-off valve and/or hot water on high pressure washers or hoses for cleaning processing equipment, tanks, floors, etc. should be installed wherever feasible.
- d) Wash down and barrel soaking is conducted with knowledge of wastewater or septic system capacity.

SECTION 2. Enforcement of the provisions of this ordinance shall be as set forth in Chapter 8.54 of the County Code.

SECTION 3. This project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (Government Code 15061(b)(3). It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment because no new development is authorized, no increase in density will occur, no change in allowed uses is proposed or authorized and no physical change to the environment will occur. Therefore the activity is not subject to CEQA.

SECTION 4. 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 5: 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.

CHAPTER 7 PLUMBING CODE

19.07.042 - Water Conservation Provisions. The requirements in this section shall apply to all new installations and, where specifically required, to existing structures.

- a. **Water fixtures.** Water fixtures shall comply with current requirements of the California Energy Commission and Department of Water Resources.
- b. **Existing structures.** In existing buildings, replacement water fixtures shall conform to the above requirements. In addition, all fixtures in an existing building shall be brought into conformance with these requirements when an alteration of that building meets either of the following criteria, except ~~as otherwise required in the Nipomo Mesa Water Conservation Area and the Los Osos Groundwater Basin as described in Subsections d and e.~~

1. A bathroom is added;
2. The floor area is increased by twenty per cent (20%) or more.

- c. **Other requirements.**

1. Spas, hot tubs, fountains and other decorative bodies of water shall be equipped with recirculating systems and shall be designed to operate without a continuous supply of water.
2. Vehicle wash facilities shall have approved water reclamation systems which provide for reuse of a minimum of 50 percent of the wash water. Hoses, pipes, and faucets for manual application of water to vehicles at such facilities shall be equipped with positive shut-off valves designed to interrupt the flow of water in the absence of operator applied pressure.

Water supply piping shall be installed so that each dwelling unit may be served by a separate water meter.

- d. **Paso Robles Groundwater Basin and Nipomo Mesa Management Water Conservation Area.** In addition to the requirements in subsections a, b and c above, the requirements in Subsections d.1 through d.4 in paragraphs (1) through (6) below shall apply to all new development that uses water from the Nipomo Mesa Water Conservation Management Area shown on maps in this Subsection. in Figure 7-1.

1. ~~The developer of any new structure that uses water from the Nipomo Mesa Water Conservation Area shall install plumbing fixtures that meet the following requirements:~~
 - i. ~~Toilets rated at no more than 1.28 gallons per flush (HET);~~
 - ii. ~~Showerheads rated at no more than 2.5 gallons per minute;~~
 - iii. ~~Bathroom sink aerators with a volume of no more than 2.0 gallons per minute;~~
 - iv. ~~Hot water circulation systems for master bathrooms and kitchens if the furthest plumbing fixture unit in these rooms is greater than twenty (20) pipe feet from the hot water heater;~~
 - v. ~~Commercial structures shall use waterless urinals;~~

- vi. ~~New residences shall have washing machines/laundry trays plumbed for grey-water systems pursuant to Chapter 16 of the Uniform Plumbing Code (Greywater Systems).~~
- 2. ~~Any remodel of an existing structure or addition to an existing structure that uses water from the Nipomo Mesa Water Conservation Area, that requires a construction permit pursuant to this Title, that is valued at \$20,000 or more as determined by the Building Division of the Department of Planning and Building, and that is not solely for roof replacement or electrical work to bring the structure into compliance with this Title, shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:
 - i. ~~Toilets rated at no more than 1.28 gallons per flush (HET);~~
 - ii. ~~Showerheads rated at no more than 2.5 gallons per minute;~~
 - iii. ~~Bathroom sink aerators with a volume of no more than 2.0 gallons per minute;~~
 - iv. ~~All urinals in commercial structures shall be replaced with waterless urinals.~~~~

~~Toilets rated at no more than 1.6 gallons per flush are exempt from this requirement and do not have to be replaced.~~

3-1.

Offset Required. ~~Prior to issuance of a construction permit for a new structure with plumbing fixtures on property that overlies and/or uses water from the Paso Robles Groundwater Basin or the Nipomo Mesa Management Area, the developer of such new structure shall obtain an Offset Clearance from the Department of Planning and Building verifying that new water use has been offset at a 1:1 ratio. Water savings must come from the same groundwater basin as the proposed new development. Applicants shall meet offset requirements by complying with Subsection 2 or 3 below.~~ ~~that use water from the Nipomo Mesa Water Conservation Area, the developer of such new structure shall provide evidence to the Department of Planning and Building that the plumbing fixtures in five (5) existing structures within the Nipomo Mesa Water Conservation Area with toilets rated at 3.5 or more gallons per flush have been retrofitted by replacing all toilets, showerheads and faucet aerators as follows:~~

- i. ~~Toilets rated at no more than 1.28 gallons per flush (HET);~~
- ii. ~~Showerheads rated at no more than 2.5 gallons per minute;~~
- iii. ~~Bathroom sink aerators with a volume of no more than 2.0 gallons per minute;~~
- iv. ~~All urinals in commercial structures shall be replaced with waterless urinals.~~
- v. ~~Owners of existing structures that are retrofitted under this program shall agree to allow their water purveyors to release water use data to the Department of Planning and Building in order to gauge the effectiveness of the program to the extent allowed by California law.~~

1.

~~Upon retrofitting of the required number of plumbing fixtures, the developer shall submit evidence of the completed retrofits to the Department of Planning and Building. This evidence shall consist of a Retrofit Verification Declaration completed and executed by a licensed plumber and/or contractor.~~

~~Upon submittal to the Department of Planning and Building of a completed and executed Retrofit Verification Declaration accompanied by the required fee, the developer shall be issued a Water Conservation Certificate from the Department of Planning and Building. Once the Water Conservation Certificate is issued, a construction permit may be issued.~~

- i) Applicability: Construction permits for development approved through discretionary permits in the Paso Robles Groundwater Basin shall instead comply with the offset ratio required in Section 22.94.025 of the Land Use Ordinance.
 - ii) Offset Clearance Process: Applications for an Offset Clearance shall include evidence that projected water use (based on actual water data or by approved assumptions about the water demand for that use) has been offset at a ratio of at least 1:1 through verifiable evidence or through a County Approved Water Conservation Program. Water savings must come from the same groundwater basin as the proposed new development.
2. County Approved Water Conservation Programs. Applicants shall meet the offset requirement by purchasing credits from a County Approved Water Conservation Program operating in the same groundwater basin as the proposed project or by complying with one of the alternatives in section 3. Approved programs achieve water savings in existing development and make credits available for purchase. The cost of offset credits is set so as to be equal to the cost of achieving water savings. Programs may include but are not limited to plumbing retrofit programs and turf removal incentive programs.
3. Alternatives. As an alternative to a County Approved Water Conservation Program, or in areas where such a program is not available, applicants for new development may meet the offset requirements for their project through one of the following alternatives.
- i) Applicant-performed plumbing retrofits. Applicants may meet the water offset requirement for their proposed project by retrofitting existing fixtures in homes within the same groundwater basin as the proposed project. Applicants shall adhere to the following:
 - i. Retrofit work must be performed and verified by a licensed plumber.
 - ii. The water savings credits that will result from each retrofitted fixture shall be established by resolution for each geographic area. After retrofit work has been completed and verified, applicants shall submit detailed evidence that enough fixtures have been retrofit to offset the water use of the proposed new development.

3. ~~In lieu of retrofitting plumbing fixtures in existing structures as specified in subsection d.3., a developer of a new structure may instead pay to the Nipomo Community Services District (hereinafter referred to as the "District") the amount of \$750.00 per toilet to be installed in the new structure. Prior to issuance of a building permit for the new structure specified in subsection d.3., a receipt for the payment to the District shall be submitted to the Department of Planning and Building.~~
4. ~~The District shall use the in lieu fees specified in subsection d.4. for programs that result in measurable water conservation in the Nipomo Mesa Water Conservation Area, including but not limited to the following:~~
 - i. ~~Subsidize toilet/showerhead retrofits.~~
 - ii. ~~Subsidize interior water audits.~~
 - iii. ~~Subsidize exterior water audits.~~
 - iv. ~~Subsidize irrigation system changes that will save water pursuant to the results of a District-sponsored water audit.~~
 - v. ~~Subsidize removal of high water using turf and landscape materials and replacement with low water using landscape material.~~
 - vi. ~~Provide repairs to irrigation systems at a cost not to exceed \$100.00 per parcel.~~

~~Fees collected from new development located within the District boundaries shall only be used for water conservation projects within the District. Fees collected from new development that is located outside of the District boundaries shall be used for water conservation projects outside of the District boundaries.~~

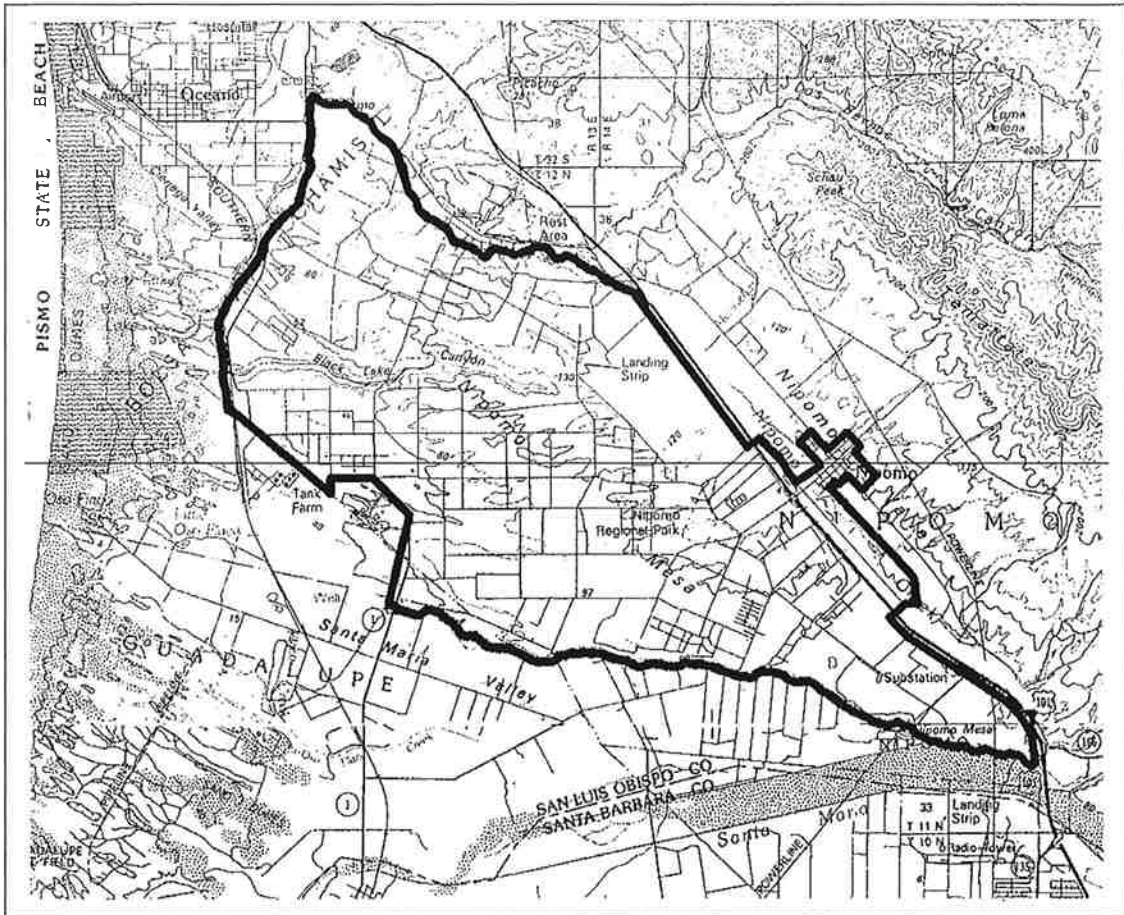
5. ~~ii) Water Conservation Program for Public Facilities. As an alternative to Subsection d.4., a developer or developers-Applicants may choose to fund a water conservation program for public parks, school grounds or other public facilities in the same groundwater basin as the proposed project. ~~Nipomo Mesa Water Conservation Area.~~ The program to be funded will have been prepared by a California-licensed landscape architect for either the County Parks Department, a school district ~~the Lucia Mar School District~~ or another public entity, as applicable. The program shall be reviewed and approved by ~~the Planning Director and~~ the owner of the public facility, and shall identify water savings and associated costs of conservation measures such as irrigation system replacement and/or repairs, installation of "smart controllers," removal of turf, replacement of high water using landscape material and amendments to soils. The water conservation program shall clearly identify the expected water savings from implementation of the program. ~~Each contribution of \$1,500 to the applicable public entity for the water conservation program will satisfy the requirement to retrofit plumbing fixtures in five (5) existing structures prior to issuance of a construction permit for each new structure, in accordance with subsection d.3.~~~~

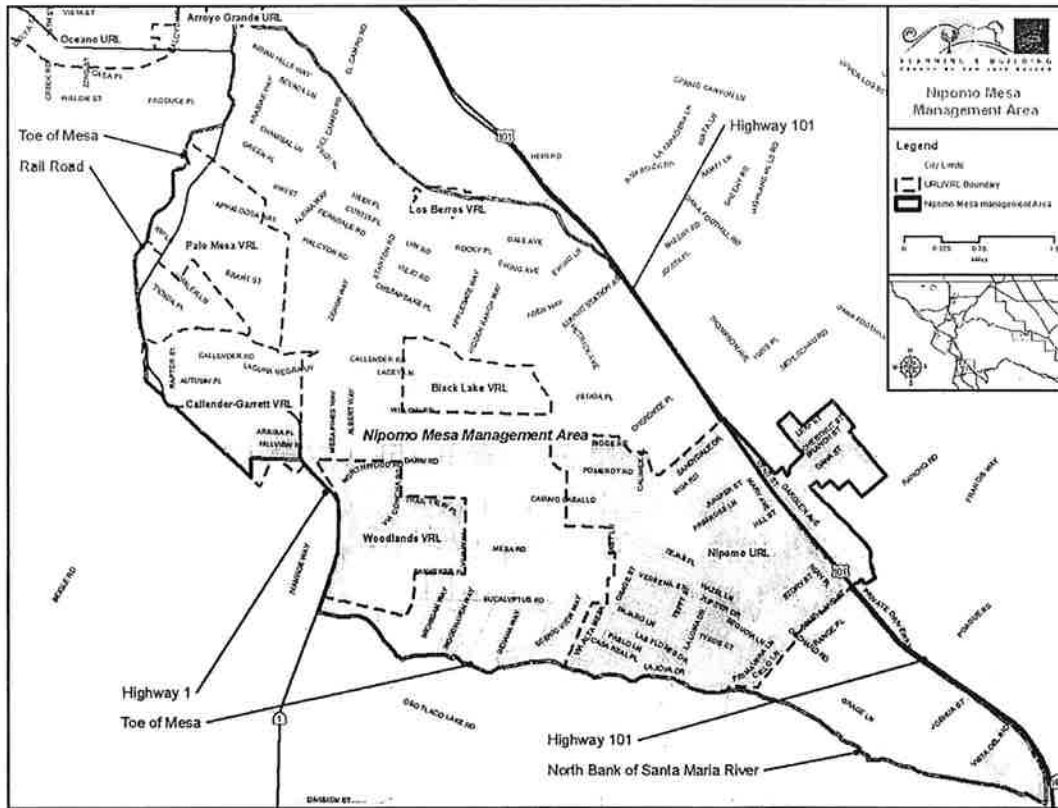
ii) Areas served by a Community Service District or a County Service Area. In areas served by a Community Service District (CSD) or a County Service Area (CSA), the CSD or CSA may certify that equivalent water use has been offset through an approved program or project.

4. **Water meter installation and reading.**
 - i. All new or existing wells that serve new development that overlies or use water from the Paso Robles Groundwater Basin or the Nipomo Mesa Management

Area must have a well meter installed. The meter shall be used to measure all groundwater used from that well.

- ii. Meter installation must be verified by the County Public Works Department prior to building permit issuance. The configuration of the installation shall conform to a drawing prepared by the property owner and shall conform to the Water Well Metering Standards and Installation Guidelines set forth by the Department of Public Works and incorporated into the Public Improvement Standards.
- iii. Property owners or a person designated by the property owner must read the water meter and record the water usage on or near the first day of the month. These records must be maintained by the property owner.





Sources: County of San Luis Obispo Planning and Public Works Departments, 2014
Map created September 24, 2014

Figure 7-1 – Nipomo Mesa Management ~~Water Conservation~~ Area

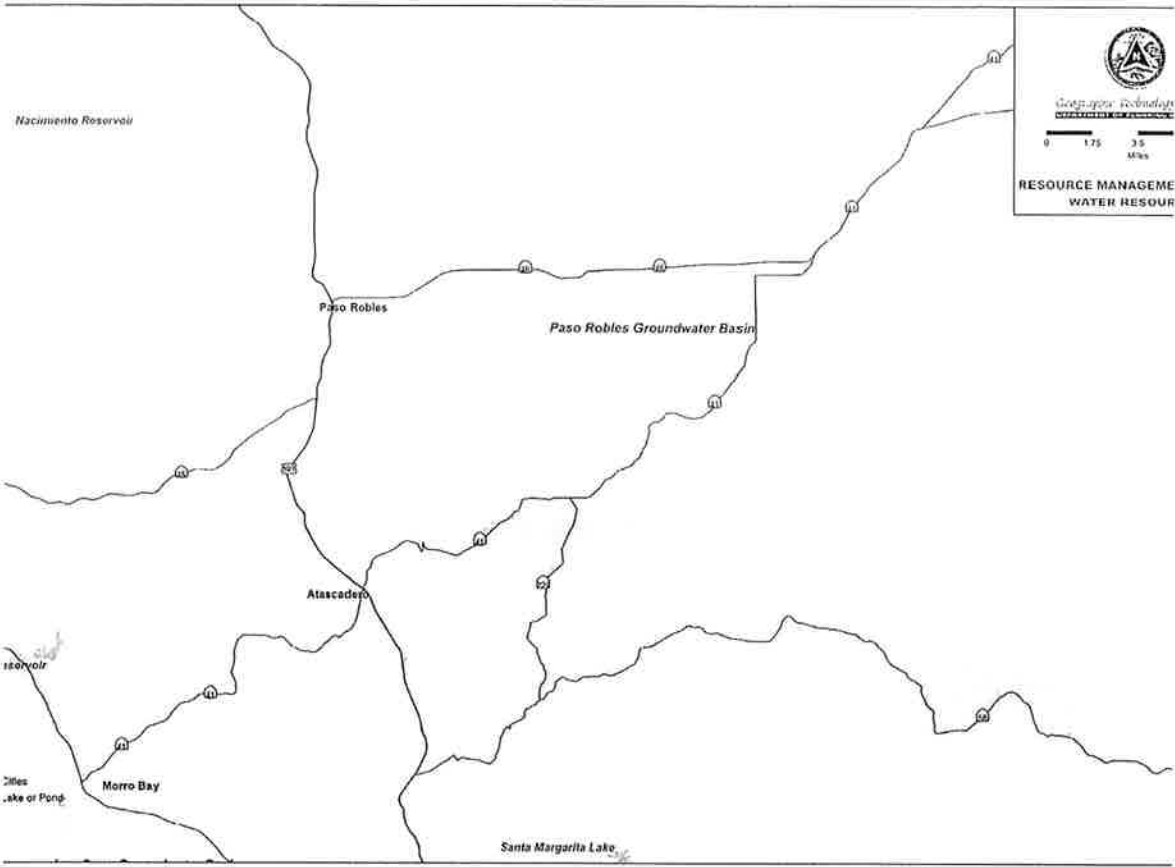


Figure 7-2 – Paso Robles Groundwater Basin

Chapter 22.06.030 - Allowable Land Uses and Permit Requirements

Table 2-2: Crop Production and Grazing; convert from A1 to A2, plus reference for 22.30.204 specific use standards

Permit Requirements by Land Use Category*

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG(8)	RL	RR	RS	RSF	RMF	

AGRICULTURE, RESOURCE, AND OPEN SPACE USES

Ag Processing	A2	A2	CUP				22.30.070
Agricultural Accessory Structures	P	P	P	P			22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP			22.30.100
Animal hospitals & veterinary medical facilities	MUP	MUP	CUP				22.30.100
Beef and dairy feedlots	CUP	CUP					22.30.100
Fowl and poultry ranches	MUP	MUP	MUP	MUP			22.30.100
Hog ranches	CUP	CUP					22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP	CUP		22.30.100
Kennels (6)	A1	A1	A1	A1	A1(7)		22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.30.090
Crop Production and Grazing	A1 A2	A1 A2	A2	A2	A2	A2	22.30.200,204
Electricity generation - Except WECF	A2	A2	A2				22.32
Electricity generation - Wind energy conversion	MUP	MUP	MUP				22.32.050
Fisheries and Game Preserves	A1	A1	A1				
Forestry	A1	A1	A1	A1			
Mines and quarries	A2	A2	A2				22.36
Nursery Specialties	A2	A2	A2	A2			22.30.310
Petroleum Extraction	A2	A2	A2	A2			22.34

KEY TO PERMIT REQUIREMENTS

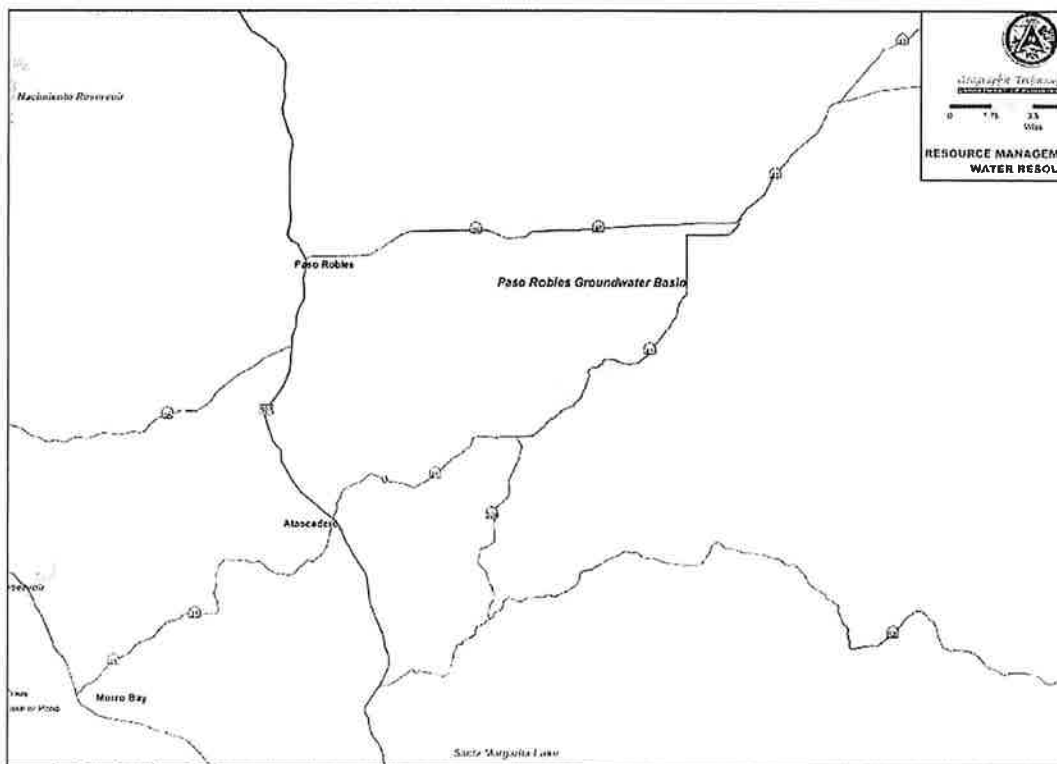
Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

Chapter 22.06.040 – Exemptions from Land Use Permit Requirements

E. Agricultural uses:

2. **Crop Production and Grazing.** No land use permit is required for crop production, except where an Agricultural Offset Clearance is required for new or expanded irrigated crop production that overlies the Paso Robles Groundwater Basin, as shown in Figure XX. No land use permit is required for grazing activities where allowable, provided that feedlots are subject to the standards of Section 22.30.100 (Livestock Specialties – Intensive).

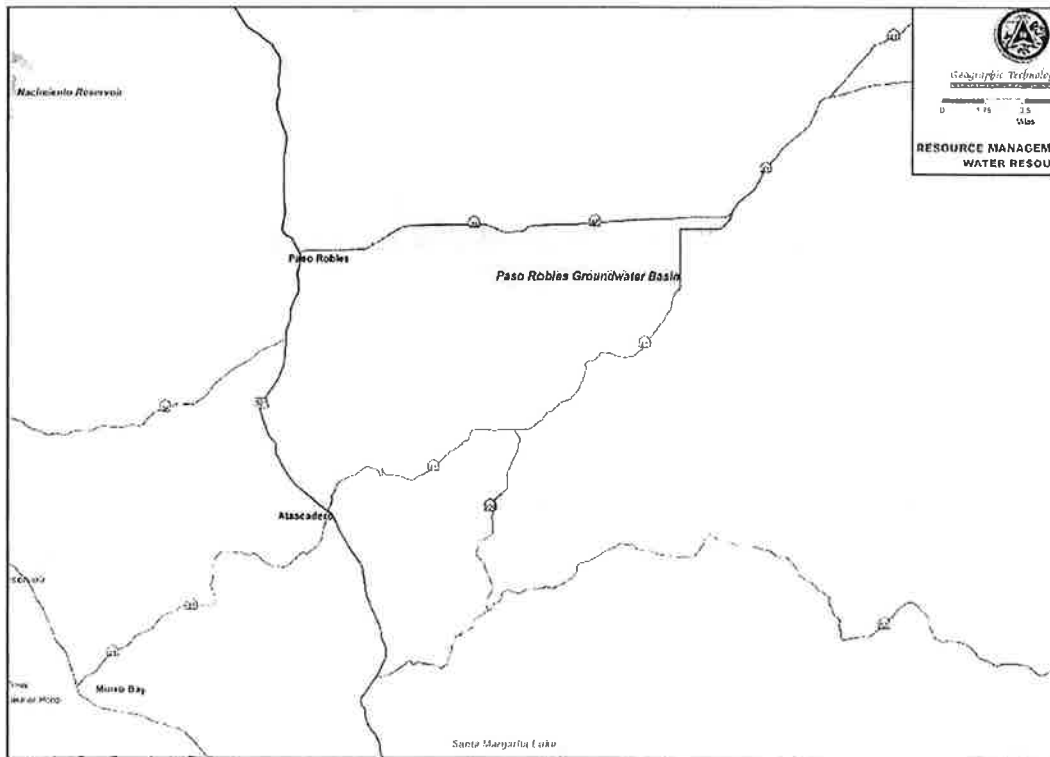
Figure XX – Paso Robles Groundwater Basin



Chapter 22.30.204 – New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin.

Prior to new or expanded irrigated crop production, including conversion of dry farm or grazing land to new irrigated crop production overlying the Paso Robles Groundwater Basin (PRGWB), the following requirements apply where designated by Section 22.06.030 (Allowable Land Uses and Permit Requirements) as being subject to the provisions of this Section. All new or expanded irrigated crop production, conversion of dry farm or grazing land to new irrigated crop production, overlying the PRGWB shall be required to obtain an Agricultural Offset Clearance. The offset clearance shall be a modified version of a zoning clearance. The purpose of the Agricultural Offset Clearance is to allow for new, intensified, or conversion of irrigated crop production overlying the PRGWB while protecting the critical resource of groundwater.

Figure XX – Paso Robles Groundwater Basin



- A. Where Applicable.** The provisions of this chapter apply to sites which overlie the PRGWB, as defined by Figure XX. All sending and receiving sites shall overlie the PRGWB, as shown in Figure XX. In no case shall a request for an agricultural offset clearance be granted for a site outside the PRGWB.
- B. Exemptions.** Sites with existing irrigated crop production which have been under continuous rotational operation.

C. Agricultural Offset Clearance Fees. Fees for an Agricultural Offset Clearance are set forth in the County Fee Ordinance.

D. Permit Requirements. An Agricultural Offset Clearance shall be issued upon satisfactory compliance with section 22.30.204 F and G.

E. Eligible Sites for Participation. For the purpose of an Agricultural Offset Clearance, a site is as defined in section 22.80.030 (Definitions of Land Use). Owners of sites that overlie the PRGWB may be granted one of two Agricultural Offset Clearance types, as described below and referenced in Table 1:

1. On-site Offset means conversion or intensification of irrigated crop production on the same site. A site shall be contiguous and have the same ownership as the site of the new irrigated crop production.
2. Off-site Offset means new, expanded, or intensification of irrigated crop production on any site which obtains all or a portion of its planting credits from a sending site. Obtaining water would be in the form of reducing or eliminating water use from the sending site. A sending site could be contiguous or have the same owner as the site of the new irrigated crop production.

Table 1 – Agricultural Offset Clearance Categories

<u>On-Site Offset</u>	<u>Off-Site Offset</u>
<ul style="list-style-type: none"> • <u>New crop production on site of crop being replaced</u> • <u>New crop production cannot exceed water demand of previous crop(s)</u> • <u>New crop production may exceed acreage of previous crop</u> • <u>Existing and proposed commodities of crop production must be declared</u> • <u>Deed restriction on property as necessary</u> 	<ul style="list-style-type: none"> • <u>New crop production on different site (receiving site) as crop being reduced or taken out of production (sending site)</u> • <u>New crop production on receiving site cannot exceed water demand of crop production from sending site</u> • <u>New crop production on receiving site may exceed acreage of crop production on sending site</u> • <u>Commodities of crop production to be replaced on sending site and proposed for receiving site must be declared</u> • <u>Receiving site cannot be within an area of severe decline (revised 4/24/15)</u> • <u>Landowner agreements</u> • <u>Deed restriction on sending or crediting sites</u>

F. Application Contents. In addition to meeting the application contents of section 22.62.030 (Zoning Clearance), a request for an Agricultural Offset Clearance shall include all of the following:

1. Vicinity of site(s) participating in the requested Agricultural Offset Clearance, including all parcels currently under crop production, and adjacent parcels with same ownership.
2. Identification of specific locations and acreage of current crop type(s).
3. Identification of specific locations and acreage of proposed crop type(s).
4. A current title report or lot book guarantee for all parcels participating in the requested Agricultural Offset Clearance.

G. Agricultural Offset Clearance Review and Approval. The criteria of this subsection shall be used in determining if a property is eligible for sending or receiving site status. If a sending or receiving site meets the criteria expressed, the site would then be eligible for participation in an Agricultural Offset Clearance. An Agricultural Offset Clearance may be granted only when the following criteria have been met:

1. Proposed sites included in the request for an Agricultural Offset Clearance overlie the PRGWB.
2. Proposed sending sites predominantly composed of soils designated as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland will remain in some form of crop production.
3. Proposed sites will remain in compliance with the provisions of any existing Williamson Act contract for the property and County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act of 1965.
4. Water demand for the proposed irrigated crop production is equal to or less than the crop production it is replacing, such that a minimum 1:1 ratio is achieved. Water demand shall be derived from the crop-specific applied water figures as specified in Table 2 below.
5. Sending site credits will be determined by current demand of irrigated crop production on the sending site.
6. A copy of a signed landowner agreement for transfer of planting credits between participating private landowners for an off-site Agricultural Offset Clearance.

7. A deed restriction, in a form approved by County Counsel, has been recorded upon on all parcels of a sending site which is part of an off-site Agricultural Offset Clearance, and has been recorded, prior to any planting authorized under an Agricultural Offset Clearance in the Office of the County Recorder.

8. Verification of installation of a well meter on the well serving the plantings authorized under an Agricultural Offset Clearance has been provided prior to the issuance of the Agricultural Offset Clearance.

9. Any plantings approved under an Agricultural Offset Clearance will be completed prior to the termination of this ordinance.

Table 2 – Existing Crop-Specific Applied Water by Crop Type

Crop Group	Applied Water (AF/Ac/Yr)
Alfalfa	4.5
Citrus	2.3
Deciduous	3.5
Strawberries	2.3 ⁽¹⁾
Nursery	2.5
Pasture	4.8
Vegetables	1.9
Vineyard	1.25 ⁽¹⁾
1. Information obtained from RCD Program, UCCE, UC Davis (Strawberries 2011 data)	

H. Termination. The provisions of this section shall expire upon the adoption of a Groundwater Sustainability Plan for the PRGWB.

22.30.310 - Nursery Specialties

- F. Establishment or Expansion of Nurseries Overlying the Paso Robles Groundwater Basin.**
The establishment or expansion of any nursery use overlying the PRGWB is subject to the standards set forth in section 22.30.204.

22.62.030 – Zoning Clearance

A Zoning Clearance is a ministerial land use permit. When a Zoning Clearance is required by this Title to authorize a development proposal, its approval certifies that the land use or development will satisfy all applicable provisions of this Title. In cases where a construction permit is required by Title 19 of this Code, the Zoning Clearance is processed and approved as part of the construction permit application and approval process. Approval of a Zoning Clearance enables the establishment of a land use that does not require a construction permit but is still subject to the standards of this Title.

- A. **Zoning Clearance application.** Zoning Clearance applications shall include the information required by Section 22.60.040.B, and the following additional information. Drawings shall be neatly and accurately prepared, at an appropriate scale that will enable ready identification and recognition of submitted information.
1. **Zoning Clearance content.** Zoning Clearance applications shall include a site layout plan containing the following information, using multiple sheets if necessary, except as provided by Section 22.60.040.D (Waivers of Content).
 - (1) **Combining designation information.** When required by Chapter 22.14 for sites within a combining designation identified by the Land Use Element.
 - (2) **Drainage plan.** When required by Chapter 22.52 (Drainage, or Chapter 22.14 (Combining Designations).
 - (3) **Fire safety plan.** When required by Chapter 22.50 (Fire Safety), to be submitted for projects outside the urban or village reserve lines.
 - (4) **Grading plan.** When required by Chapter 22.52 (Grading).
 - (5) **Planning area requirements.** An application shall also include all information required by Article 9 (Community Planning Standards) for a specific community, or area of the county.
 - (6) **Sign information.** When any use is proposed to have signs, a description of their location, size, design and copy shall be provided.
 - (7) **Special standard requirements.** An application shall also include all information required by the standards of Article 4 for a specific use, or by other Chapter of this Title.
 - (8) **Solid waste disposal information.** As required by Section 22.10.150.
 - (9) **Trees.** Applications for projects within urban or village reserve lines, or where required by planning area standards (Article 9), shall show the location of trees existing on the site in or within 50 feet of proposed grading or other construction, which are eight inches or larger in diameter at four feet above natural grade. Trees proposed to be removed

shall be noted (any tree removal is subject to the requirements of Chapter 22.54 - Tree Preservation).

(10) New or expanded irrigated crop production overlying the Paso Robles Groundwater Basin. As required by Section 22.30.204.

Definitions.

“Agricultural Offset Clearance” means a ministerial permit that may be granted pursuant to Section 22.30.204 (New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin).

“Conversion of Dry Farm or Grazing Land to New or Expanded Irrigated Crop Production” means the conversion of a site that had been used for the purposes of farming a crop, orchard, vineyard or other agricultural product without using irrigation or for the purposes of raising or feeding of beef cattle, sheep, or goats by grazing or pasturing, to new or expanded irrigated crop production.

“New or Expanded Irrigated Crop Production” means the development, new plantings, or other improvements of a property for the purposes of farming the following, including but not limited to, grains, field crops, vegetables, berries, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, other crops, orchards, vineyards or other agricultural products using irrigation. This includes intensification of any existing irrigated crop that results in an increase in water demand. This does not include planting of annual or rotational crops where satisfactory evidence is shown that those crops have been planted within the last five years on a site.

May 5, 2015

ITEM 2

ATTACHMENT B

May 6, 2015

Linda Chipping
Water Resources Advisory Committee (WRAC)

RE: Water Neutral New Development and Water Waste DEIR subcommittee report

Linda,

The WRAC subcommittee assigned to review and comment on the Urban Water Neutral New Development and Urban Water Waste Prevention components of the Countywide Water Conservation Program, Draft Environmental Impact Report document met on Monday, April 20, 2015 to review and discuss subcommittee comments. In attendance were: Sherri Danoff, Bob Gresens and Tim Walters, interim chairperson since Bill Garfinkel is out of the country and was not able to attend.

The following comments are presented to the WRAC for consideration and distribution to County staff for response:

Section 2.3.1: Water Neutral New Development

1. Second paragraph of the project description lists the demand offset as 1:1 however, it does not reference information or data to support the offset, for example this section later describes Los Osos as having a 2:1 offset. The subcommittee recommends that more background be provided to the reader to better understand the basis of the 1:1 offset.
2. Page 2-3 thru 2-6 of the project description reference retrofit standards based on current CalGreen standards. The subcommittee recommends that the document reference system improvements that are not mentioned such as:
 - a. Low flow showerheads at 1.5 gpm maximum (Cal Green was at 2.0 gpm)
 - b. Toilets at 1.28 gpf (Tim – I believe this should be deleted, as 1.28 is the current standard)
 - c. Requiring dual plumbed home sanitary sewers to separate grey water from black water, thus facilitating the incorporation of point of use recycled water systems for toilet flushing, etc.
 - d. 0.5 gpm aerators versus 1.0 gpm
 - e. Requiring non-regenerative water softeners to lessen water use from on-site water softening regeneration cycles, while also addressing salt loading into the wastewater.
 - f. Hot water circulation pumps to allow for more instantaneous hot water to remote showers and sinks, thus lowering water waste from running hot water prior to showering, etc.
 - g. Use of “smart” water meters for both domestic and irrigation leak sensing

The subcommittee concluded that the program falls short on encouraging use of effective alternatives to toilet retrofitting that can be effective in saving water and should make allowances for water offsets in multiple ways. There were also concerns on whether the

County building codes, building inspection, and local water agencies are coordinated in areas where there may be overlap. (E.g., installing separate gray and black water sewers within homes.)

3. Page 2-7, second paragraph, turf removal section lacks enforcement mechanisms for homeowners that re – install grass after removal. Can there be an homeowner sign – off or agreement on file with the County stating that grass will not be replaced at a later date?
4. Page 2-7, second paragraph, are agricultural developers allowed to participate in the residential turf removal program to offset agricultural water use?

General Comments:

5. The program stays silent on retrofitting on resale, transfer of ownership or long - term lease rental units. The subcommittee would recommend that the program be reviewed for expansion into these areas to insure true savings can be achieved over time. We would recommend that County staff review acceptable time – limits for retrofit of existing rental units, for example a five year turnover at a rental unit could trigger a review of fixture efficiency. Otherwise, long term rentals could avoid installing more recent and efficient fixtures and appliances.
6. The program should state that certified LOS III basins are allowed to implement more restrictive requirements.
7. How are “wineries” viewed in the program? Commercial or agricultural? It seems that winery tasting rooms should be included within the WNND program as commercial new development. There may other commercial categories as well, which occur in unincorporated areas that County planning could further identify.
8. The program lacks sufficient reference to other county related documents that direct the participant to the directives for implementation.

Title 19 WNND amendments:

1. Section 19.07.042 (a), rewording... water fixtures shall comply with current requirements of California Energy Commission, Department of Water Resources, *local water purveyor or Community Services District whichever is stricter.*
2. Section 19.07.042 (b), last sentence, subsection “e.” does not appear in the code sections listed.
3. Section 19.07.042 (c), second paragraph in item 2. seems like it does not belong, is misplaced or needs clarification.
4. Item 4iii, page 5, Are meter records intended to be public record? Does SGMA require well records to be provided to the GSA’s and are they to be public record?
5. General comment: strike – outs are difficult to follow and appear to strike out many of the enforcement mechanisms related to the program.

Title 8 WWP amendments:

1. Section 8.69.030 (2), subcommittee recommends that watering be limited to two days (instead of three).
2. Section 8.69.030, subcommittee recommends adding an item (6) encourage moisture sensors for irrigated turf.
3. Section 8.69.060, subcommittee recommends that the language for this section be modified to state that... "during declared statewide drought, this requirement applies to all groundwater basins within the county."

This concludes the subcommittee report on the DEIR for the urban water neutral new development and water waste sections of the Countywide Water Conservation Program.

May 5, 2015

ITEM 2

ATTACHMENT C

Michael LeBrun

From: Michael LeBrun
Sent: Friday, May 01, 2015 12:38 PM
To: rdienzo@co.slo.ca.us
Cc: 'DAN GADDIS'; Craig Armstrong
Subject: Water Neutral Development DEIR

Hi Ray,

I thought I had signed up to be on the WRAC subcommittee assigned to review this DEIR? Not sure what happened there. It will work out fine because the District will be commenting individually. That said, I would appreciate it if you could pass the following thoughts on to Chair Chipping and members of the subcommittee that developed the draft WRAC comments.

It is difficult to quantify water savings achieved by offset programs. It is even more difficult, and costly, to verify the offset remains in place over the long-term.

For these reasons, offsets are a reasonable and appropriate approach for attempting to limit current demand in stressed basins (e.g. LOS III basins). However, using the theory of offsets to allow new long-term demand should be approached with caution in any setting, and is simply inappropriate in an LOS III setting. A 1:1 offset assures new demand will be placed on the basin since the offset may or may not achieve calculated savings in near and long-term, but the new development will absolutely result in new demand, forever.

Landscape based offsets are most problematic since lawns can be expanded/planted in new development shortly after the county signs off and replanted in 'offset' areas as soon as enforcement/monitoring is suspended. In most settings, post project mitigation monitoring is frequently ineffective or completely absent.

LOS III basins are, by definition, 'in trouble' and the only way new long-term water demand associated with new urban development should be allowed is when new long-term developed water is used to meet that demand.

Sincerely,

Michael S. LeBrun, P.E.
General Manager



Nipomo Community Services District
Serving the Community for Fifty Years

148 South Wilson Street
Nipomo, CA 93444-0326
(805) 929-1133
(805) 929-1932 fax
mlebrun@ncsd.ca.gov

