

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: JANUARY 17, 2014

**AGENDA ITEM
E-1
JANUARY 22, 2014**

**REVIEW BOARD BY-LAWS AND POLICIES
AND PROPOSE EDITS FOR CONSIDERATION**

ITEM

Review Board By-Laws and Policies and propose edits for consideration [RECOMMEND REVIEW OF BY-LAWS AND DIRECT STAFF TO RETURN WITH REVISIONS FOR FUTURE BOARD APPROVAL]

BACKGROUND

Pursuant to Section 17 of the Board By-Laws, the Board By-Laws Policy shall be reviewed annually. The review shall be provided by District Counsel and ratified by Board action.

Attached are the Board By-Laws and Policies for your review and consideration.

RECOMMENDATION

Staff recommends that your Honorable Board review the by-laws and policies. If edits are proposed, direct Staff to place consideration of edits on the agenda for the next Regular Board Meeting.

ATTACHMENT

- A. 2013 Board By-laws

JANUARY 22, 2014

ITEM E-1

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

1. OFFICERS OF THE BOARD OF DIRECTORS

- 1.1 The officers of the Board of Directors are President and Vice President.
- 1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/She shall have the same rights as the other Directors of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- 1.3 In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining Directors present shall select one of themselves to act as chairperson of the meeting.
- 1.4 The President and Vice President of the Board shall be elected annually at the last meeting of each calendar year.
- 1.5 The term of office for the President and Vice President of the Board shall commence on January 1 of the year immediately following their election.
- 1.6 The President or, in his/her absence, the Vice President or their designee are authorized to attend meetings of the San Luis Obispo County Planning Commission and meetings of the San Luis Obispo County Board of Supervisors without compensation except reimbursement for use of his/her private vehicle to attend such meetings pursuant to 10.1(b) of these by-laws.

2. MEETINGS

- 2.1 Subject to holiday and scheduling conflicts, regular meetings of the Board of Directors shall commence at 9:00 a.m. on the second and fourth Wednesday of each calendar month in the Board Room at the District Office located at 148 South Wilson, Nipomo, CA. The Board of Directors reserves the right to cancel and/or designate other dates, places, and times for Director meetings due to scheduling conflicts and holidays.

2.2 Special Meetings.

Special meetings may be called by the President or three (3) Directors with a minimum of twenty-four (24) hours public notice. Special meeting agenda shall be prepared and distributed pursuant to the procedures of the Brown Act by the General Manager or the Assistant General Manager in consultation with the President or, in his or her absence, the Vice President or those Directors calling the meeting.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

- 2.3 Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.
- 2.4 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:
- (a) Directors may briefly respond to statements or questions from the public;
 - (b) Directors may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting;
 - (c) The Board may take action to direct the General Manager to place a matter on a future agenda;
 - (d) Directors may make brief announcements or make a brief report on his/her own activities under the Director Comment portion of the Agenda.
- 2.5 The President, or in his/her absence the Vice President, shall be the presiding officer at District Board meetings. He/She shall conduct all meetings in a manner consistent with the policies of the District. He/She shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/She shall vote on all questions, and on roll call votes his/her name shall be called last.
- 2.6 Three (3) Directors of the Board shall constitute a quorum for the transaction of District business. When a quorum is lacking for a regular, adjourned, or special meeting, the President, Vice President, or any Director shall adjourn such meeting; or, if no Director is present, the District Secretary shall adjourn the meeting.
- 2.7 Except as otherwise specifically provided by law, a majority vote of the total membership of the Board of Directors is required for the Board of Directors to take action.
- 2.8 A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board, showing those Directors voting aye, those voting no, those temporarily absent because of a conflict of interest, and absent. A roll call vote shall be taken and recorded on any motion not passed unanimously by the Board. Silence shall be recorded as an affirmative vote.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

- 2.10 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without disruptive noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.
- 2.11 All recording devices, including but not limited to tape recorders, video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated in plain public view and from behind the public speaker's podium. The President retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.

3. AGENDAS

- 3.1. The General Manager, in cooperation with the Board President, shall prepare the agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the regular meeting agenda no later than 4:30 p.m. twelve calendar days prior to the meeting date. Such a request must be also submitted in writing either at the time of communication with the General Manager or delivered to the office within the next working day.
- 3.2 The following applies to reconsideration of prior Board actions.
 - (a) After the passage of 9 months from the effective date of the motion, resolution, or ordinance, the matter may be placed on the agenda pursuant to Section 3.1, above, or other provisions of the Brown Act.
 - (b) Prior to the passage of 9 months, any member of the Board of Directors or the General Manager may request the Board of Directors, by motion, to agree to reconsider a prior Board action at a subsequent meeting of the Board.
 - (c) The President of the Board of Directors, upon a determination that there is a need to take immediate action, may place an item on the agenda for reconsideration.
- 3.3 Subject to the following rules, a block of 20 minutes is set aside for each agenda item for public comment, including general public comment:
 - (a) Comments on agendized items should be held until the appropriate item is called.
 - (b) Unless otherwise directed by the President, public comment shall be presented from the podium.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

- (c) The person giving public comment shall state his/her name and whether or not he/she lives within the District boundary prior to giving his/her comment. Public comment shall be directed to the President of the Board.
 - (d) The President, after consideration of the length of the Agenda, the nature of the Agenda item, and the meeting limitations, may expand or further limit the 20-minute time allocation for public comment.
 - (e) Each public commenter shall be limited to 3 minutes unless shortened or extended by the President with consideration of the length of the Agenda, the nature of the Agenda item, and the meeting limitations.
- 3.4 Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, etc. by one motion of the Board of Directors; for example, approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.
- (a) Directors may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board will then take action separately on that item. Members of the public will be given an opportunity to comment on the "Consent Agenda"; however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by Directors of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless the President chooses an earlier or later time.
 - (b) A Director may ask questions on any item on the "Consent Agenda". When a Director has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Directors are encouraged to seek clarifications prior to the meeting if possible.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

- (c) When a Director wishes to consider/"pull" an item simply to register a dissenting vote, an abstention or conflict of interest, the Director shall inform the presiding officer that he/she wishes to register a dissenting vote, an abstention or conflict of interest, on a particular item without discussion. The item will be handled along with the rest of the Consent Agenda, and the District Secretary shall register a "no" vote, an abstention or conflict of interest, in the minutes on the item identified by the Director.

4. PREPARATION OF MINUTES AND MAINTENANCE OF RECORDINGS

- 4.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads.
- 4.2 The minutes of the Board of Directors shall record the aye and no votes taken by the members of the Board of Directors for the passage or denial of all ordinances, resolutions, or motions.
- 4.3 The District Secretary shall be required to make a record only of such business as was actually considered by a vote of the Board and, except as provided in Sections 4.4 and 4.6 below, shall not be required to record any remarks of Directors or any other person.
- 4.4 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board during general public comment.
- 4.5 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting in which the item is discussed. In addition, the minutes shall include the names of speakers who provided public comment on each agenda item and a summary of the Directors' reports. Materials submitted with such comments shall be appended to the minutes at the request of the General Manager, District Counsel, the Board President, or any Director.
- 4.6 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

4.7 Any recording of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. Consistent with Government Code Section 54953.5(b), the District will maintain the recordings for a 30-day period after the recording. During the 30-day period, the District will provide, without charge, the necessary equipment for inspection of said recordings at the District Office during regular business hours. In addition to the 30-day requirement, the District will attempt to maintain the recordings, without legal obligation to do so, for a minimum of 5 years after the date of the recording. However, during this extended period, the District may not be able to provide the necessary equipment to facilitate inspections.

5. DIRECTORS

- 5.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors. Directors are encouraged to seek clarification prior to the meeting, if possible.
- 5.2 Members of the Board of Directors shall exercise their independent judgment on behalf of the interest of the entire District, including the residents, property owners and the public as a whole.
- 5.3 Information may be requested from staff before meetings, within such limitations as required by the Brown Act. Information that is requested shall be distributed through the General Manager, and all Directors will receive a copy of all information being distributed.
- 5.4 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 5.5 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, dissenting Directors should not create barriers to the implementation of said action.
- 5.6 Pursuant to §54952.2 of the Brown Act:
- (a) Except during an open and public meeting, a majority of the Board of Directors shall not use a series of communications of any kind, directly or thru intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the District.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

(b) Subsection (a) above shall not be construed as preventing District management staff from engaging in separate conversations or communications with members of the District Board of Directors in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the District, provided that District Staff does not communicate to members of the Board of Directors the comments or positions of any other member or members of the Board of Directors.

5.7 Directors shall not be prohibited by action of the Board of Directors from citing his or her District affiliation or title in any endorsement or publication, so long as no misrepresentation is made, or implied, about the District's position on an issue.

6. AUTHORITY OF DIRECTORS

6.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, a Director has no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

6.2 Directors do not represent any fractional segment of the District but are, rather, a part of the body which represents and acts for the District as a whole.

6.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

7. AUTHORITY OF THE GENERAL MANAGER

Pursuant to Government Code §61051, the General Manager shall be responsible for the following:

7.1. The implementation of the policies established by the Board of Directors for the operation of the District;

7.2 The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors;

7.3 The supervision of the District's facilities and services;

7.4 The supervision of the District's finances.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

8. DIRECTOR GUIDELINES

- 8.1 Directors, by making a request to the General Manager or Assistant General Manager, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager or the Assistant General Manager cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager or Assistant General Manager shall inform the individual Director why the information is not or cannot be made available.
- 8.2 In handling complaints from residents or property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any.
- 8.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should refer said concerns directly to the General Manager.
- 8.4 When approached by District personnel concerning a specific District policy, Directors should direct inquiries to the General Manager or Assistant General Manager. The chain of command should be followed. If a Director concludes that a personnel issue is not being adequately addressed in this manner, he/she should refer it to the Board's personnel committee for further consideration, in accordance with District Personnel Policy.
- 8.5 Directors and General Manager should develop a working relationship so that current issues, concerns, and District projects can be discussed comfortably and openly.
- 8.6 When responding to constituent requests and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager, or in his/her absence, to the Assistant General Manager.
- 8.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

9. DIRECTOR COMPENSATION

- 9.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular adjourned or special meeting of the Board of Directors attended by him/her.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

- 9.2 Each Director appointed to a committee is authorized to receive one hundred dollars (\$100) as compensation for each public meeting of a standing committee attended by him/her.
- 9.3 Each Director appointed to an ad hoc committee is authorized to receive seventy-five dollars (\$75.00) as compensation for each ad hoc committee meeting attended by him/her.
- 9.4 Each Director is authorized to receive one hundred dollars (\$100) per day as compensation for representation of the District at a public meeting or public hearing conducted by another public agency and/or participation in a training program on a topic that is directly related to the District, provided the Board of Directors has previously approved the member's participation and the member delivers a written report to the Board of Directors at the District's next regular meeting regarding the member's participation.
- 9.5 In no event shall Director compensation exceed \$100 per day.
- 9.6 Director compensation shall not exceed six full days in any one calendar month.

10. DIRECTOR REIMBURSEMENT

- 10.1 Subject to the following rules and budgetary limitations, each Director is entitled to reimbursement for their actual and necessary expenses (including the cost of programs and seminars), for his/her attendance at programs, conferences, and seminars that are related to District functions and/or Director development.

- (a) It is the policy of the District to exercise prudence with respect to hotel/motel accommodations. It is also the policy of the District for Directors and staff to stay at the main hotel/motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible.

If lodging is in connection with a conference or organized education activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board of Directors at the time of booking. If the group rate is not available, the Director shall use lodging that is comparable with the group rate. Personal phone calls, room service, and other discretionary expenditures are not reimbursable.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

- (b) Members of the Board of Directors shall use government and group rates offered by a provider of transportation for travel when available. Directors, using his/her private vehicle on District business, shall be compensated at the prevailing IRS per diem mileage rate.
- (c) Any Director traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments, and tips. The amount set for per diem shall be considered fair reimbursement. The per diem shall include \$10.00 for breakfast, \$15.00 for lunch and \$30.00 for dinner, for a daily total of \$55.00.
- (d) All travel and other expenses for District business, conferences, or seminars outside of the State of California shall require separate Board authorization, with specific accountability as to how the District shall benefit by such expenditure.

10.2 All expenses that do not fall within the reimbursement policy set forth in 10.1, above, shall be approved by the Board of Directors, at a public meeting, before the expense is incurred.

10.3 Board members shall submit an expense report on the District form within ten (10) calendar days after incurring the expense. The expense report shall be accompanied by receipts documenting each expense. Expense reports for mileage, as referenced in Section 10.1(b), shall be submitted no later than the end of each quarter (March, June, September, and December).

10.4 Members of the Board of Directors shall provide brief reports on the program, conferences, and seminars attended at the expense of the District at the next regular meeting of the Board of Directors.

11. TRAINING

11.1 Ethics Training

- (a) Pursuant to sections 53234 et seq. of the Government Code, all Directors and designated District personnel shall receive at least 2 hours of ethics training every two years.
- (b) Each newly elected Board Member and designated District personnel shall receive ethics training no later than one year from the first day of service with the District and thereafter shall receive ethics training at least once every two years.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

11.2 Sexual Harassment Prevention Training

Board members may receive, and the General Manager, and supervisors that are designated in the Districts conflict of interest code shall receive sexual harassment prevention training in accordance with the law

12. COMMITTEES

12.1 Ad Hoc Committees

The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

12.2 Standing Committees

(a) The Board may create standing committees at its discretion. The Board President shall propose and the Board of Directors shall approve standing committee membership.

(b) Standing committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act or expenditure. Each standing committee may consider District-related issues, on a continuing basis, assigned to it by the Board of Directors. Members of the standing committees shall be appointed by the Board of Directors.

(c) All standing committee meetings shall be conducted as public meetings in accordance with the Brown Act and Sections 2, 3 and 4 of these By-Laws. Summary notes for each meeting of each committee shall be forwarded to the NCSD Board of Directors as a public record.

13. CORRESPONDENCE DISTRIBUTION POLICY

Time permitting, the following letters and other documents shall be accumulated and delivered to the Board of Directors on Monday of each week and/or with agenda packet.

13.1 All letters approved by the Board of Directors and/or signed by the President on behalf of the District, and

13.2 All letters and other documents received by the District that are of District-wide concern, as determined by District staff.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

14. CONFLICTS AND RELATED POLICY

State laws are in place which attempt to eliminate any action by a Director or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. Laws which regulate conflicts are very complicated. The following provides a brief policy summary of various conflict related laws. Directors are encouraged to consult with District Legal Counsel and/or the FPPC at 1-800-ASK-FPPC (1-800-275-3772), prior to the day of the meeting, if they have questions about a particular agenda item.

14.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of a governmental decision if it is: reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. FPPC regulations related to interests in real property provide that, if the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by a decision, that interest is now deemed to be directly involved in the decision.

14.2 Interest in Contracts, Government Code Section 1090

The prohibitions of Government Code Section 1090 provide that the Board of Directors may not contract with any business in which another Director has a financial interest.

14.3 Incompatible Office, Government Code Section 1099

The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment to the other public interest, their discharge by one person is incompatible with that interest. When a Director is sworn in for such a second office, he/she is simultaneously terminated from holding the first office.

15. EVALUATION OF CONSULTANTS

The District's legal counsel shall be evaluated by the Board of Directors annually during the months of May and June of each year.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2013 UPDATE
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

16. CONTINUING EDUCATION

Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Subject to budgetary constraints, there is no limit to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

17. BOARD BY-LAWS REVIEW POLICY

Subject to 3.1 the Board By-Laws and Policies shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

18. RESTRICTIONS ON BY-LAWS

The rules contained herein shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or Federal laws.

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN
GENERAL MANAGER

MSL

DATE: JANUARY 17, 2014

**AGENDA ITEM
E-2
JANUARY 22, 2014**

**REVIEW AND DISCUSS SLO COUNTY DRAFT CHANGES TO RESOURCE
MANAGEMENT SYSTEM**

ITEM

Review County proposed changes to the Resource Management System and provide staff direction [RECOMMEND REVIEW AND DIRECT STAFF].

BACKGROUND

The San Luis Obispo County Planning and Building Department, at the Direction of the Board of Supervisors, is proposing changes to the County's Resource Management System.

A transmittal letter from County staff which summarizes the proposed changes and a copy of *Chapter 3: RESOURCE MANAGEMENT SYSTEM* in underline and strike out format showing the proposed changes are provided for your review.

County Planning and Building staff is on schedule to have the proposed changes before the County Planning Commission in April 2014.

FISCAL IMPACT

County staff is proposing changes to the recommended actions during a Level of Severity III (Severe) resource condition. The County Board of Supervisors certified the Nipomo Mesa groundwater resources as a Level of Severity III (LOS III) on June 26, 2006.

The Certification and LOS III remain in place today. Urban development has continued across the area since 2006 putting added demand on the groundwater basin.

The proposed changes could have a substantial impact on how development and new water demand across the Nipomo Mesa is permitted.

STRATEGIC PLAN

Strategic Plan Goal - 1.1 Protect, Enhance and Assess available Water Supplies
- 3.2 Strengthen ties with County of SLO, APCD, County Environmental Health and WRAC

RECOMMENDATION

Staff recommends that your Honorable Board consider the County's proposed changes and direct staff.

ATTACHMENTS

- A. County Transmittal email and Referral Draft CHAPTER 3: RESOURCE MANAGEMENT SYSTEM

JANUARY 22, 2014

ITEM E-2

ATTACHMENT A

Michael LeBrun

From: Michael LeBrun
Sent: Wednesday, January 15, 2014 11:25 AM
To: Michael LeBrun
Subject: FW: Resource Management System (RMS) proposed revisions -- Public Review Draft

-----Original Message-----

From: bpedrotti@co.slo.ca.us [mailto:bpedrotti@co.slo.ca.us]
Sent: Monday, December 23, 2013 4:48 PM

To all-

The County of San Luis Obispo has directed staff to amend the Framework for Planning (Inland) and Framework for Coastal Planning of the San Luis Obispo County General Plan, to revise sections pertaining to the Resource Management System (RMS). The requested modifications include:

- Amendments to Chapter 3 of Framework for Planning (Inland); and
- Amendments to Chapter 3 of Framework for Coastal Planning

The project also includes a number of "clean-up" revisions to Framework for Planning (Inland) and Framework for Coastal Planning, including:

- A minor amendment to Chapter 1, Framework for Planning (Inland) to remove the "Master Water and Sewer Plan"
- A minor amendment to Chapter 1, Framework for Coastal Planning to remove the "Master Water and Sewer Plan"
- A minor amendment to Chapter 8, Framework for Planning (Inland) to change "annually" to "biennially"
- A minor amendment to Chapter 8, Framework for Coastal Planning to change "annually" to "biennially"

Based on the direction of the Board, below is a list of the changes proposed in the RMS:

- Revisions to action requirements to align with what actions are appropriate and possible by the County. Includes more reporting from
- outside agencies that already track the stated thresholds.
- Recalculation of lead times for responding to certain resources' Levels of Severity.
- Addition of Freeway Interchanges as a monitored resource.
- Addition of Parks as a monitored resource.
- Significant revisions to Water Resources section including COSE discussion.
- Placing Level of Severity, Criteria, and Recommended Actions in table form.
- Matching Inland and Coastal RMS.
- Addition of photos and text boxes.

All of the proposed amendments can be found on the County website at the following address:

http://www.slocounty.ca.gov/planning/General_Plan__Ordinances_and_Elements/Plans_in_Process_and_Draft_Plans/s tratgrowth.htm

Feel free to contact me if you have any questions.

Brian Pedrotti, AICP

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

CHAPTER 3: RESOURCE MANAGEMENT SYSTEM



The General Plan, its Resource Management System (RMS), and the Land Use Ordinance work in concert to support future development. The General Plan's Land Use Element focuses development in specified communities and land use designations. The Land Use Ordinance sets minimum parcel sizes, density requirements and other standards for creation of new parcels and development of existing parcels. The RMS is intended to assure that services and resources will actually be available to support the new development envisioned in and allowed by the General Plan and Land Use Ordinance. In that way, the RMS is essential to carrying out the General Plan's vision.

A. INTRODUCTION - HOW RESOURCES AND GROWTH ARE RELATED

As the county enters the 21st century, the public and decision makers have become more aware of the limits of our natural resources, the cost of expanded infrastructure and its maintenance and the difficulties in finding solutions to these problems. Growing public awareness and more accurate information about the limits of natural resources and the accelerating costs of many public services have highlighted the need to better coordinate the rate of growth with the availability of both natural and man-made resources. Limitations affecting Deficiencies in many man-made resources such as sewers, schools, police and fire protection can be overcome by upgrading or expanding such facilities. Although augmentation of man-made resources may be costly, the solutions are tangible and easily identified. This is often not the case with natural resource limitations. Solutions are not always obvious and technical data may be confusing or lacking altogether. There may also be significant, even prohibitive, costs involved in determining resource capacity and availability.

San Luis Obispo County is experiencing problems with both natural and man-made resources (e.g. water supply and wastewater facilities) and competition for limited resources such as water. In some communities, schools are overcrowded, or are anticipated to be. Communities have also experienced problems with septic systems and water supply. In addition, many roads and freeway interchanges are nearing unacceptable levels of service, and air quality in some areas is deteriorating.

The net result of such problems has been a never-ending game of "catch-up," where rates of growth and development outstrip the upgrading and renewal of community resources. Since most resources extend beyond political boundaries, cities, special districts and the County must work together to identify their resource capacities in relation to future growth and to implement solutions to resource deficiencies, and how those

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

resources relate to future growth and development.

The Resource Management System (RMS) operates on two distinct levels. Attention is first given to the development of the county as a whole. The Land Use Element guides population growth where it can be supported by existing resources, using the RMS as an information tool. The countywide perspective must persist throughout the analysis of community resources and recommendations for resource management measures.

The second level of a Resource Management System the RMS is the community. Each community must be evaluated with respect to resource availability and capacity, as well as the effects of community development on surrounding agricultural lands and rural areas and vice versa. When an individual community is perceived to have a potential resource problem, steps must be taken to correct the situation, and, if necessary, utilize various methods to redirect growth to communities which have the capability to support additional population.

The Land Use Element combines both perspectives described above in an effort to resolve issues of distribution and location rather than growth versus no-growth. However, temporary growth control measures ~~must~~ could sometimes be considered at the community level in order for resource capacities to catch up with development.

~~Growth management beyond ordinary planning approaches may be necessary to restrict development where a limited resource.~~ Sometimes limited resources cannot be expanded and special growth and resource management measures are needed. Such ~~measures~~ are described in the following Section F under "Resource Management Techniques." "Growth Management Techniques" section of this chapter which ~~These measures help provide for more-sustained, long-term growth, as opposed to allowing than if unmanaged growth were to continue and exceed resource capacities at market-driven rates and locations. Growth and resource management measures can also allow for the additional lead times needed to develop and implement solutions to resource capacity problems.~~

B. FOCUS OF THE RESOURCE MANAGEMENT SYSTEM

The focus of the ~~RMS Resource Management System~~ is on data collection, problem identification and solutions to resource capacity problems, which may include identification of growth management measures capable of providing lead time to develop and implement solutions to resource capacity problems. The operation of the RMS is the responsibility of the Department of Planning and Building, working with a Resource Management Task Force composed of other county departments and public agencies (such as public water agencies and community service districts).—

The Land Use Element identifies appropriate locations for different land uses on the basis of minimizing conflicts between them. The RMS refines that approach by also considering:

- if the necessary resources exist;
- if resources can be readily developed to support new land uses; and
- critical points in time when decisions are needed in order to maintain adequate lead times to build needed facilities and avoid resource deficiencies.

The six resources/services addressed by the ~~RMS Resource Management System~~ are:

1. Water Supply and Systems
2. Sewage Disposal/Wastewater Treatment

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

- 3• Schools
- 4• Roads and Freeway Interchanges
- 5• Air Quality
- 6• Parks

The RMS provides the information to plan for sustainable resources for long-term growth.

~~(Amended 1990, Ord. 2443)~~

The RMS focuses on urban areas, but rural areas are addressed as needed. This focus enhances the effectiveness of the RMS, particularly with regard to water resources and watershed resource planning. For example, agriculture requires a great deal of water, and an analysis of water availability must take into account water used by agriculture in rural areas. In two of the county's largest groundwater basins, the Paso Robles and Santa Maria basins, there is a large component of rural water demand. In the Paso Robles basin, rural and agricultural water use represents more than 75% of the total water demand.

BC. GOALS AND OBJECTIVES OF THE RESOURCE MANAGEMENT SYSTEM

~~In the most general terms, the~~ The overall goal of the RMS Resource Management System is to provide information in support of decisions that seek to assure sustainable resource capacities for long-term growth about balancing land development and population growth with the resources required to support them. More specifically, the RMS is intended to:

- Avoid the use of public resources, services and facilities beyond their renewable capacities.
- Monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels

~~That~~ The goal of the RMS can be expressed in the following objectives:

- 41. Resource Conservation - To minimize impacts of future development on the long-term availability of essential natural resources, and to identify the limits or "carrying capacities" of those resources by studying the relationship between development impacts and resource capacities.
- 42. Public Health and Safety - To support efforts to provide county communities with adequate potable water, air quality facilities for sewage disposal and safe streets and roads, by monitoring their capacities to accommodate development allowed by the Land Use Element.
- 23. Public Services and Facilities - To support the provision and upgrading of public services and facilities at a rate that keeps pace with population growth, by anticipating needs sufficiently in advance so that adequate facilities are available before their lack creates critical necessity.
- 34. Agricultural Lands - To encourage protection of productive agricultural land, by considering the effects of current and future development on areawide water resources needed for agriculture.
- 45. Community Character - To support the diversity of life-styles and physical character in county communities by tailoring local problem solutions to specific community conditions.

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

56. Economic Impacts - To delay or avoid the adverse economic effects of development ~~moratoriums~~ moratoria and more severe growth restrictions by enabling timely solutions to avoidable resource problems before the need for drastic remedial measures.
67. Public Involvement -To provide a public forum for reaching decisions affecting community growth and development, where goals and policies can be discussed, and where such decisions are subject to public scrutiny.
7. Agency Cooperation - To establish a system which supports coordination and cooperation between the various public, quasi-public and private entities providing services and facilities, including the county, the cities, community services districts, school districts, private utility companies, special districts, and the state and federal governments.
- 2.8.

C. D. RESOURCE MANAGEMENT SYSTEM FRAMEWORK

Conceptual Approach

~~The Land Use Element identifies appropriate locations for different land uses on the basis of minimizing conflicts between them. The Resource Management System refines approach by also considering where the necessary resources exist or can be readily developed to support new uses. Studies should also define the critical points in time when decisions are needed to maintain adequate lead times avoid resource deficiencies.~~

~~The RMS estimates capacity levels for five essential resources: water supply, sewage disposal, schools, roads and air quality. While other resources are needed to support the human use of land, these five have the most direct relationship to physical development.~~

~~The Resource Management System was originally limited to urban areas because of the complexity of the issues and the limited availability of information. As the system has been implemented, it has become clear that a broader approach is necessary because substantial development is allowable in rural areas that will affect resources. Although the RMS continues to focus on urban areas, less populated rural areas are addressed as needed. This will enhance the effectiveness of the RMS, particularly with regard to water resources.~~

~~Agriculture requires a great deal of water, and an analysis of water availability must take into account water used by agriculture in rural areas for agricultural uses including the production of food and fiber.~~

Responsible Agency

The operation of the RMS is the responsibility of the Department of Planning and Building with input from:

- County departments
- Cities
- Air Pollution Control District
- Community Services Districts
- Water and sewer providers
- Caltrans



that
land
and

and

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

~~—Water Resources Advisory Committee~~

~~•~~

~~•—San Luis Obispo Council of Governments~~

~~•~~

Levels of Severity for Monitored Resources

The RMS is designed to deal with multiple levels of deficiencies. These include:

- Neighborhood-level problems, such as a needed collector street
- Communitywide problems, such as the need for public sewers
- Areawide problems, such as overdraft of a groundwater basin.

~~The RMS Resource Management System uses three levels of alert (called levels of severity) – Levels I, II, and III – to identify potential and progressively more immediate resource deficiencies. The alerts are intended to occur while sufficient time is available for avoiding or correcting a shortage before a crisis develops.~~

~~—The management framework is designed to deal with neighborhood-level problems, such as a needed collector street, communitywide problems, such as the need for public sewers, as well as an areawide problem such as an overdraft of a groundwater basin. Threshold population levels or dates corresponding to the three levels of severity have been defined in each area plan for the basic resources of each area and community. A summary of the current estimated levels of severity are listed in Appendix D.~~

Level of Severity III occurs when resource use exceeds the capacity of the resource. For instance, when a groundwater basin is overdrafted or a road segment is operating beyond its design capacity, those particular resources operate at Level III. Criteria for Levels I and II precede the threshold for Level III by providing lead times necessary for avoiding or correcting particular resource deficiencies.

The criteria for each level of severity are not absolute, as particular community conditions or circumstances may logically support alternative criteria. Instead, they offer general guidelines for determining when resource management measures should be enacted. The criteria for each resource are described in tables and text ~~in later section~~ Section F of this chapter entitled "Resource Management Issues, ~~and Alert Criteria for Levels of Severity, and Recommended Actions.~~"

~~and are summarized in Table F.~~

Threshold population levels or dates corresponding to the three levels of severity may be defined in the Land Use Element area plans and community plans for the resources of each area and community. A summary of the current estimated levels of severity are listed in Appendix D.~~When resource monitoring indicates a threshold population may have been reached for a level of severity, the Planning and Building Department notifies the Board of Supervisors with an advisory memo. Implementation of a public works project or management techniques would then occur only after public hearings on the validity of resource information being used, preparation of a resource capacity study, and action by the board, including the adoption of ordinances if necessary to address specific community resource problems.~~

~~(Amended 1990, Ord. 2443).~~

~~DE. ___~~ RESOURCE MANAGEMENT SYSTEM PROCEDURES

This section describes the activities that produce information to identify levels of severity, and the process for

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

determining appropriate policy decisions in response to new information. The basic products of the information-gathering aspect of the RMS include:

- **Resource Inventories:** Data collection through the update of the Land Use Element;
- **RMS Monitoring Program:** Periodic status reports on resource usage ~~within their areas with~~ levels of severity;
- **Biennial Resource Summary Report:** ~~R~~report prepared by the Department of Planning and Building ~~in cooperation with input from with other County agencies departments and service providers. The Resource Summary Report is prepared biennially or as otherwise directed by the Board of Supervisors. The Water Resources Advisory Committee reviews the water issues in the report and makes a recommendation to the Board of Supervisors. (Amended 1990, Ord. 2443; 2011, Ord. 3220).~~
- **Resource Capacity Studies:** Special studies of resource usage when ordered by the Board of Supervisors upon its determination that a new level of severity has been reached through the advisory process described below.

Resource Inventories

As part of the update of the Land Use Element, the Planning and Building Department prepares an inventory of local water supplies, sewage disposal facilities, air quality, parks, school and road and freeway interchange capacities for each area and community plan, as applicable. The inventories are developed jointly with the Public Works and Health Departments, Regional Water Quality Control Board, Air Pollution Control District Board and other responsible agencies. The inventories should:

1. Identify existing resources, their location, estimated quantity and quality,
2. Describe known problem areas or deficiencies,
3. Estimate threshold populations that an existing resource can support,
4. Identify alternative or additional available resources, where known,
5. Estimate the lead time needed for correcting a previously identified deficiency,
- ~~4~~6. Identify feasible capital projects or other programs that can realistically be funded or implemented within critical time periods.

~~While the area plan resource~~ Resource inventories are based upon the most current information available. ~~However,~~ the data for some areas of the county are of limited precision availability. Consequently, the area plan inventories can be used for some areas to indicate where problems may exist, and how priorities should be set for needed resource capacity studies. The area and community plans indicate whether resource data mentioned are immediately usable for resource management purposes, or whether additional information is needed.

Any resource data used as the basis for general plan policies is periodically reviewed and updated as new information requires, through the LUE update program, capital improvement program review ~~(that procedure is explained under "Implementation and Administration," page 7),~~ and RMS monitoring programs.

Monitoring Program

The Department of Planning and Building collects data and monitors resource usage to update earlier resource inventories and identify progress needed to implement corrective measures. Status reports are part of the Biennial Resource Summary Report described below ~~prepared to inform the public and the Board of Supervisors of the situation within any level of severity.~~ Each report should include the following:

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

1. A brief synopsis of the problem;
2. Any additional resource information,
3. Current and projected capacities,
4. An analysis of corrective actions, and
5. Recommendations for action.

~~Resource Capacity Report~~

~~The Board of Supervisors established a Resource Management Task Force of staff members from various agencies to generate and evaluate resource data and develop recommendations on resource levels of severity and resulting actions:-~~

~~Phase 1 membership of the RMS Task Force includes:-~~

~~County Administration~~

~~Planning and Building~~

~~Environmental Health~~

~~Environmental Coordinator~~

~~Air Pollution Control District~~

~~Phase 2 would add to the above group through memoranda of agreement:-~~

~~All incorporated cities~~

~~Community Service Districts~~

~~Regional Water Quality Control Board~~

~~Coastal Commission~~

~~Caltrans~~

~~Parks & Recreation Commission~~

~~The task force shall meet periodically to provide, review and evaluate resource capacity information. The scheduling of these deliberations should be coordinated with the budget process of the county and other agencies to ensure that any necessary actions can be taken in a timely fashion. The task force shall draft recommendations on levels of severity and needed actions for periodic reports to the Board of Supervisors. Additionally, the task force shall develop a resource summary report for board action. The report shall include:-~~

~~Revised resource data~~

~~Evaluation of the data~~

~~Recommendations for each community and planning area for levels of severity and resulting necessary actions~~

~~Revisions to the resource deficiency criteria for level of severity (Table F in Framework For Planning)~~

~~(Amended 1990, Ord. 2443)~~

Resource Capacity Advisory Process

When the Planning and Building Department determines that the threshold of a level of severity should be established, increased or reduced has been reached as a consequence of the an LUE update, the RMS monitoring program, a Water Resource Advisory Committee recommendation, or the Biennial Resource Summary Report, it sends an advisory memo to the Board of Supervisors to verify the situation and determine if a level of severity exists and what that level should be. An illustration of the advisory process is shown in Figure 3-1.

In each case, a The Bboard of Supervisors will conduct decision on whether Levels of Severity II or III exist can occur after a public hearing to review the data on upon which a level of severity finding is to be based. After the

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

initial advisory memo, it may be necessary to continue to issue status reports to the Board, in order to keep them advised of the situation. Implementation of a program (i.e., a public works project, management techniques, etc.) would then occur only after public hearings on the validity of resource information being used, preparation of a resource capacity study, and action by the Board, including the adoption of ordinances if necessary to address specific community resource problems.

If an affected resource is not under ~~county~~ County jurisdiction (e.g., a community service district may have responsibility over a local water supply problem), the Department of Planning and Building sends a copy of the advisory memo to the responsible agency advising that a potential problem may exist, based upon data available to the ~~county~~ County, and to urge that the agency prepare a resource capacity study. Staff contacts and recommendations to the agency should occur in advance of the agency's budget preparation process so the necessary work can be included in ~~their~~ its financial considerations.

(Amended 1990, Ord. 2443).

The following sections describe in more detail the procedures for considering and reporting each of the three levels of severity:

Level I:	Resource capacity problem
Level II:	Diminishing resource capacity
Level III:	Resource capacity met or exceeded

Levels of severity are recommended by the Planning and Building Department and certified by the Board of Supervisors through the following procedures. County staff may recommend to the Board of Supervisors or the Board may initiate specific actions to respond to levels of severity, such as special water conservation ordinances and special land use and growth limitation measures. However, such measures can only be implemented following specific approval by the Board at a public hearing.

Level I: Resource Capacity Problem

Level of Severity I is the earliest indication that a potential resource capacity problem exists or is anticipated. Its threshold is intended to be early enough to provide time to avoid a resource crisis with minimum impact on the development process. Level I occurs at the point where resource use will reach capacity in approximately the time required to expand capacity (including planning, funding and construction of a project where appropriate). Critical time periods for Level I problems for each resource are summarized in Tables F through J (Amended 1990, Ord. 2443).

Level of Severity I occurs when resource use will reach capacity in the time required to expand capacity.

Under normal circumstances, community development is intended to continue through a Level I condition without any restrictions being enacted. Projects should still be evaluated without the Level I determination affecting them, unless otherwise directed by the Board of Supervisors.

Level I Procedure

When available data suggest a resource problem exists or is anticipated, the following procedure is to be used:

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

1. Staff forwards an advisory memorandum to the Board of Supervisors (with copies to the Planning Commission for their information). The memorandum identifies the capacity problem and enables the Board to review the data upon which the staff recommendation is based.
2. If the Board agrees that a potential resource problem exists, it initiates preparation of a resource capacity study, if necessary. The Board may also wish to initiate through an ordinance any conservation measures deemed necessary to partially relieve existing burdens on the affected.
3. Preparation of a resource capacity study, if necessary, should be undertaken by the ~~county~~ County department or outside agency providing the particular service or resource being considered, in cooperation with the ~~county~~ County and any other affected agencies (such as public or private water companies, sewer districts, community service districts, school districts and incorporated cities). A resource capacity study should:
 - a. Determine the capacity of the resource being studied;
 - b. Identify thresholds for Level II and III deficiencies;
 - c. Identify alternate measures for avoiding a predicted resource deficiency and evaluate the feasibility (and possible funding methods) of each measure;
 - d. Provide an estimated timetable for funding and completion of a public works project to correct the resource deficiency, if applicable;
 - e. Recommend techniques for growth management to be used if needed to extend capacities.
4. Upon completion, a resource capacity study is forwarded to the Planning Commission for public hearing. The ~~commission~~ Commission reviews study data and recommends to the Board of Supervisors as to its adequacy. Commission review should be completed and reported to the Board of Supervisors within a maximum of 40 days from when the study is first placed on the ~~commission~~ Commission agenda.
5. Upon receipt of the Planning Commission recommendation, the Board of Supervisors holds a public hearing to review the resource capacity study, consider public testimony, ~~and determine whether a Level of Severity I and the study should be certified, and implement the actions recommended in the study should be certified.~~ The ~~board~~ Board should ~~certify~~ determine whether ~~that~~ the study adequately assesses the affected resource as a basis for policy decisions. The data in the certified resource capacity study is then incorporated into the ~~County general~~ General Plan as new resource data at the next available time for processing general plan amendments.

(Amended 1990, Ord. 2443).

~~Level I Action Requirements~~

~~When the board finds that a Level of Severity I exists, the following shall occur.~~

~~Prior to the annual budget process, the Department of Planning and Building shall review the Capital Improvement Program (CIP) of the affected agency, city or county department for the necessary project to avoid worsening the level of severity and forward recommendations to the County Administrative Office (CAO) and the County Auditor.~~

~~If sufficient progress is not made toward funding the necessary project within one year from the finding of a Level of Severity I, the CAO in coordination with the County Auditor shall recommend to the Board of Supervisors that they adopt an appropriate action from the following:~~

~~Restrictions or conditions on budget allocations to an affected department, if applicable, that shift priorities to the project.~~

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

~~Restrictions on funding, such as discretionary loans, to affected districts if applicable.~~

~~Restriction on approvals of capital projects for the affected agency.~~

~~In the case of special districts, recommend to LAFCo denial of any annexations that increase demand for the affected resource.~~

~~A Level of Severity II, if the project cannot be constructed before resource capacity is exceeded.~~

~~The board will impose conservation measures within the service area.~~

~~Other actions as necessary.~~

~~(Amended 1990, Ord. 2443).~~

Level II: Diminishing Resource Capacity

A Level of Severity II occurs when the current rate of resource use will deplete the resource before its capacity can be increased. When this condition occurs, the rate of resource depletion must be decreased to avoid exceeding the resource capacity. This may be accomplished through conservation or other growth management techniques.

If a funding decision cannot be made, for a variety of reasons, the Board of Supervisors may choose to implement development ~~restrictions~~ measures to increase the lead time for avoiding the deficiency. When the Board of Supervisors finds that a resource deficiency has been corrected, any ordinance that

enacted development restrictions should be repealed or allowed to expire. Applications would then be processed and reviewed as normal.

Level of Severity II occurs when the rate of resource depletion must be decreased to avoid exceeding the resource capacity.

(Amended 1990, Ord. 2443).

Level II Procedure

At this level staff advises the Board of Supervisors and the Planning Commission when the capacity of a particular resource is diminishing past the point of merely being a potential problem. The basis for this recommendation may come from completion of a previously ordered resource capacity study, monitoring program, Biennial Resource Summary Report, or information developed for the Land Use Element update. The Department of Planning and Building forwards an advisory memo to the Board of Supervisors. Upon review of the Level II advisory memorandum, the Board evaluates the validity of the data upon which the recommendation is based, and forwards the memo to the Planning Commission for a public hearing on the recommendation. The Board may also initiate a resource capacity study if more complete information is needed.

If the advisory memo is sent to the Planning Commission for a public hearing, it recommends an appropriate course of action to the Board of Supervisors. Commission review must be completed and reported to the Board within a maximum of 40 days from the time the matter is placed on the Commission agenda.

Upon receipt of the Planning Commission recommendation, the Board of Supervisors holds a public hearing to

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

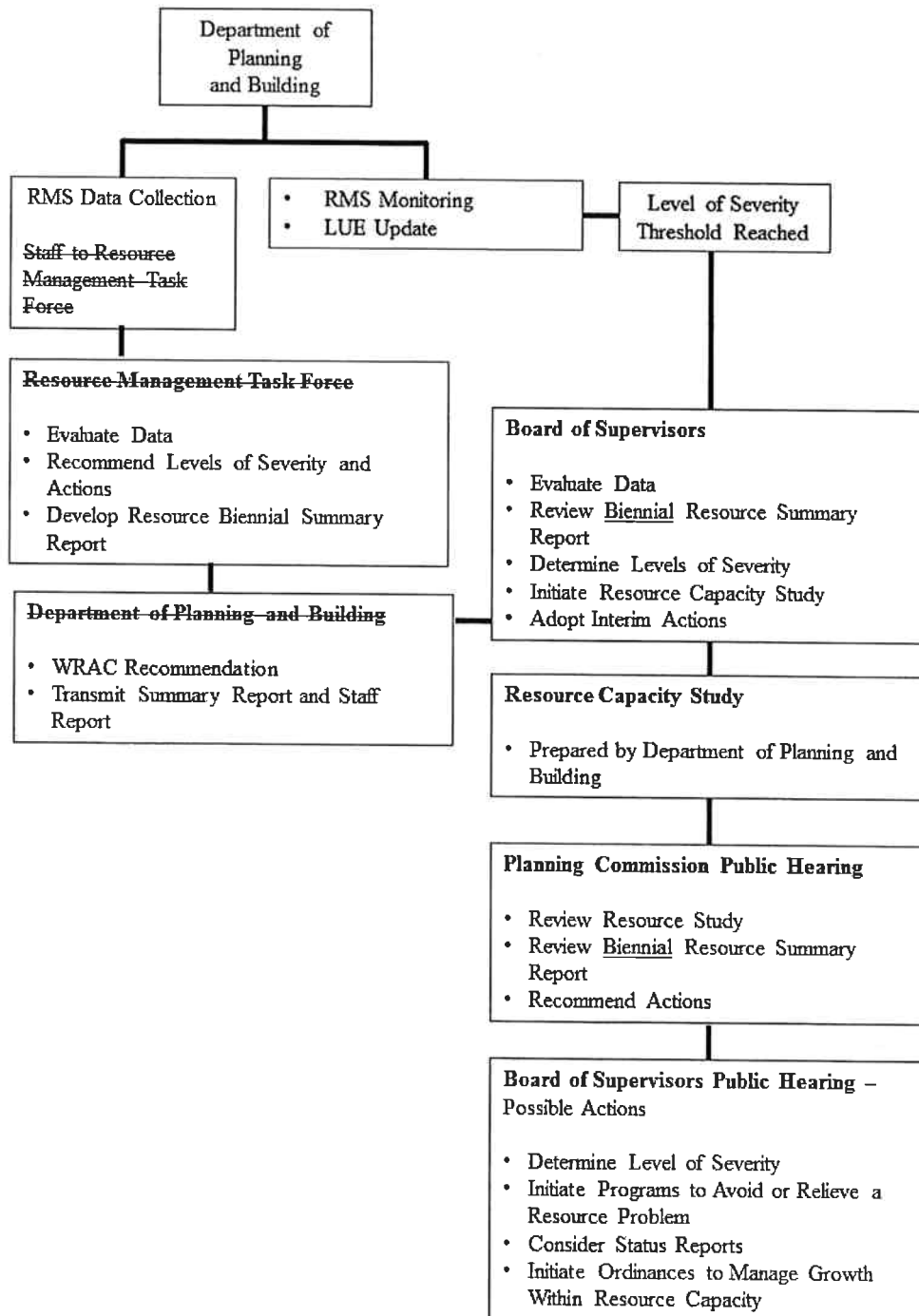
consider relevant resource data ~~and~~; public testimony, ~~and to~~ determine whether Level of Severity II exists and the resource capacity study should be certified, and implement the actions recommended in the study.

If the ~~board~~ Board determines that Level II does not exist, staff is directed to either continue monitoring the resource and report back to the ~~board~~ Board; terminate monitoring; or take other action the ~~B~~board finds appropriate.

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

Figure 3-1

RESOURCE MANAGEMENT PROCESS



Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

~~Level II Action Requirements~~

~~When the board finds that a Level of Severity II exists, it shall adopt land use policies that respond to a delay in funding for a necessary project, including but not limited to, the following:~~

~~Manage the rate of resource depletion within the affected community or area to extend the availability of the resource until such time as the project will provide additional resource capacity.~~

~~Initiate appropriate financing mechanisms to recover the project cost including, but not limited to, capital improvement bonds, assessment districts, developer fees, etc.~~

~~Use RMS information to evaluate the appropriate scale and timing of discretionary projects within the remaining resource capacity to determine whether they should be approved.~~

~~Enact restrictions on further land development in the area that is affected by the resource problem.~~

~~Enact adjustments to land use categories so that they will accommodate no more than the population which can be served by the remaining available resource, or redirect growth to communities or areas that have available resource capacity.~~

~~1. Impose stringent conservation measures within the service area. (Amended 1990, Ord. 2443)~~

~~Figure 3-1~~

Level III: Unavoidable Resource Deficiency

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

Level of Severity III occurs when the capacity of a resource has been met or exceeded.

Level III Procedure

The procedure for a Level III alert is as follows:

- ~~1.~~ 1. An advisory memo is sent to the Board of Supervisors for consideration and referral to the Planning Commission as in the Level II procedure. The ~~board~~ Board should adopt appropriate interim actions to avoid panic or speculation on the outcome of the RMS procedure.
- ~~2.~~ 2. The Planning Commission holds a public hearing on the advisory memo. As at Level II, the ~~Commission~~ Commission has a maximum of 40 days to hold the public hearing and report to the ~~B~~ Board.
- ~~3.~~ 3. After receiving the Planning Commission report, the ~~board~~ Board holds a public hearing to consider relevant resource data and; public testimony, ~~and to determine whether Level of Severity III exists, and the resource capacity study should be certified, and implement the actions recommended in the study.~~

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

If Level III is found not to exist, the ~~board~~ Board may direct staff to: maintain Level II procedures; modify Level II findings, or take whatever other action is deemed necessary by the ~~B~~board.

~~Level III Action Requirements~~

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

~~Institute appropriate measures (including capital programs) to correct the critical resource deficiency, or at least restore Level II so that severe restrictions will be unnecessary. In many cases, other agencies or districts will control decisions about necessary measures. The Board of Supervisors shall only seek cooperative assistance for a certain time period, beyond which measures may be considered to enact county ordinances or standards affecting resource usage such as development restrictions.~~

~~Adopt growth management or other urgency measures to initiate whatever restrictions are necessary to minimize or halt further resource depletion. Any such restrictions shall be reduced or removed only after a public hearing where the Board of Supervisors determines that Level III no longer exists and any dangers to public health or safety have been eliminated.~~

~~A moratorium on land development or other appropriate measures shall be enacted in the area that is affected by the resource problem until such time that the project provides additional resource capacity to support such development.~~

~~(Amended 1990, Ord. 2443; 1995, Ord. 2740).~~

Resource Management System Coordination

Resource inventories and resource capacity studies should clearly describe short and long-term capital improvement programs of affected agencies, to indicate feasible projects that can be funded realistically within critical time periods. The studies also should be coordinated with the urban service and urban reserve lines in the Land Use Element.

Resource capacity studies are to be forwarded to the Local Agency Formation Commission (LAFCO) for its use when considering requests for expansion of spheres of influence and spheres of service, or when considering proposed annexations to any incorporated cities. Because LAFCO definitions of "sphere of service" and "sphere of influence" correspond to the LUE definitions of urban service line and urban reserve line, respectively, such coordination is necessary to support orderly urban expansion.

Coordination between service agencies and the LUE is actually mandated by the Government Code (Section 65401) requirement that agencies involved in evaluating, planning or constructing major public works annually provide the ~~county~~ County with a list of their proposed projects. The ~~county~~ County must then prepare "...a coordinated program of proposed public works for the ensuing fiscal year." The coordinated program is then submitted to the ~~county~~ County Planning Commission for review and a report "...as to conformity with the adopted general plan or part thereof." Participation of relevant service agencies and companies in the ~~RM~~ Resource Management System is encouraged to coordinate solutions to resource problems, particularly through the capital improvement program process, also described in Chapter 8.

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

F. RESOURCE MANAGEMENT ISSUES, CRITERIA FOR LEVELS OF SEVERITY, AND RECOMMENDED ACTIONS

Resource Management Techniques

The central methods used by the ~~Land Use Element and Land Use Ordinance~~ in the management of new growth are a) the allocated distribution of land uses categories in the Land Use Element, through zoning techniques, and b) development standards in the Land Use Ordinance which are intended to ensure compatibility between different types of land use, and c) establishment of growth limitations in the Growth Management Ordinance, Title 26 of the County Code. However, it is important to recognize that the County often does not have authority over the resource or service in question. In these instances, collaboration with other agencies is essential to conserving or expanding the resource. Issues of water supply, wastewater and water systems will almost always include cooperative approaches between the County (with authority over land use and building) and the service provider (with authority over provision of water or wastewater service).—

The capital improvement program also plays an important role in growth management because it determines the timing of new or expanded public facilities (such as roads, water supply and sewage disposal systems) which enable new development at the densities planned by the Land Use Element. There are also a variety of other growth management techniques which may be appropriately used by local governments where resource limitations affect the normal operation of the private land development process.

The Land Use Element is not intended to predetermine which techniques would be appropriate in a specific situation, since individual problem circumstances can vary widely. The choice of any implementing actions ~~are chosen~~ is made by the Planning Commission and Board of Supervisors based on a particular resource problem. Implementation of restrictions will occur after a public hearing and adoption of an ordinance to enact specific measures in a defined area. Techniques for correcting local problems are evaluated in the area plan resource inventories, advisory memos and resource capacity studies prepared at Levels I, II and III. ~~The Land Use Element and Land Use Ordinance is the management structure implementing policy decisions as a part of the RMS advisory process.~~

Some representative examples of methods that could be used to conserve resources and effectively intervene in different situations are summarized in the following list:

1. _____ Density limitations to limit the number of people that could potentially reside in an area.
2. _____ Building intensity or use limitations that would limit the potential scale and intensity of nonresidential development.
3. _____ Target ceiling for the maximum population that could reside within resource capacities, with a limit on the corresponding number of building permits.
4. _____ Controls on the rate of new development and subdivisions to provide more lead time for resource management decisions and for funding to be programmed where it is feasible, by limiting the annual number of permits, or to sustain growth longer under a population ceiling.
5. _____ Phasing policies on the extension of services such as sewage disposal, and on recommended annexations.
6. _____ Locating public improvements to influence the location and direction of growth where resources are

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

identified to be more adequate.

77. Scheduling public capital expenditures to influence growth into more desirable areas with resource availability.
88. Acquisition or transfer of development rights to relocate previously allowable development into other areas with more adequate resources.
9. Development impact fees to provide funding for necessary public facilities that will minimize the impacts of growth.
910. Revising the metric or timeframe being measured (e.g. Avila Beach Drive traffic count).

If a growth management limitation is considered as an amendment of the county's general plan or its enacting ordinances (Land Use Ordinance, ~~and~~ Subdivision Ordinance), the Government Code requires specific findings concerning the efforts the county is making to implement its Housing Element and the public health, safety and welfare considerations that justify reducing the housing opportunities of the region (Government Code Section 65302.8). The State's zoning and subdivision laws include provisions that cities and counties implementing these State laws through enacting ordinances and other actions must consider their effects upon the housing needs of the region (Government Code Sections 65863.6, 65913.2, and 66412.2). The laws further require cities and counties to balance the housing needs of the region against the needs of their residents for public services and the available fiscal and environmental resources (Government Code Sections 65863.6 and 66412.2).

General Recommended Actions for Levels of Severity

When the Board of Supervisors finds that a level of severity exists, it considers and institutes the following or other actions as needed. These general actions are in addition to the more specific recommended actions for each resource as listed in the following section.

Level I Recommended Action Requirements

If sufficient progress is not made toward alleviating the level of severity, the Board of Supervisors may adopt an appropriate action such as the following (Amended 1990, Ord. 2443):

1. Funding of projects necessary to address the resource problem.
2. In the case of special districts, recommend to LAFCo that annexations that increase demand for the affected resource address the resource problem prior to approval (Amended 1990, Ord. 2443). *(Existing language, moved from Section E)*
3. The Board ~~will~~ may impose conservation measures within the service area (Amended 1990, Ord. 2443). *(Existing language, moved from Section E)*

Level II Recommended Action Requirements

In addition to the preceding action requirements for Level I, the Board may adopt land use policies that respond to a delay in funding for a necessary project such as the following (Amended 1990, Ord. 2443): *(Existing language, moved from Section E)*

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

1. Manage the rate of resource depletion within the affected community or area to extend the availability of the resource until such time as the project will provide additional resource capacity (Amended 1990, Ord. 2443).
2. Initiate appropriate financing mechanisms to recover the project cost including, but not limited to, capital improvement bonds, assessment districts, developer fees, etc. (Amended 1990, Ord. 2443).
3. Use RMS information to evaluate the appropriate scale and timing of discretionary projects within the remaining resource capacity to determine whether they should be approved (Amended 1990, Ord. 2443).
4. Enact restrictions on further land development in the area that is affected by the resource problem (Amended 1990, Ord. 2443).
5. Enact adjustments to land use categories so that they will accommodate no more than the population which can be served by the remaining available resource, or redirect growth to communities or areas that have available resource capacity (Amended 1990, Ord. 2443). (Existing language, Items 1-5 moved from Section E)
6. Give a higher priority to serving existing and strategically planned communities with adequate resources, streets and infrastructure, over outlying rural areas.

Level III Recommended Action Requirements

In addition to the preceding actions requirements for Levels I and II, the Board may institute measures such as the following:

1. Institute appropriate measures (including capital programs) to correct the critical resource deficiency, or at least restore Level II so that severe restrictions will be unnecessary. In many cases, other agencies or districts will control decisions about necessary measures. The Board of Supervisors shall only seek cooperative assistance for a certain time period, beyond which measures may be considered to enact County ordinances or standards affecting resource usage such as development restrictions.
2. Adopt growth management or other urgency measures to initiate whatever restrictions are necessary to minimize or halt further resource depletion. Any such restrictions shall be reduced or removed only after a public hearing where the Board of Supervisors determines that Level III no longer exists and any dangers to public health or safety have been eliminated.
3. Enact a moratorium on land development or other appropriate measures in the area that is affected by the resource problem until such time that the project provides additional resource capacity to support such development (Amended 1990, Ord. 2443; 1995, Ord. 2740).

~~E. RESOURCE ISSUES AND CRITERIA FOR LEVELS OF SEVERITY~~

Issues, LOS Criteria and Recommended Actions by Resource

As resources are studied to identify their capacities and rates of use, several countywide resource policy issues become apparent. Their importance demands careful scrutiny and evaluation of alternatives. While the ~~RMS~~ Resource Management System has been designed to support improvement of local situations, long-term solutions may not be possible unless broader issues are also resolved.

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

Those issues are presented here only to indicate some of the major resource questions that will be facing the county in the near future. More specific resource capacity information is included in the area plans. This chapter, including the following descriptions of those issues, shall not be considered in evaluating individual development proposals or questions of land division consistency.

Each type of resource has unique characteristics that require a different approach to establishing levels of severity for it. This section describes the regional policy issues for resources. In addition, –for each resource, this section describes and the criteria to be used to identify when each level of severity is reached, together with recommended actions. –Table F provides a brief summary of the criteria. Each resource topic also includes recommended subjects for resource capacity studies that will be prepared through the RMS advisory process.

WATER SUPPLY

Policy Issues

Water resources have long been a widespread concern in the county. Like many areas of California, rainfall is sparse through most of the year and average rainfall varies widely depending on location and elevation. Our water supply is dependent on this varying amount of rainfall each year. The county's water supply can be divided into three broad sources:

1. Local groundwater basins (e.g. Los Osos, Santa Maria, Paso Robles);
2. Local surface water storage and associated distribution facilities (Lopez Lake; Whale Rock reservoir, Santa Margarita Lake, Lake Nacimiento); and
3. State Water Project.

The most basic policy issues in the County General Plan regarding county water resources are:

1. Efficient use of our existing water supplies;
2. Identifying new water resources that can be developed;
3. Maintaining groundwater for agricultural purposes per AGP11 in the Agriculture Element; and
4. Improving how water is distributed.



The Conservation and Open Space Element of the County General Plan (COSE) guides what new water resources should be developed. It prioritizes A “loading order” of sorts emphasizes water efficiencies over development of new water supplies.

The policies in the COSE state:

- a. Development of new water supplies should focus on efficient use of our existing resources.
- b. Use of reclaimed water, interagency cooperative projects, desalination of contaminated groundwater supplies, and groundwater recharge projects should be considered prior to using imported sources of water or seawater desalination, or dams and on-stream reservoirs.
- c. Water from surface water projects (e.g. Lopez Lake, Santa Margarita Lake, Lake Nacimiento) will only be used to serve development within urban and village reserve lines and will not be used to serve development in rural areas.

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

In order to achieve strategic growth, adequate services such as water and wastewater need to be available in the urban areas where development is encouraged.

In support of the basic policy issues above and in order for continued development in the unincorporated area to be consistent with these policies, Chapter 1 of the Framework for Planning describes strategic growth and its eleven planning principles.

Strategic growth is a compact, efficient and environmentally sensitive pattern of development that provides people with additional travel, housing and employment choices. It focuses future growth away from rural areas and limited resources, closer to existing and planned job centers and public facilities where sustainable resources are available.

The General Plan acknowledges that groundwater is vital to the continued success of the agricultural sector. A policy in the Agriculture Element of the General Plan states:

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.

The policies mentioned above work cooperatively to:

1. Maintain groundwater for agriculture.
2. Ensure water service is available to the urbanized areas of the county; and
3. Support efficient use of water resources.

The question of agricultural and urban water use is likely to become more important over time because urban and agricultural users most often draw from a single groundwater source, and agriculture generally requires significantly more water than urban use. The Conservation and Open Space Element includes a policy that groundwater management strategies give priority to agricultural operations. However, where a change in the distribution of water does not adequately provide for agricultural production, it may be appropriate to consider a change of the land use category to allow non-agricultural uses.

Water supplies in the county often are not geographically located in areas of water demand, and water delivery systems are not completely interconnected. Excess water in one part of the county often cannot reach geographic areas where it is needed, without water transfers or system upgrades.

Besides water conservation, management of the location, density and rate of development can minimize the increased use of groundwater and provide lead time for developing supplemental sources. However, land use controls alone are often ineffective water management tools because they only impact new development.

The county's three primary groundwater basins that provide water to urban, rural and agricultural users are all designated Level of Severity III: Los Osos, Santa Maria (only the portion known as the Nipomo Mesa Water Conservation Area), and Paso Robles). The resource capacity studies prepared for these basins identified ~~show~~ multiple users of each basin: ~~such as~~ urban, rural and agricultural. Because the County's ~~lacks the regulatory~~ authority to directly regulate the use of water is limited, other tools must be identified and used to address water supply issues. The response to the LOS designation has been similar in each basin: 1) institute land use measures that allow continued urban development without increasing water demand; 2) develop an overall management

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

plan to address water problem over the long term; and 3) implement water conservation programs.

While it is important to carefully analyze the water problems and potential solutions through the preparation of a resource capacity study, this process can take a long time to complete. In the meantime, water supply and demand can become more unbalanced, leading to groundwater basin overdraft or growing system reliability issues. The resource capacity study process can address this problem by looking at a series of standard solutions that are used in other areas of the county.

~~Water resources have long been a widespread concern in the county. Major concerns associated with water resources include issues of distribution as well as issues of new supply development. The problem in this county is that potable, plentiful water sources often are not conveniently located for ready distribution to existing urban areas. If the county is to grow beyond the present level, supplemental water resources (including new facilities for distribution of existing remote sources) will be needed.~~

~~The most basic policy issue regarding county water resources is how existing supplies should be developed and distributed. The distribution issue regards whether the apparent overdrafting of groundwater in some basins should continue, or whether consumption should be limited to levels within each basin's dependable supply.~~

~~Goals are stated in Chapter 1 that support balancing the Land Use Element's capacity for growth with the long-term availability of resources. Some groundwater basins are large enough to provide a supply for many years, yet early corrective actions will avoid the effects of a reduced supply that will otherwise become apparent.~~

~~Overdrafting (or mining) of a groundwater basin can be corrected once it starts through management of water use, but it is complicated and difficult to do so. Besides water conservation, management of the location, density and rate of development can minimize the increased use of the basin and provide lead time for developing supplemental sources. Imported water supplies can be provided to replace overdrafting that would otherwise occur, instead of adding more water to use with increased overdrafting. Besides the cumulative extent of overdrafting caused by the policies of the Land Use Element, the timing and role of supplemental water supplies will affect how serious a problem overdrafting of groundwater could become. The major water distribution questions are:~~

~~Whether limited supplies should be consciously divided between urban use and agricultural use; and
Whether water should be transported from one basin to serve another.~~

~~The question of agricultural and urban water use is likely to become more important over time because urban and agricultural users most often draw from a single groundwater source, and agriculture generally requires significantly more water than urban use. Where formal groundwater management may need to be considered in some areas of the county, agriculture's essential use of this natural resource should have priority. Where a change in the distribution of water does not adequately provide for agricultural production, it may be appropriate to consider a change of the land use category to allow non-agricultural uses.~~

~~The Public Works Department has estimated that capacities and locations of presently developed water supplies serve a population of approximately 150,000. However, the county population was estimated to be 198,220 in 1987. The dependable supply is about 138,000 acre-feet per year, and demand exceeds this supply by 70,000 acre-feet per year. This demand is currently being met by overdrafting some of the groundwater basins. Although this may be an acceptable short-term solution, continued overdrafting of the groundwater basins can lead to serious consequences in the future.~~

~~In March, 1986, the county completed an update of the Master Water Plan. This plan examines alternative supplemental water sources including:~~

~~The state water project~~

~~Utilization of water from Lake Nacimiento~~

~~Construction of dams on local creeks~~

~~Desalinization/demineralization~~

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

~~Reclamation of wastewater–
Water conservation–~~

~~The Master Water Plan identifies the state water project as the least costly alternative. Its maximum entitlement is 25,000 acre-foot per year, and some portion would recharge ground water basins as wastewater. Even with the development of the state water project, overdrafting of the basins will continue to occur given the current deficit in the water supply. The Master Water Plan proposes a series of other supplemental water supply projects to reduce this deficit. However, commitments are needed from water providers that they would stop or reduce groundwater withdrawals once they obtain supplemental supplies in order to make a meaningful reduction in overdrafting. Otherwise, supplemental water supplies would not replace groundwater extraction, but would serve more development and not significantly improve the existing deficit situation.–~~

Water Supply Level of Severity Criteria and Recommended Actions–

Table F
Water Supply: Level of Severity Criteria and Recommended Actions
(All Info moved from text to table form)

<u>Level of Severity</u>	<u>Criteria</u>	<u>Recommended Actions</u>
<u>I</u>	<u>Water demand projected over 15 years equals or exceeds the estimated dependable supply. Level I provides five</u> two <u>– years for preparation of resource capacity studies and evaluation of alternative courses of action</u>	<u>Institute a vigorous and verifiable water conservation program.</u>
<u>II</u>	<u>Water demand projected over 10 years (or other lead time determined by a resource capacity study) equals or exceeds the estimated dependable supply.</u>	<ol style="list-style-type: none"> <u>1. Require replacement with low flow fixtures on sale or remodel of properties.</u> <u>2. Institute a vigorous and verifiable water conservation program.</u> <u>3. Develop a written plan for actions to be implemented to address the situation.</u>
<u>III</u>	<u>Water demand projected over 7 years (or other lead time determined by a resource capacity study) equals or exceeds the estimated dependable supply OR</u> <u>The time required to correct the problem is longer than the time available before the dependable supply is reached.</u>	<ol style="list-style-type: none"> <u>1. Either cease issuing building permits in the affected area or establish a program of water offsets that requires a measurable and sustainable minimum of 2:1 water reduction in the affected area as a condition of issuing a permit.</u> <u>2. Require replacement with low-flow fixtures upon sale or remodel of properties.</u> <u>3. Institute a vigorous and verifiable water conservation program.</u> <u>4. Begin implementation of an action plan</u>

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

Water Resources

~~A Level of Severity III exists when water demand equals the available resource; the amount of consumption has reached the dependable supply of the resource. A Level III may also exist if the time required to correct the problem is longer than the time available before the dependable supply is reached.~~

~~Level II for a water resource occurs when water demand projected over seven years (or other lead time determined by a resource capacity study) equals or exceeds the estimated dependable supply. Seven years is the estimated minimum time required to develop a major supplementary water resource to the point of delivery to users.~~

~~Level I is reached for a water resource when increasing water demand projected over nine years equals or exceeds the estimated dependable supply. Level I provides two years for preparation of resource capacity studies and evaluation of alternative courses of action.~~

Water Supply Resource Capacity Study:

~~A resource~~ Resource capacity Capacity study Study should: 1) ~~Inventory~~ inventory existing water resources available to the agency operating the system and/or within the groundwater basin boundaries; 2) document existing demand for water by all area user-groups; and 3) explore any conservation measures that could reasonably be imposed by the water agency or applicable regulatory authority.

Water supply studies have been conducted since 2008 for the: Los Osos, Santa Maria (Nipomo Mesa Management Area) and Paso Robles groundwater basins. Los Osos is in the process of court-ordered adjudication, and the Nipomo Mesa Management Area has been adjudicated. The adjudications have resulted in cooperative groundwater management plans and discussion of importing supplemental water. The County's ~~lacks~~ authority to regulate extractions from groundwater basins is limited, so it instead uses its land use and building permit authorities to address new development's demand for water.

Water Systems: Level of Severity Criteria and Recommended Actions

Table G
Water Systems: Level of Severity Criteria and Recommended Actions
(All Info moved from text to table form)

<u>Level of Severity</u>	<u>Criteria</u>	<u>Recommended Actions</u>
<u>I</u>	<u>The water system is projected to be operating at the design capacity within seven years. Two years would then be available for preparation of a resource capacity study and evaluation of alternative courses of action.</u>	<u>Institute a vigorous and verifiable water conservation program.</u>
<u>II</u>	<u>A five-year or less lead time (or other lead time determined by a resource capacity study) needed to design, fund and construct system improvements necessary to avoid a Level III problem.</u>	<ol style="list-style-type: none"> <u>1. Require replacement with low flow fixtures on sale or remodel of properties.</u> <u>2. Institute a vigorous and verifiable water conservation program.</u> <u>3. Develop a written plan for actions to be implemented to address the situation.</u>
<u>III</u>	<u>Water demand equals available capacity: a water distribution</u>	<ol style="list-style-type: none"> <u>1. Either cease issuing building</u>

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

	<p><u>system is functioning at design capacity or will be functioning at capacity before improvements can be made. The capacity of a water system is the design capacity of its component parts: storage, pipelines, pumping stations and treatment plants.</u></p>	<p><u>permits in the affected area or establish a program of water offsets that requires a measurable and sustainable minimum of 2:1 water reduction in the affected area as a condition of issuing a permit.</u></p> <ol style="list-style-type: none"> <u>2. Require replacement with low-flow fixtures upon sale or remodel of properties.</u> <u>3. Institute a vigorous and verifiable water conservation program.</u> <u>4. Begin implementation of an action plan.</u>
--	---	--

Level III exists for a water supply system when water demand equals available capacity; in this case when a water distribution system is functioning at design capacity, or will be functioning at capacity before improvements can be made. The capacity of a water system is the design capacity of its component parts: storage, pipelines, pumping stations and treatment plants.

Level II for a water system occurs at the beginning of the five year lead time (or other lead time determined by a resource capacity study) needed to design, fund and construct system improvements necessary to avoid a Level III problem.

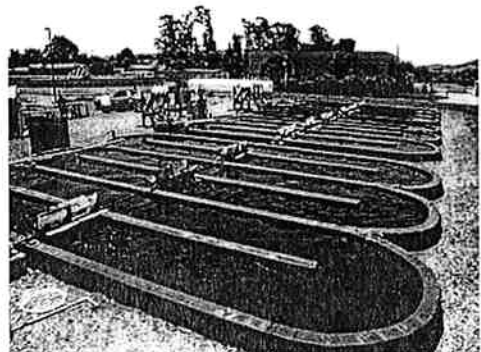
Level I occurs when the system is projected to be operating at design capacity within seven years of the projection. Two years would then be available for preparation of resource capacity studies and evaluation of alternatives.

WASTEWATERSEWAGE DISPOSAL

Policy Issues

As our communities are expected to handle a majority of the unincorporated area's population growth, installation and maintenance of wastewater facilities (including collection and disposal) is a vital link in the county's infrastructure.

Wastewater treatment and disposal can affect such resources and services as water quality, community development and groundwater recharge. The county's urban areas rely chiefly on wastewater treatment plants that in many cases recharge groundwater basins with treated effluent. The rural areas of the county (and a very limited number of urban and village areas) rely on septic tank and leach field disposal methods. Similar to wastewater treatment plants, leach fields can also recharge groundwater basins. These benefits of wastewater service need to be maintained when new or expanded wastewater treatment facilities are planned.



Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

Expanded wastewater service can have two divergent effects on water supply. Wastewater treatment, collection and disposal facilities can affect both quality and quantity of groundwater. Wastewater effluent can be used in lieu of potable water sources for outdoor landscaping, agricultural irrigation, and groundwater recharge. If wastewater treatment is not appropriate for the site or density of development, it can have negative groundwater quality effects (e.g. nitrates).

~~Issues relating to sewage disposal usually affect a specific community, though there may be countywide implications. Methods of sewage disposal can be closely related to groundwater basin conditions. Installation of public sewers could adversely impact a groundwater basin if the system eliminated recharge to the basin previously provided through the use of septic tanks. Conversely, a decision not to install sewers in a specific area could cause degradation of groundwater from septic tank effluent to a point that public health protection would require supplemental water. Related issues associated with wastewater disposal include:~~

~~Ocean outfall versus land disposal-~~

~~Compatibility of land disposal with neighboring land uses-~~

~~Groundwater basin recharge-~~

~~Minimum lot size requirement-~~

~~Lot merger procedures-~~

~~Subsurface soil conditions-~~

A second group of concerns relating to ~~sewage disposal~~ wastewater treatment and disposal involves urban infill development and expansion. A new or expanded wastewater system can induce growth ~~in~~ ~~development~~ into areas not planned for higher densities. On the other hand, a lack of wastewater facilities can prevent strategically planned infill development or expansion of communities. It is important to consider that growth potential can be created if sewers are ~~installed~~ ~~constructed~~ where none formerly existed. Decisions to ~~install~~ ~~construct~~ major sewer truck lines or treatment facilities can have substantial impacts on lands traversed by new lines or in proximity to a treatment plant. The growth-inducing effects of such facility improvements must be considered in ongoing planning efforts to enable conscious land use policy decisions about the potential long-range effects of facility improvements. The extension of sewers into heretofore unsewered areas should occur ~~and~~ in a manner consistent with the Strategic Growth Principles of the Framework for Planning

~~Since the~~The county County does not ~~always~~ have authority over ~~sewer installation~~ wastewater treatment and disposal facilities (except in isolated cases). ~~Therefore,~~ ~~it~~ is important for the ~~county~~ County to closely review ~~sewer~~ wastewater project proposals by other agencies. Review and coordination enables the ~~county~~ County to anticipate and accommodate or mitigate the effects of such projects. Such review is possible through a cooperative approach with the Regional Water Quality Control Board (RWQCB), the annual capital improvement program review (discussed in Chapter 8, "Implementation & Administration"), as well as the environmental review

The RWQCB issues permits for wastewater treatment and disposal facilities. These permits are referred to as "Waste Discharge Requirements (WDRs). These permits have standard requirements that state: "...required technical report shall be prepared with public participation and reviewed, approved and jointly submitted by all planning and building departments having jurisdiction in the area served by the waste collection, treatment, or disposal facilities".

The required technical report includes:

- a) the best estimate of when the monthly average daily dry weather ~~a~~ flow rate will equal or exceed design capacity; and,
- b) a schedule for studies, design, and other steps needed to provide additional capacity for waste treatment

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

and/or disposal facilities before the waste flow rate equals the present design capacity.

~~Sewage Disposal~~Wastewater: –Level of Severity Criteria and Recommended Actions–

Table H
Wastewater: Level of Severity Criteria and Recommended Actions
(All Info moved from text to table form)

<u>Level of Severity</u>	<u>Treatment Plant Criteria</u>	<u>Recommended Actions</u>
<u>I</u>	The service provider or RWQCB determines that monthly average daily flow will or may reach design capacity of waste treatment and/or disposal facilities within 4 years. This mirrors the time frame used by the RWQCB to track necessary plant upgrades.	Discuss progress on necessary plant expansions with the service provider and/or the RWQCB. The purpose of the discussions is to ensure continued availability of wastewater service for development projects that are consistent with County General Plan policies, including strategic growth and affordable housing projects.
<u>II</u>	RWQCB determines that the monthly average daily flow will or may reach design capacity of waste treatment and/or disposal facilities within 2 years.	Discuss progress on necessary plant expansions with the service provider and/or the RWQCB. The purpose of the discussions is to ensure continued availability of wastewater service for development projects that are consistent with County General Plan policies, including strategic growth and affordable housing projects.
<u>III</u>	Peak daily flow equals or exceeds the capacity of a sewage system for treatment and/or disposal facilities.	Support RWQCB actions that seek to expand plant capacities and reduce levels of severity. Use appropriate growth management techniques to ensure continued availability of services for projects consistent with the County General Plan (e.g. strategic growth and affordable housing projects).
<u>Sewage Collection System Criteria</u>		
<u>I</u>	2-year projected flows equal 75% of the system capacity. A 2-year period is recommended for the preparation of resource capacity study.	Discuss progress on necessary system upgrades with the service provider.
<u>II</u>	<ul style="list-style-type: none"> • System is operating at 75% capacity OR • The five-year projected peak flow (or other flow/time period) equals system capacity OR • The inventory of developable land in a community would, if developed, generate enough sewage to exceed system capacity. 	Discuss progress on necessary system upgrades with the service provider.
<u>III</u>	Peak flows fill any component of a collection system to 100% capacity.	Discuss progress on necessary system upgrades with the service provider.

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

1. A sewage collection system includes facilities that collect and deliver sewage to a treatment plant for treatment and disposal (sewer pipelines, lift stations, etc.)

1.—
—

Treatment Plant

Level of Severity III occurs when peak daily flow equals or exceeds the capacity of a sewage system for both treatment and disposal facilities. Sewer systems must be designed to handle variations in effluent volume from average daily flows. To estimate the capacity of a facility, the average daily flow is increased by a "peaking factor" that allows for higher short-term flow rates. Based upon standard engineering practices, the peaking factor becomes smaller as average daily flow increases.

Level II exists when the five-year projected peak daily flow (or other time period identified by a resource capacity study) equals plant capacity. Five years is estimated as the minimum time needed to design, fund and construct additional capacity for treatment and disposal facilities.

Level I exists when the six-year projected peak daily flow equals plant capacity. Level I provides one year to prepare resource capacity studies and evaluate alternative courses of action.

Wastewater: Resource Capacity Study:

A Resource Capacity Study is prepared by the Department of Planning and Building with the assistance of the service provider and the RWQCB. The study RCS should:

Inventory Inventory annual flows into the sewage treatment plant;

- Identify any additional capacity consistent with anticipated growth projections that may be available for new connections without creating water quality problems;
- Determine potential effects of water consumption reductions on long-term plant capacity;
- Estimate timing of plant expansion.

Sewage Collection System

Level III is reached when peak flows fill any component of a collection system to 100% capacity. A sewage collection system includes facilities that collect and deliver sewage to a treatment plant for processing and disposal (sewer pipelines, lift station, etc.).

Level II exists when a system is operating at 75% capacity; when the five-year projected peak flow (or other flow/time period) equals system capacity; or when the inventory of developable land in a community would, if developed, generate enough sewage to exceed system capacity.

A Level I concern exists when two year projected flows equal 75% of the system capacity. Two years is the time needed to prepare a resource capacity study.

Septic Tank Systems

Level III exists when failures reach 25% of the area's septic systems, and the county Health Department and

RWQCB find that public health is endangered. At that point, if documentation required by state law suggests a moratorium on further use or expansion of individual disposal systems is required, the necessary five-year period is begun for evaluation of alternatives to septic systems, and for the design, funding and construction of public sewage facilities if that is the alternative selected. Other alternatives could be to initiate a community septic system maintenance program, or install a collection and disposal system to existing on-site treatment tanks.

Level II exists when failures reach 15% when monitoring indicates that conditions will reach or exceed acceptable

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

levels for public health within five years (the time needed to design, fund and construct a public sewer system); based upon current growth rates or programs should be developed to monitor and correct the problem. Level I for a septic tank area exists when failures occur in 5% of systems in an area, or other number sufficient for the Health Department to identify a potential public health problem.

Table I

Septic Tank Systems: Level of Severity Criteria and Recommended Actions

(All Info moved from text to table form)

<u>Level of Severity</u>	<u>Criteria</u>	<u>Recommended Actions</u>
<u>III</u>	Failures reach 25% of the area's septic systems and the County Health Department and RWQCB find that public health is endangered.	Design, fund and construct a public sewer system or a collection and disposal system to existing on-site treatment tanks. Initiate a septic system maintenance program.
<u>II</u>	Failures reach 15% and monitoring indicates that conditions will reach or exceed acceptable levels for public health within the time frame needed to design, fund and build a project that will correct the problem, based upon projected growth rates.	Evaluate alternatives to septic systems such as a public sewer system, a community septic system maintenance program, or a collection and disposal system to existing on-site treatment tanks.
<u>III</u>	Failures occur in 5% of systems in an area or other number sufficient for the Health Department to identify a potential public health problem.	Need some action here; maybe just Consult with County Health and RWQCB on actions and monitor??.

2. Includes septic tank systems or small aerobic systems with subsurface disposal. Typical disposal systems include leach fields, seepage pits, or evapotranspiration mounds.

Septic Tank Systems

: Resource Capacity Study:

The resource capacity study should include the following:

- Inventory the extent of existing septic tank leaching field failures and their impacts on surface and groundwater;
- Identify the -locations where additional septic tanks may be approved (if any) and standards for such approval;
- Evaluate the -and need for alternative methods of sewage disposal, including community or package sewer treatment systems.

In areas with septic systems, identifying specific severity levels becomes more difficult. The Regional Water Quality Control Board (RWQCB) has primary responsibility for protecting groundwater resources and surface water bodies from wastewater pollution. The control board's "Water Quality Control Plan" notes that septic systems are sometimes seen as an interim sewage disposal in urbanizing areas, but must often function for years before a community sewer system becomes available. The ~~county~~ County Health Department works closely

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

with the RWQCB in determining where potential septic problem areas may exist (i.e., increased septic system density, poor soils, high groundwater). The Health Department and RWQCB use the following criteria to identify septic system failures:

- Evidence of sewage, or waters of sewage origin on the ground surface;
- Plumbing fixtures that drain improperly because of a problem in individual subsurface disposal systems;
- Frequent pumping of subsurface sewage systems for reasons other than normally scheduled maintenance;
- Persistent odors traceable to any individual subsurface sewage system(s);
- Pollution of wells or underlying groundwaters;
- Restricted use of plumbing fixtures to prevent occurrence of criteria one through five above.

~~* Includes septic tank systems or small aerobic systems with subsurface disposal. Typical disposal systems include leach fields, seepage pits, or evapotranspiration mounds.~~

Because of the difficulty of identifying causes for system failures, an area pattern must become apparent before a threat to public health is assumed. The RWQCB has suggested that reasonable failure thresholds for defining the alert levels would occur in 10% increments, beginning at 5% of the systems in a given area.

In areas where soil percolation characteristics particularly favor the use of septic disposal fields, other problems can arise, including degradation of groundwater by nitrate buildup. That condition is of particular concern where septic systems are used over a groundwater basin serving as a community water supply. In rapidly developing areas where adequate data are unavailable, the RWQCB Basin Plan recommends that monitoring of surface and groundwaters be initiated to determine whether such problems are developing. Such a program would constitute a Level I resource capacity study.

ROADS/CIRCULATION, HIGHWAY INTERCHANGES

Policy Issues

Traffic congestion occurs in many communities of the County because levels of development exceed the capacity of existing transportation facilities. As growth continues, the County will need to accommodate increased traffic by funding road and freeway interchange improvements and by developing alternative programs to minimize impacts to these facilities.~~travelways~~travel ways.

~~The major resource policy question involving roads is whether new major roads should continue to be developed on a piecemeal basis or whether the county should assume the principal role in providing new roads. Previous policy has required developers to provide roads (or partial roads) with new projects. That approach can sometimes result in confusing, interrupted road systems with varying levels of improvement that cannot meet the needs of developing areas.~~

~~Alternatives to a piecemeal approach might include the following financing methods:~~

Roads and freeway interchange improvements are completed through various funding mechanisms, including

1. Requirements of land use permits and land divisions
2. Traffic impact fee programs



Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

- 3. State or Federal funds
- 44. County or property owner-initiated assessment districts
- 2 ~~Development fees~~
- 35. Countywide sales tax increase
- 46. Countywide motor vehicle fuel tax
- 5 ~~Redevelopment agency~~
- 6 ~~State or federal matching funds~~

The County General Plan Circulation Element includes several goals and objectives to address the timing and funding of circulation improvements issues, including:

- Planning transportation improvements consistent with the land use patterns allowed in the County Land Use Element;
- Integrate land use and transportation planning so that necessary transportation facilities and services can be provided to accommodate urban and rural development; and
- Encourage policies for new development to finance adequate additional circulation and access as a result of the increased traffic it will cause.

The San Luis Obispo Area Coordinating Council is assisting in the effort to coordinate planning between the county and Caltrans. Caltrans must compete statewide for funds. Thus many projects proposed in the county General Plan are low on Caltrans priority lists. It may be that more aggressive county participation in state planning efforts is desirable to enable working toward greater coordination of state projects with county policies and priorities.

Roads, Circulation, Highway Interchanges: Level of Severity Criteria and Recommended Actions

Table J
Roads, Circulation, Highway Interchanges: Level of Severity Criteria and Recommended Actions

<u>Level of Severity</u>	<u>Roads, Circulation Criteria</u>	<u>Recommended Actions</u>
<u>I</u>	<u>Traffic volume projections indicate that Level of Service "D" would be reached within five years.</u>	<ol style="list-style-type: none"> 1. <u>Establish traffic impact fees</u> 2. <u>Complete initial project descriptions for needed road and circulation improvements.</u> 3. <u>Initiate a study of costs and funding for needed road and circulation improvements and alternatives.</u>
<u>II</u>	<u>Traffic volume projections indicate that Level of Service "D" would be reached within two years.</u>	<u>Seek state and federal funding as applicable.</u>
<u>III</u>	<u>Traffic volume projections indicate that the road or facility is operating at Level of Service "D."</u>	<u>Secure funds to make needed road and circulation improvements.</u>
<u>Highway Interchange Criteria</u>		
<u>I</u>	<u>Traffic volume projections indicate that Level of Service "D"</u>	1. <u>Establish traffic impact fees as</u>

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

	would be reached within 10 years.	<u>applicable</u> 2. <u>Complete initial project descriptions for needed interchange improvements.</u> 3. <u>Initiate a study of costs and funding for needed road and circulation improvements and alternatives.</u>
<u>II</u>	<u>Traffic volume projections indicate that Level of Service "D" would be reached within five years.</u>	<u>Seek state and federal funding as applicable.</u>
<u>III</u>	<u>Traffic volume projections indicate that the interchange is operating at Level of Service "D."</u>	<u>Secure funds to make needed interchange improvements.</u>

~~Level of Severity III occurs when a road is operating at Level of Service (LOS) "D". Level II occurs when a road is projected to be operating at LOS D within two years. Level I exists when traffic volume projections indicate that Level of Service "D" would be reached within five years.~~

Roads, Circulation, Highway Interchanges: Resource Capacity Study:

~~The Public Works Department prepares a~~ When Level I occurs, the Public Works Department should resource capacity study that:

- ~~Evaluates~~ Evaluates roadway capacity against the ~~area plan's allowance for development and~~ County General Plan's development capacity and any proposed and recently approved major projects,
- ~~Identifies~~ Identifies alternative improvements and their costs at different allowable densities and uses, in cooperation with the Planning and Building Department; and
- ~~Recommends~~ Recommends feasible improvements and/or revisions to the ~~area~~ General Plan.

~~The Public Works Department is in the process of preparing a circulation study for each planning area. The studies will be updated regularly to reflect changes in circulation and thus may be used as resource capacity studies. If a circulation study has not yet been completed for an area, the Planning and Building Department may recommend to the Public Works Department that it be placed on higher priority.~~

Identifying the traffic capacity of roads requires use of several traffic engineering standards. Roads are evaluated for their "level of service" characteristics to assess the ability of a given road segment to satisfy projected travel demand. The Highway Capacity Manual establishes service levels A through ~~FE~~ based on such factors as safety, freedom to maneuver, travel time and driver comfort. Table ~~K-G~~ shows the level of service for various road types. When a road has reached "capacity," it is considered to be at a Level of Service E. That volume represents the maximum number of vehicles per hour that the road can safely accommodate.

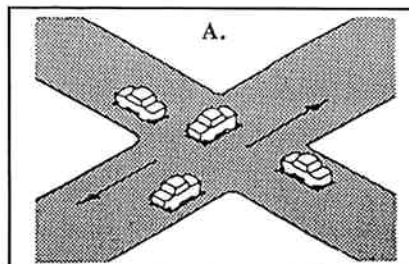
The Planning and Public Works Departments operate a monitoring and reporting system in order to anticipate potential problems. The levels of service are calculated for selected roads and freeway interchanges in the county on an quarterly, annual and biennial basis. This information is supplied to the Planning and Building Department in order to determine the level of severity. (Amended 2011, Ord. 3220)

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

Table K
Streets and Highways Levels of Service Concept

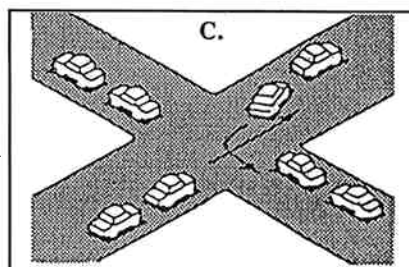
Level of Service A

- 1 Free flow conditions
- 2 Individual users are virtually unaffected by the presence of others in the traffic stream



Level of Service B

- 1 Stable traffic flow
- 2 Freedom to select desired speeds is relatively unaffected, but there is a slight decline in the freedom to maneuver

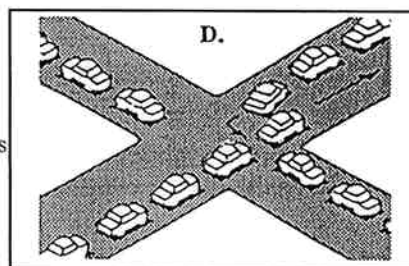


Level of Service C

- 1 Stable and acceptable flow but speed and maneuverability somewhat restricted due to higher volumes
- 2 Operation of individual users becomes significantly affected by the presence of others

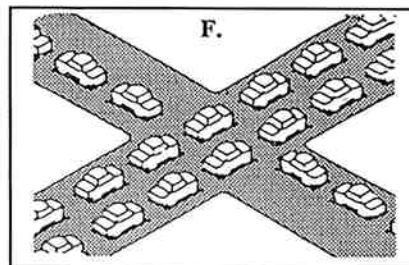
Level of Service D

- 1 High density but stable flow
- 2 Driver experiences a generally poor level of comfort and convenience
- 3 Small increases in traffic flow will cause operational problems
- 4 Maneuverability restricted



Level of Service E

- 1 Speeds reduced to low, but relatively uniform value
- 2 Freedom to maneuver is extremely difficult, frustration is high
- 3 Volume at or near capacity
- 4 Unstable flow



Level of Service F

- 1 Forced or breakdown flow conditions
- 2 Stoppage for long periods due to congestion
- 3 Volumes drop to zero in extreme cases

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

SCHOOLS

Policy Issues

Some school districts ~~have seen with~~ substantial growth in ~~recent past years and~~ have experienced overcrowding. County policies on future development in these school districts are important because new development which occurs faster than school facilities develop can aggravate existing overcrowding or create overcrowding where it had not been previously experienced. ~~Recent State~~ legislation provides money for new school construction; however, school districts are required to match that funding. In order to accomplish this, the legislation permits ~~the school districts to~~ collect fees from developers.



~~As of 2013, the districts may levy fees of no more than \$1.503.20 per square foot for residences and \$1.00.501-cents per square foot for commercial projects. The fees collected are matched with state funds. This legislation will enable the school districts to help fund construct~~ much needed permanent facilities.

Schools: Level of Severity Criteria

~~Level III: exists for schools when~~ enrollment equals or exceeds the maximum student/classroom ratio.

~~A Level II: problem exists when~~ enrollment projections indicate that school capacity will be reached within five years or other shorter time increment identified by a ~~resource capacity study~~ school district projection. It is estimated that five years are needed to plan, finance and construct new school facilities, though that lead time could be extended by using mobile classrooms.

~~A Level I: concern would exist when~~ enrollment projections reach school capacity in seven years. Seven years is the maximum period over which school districts can project enrollment with reasonable accuracy. ~~The two years between Levels I & II should be used to prepare a resource capacity study.~~

~~Resource Capacity Study: Inventory the number of classrooms available, estimate average daily attendance, project future school populations. In addition, identify facilities needed, possible locations, funding source.~~

The capacity of a school is the maximum number of students that can be accommodated without exceeding school district standards for the maximum number of students per classroom. Those standards are based upon educational quality and efficient use levels for facilities and personnel.

When determining school capacity, adopted school district standards should be accepted by the ~~county~~ County. Most school districts prepare their own population estimates for making enrollment projections. If available, district population projections should be used to determine threshold levels, instead of ~~conjunction with~~ population projections the Planning and Building Department has prepared.

AIR QUALITY

Policy Issues

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

The air quality of the county is not as tangible or easily understood as some of our other resources. Nonetheless, clean air is a valuable and essential natural resource which affects many aspects of our daily lives. It is vital to our health and welfare, to tourism and the local agricultural economy, and to the aesthetic beauty and quality of life; enjoyed by county residents. The capacity of the air to absorb environmental contaminants is limited, however, and must be managed wisely to avoid significant deterioration of the resource.



~~The County of San Luis Obispo has the authority under the police power to protect the health, safety, and welfare of citizens from such environmental hazards as air pollution. The general plan and development regulatory system could be amended where necessary to respond to air quality concerns that may be raised by the Resource Management System procedures. For example, general plan amendments may be necessary to restrict the location and types of uses as a result of air quality analyses reported through the RMS. (Moved to new section on Relationship to County General Plan)~~

~~The County and Air Pollution Control District (APCD) has the primary responsibility of protecting and managing air quality within the county. These primary components of that responsibility involves regulatory and planning efforts to assure that air quality within the county meets the requirements of state and national air quality standards and is consistent with the County Clean Air Plan (CAP). According to the California Air Resources Board (CARB), state standards for ozone and fine particulate matter (PM10) are currently exceeded in San Luis Obispo County. As a result, CARB has designated the county a nonattainment area for these pollutants.~~

State law delegates regulatory authority to the APCD over all non-vehicular sources of air pollution within the ~~district~~District. New and modified stationary sources must comply with the ~~district's~~District's new-source review rule. This generally requires stringent emission controls and a demonstration that project emissions will not cause a violation, or interfere with the attainment and maintenance, of any California or national ambient air quality standard. The primary pollutants regulated by these standards are ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide and particulate matter. With the exception of ozone, ambient concentrations of these pollutants are primarily influenced by nearby sources of emissions. High concentrations of sulfur dioxide, for example, can usually be traced back to a specific source, where regulatory measures or other actions can be implemented to correct an identified problem. Ozone, on the other hand, tends to be regional in nature and is therefore more difficult to control.

Ozone is the pollutant of greatest concern in the county ~~and is the primary focus of this plan~~. Ozone is not emitted directly to the air, but is formed by an atmospheric chemical reaction between reactive organic gases (ROG) and nitrogen oxides (NOx) in the presence of sunlight. These compounds are generally emitted through the combustion of fossil fuels. Motor vehicles represent the largest category of combustion sources and generate over 50% of the ROG and NOx emissions in the county. Land use decisions which result in increased vehicle use will contribute to regional ozone formation. Thus, a number of critical determinants of air quality are related

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

to such issues as population distribution, vehicle miles traveled and locations of available housing and jobs and employment growth. These patterns-determinants are largely the result of land use decisions made by cities and the County conditioned by decisions of city and county governments and by developers. Careful and informed planning is essential to the decision-making process needed to ensure that the air quality resource is adequately protected.

Air quality planning and management strategies are normally developed and executed through the Air Quality Attainment and Maintenance Plan for San Luis Obispo County (AQAMP). The existing AQAMP was prepared and adopted by the San Luis Obispo County Council of Governments in 1979. This plan, which is currently in the initial stages of a comprehensive update, is designed to track the existing and future air quality of the county and to provide a comprehensive strategy to protect this resource from significant deterioration. Integral to the AQAMP is the identification of a series of emission control measures, and a schedule for their implementation, which will help to mitigate the impacts of industrial and population growth. Thus, the AQAMP defines a detailed management process for air pollution control within the county. Air quality monitoring and other tracking methods will be used to evaluate the effectiveness of the AQAMP. Resource Management System thresholds will be triggered if an air quality problem develops which cannot be corrected through normal implementation of approved control strategies in the AQAMP.

Another important pollutant in our air is particulate matter that is comprised of various small particles, including acids, organic chemicals, metals and dust. Of primary concern are particles that are 10 micrometers in diameter or smaller (PM10) and particles that are 2.5 micrometers in diameter or smaller PM (2.5). Particles within those ranges can enter the lungs and cause health problems.

The current CAP was adopted by the APCD in 2001. The Plan contains the strategies that will be employed for the county to reach attainment of air quality goals. The CAP strategies include application of best available control technology and transportation measures to reduce the rate of growth of vehicles miles traveled. Other strategies are to prepare annual progress reports for submittal to ARB, with a comprehensive plan update every three years until attainment is reached. Generally, the CAP will be revised if progress toward the plan goals is not realized as forecasted.

In order to facilitate the monitoring and tracking process, each area plan contains an air resource inventory. The inventories have the following components:

- 1 An emissions inventory for every planning area, updated annually or biannually.
- 2 A description of pollutants most likely to limit growth.
- 3 A description of existing ambient air quality in planning areas.
- 4 Identification through the AQAMP of emission reduction measures, control strategies, or other potential alternatives for extending the life of the resource.

Air Quality: Relationship to the County General Plan

The County of San Luis Obispo has the authority under the police power to protect the health, safety, and welfare of citizens from such environmental hazards as air pollution. The County General Plan acknowledges the relationship between the APCD air quality goals and policies and the County General Plan policies. For example, the Conservation and Open Space Element of the County General Plan states that the County should amend the General Plan to avoid General Plan Amendments and land use designation changes that are not consistent with the APCD's approved plans (i.e., Toxic Risk Management Plan, PM Report, Clean Air Plan, and CEQA Handbook). *(Existing language moved from following section)* The general plan and development regulatory system could be amended where necessary to respond to air quality concerns that may be raised by the Resource Management System procedures. For example, In addition, general plan amendments should encourage land use

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

patterns that enable efficient development focused in urban areas that reduces vehicle miles traveled and air pollution.

Air Quality: Reporting ~~Level of Severity~~ – Criteria

~~The APCD continuously monitors and reports on air quality in the county and plays a primary role in enabling the county to attain air quality goals. The County General Plan acknowledges the relationship between the APCD air quality goals and policies and the County General Plan policies. For example, the Conservation and Open Space Element of the County General Plan OSE states that the County should amend the General Plan to avoid General Plan Amendments and land use designation changes that are not consistent with the APCD's approved plans (i.e., Toxic Risk Management Plan, PM Report, Clean Air Plan, and CEQA Handbook). (Moved this language to preceding section)~~

~~The APCD's triennial progress reports to the CARB are used in the RMS to evaluate progress toward air quality goals. The progress reports fulfill the purpose of reporting on levels of severity; therefore, no separate levels of severity are defined in the RMS for air quality. The RMS Biennial Report should ~~will~~ include the latest air quality updates from the APCD triennial reports.~~

~~The capacity of the air resource in a given area is the quantity of pollutant emissions that can be sustained without violating ambient air quality standards. Three different indicators can be used to track the status of the resource: ambient air monitoring data, emissions inventory information and the remaining emission control measures available to reduce emissions within the air quality planning area.~~

~~A Level III problem exists when one of the following findings is made:~~

~~Ambient air monitoring at any county monitoring station shows a violation(s) of the federal O₃ standard on one or more days/year for three consecutive years, or such violations are projected to occur; or~~

~~Emissions in the planning area equal or exceed a pollutant threshold limit determined by regional O₃ modeling; and~~

~~All ozone control measures approved through the AQAMP have already been implemented in the planning area.~~

~~Level III is the most critical level of concern and would require timely development and implementation of control strategies to protect the public health and welfare and bring the air quality resource into compliance with the applicable air quality standards. Permitting of new emission sources within the county may require the adoption of special regulatory restrictions beyond those previously implemented.~~

~~Level II for the air quality resource occurs when one of the following is measured:~~

~~Air monitoring shows one or more violations per year of the state O₃ standard and the county, or a portion of it, has been designated by the state as non-attainment for ozone; or~~

~~Emissions in the planning area reach 90% of the designated threshold; and are projected to reach 100% within the next three years; and~~

~~At least 75% of the available emission reductions in the planning area have been utilized through implementation of emission control measures approved through the AQAMP.~~

~~Level II would require the preparation of a resource capacity study in conjunction with a re-analysis and adjustment of the implementation schedule for the emission control strategies identified and approved in the AQAMP. Three years is the estimated minimum time required to prepare the study and begin implementation of the most effective control measures to mitigate the problem.~~

~~Level I for the air quality resource occurs when:~~

~~Air monitoring shows periodic but infrequent violations of the state O₃ standard, with no area of the county designated by the state as a non-attainment area; and~~

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

~~Emissions in the planning area approach 75% of the designated threshold level, and are projected to reach 100% within the next five years even with implementation of all AQAMP strategies; and
At least 50% of the available emission reductions in the planning area have been utilized through implementation of emission control measures approved through the AQAMP.~~

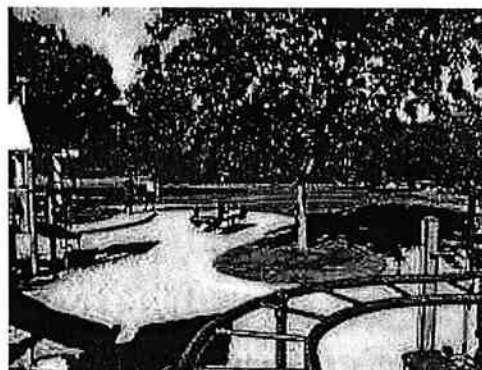
~~Level I would require modification and updating of the air quality attainment and maintenance plan to develop additional planning and emission control strategies designed to prevent increased violations of the state 03 standard. Five years is the estimated minimum time required to update the plan, begin the implementation of control strategies and monitor the results.~~

PARKS

Policy Issues

Parks are an important part of our communities. The County General Plan's Parks and Recreation Element (PRE), adopted in 2006, states that;

"Recreation and exercise are fundamental to a healthy life. The benefits include greater productivity, less disease, and a brighter future. As the population grows, competition for recreational resources increases. Wide open spaces, once the haven of the equestrian, hiker and poet, are more often fenced and the right of exclusivity enforced. As the development and formality of our area increases, so must the provision of recreation spaces that are available to all people."



With County acknowledgement of the importance of parks in our lives, the RMS is a good tool to assess our success in providing this important community need. ___

The PRE describes not only the difficulties of funding new parklands and park development, but also the challenge of funding their ongoing operations and maintenance. Policy 6.4 addresses the importance of ongoing funding of parks:

"Prior to accepting or developing a new park, County Parks shall determine the long-term maintenance and operating costs associated with the proposed project. The County shall not develop the park until adequate funds are available for maintenance."

The PRE includes several park classifications, which include mini-parks, linear parks, neighborhood and community parks, regional parks, and recreation settings. The criteria for levels of severity for parks consist of both nationally recognized park acreage standards and the ability to fund park maintenance activities. The criteria also recognize the need to provide proper distribution of the various park classifications throughout each community and the availability of recreational facilities within parks.

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

Table L
Parks: Level of Severity Criteria and Recommended Actions¹

<u>Level of Severity</u>	<u>Parks Criteria</u>	<u>Recommended Actions</u>
<u>I</u>	<p>An unincorporated community has between 2.0 and 3.0 acres of parkland per 1,000 population, OR</p> <p>Parkland or recreation facilities are somewhat inconsistent with the Parks and Recreation Element. This may include the following considerations: i) substantial concentration of parkland in too few areas of a community, leaving other areas with insufficient parkland, ii) insufficient parkland within a particular park classification, or iii) an insufficient amount of park recreation facilities (i.e. sports fields, courts) for a community, OR</p> <p>Deferred maintenance on a park has accrued to greater than 2 years of maintenance activities.</p>	<ol style="list-style-type: none"> 1. Collaborate with County Parks (General Services Agency) to review the Parks and Recreation Project List in the Parks and Recreation Element and make recommendations to the Board of Supervisors regarding which park projects to implement. 2. Collaborate with other potential parks operators such as CSD's and school districts to provide park and recreation opportunities.
<u>II</u>	<p>An unincorporated community has 1.0 to 2.0 acres of parkland per 1,000 population, OR</p> <p>Parkland or recreation facilities are substantially inconsistent with the Parks and Recreation Element. This may include the considerations described in the criteria for Level of Severity I, OR</p> <p>Deferred maintenance on a park has accrued to greater than 5 years of maintenance activities.</p>	<ol style="list-style-type: none"> 1. Recommend to the Board of Supervisors that maintenance should be increased at certain park facilities. 2. Collaborate with County Parks (General Services Agency) to review the Parks and Recreation Project List in the Parks and Recreation Element and make recommendations to the Board of Supervisors regarding which park projects to implement. 3. Collaborate with other potential parks operators such as CSD's and school districts to provide park and recreation opportunities.

Referral Draft – Chapter 3 of Framework for Planning (Inland) – Resource Management System

<u>III</u>	<p>An unincorporated community has 1.0 acre or less of parkland per 1,000 population, OR</p> <p>Parkland or recreation facilities are mostly inconsistent with the Parks and Recreation Element. This may include the the considerations described in the criteria for Level of Severity I, OR</p> <p>Deferred maintenance on a park has accrued to greater than 8 years of maintenance activities.</p>	<ol style="list-style-type: none"> 1. Recommend to the Board of Supervisors that maintenance should be increased at certain park facilities. 2. Collaborate with County Parks (General Services Agency) to review the Parks and Recreation Project List in the Parks and Recreation Element and make recommendations to the Board of Supervisors regarding which park projects to implement. 3. Collaborate with other potential parks operators such as CSD's and school districts to provide park and recreation opportunities.
------------	--	--

1. Levels of severity are recommended by County Parks (General Services Agency) using the criteria in this table.

Parks: Resource Capacity Study

A resource capacity study is prepared by County Parks (General Services Agency). It should:

1. Inventory existing parkland in the affected unincorporated community.
2. Document existing shortfalls in park acreage.
3. Describe the distribution and classification levels of parkland throughout the community.
4. Determine maintenance shortfalls.