IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, February 25, 2014

PRESENT: Supervisors Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold, and Chairperson Bruce S. Gibson

ABSENT: None

RESOLUTION NO. 2014 - 56

RESOLUTION ADOPTING AN APPROVED COUNTY WATER CONSERVATION PROGRAM FOR NEW DEVELOPMENT IN ORDER TO GRANT OFFSET CLEARANCES UNDER ORDINANCE NO. 3246

The following resolution is now hereby offered and read:

WHEREAS, Ordinance No. 3246 became effective on August 27, 2013 and imposed new legal limitations and prohibitions on new development in rural portions of the Paso Robles Groundwater Basin of the County that were previously not required by County ordinance; and

WHEREAS, in adopting Ordinance 3246, the Board recognized that new development will increase the demand for groundwater and contribute to the further declines in groundwater levels; and

WHEREAS, Ordinance 3246 contains a requirement for new development to offset its new groundwater demand and receive a ministerial Offset Clearance after the submission of evidence to the Planning Director (the Director) in support of the clearance; and

WHEREAS, Ordinance 3246 requires that an Offset Clearance be issued by the Department of Planning and Building once verifiable evidence is submitted to the Director that new water demand has been offset through an Approved County Water Conservation Program; and

WHEREAS, the County has implemented water conservation programs for residential and commercial development through retrofitting of plumbing fixtures in other areas based on scientifically supported assumptions about water demands, usages, factors, and savings associated with appliances used in these types of developments; and

WHEREAS, the County desires to adopt a similar water conservation program, based on this established experience and expertise, including but not limited to the California Buildings Standards Commission-adopted Cal Green water efficiency standards and the information developed by the Pacific Institute in support of residential water demand, for residential and commercial development that is subject to Ordinance 3246; and

WHEREAS, an irrigated agriculture water conservation program is being developed for the County by the Resource Conservation District and will be approved by the Board at a later date.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 25th day of February, 2014, that:

For purposes of implementing Ordinance 3246, the Approved County Water Conservation Program for new development shall operate through August 26, 2015 as follows:

1. The County will facilitate the retrofitting of houses in the area of the Paso Robles Groundwater Basin (Basin) subject to the Urgency Ordinance. Retrofitting will target houses and buildings constructed prior to January 1994 with 3.5 gallons per flush (gpf) toilets. Houses and buildings constructed prior to 1980 used 6.0 gpf toilets; however, due to the newer age of the housing stock and natural replacement rates, 6.0 gpf toilets are not expected to be found in substantial quantities.

2. An Offset Clearance request will ordinarily be part of a building permit application for new or expanded development in the area of the Basin subject to the Urgency Ordinance. The building permit application will be reviewed by the Department of Planning and Building, which will set the volume of water needed for offset purposes for both interior and exterior use and establish a "prior to final inspection" compliance condition with the Ordinance.

3. The County will contract with a private firm (Contractor) to operate the retrofit program. The Contractor will focus on the areas included in the marketing effort in the Basin and will perform retrofits using a licensed plumber, establish a virtual retrofit credit bank, and track retrofit credit deposits and withdrawals.

   Building permit applicants may choose to hire a licensed plumber directly to perform retrofits. Verifiable information regarding the retrofits performed shall be provided to the County's Contractor who will determine the number of "retrofit credits" assigned and therefore available as offset credits for this applicant's new or expanded development.

4. A licensed plumber will perform the retrofits with approved plumbing fixtures (see below). The reduction in water use due to the retrofits will take the form of "retrofit credits". Retrofit credits completed using the County's Contractor, will be placed in a "bank" for use as offset credits for new or expanded development.

5. Existing plumbing fixtures shall be replaced with the following:

    a. All toilets greater than 1.6 gpf shall be replaced with toilets that use no more than 1.28 gpf.
    b. Existing showerheads shall be replaced with showerheads that use no more than 1.5 gallons per minute (gpm).
    c. Existing aerators shall be replaced with aerators that use no more than 1.0 gpm.
    d. Fixtures with lower flow rates will result in additional prorated water savings.

6. Replaced toilets shall be rated a minimum of 600 by the California Urban Water Conservation Council (CUWCC) Maximum Performance Testing (Map) program.

7. Unless specific information is submitted as part of the building permit application process, the offset amount is standardized for all new or expanded residential uses. All new and expanded residential uses will be required to offset new water demand through purchase of credits from the bank in the amount equivalent to 280 gallons/day, unless specific and adequate evidence, as determined by the Director, is submitted during the building permit application process indicating that some other offset amount is more appropriate (e.g. use of fixtures with lower flow rates). Water demand and resultant offset requirements for new commercial uses shall be set by the Director on a case-by-case basis using actual water use data to the extent practicable. If no metered water demand data is available, the Director shall establish water demand using conservative assumptions so as to not underestimate the amount of water to be used by the proposed use.

8. A landscape plan for the entire property is required as part of the building permit application process for each new residential and commercial use. The landscape plan shall show the extent and type of landscaping on the site. The total offset amount in paragraph 7 above is based on a total landscape area of 1,000 square feet, with no more than 10% of that area to be planted with turf grass, and represents a maximum of 180 gallons per day of outdoor water use. If greater or lesser amounts of landscaping or outdoor water use is proposed, additional or fewer offsets will be required accordingly. Alternatively, a landscape and irrigation plan prepared by a licensed landscape architect may be used to calculate outdoor water use in lieu of the standard amount.

9. Building permit applicants using the County's Contractor must purchase offset credits from the bank, or demonstrate equivalent retrofits performed by the applicant's own licensed plumber as described in Section 3 above, prior to final inspection or issuance of a certificate of occupancy. The cost of offset credits shall be set so as to equal the cost of the retrofit credits.

10. Adoption of this resolution is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Class 1 (15301) because the project addresses interior alterations to plumbing fixtures only, and pursuant to Class 7 and Class 8 (15307, 15308) because the project is an action by the County as a regulatory agency for the protection of the natural resources of the Basin and the project is also an action by a regulatory agency for the protection of the environment by protecting the area's water resources.

Upon motion of Supervisor Arnold, seconded by Supervisor Mecham, and on the following roll call vote, to wit:

AYES: Supervisors Arnold, Mecham, Hill, Ray, and Chairperson Gibson

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted.

Bruce S. Gibson

Chairperson of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors,
County of San Luis Obispo,
State of California

By: Annette Ramirez
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Whitney McDonald
Deputy County Counsel

Dated: February 27, 2014

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **JULIE L. RODEWALD**, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 3rd day of March, 2014.

JULIE L. RODEWALD,
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: Annette Ramirez
Deputy Clerk