DSEIR Comments Received by May 15, 2015

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land – Helping to Build Great Communities

Date: May 29, 2015

To: Planning Commission

From: Xzandrea Fowler, Project Manager

Subject: Comments received on DSEIR as of May 15, 2015 – Countywide Water Conservation Program Item (LRP2013-00012)

The County of San Luis Obispo has received several written comments on the DSEIR for the Countywide Water Conservation Program. All written comments received prior to the close of the public comment period have been bundled into a single PDF document. In addition to the written comments received, staff has also compiled a summary of comments on the DSEIR that were received during the Planning Commission hearing that was held on Thursday, May 14, 2015.

The public comment and review period for the DSEIR was re-opened on Friday, May 22, 2015 and will close on Monday, July 6th. Any additional written comments received during that timeframe will be forwarded to you for consideration.

If you have any questions regarding this matter, please contact Xzandrea Fowler at (805) 781-1172.

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Staff Summary of Public Comments Received on the DSEIR

May 15, 2015

Executive Summary, Project Description

- Although the "exceptional drought" has exasperated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed.

1.0 Introduction

2.0 Project Description, 2.2 Background

- Although the "exceptional drought" has exasperated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed. Also see mention of past conditions for Environmental Setting chapter mentioned below.

2.3 Proposed Countywide Water Conservation Program

- WNND: The specific offset techniques (plumbing retrofits and turf removal) are not shown to save a specific quantity of water to achieve the goals of the water supply depletion and/or water supply replenishment. How many plumbing retrofits are eligible today? How much turf is available to remove today? If all these eligible properties are remediated, how much water is offset? Will this stop or reverse the water supply depletion? By how much? (pg: 2-3)

- WNND: All references to Nipomo Mesa Management Area should be changed to Nipomo Mesa Water Conservation Area pending County discussions.

- WNND: Retrofit requirements for existing plumbing fixtures in areas overlying the PRGWB, as per Reso 2014-56: These should be stricter and include more options for water savings, including hot water recirculation pumps. (Since this section refers to existing program requirements, I don't think this would have to be amended?) (pg:2-3, 2-6)

- WNND: Should WNND have a sunset clause like Ag does? This could potentially be added to Title 19 changes.

- What is the definition of Hobby agriculture? (pg: 2-8)

- Consider an exemption for Hobby agriculture, farm-to-table, or just smaller parcels (pg:2-8)

- Revise deed restriction language to only mandate deed restrictions on parcels associated with off-site offset clearances that are sending sites. Also clarify that deed restrictions would sunset along with the sunset of the proposed program (pg: 2-11)

- WWP: The proposed requirements are qualitative, and their measures of effectiveness in achieving the goals are not identified. The requirements are not shown to save a specific quantity of water to achieve the goals of water supply depletion and/or water supply replenishment. How much water is currently being wasted because these requirements are not followed? How much water will each requirement save? How much water is currently being used for irrigation referred to in this requirement? What is the basis for selection of 3 days per week limitation? Is there a limitation of the duration of irrigation in each of those 3 days? Will this stop or reverse that water supply depletion? By how much? (pg: 2-12)

- Need a definition of tail water systems (pg: 2-12)

- What source of water, other than potable water, could be used for fountains or other decorative water features? Possibly add that the water must be recirculated (pg: 2-12)

- Need specificity on times of day and duration of water for landscaping (pg: 2-12)

- Table 2-3 Crop numbers should be reflective of different soil types, areas, species. Allow for unique situations to be analyzed by the Ag department. (2-10)

<u>3.0 Environmental Setting, 3.2 Program Area Setting, 3.2.1 Paso Robles Groundwater Basin</u>

- Greater discussion of conditions for SLO County groundwater basins (especially PRGWB) before the drought. Discussion, data, and figures to be provided (pg: 3-2)

- References to Garden Farms and Santa Margarita should be removed from all descriptions of the PRGWB, since they are part of the Atascadero Sub-basin, or at minimum mention that they are in the Atascadero sub-basin, and not subject to WNND component of this program. (pg: 3-3)

- Different figure of projected outflows to exceed inflows on an average annual basis over the thirty year period. This should be 26,159 AFY as found in the PRGWB model update (the new study was recently released) (pg:3-3)

- These three groundwater basins were certified as LOS III long before the current drought. The discussion of drought should either be removed or moved to later in this section.
- The NMMA did not reach the Severe Water Shortage Condition criterion in 2014. (pg: 3-4)
- Table 3-1: Why use 2000 population data instead of 2010 census data? (Because County plans are old?). (pg: 3-5)

4.0 Environmental Impact Analysis, 4.1 Agricultural Resources, 4.2 Land Use, 4.3 Effects Found Not to be Significant

- Neither the WNND nor the WWP are shown to have an environmental impact on the water supply of the NMMA. If these program components are designed to have a favorable environmental impact, they should be rated as Class IV impacts. However, since no quantitative water savings are predicted by the project objectives or project descriptions, no significant positive or negative impacts can be asserted. This failure to describe and classify the environmental impacts is a defect in the DSEIR. (pg: 4-1)
- There shouldn't be a penalty for not farming agricultural land. (pg: 4.1-10)

Mitigation Measure AG-1

- This provision is not enforceable since a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation.

Mitigation Measure AG-3

- This statement seems unnecessary since a Williamson Act contract must be complied with whether the site is involved in the offset program or not.
- Last paragraph will need revisions expanded discussion around the Nipomo Mesa Water Conservation Area, its relation to the larger Santa Maria Groundwater Basin, and reference to Callender-Garret stricken. (pg: 4.2-5)
- Not enough clarification on why/how it was determined that Biological resources would not be impacted...also needs a revision so as not to reference Section 4.4 (pg: 4.2-9)

- Policy Consistency: Most if not all of the consistency discussion is speculative ("Potentially Consistent") with the word "may" used conditionally throughout. Since no numerical goals or predictions of project water savings are made, the speculations fail to add value to the impact analyses. No mention is made of the consistency of this program to Ordinance 3090 to Ordinance 3090 requires supplemental water for new developments. Ordinance 3090 requires supplemental water for any General Plan amendments that increases non-agricultural water demand, and a fee of $13,500 per dwelling for any land division that increases non-agricultural water demand. (pg: 4.2-14)

- How is it possible that all of the project objectives can be achieved, when allowing for new development and new or more irrigated crop production results in additional water use. (pg: 4.2-32)

5.0 Alternatives

- Additional Alternative: Proposed Countywide Water Conservation Program only takes effect when the Board of Supervisors declares emergency drought conditions and would end once the Board of Supervisors has declared an end to the emergency drought conditions.

List of Figures: Figure 2-2, 4.1-1,4.1-2,4.1-3,4.2-1a,and 4.3-1

- Figures that show the Paso Robles Groundwater Basin as delineated in DWR Bulletin 118, should exclude the Atascadero sub-basin. A footnote should be provided stating "Paso Robles Groundwater Basin as identified and defined in Bulletin 118 or as modified pursuant to Water Code Section 10722 et seq, excluding the Atascadero sub-basin as delineated by the Rinconada fault." Similar language is used in the draft ordinance regulating the exportation of groundwater. Or use the Fugro / Water Master Plan map

- Request from Planning Commission for copies of Public Works maps (levels of decline, etc.) to be included in the EIR.

List of Tables: Tables 2-2 – Crop Group and Commodities Used for the Agricultural Demand Analysis, and 2-3 – Crop-specific Applied Water (af/ac/yr) by Crop and Water Planning Area

- The source of Table 2-2 needs to re as follows: *Source: Table 3 of the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.* Additionally, this reference needs to change if we still have the report as an appendix instead of the program

- Table 2-3 table differs from Table 2 in the proposed amendments to Title 22, Chapter 22.30.204. The vineyard applied water value in Table 2 (1.25) is a more appropriate number than the value in Table 2-3. Table 2 in our draft ordinance corresponds to Table 9 in Appendix B. See above for reference regarding this table. Additionally, the "small grains" row needs to be deleted as grains in the County are all dry farmed.

TREDER LAND LAW
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May 15, 2015

Xzandrea Fowler
SLO County Planning & Building Dept.
976 Osos Street
San Luis Obispo, CA 93408

Re: Countywide Water Conservation Program DEIR Comments

Dear Ms. Fowler,

On behalf of the Paso Robles Water Integrity Network (PR-WIN), I am submitting the following comments on the Draft Supplemental EIR for the Countywide Water Conservation Program. Comments are organized by chapter, and each comment is preceded by a reference to a page and/or section number, where appropriate.

Introduction

Section 1.1: This section states that the current EIR is a Supplemental EIR that is tiered off of a 2010 EIR prepared for the Conservation and Open Space Element, but there is no explanation as to how the two project are related, why a tiered EIR is appropriate, what subjects were addressed in the previous EIR that will not be addressed in the current one, or even where the public can obtain copies of the previous EIR. Without this information, the SEIR is inadequate, and the appropriateness of relying on the previous EIR per CEQA Guidelines § 15163 cannot be ascertained.

Project Description

Section 2.2: The DEIR should include more detail on the "exceptional drought," since that is the basis for the proposed program, instead of just providing a conclusory statement and definition. Referencing footnote 1 at the bottom, data should be provided on the crop and pasture losses to date, the shortages of water in the local reservoirs, and the specific streams and wells that are failing, as that would help focus this environmental review. This information should be provided in the Environmental Setting of the EIR, in order to provide

the public with an accurate picture of the existing baseline. Inclusion of this data in the current EIR baseline would also help the public measure whether the program has been successful, in the event it is amended down the road in some manner that triggers additional CEQA review.

Agricultural Resources

PR-WIN believes that this Chapter did not adequately assess the potential impacts of the program on agricultural land conversion, nor the actual feasibility of MM AG-1. Whether or not certain levels of farmland are precluded from participating (which definitions are difficult to apply), the program still incentivizes the following of currently-productive land.

This is likely to result in impacts to biological resources that were not studied in this EIR—for instance, irrigated alfalfa serves as prime foraging habitat for kit fox. Many other species rely on production agriculture within their range. The impacts (or lack thereof) of the program on special-status species throughout the County should be disclosed.

The Chino Basin is a perfect example of how the creation of a market for water transfers can drive out agriculture. A representative of dairy farmers in the Chino Basin went on record at a water conference in Marina Del Rey in May 2014 as stating that, if people value agriculture, they should not introduce a water transfer market, as the urban uses will eventually purchase all of the agricultural credits, and will always have more purchasing power. It is suggested that the EIR look to the Chino Basin, which has had a market for in-basin transfers since the 1970's, and now has almost no production agriculture left, as an example of unintended environmental consequences, and for guidance on further mitigation measures that would keep that from happening here.

Alternatives

Section 5.2.1: The following statement at the bottom of page 5-5 and top of page 5-6 is inaccurate: "It is possible that a GSP… would be adopted and would require offsetting, but it is unclear at this time whether a GSP would address the same concerns as the proposed Program would address." In order to correctly evaluate the No Project Alternative, the EIR should be amended to disclose that a GSP ***must*** be adopted under CEQA, and what is required as well as encouraged to be included in a GSP, pursuant to the Sustainable

Groundwater Management Act (SGMA). SGMA is fairly specific about what must be included in a GSP, and what concerns a GSP must address—this should be included in the No Project Alternative so that the public can fairly compare the two courses of action.

The EIR also did not study a reasonable range of alternatives, and no time was allowed for the public to provide input on the scope of the proposed alternatives to be studied, since the project has been drastically altered since the NOP was sent out.

At a minimum, the EIR should consider the possibility of exempting hobby agriculture for residents who irrigate less than 15 acres as a means of achieving the objectives of the project, while minimizing potential impacts to species and habitat.

Notice of Availability/Notice of Completion

PR-WIN is concerned that the availability of this document was not properly noticed, depriving the public of enough time to review the document and provide meaningful comments. Specifically, no Notice of Availability or Notice of Completion of the DEIR was posted in the County Clerk's office pursuant to Public Resources Code § 21092.3. On May 8, 2015, at approximately 3 p.m., I went to the County Clerk's office and reviewed all environmental notices that had been posted from the beginning of March, 2015, through the beginning of May, 2015, and was unable to find any notice related to this document, which purportedly was released on March 31, 2015. I understand that numerous stakeholder groups also complained that they were unaware of the document's publication and asked for extensions of time to comment on the DEIR, which requests were denied. Where inadequate public notice has deprived the public of the ability to meaningfully review and comment on a DEIR, the DEIR must be recirculated.

General Comment: Meaningful CEQA Review

PR-WIN is concerned that the current CEQA process represents a mere formality without the opportunity for meaningful input or review. One of the core tenants of CEQA is that a lead agency should not commit to a specific project or a course of action prior to the completion of environmental review, as to do otherwise runs the risk that alternatives and mitigation measures that might otherwise have been considered will be foreclosed. (See CEQA Guidelines § 15004(b).)

On February 24, 2015, County Staff came before the Board of Supervisors to seek direction on whether to proceed with an Agricultural Water Offset Program, in order to determine whether an EIR needed to be completed. At the conclusion of that hearing, instead of asking Staff to come up with options for a such program, to study the environmental effects via an EIR, and return with recommendations—which would have been the appropriate course of action—Supervisor Frank Mecham made a motion that the Board pursue an ordinance which would specifically provide that: "all new development must be water neutral, no new vested rights, this would—I hate to use the word sunset—but it would sunset upon the establishment of a Groundwater Sustainability Plan. The provisions that are in the urgency ordinance, and the language would basically be adopted to go along with this. This is the Paso Groundwater Basin only." Supervisor Hill then seconded the motion by saying "Let's do it." Supervisor Gibson endorsed the motion by saying "I think that that is exactly what we need to do." The motion was then adopted by the Board on a 3-2 vote.

To the public, this represents commitment to a "definite course of action" prior to the completion of environmental review, and strongly implies that the results of the environmental review of the ordinance are immaterial to the chosen course of action.

In further support of this implication, it should be noted that a hearing to consider the ordinance was held by the Planning Commission on May 14, 2015, *before the public comment period on the DEIR had even closed.* This hearing was not noticed as a "workshop," or even a chance for the Planning Commission to receive verbal comments on the DEIR; instead, it was noticed as consideration of the action ordinance and program for implementation. Such consideration is wholly premature and improper until the environmental impacts of the proposed program are fully known. Consideration of the program prior to the close of environmental review strongly indicates that the public's comments on the DEIR are not material to the decision. This runs counter to the principle that, "besides informing the agency decision makers themselves, the EIR is intended to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action." (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 136.)

According to the California Supreme Court, CEQA should not be "reduced to a process whose result will be largely to generate paper, to produce an EIR that describes a journey

whose destination is predetermined." (*Id.* at 135-136.) That is exactly what appears to have happened here.

In order to ensure that the environmental effects of the proposed program were meaningfully considered, and that no possible impacts, alternatives or mitigation measures were improperly brushed aside in pursuit of a predetermined course of action, any consideration of this program by the County of San Luis Obispo should be deferred until the DEIR is recirculated for further public comment.

Regards,

Sophie Treder

Sophie Treder
TREDER LAND LAW

comments on Draft SEIR for Countywide Water Conservation Programs
Karl and Laurie Gage to: xfowler 05/15/2015 03:47 PM

Dear Ms. Fowler,

One of the ideas presented during public comment at yesterday's Planning Commission study session was to consider a 20-acre and below exemption from the ordinance's requirements. While recognizing the needs of small family farms, PRO Water Equity is quite concerned this might lead to increased small vineyard plantings exempted from the proposed 1:1 offset.

Please consider a smaller acreage exemption such as 5 acres or less which would provide for most small family farms to be able to implement new plantings or expansion of existing production without undue burden on either them or the Basin.

Thank you.

PRO Water Equity
Sue Luft, President
Laurie Gage, Vice President
Jan Seals, Treasurer
Cheryl Coats, Secretary

NCMA TG Comments _DSEIR Countywide Water Conservation Program

Daniel Heimel to: xfowler@co.slo.ca.us 05/15/2015 03:46 PM

Cc: Bob Perrault, "Erin Olsen (eolsen@pismobeach.org)" , "Fine, Benjamin", "Geoff English (genglish@arroyogrande.org)", "Gregory Ray (gray@grover.org)", Jeffery Szytel , "Jim Garing

Hi Xzandrea

Thanks for the opportunity to comment on the DSEIR for the Countywide Water Conservation Program. The following comments were provided by the Northern Cities Management Area (NCMA) Technical Group. Please let me know if you have any questions on the comments provided.

- Reconsider Large Offset Requirement Alternative 2, which would require a 2:1 offset, rather than 1:1 for urban and rural development for the NMMA, as a greater than 1:1 offset is required to correct the loss in basin storage (i.e. cumulative overdraft) that has occurred as a result of pumping that exceeds recharge for over the last 10 years. (00 Executive Summary, page 3)
- Reconsider Expanded Agricultural Offset Program Alternative 3, which would apply the Agricultural Offset Program to NMMA and Los Osos in addition to just the Paso Basin to help prevent further overdraft or pumping that exceeds recharge in the NMMA. (00 Executive Summary, page 4)
- The proposed water waste measures listed in the Project Description should be revised to incorporate State Emergency Drought conservation regulations. (2.0 Project Description, page 12)

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(805) 781-1242 fax

Re: SMAAC Comments for the Draft SEIR – Countywide Water Conservation Program

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Dear Xzandrea,

The Santa Margarita Area Advisory Council (SMAAC) has reviewed the Draft Supplemental Environmental Impact Report (SEIR) for the Countywide Water Conservation Program and has made a list of comments you may find below. We would appreciate these comments be addressed during planning commission hearings, board of supervisors meetings, and in the FEIR. The comments presented here are a compilation of questions, comments, or suggestions made by various members of SMAAC during our Special Meeting held on Monday, May 11, 2015 or through email correspondence with members of the council. Not all council members are in full agreement with each item listed, however, for the purposes of commenting on the SEIR we are including all comments for review. If you require further clarification or have questions please contact me.

Thank you,

Joe Patterson
SMAAC Chairman

ITEM	SEIR Reference Section	Comment
A	Page 2-5, Figure 2-2, Map of LOS III Groundwater Basins	SMAAC agrees with the boundaries as shown in this map. This map was also used in the Urgency Ordinance. This map correctly identifies the basin as NOT extending into the area known as the Atascadero Sub-Basin (Templeton, City of Atascadero, Garden Farms, Santa Margarita, and Santa Margarita Ranch). The other maps within this SEIR conflict with this map.
B	Page 2-8, last line at bottom of the page, item D	Please provide clarification on the definition of "hobby agriculture for rural residential users".
C	Page 2-8, last line at bottom of the page, item D	Please remove the language "hobby agriculture for rural residential users" from this document.
D	Page 2-12, WWP, Subsection B, 4th Bullet Point	Please provide clarification on what it means to prohibit the use of potable water in water fountains or other decorative water features. We suggest this proposed requirement be redefined to require recirculated water for such decorative water features.
E	Page 3-2, Last Paragraph and continuing on to Page 3-3	The written definition of the Paso Robles Groundwater Basin should specifically exclude "Garden Farms" in the first sentence. The last sentence of the paragraph should specifically exclude "The City of Atascadero", "The Community of Templeton", and "Garden Farms". The written description should be consistent with the boundaries as shown on Page 2-5 in Figure 2-2.

F	Page 4.1-5, Figure 4.1-1	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.
G	Page 4.1-8, Figure 4.1-2	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.
H	Page 4.1-9, Top of the Page	Numbered items 4, 5, and 6 at the top of the page appear to be redundant to numbered items 1, 2, and 3 on page 4.1-7 and should be removed from the document.
I	Page 4.1-9 through 4.1-12, Section "Impact AG-1"	The SEIR in this section may produce unwanted results from this ordinance, which will have lasting negative effects to water usage and property values. 1. The offset values of the Prime Farmland, Farmland of Statewide Importance, and Unique Farmland may be directly correlated to the current water usage of the land. If this SEIR is approved as written it may incentivize the current landowners to irrigate their farmland as much as possible if they desire to sell their land as an "offset" value to a developer who intends to develop on currently unfarmed land. This seems contrary to the intention of this SEIR. 2. As land value increases and decreases within the area, it is anticipated the potential buyers would consist of out-of-town, foreign, or large corporations who can afford to spend the amount of money required for the offset program. This may drive out local farmers, local produce, and the farm-to-table movement. 3. This section appears to require irrigation of crops on Prime Farmland, Farmland of Statewide Importance, and Unique Farmland every four years or else that piece of land loses the designation of farmland. This requirement appears to force landowners to use their land in a manner dictated by the government and may severely impact property rights. Please consider re-writing this section to honor property rights and not force use specified by the government.
J	Page 4.1-15, Figure 4.1-3	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.
K	Page 4.2-2, Figure 4.2-1a	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.
L	Section 5.0 "Alternatives"	Multiple commenters recommend the EIR consider a fifth alternative. This alternative should include both a "trigger" clause as well as a "sunset" clause. It is very important this ordinance has clear definitions of when the ordinance should be implemented and when it should end. The SLO County weather patterns consistently cycle between very dry years and very wet years. This cycle of droughts and floods will directly affect the water issues within the County. When the water levels are high an offset program is not necessary. Conversely, when the water levels are low an offset program is imperative. For this reason, we recommend a trigger clause in combination with a sunset clause. The commenter requests the Planning Staff and the EIR consultant review the potential "trigger" clauses for acceptance in the FEIR. The trigger clauses below are suggestions. We encourage the County and the FEIR consultant to consider additional potential trigger clauses as well. The trigger clause would enable the terms of the ordinance until a sunset clause removes the requirements of the ordinance. Another commenter stated the "trigger" clause should be decided when the basin is in decline or is recovering and not based on drought or flood. Please consider multiple approaches for a trigger and sunset clause combination.

		Suggestions for trigger clauses are listed below: 1. Upon declaration of a Drought State of Emergency by the California Governor 2. Upon declaration of a Drought State of Emergency by the County Board of Supervisors 3. When documented well levels drop below 50% of the average monthly levels within a continuous twelve month period 4. When documented well levels run dry within a continuous 6 month period 5. When the basin is in decline 6. Other Suggestions for sunset clauses are listed below: 1. Upon declaration of an end to emergency drought conditions by the California Governor 2. Upon declaration of an end to emergency drought conditions by the Board of Supervisors 3. When documented well levels are within 20% of the average monthly levels within a continuous six month period 4. When the basin is in recovery 5. Other
M	General Note	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.
N	General Note	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.
O - 1	General Note	Multiple commenters recommend the removal of all uses of the terms "Level of Severity", "LOS", and "LOS III" from this SEIR. Levels of severity attempt to apply a "one size fits all" approach to managing the groundwater within our County. Every groundwater basin in our County is unique and presents different challenges. Even the subareas within each basin are unique. Applying a level of severity over a blanketed area impacts large and small property owners throughout the County even if their particular area does not have groundwater issues. By removing "levels of severity" from this document, reasonable judgments may be made by the Planning Commission and the Board of Supervisors on how to act within specific areas or regions within the County in regards to water shortage concerns. By allowing "levels of severity" to remain in this document, the document drives policy as opposed to allowing the Planning Commission and the Board of Supervisors to make informed decisions in regards to water shortage concerns. A "one size fits all" approach impacts reasonable mitigation measures for specific concerns and has the potential to negatively impact property values and property rights. Some commenters would prefer the continued use of Levels of Severity, however, the PRGWB LOS III is applied too broadly over the entire geographic areas within the Paso Robles Basin. Management by smaller geographic areas within the basin seem more appropriate.
O - 2	General Note	Some commenters would prefer the continued use of Levels of Severity, however, the PRGWB LOS III is applied too broadly over the entire geographic areas within the Paso Robles Basin. Management by smaller geographic areas within the basin seem more appropriate.
P	General Note	Some commenters recommend the Planning Staff and the EIR Consultant consider an additional alternative for WNND requirements for residential and commercial development as listed in Section 2.3.1. It is understood the residential plumbing retro-fit and turf removal programs are limited. There are a limited number of homes with inefficient plumbing fixtures. There are more homes with turf landscape, however, at some future time that avenue for credits will be maximized. Please consider an alternative for credits that provides continual opportunities. The commenters propose the County consider the development of a program that involves removal of trees within the creek **BEDS** of overgrown creeks and streams within the County. The commenters DO NOT recommend removal of trees on the creek **BANKS**. This would require coordination with the CA

		Dept of Fish and Wildlife as well as the Army Corps of Engineers. The creek beds are overgrown with willow trees and cottonwoods that consume approximately 1,500 – 2,500 gallons of water daily. There are also other trees and shrubs growing within the limits of the creek beds. By removing the trees, this can provide a significant amount of water for basin recharge and potentially allow surface water flow in our creeks. When these trees grow in the creeks they overcrowd the area for wildlife to thrive, consume a considerable amount of water daily, and alter the flow of water in the watersheds. During flood events these trees are knocked down, carried down stream, and may negatively impact County infrastructure such as bridges, culverts, and roadways. By implementing a plan to thin the creek beds the County can proactively maintain its current infrastructure, remove trees consuming unnecessary amounts of water, and provide credits for WNND for residential and commercial developers with a continuous supply for obtaining credits. If this option is considered, Section 4.3 will require further consideration by the EIR consultant. Some commenters are not in agreement with this item and requested it not be included as a comment by SMAAC as an entire body. However, for the purpose of following the CEQA process we have left this suggestion for review but it should be noted the SMAAC is not in unanimous agreement on this item.

Attn: SLO County Planning Commission
Date: May 14, 2015

Re: SMAAC Comments for the Draft SEIR – Countywide Water Conservation Program

Dear Planning Commission,

The Santa Margarita Area Advisory Council (SMAAC) requests the planning commission address the definition of the Paso Robles Groundwater Basin (PRGWB). There are inconsistencies in the maps and definitions of the PRGWB boundaries within this SEIR. The recent export ordinance and urgency ordinance also have conflicting maps. Below is a summary of the comments regarding the boundaries of the basin.

The water levels in the Atascadero Sub-Basin are healthy and sustainable. Supporting documentation has been provided to County Planning and the recent Resources Summary Report indicates a Level of Severity (LOS) 0 for the Atascadero Sub-Basin. The supporting documentation will be summarized and provided to the planning commission at the next hearing.

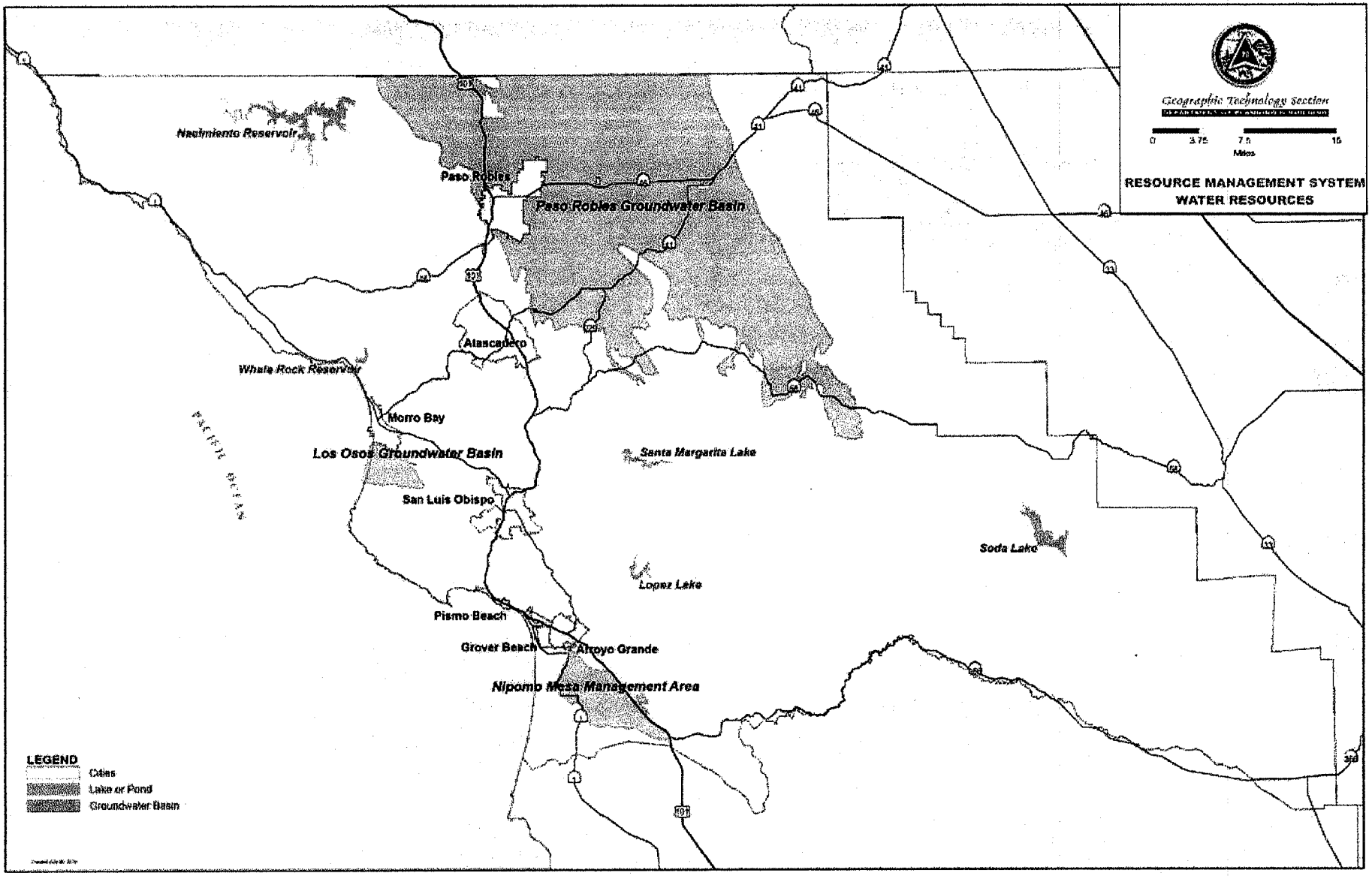
Thank you,

Joe Patterson
SMAAC Chairman

PLANNING COMMISSION
AGENDA ITEM: 4
DATE: 5/14/15
DO NOT REMOVE FROM FILE

SEIR Reference Section	Comment
Page 2-5, Figure 2-2, Map of LOS III Groundwater Basins	SMAAC agrees with the boundaries as shown in this map. This map was also used in the Urgency Ordinance. This map correctly identifies the basin as NOT extending into the area known as the Atascadero Sub-Basin (Templeton, City of Atascadero, Garden Farms, Santa Margarita, and Santa Margarita Ranch). The other maps within this SEIR conflict with this map.
Page 3-2, Last Paragraph and continuing on to Page 3-3	The written definition of the Paso Robles Groundwater Basin should specifically exclude "Garden Farms" in the first sentence. The last sentence of the paragraph should specifically exclude "The City of Atascadero", "The Community of Templeton", and "Garden Farms". The written description should be consistent with the boundaries as shown on Page 2-5 in Figure 2-2.
Page 4.1-5, Figure 4.1-1	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.
Page 4.1-8, Figure 4.1-2	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.
Page 4.1-15, Figure 4.1-3	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.
Page 4.2-2, Figure 4.2-1a	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.
General Note	SMAAC requests the boundaries of the Atascadero Sub-Basin be specifically excluded from all portions of this document. The water level data provided by the water purveyors within the Atascadero Sub-Basin prove the health and stability of our basin.

SEIR



Source: County of San Luis Obispo, 2014.

Certified Level of Severity III Groundwater Basins

Figure 2-2

Less than 10 percent of the county's land is identified as incorporated city or designated for urban land use. Current development patterns are often dominated by low density automobile oriented development outside of the urbanized areas.

3.2 PROGRAM AREA SETTING

On January 15, 2014, the United States Department of Agriculture designated San Luis Obispo County, along with 26 other counties in California, as a primary natural disaster area due to a recent drought. Subsequently, on January 17, 2014, California Govenor Edmund G. Brown, Jr. declared a drought state of emergency and directed state officials to take all necessary actions to prepare for drought conditions. In response to the Governor's declaration, the California Department of Water Resources (DWR) reported on January 31, 2014 that customers of the State Water Project (SWP) would receive no delieveries in 2014, with the exception of a small amount of carryover water from 2013. The DWR noted that areas served by the SWP would have to rely on other sources of water, such such as groundwater, local reservoirs, and other supplies (DWR, January 2014).

In response to the exceptional drought conditions, the County of San Luis Obispo Board of Supervisors adopted Resolution No. 2014-64 on March 19, 2014, proclaiming a local emergency in the entire County. According to the U.S. Drought Monitor report released on March 19, 2015, the County of San Luis Obispo is experiencing an "exceptional drought" (D4), the the worst federal drought rating (U.S. Drought Monitor, March 2015).

As stated in Section 2.0, *Project Description,* the Water Neutral New Development (WNND) requirements of the overall Program would require that all new development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at Level of Severity (LOS) III by the Board of Supervisors. WNND also requires that, in the Paso Robles Groundwater Basin, all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio.

As stated previously, there are three areas of the county that are currently certified at LOS III for water supply. These areas are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin (Los Osos Basin), and the Nipomo Mesa portion of the Santa Maria Groundwater Basin (known as the Nipomo Mesa Management Area; NMMA). If the WNND is approved, the new development offset provisions could also apply to any areas certified at LOS III for water supply in the future. Currently, the Cuyama Valley, Morro-Chorro and North Coast groundwater basins are all recommended in the 2010-2012 Resource Summary Report at LOS III but have not yet been certified by the Board of Supervisors.

The Water Waste Prevention (WWP) program component of the overall Program would apply throughout the unincorporated areas of the county wherever a similar program is not already in place.

3.2.1 Paso Robles Groundwater Basin

The Paso Robles Groundwater Basin encompasses an area of approximately 790 square miles and ranges from [redacted] south of Atascadero in San Luis Obispo County to San Ardo in Monterey County, and from the Highway 101 corridor east to Shandon. The Paso

Robles Groundwater Basin supplies water for 29 percent of San Luis Obispo County's population and an estimated 40 percent of its agricultural production. The municipal and industrial water demands on the Paso Robles Groundwater Basin include the cities of Paso Robles ~~and Atascadero~~, ~~the communities of Templeton~~, Shandon, Creston, and San Miguel, Bradley, Camp Roberts, and the small community systems in Whitley Gardens ~~and Garden Farms~~ (City of Paso Robles, February 2011).

The LOS III designation for water supply was certified by the Board of Supervisors based on a Resource Capacity Study prepared by the County in February 2011. The Resource Capacity Study confirmed that, for the Paso Robles Groundwater Basin, demand had met or exceeded perennial yield. Therefore, LOS III was recommended, and certified by the Board of Supervisors, for the water resources of the Paso Robles Groundwater Basin.[1] According to the Draft 2012-2014 Resource Summary Report (January 2015a), portions of the Paso Robles Groundwater Basin have experienced significant water level declines over the past 15 to 20 years.

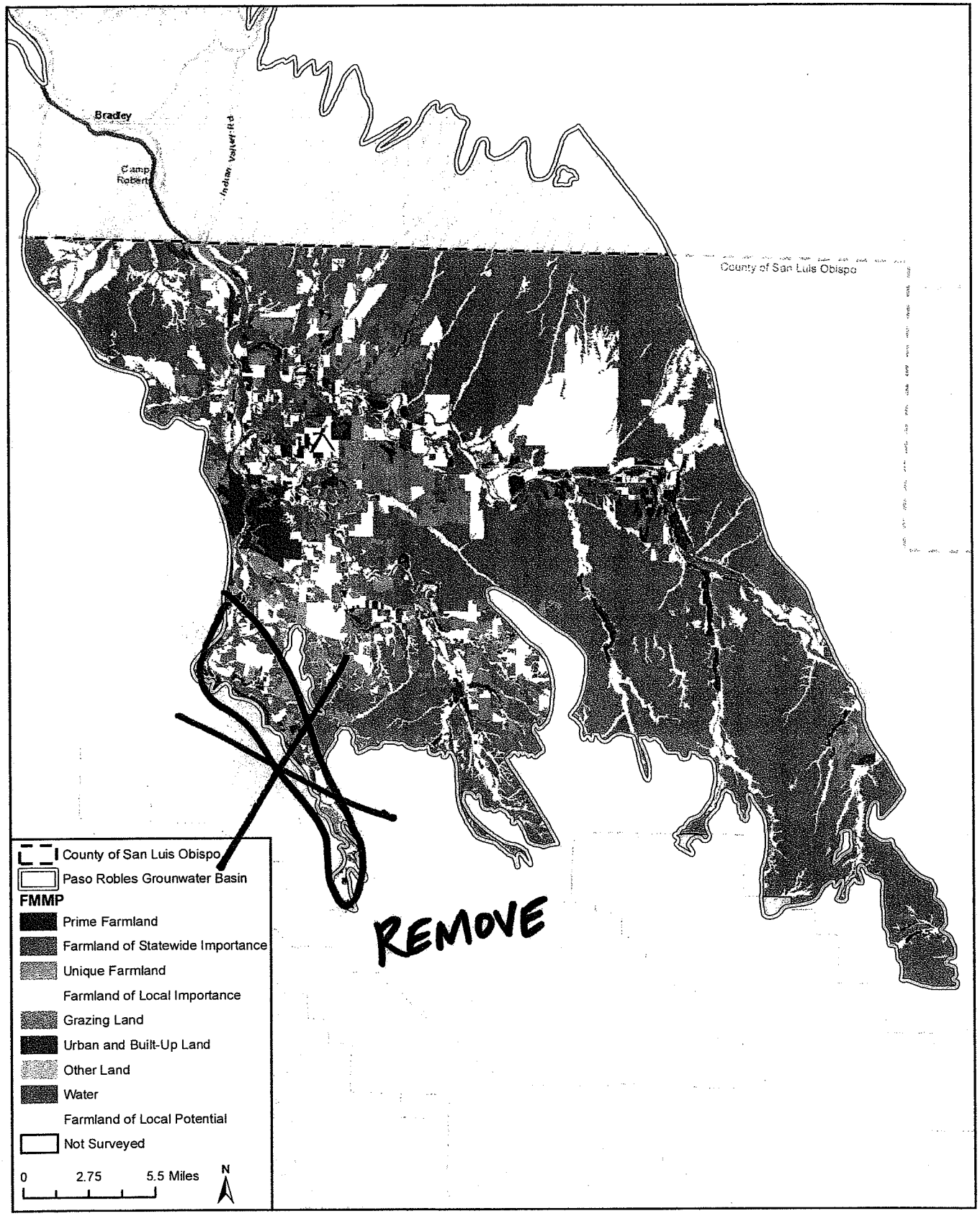
On August 27, 2013, the Paso Robles Groundwater Basin Urgency Ordinance was adopted by the County Board of Supervisors, establishing a moratorium on new or expanded irrigated crop production, conversion of dry farm or grazing land to new or expanded irrigated crop production, as well as new development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

The County Board of Supervisors established the Paso Robles Groundwater Basin Advisory Committee (PBAC) to advise policy decisions related to implementation of the Basin Groundwater Management Plan, development of an "enhanced" Groundwater Management Plan for the Basin, formation of a new water district, the Computer Modal Update, and other policies and ordinances. The PBAC also serves as a public forum to discuss and collect comments on Paso Robles Groundwater Basin issues. A Draft Final Report for the Paso Robles Groundwater Basin Computer Model Update, distributed for public review and comment on November 13, 2014, reported updated outcomes of the Paso Robles Groundwater Basin's perennial yield estimate and future year simulations based on "no-growth" and "growth" scenarios (San Luis Obispo County, January 2015). In summary, the period of 1982 to 2010 is representative of the historical average rainfall over the Paso Robles Groundwater Basin. The updated estimate for the perennial yield based on that period is 89,648 acre-feet per year (AFY). For the period of 1981 to 2011, outflows exceeded inflows to the Paso Robles Groundwater Basin by 2,473 AF on an average annual basis (i.e. more water left the Paso Robles Groundwater Basin than was replenished). Future year simulations project that the "no-growth" scenario projects would exceed inflows on an average annual basis over the thirty year period by 5,592 AFY. The "growth" scenario projects have projected outflows to exceed inflows on an average annual basis over the thirty year period by 20,900 AFY.

3.2.2 Los Osos Groundwater Basin

The Los Osos Basin underlies the unincorporated communities of Los Osos, Baywood Park and Cuesta-by-the-Sea in San Luis Obispo County. The onshore portion of the Los Osos Basin covers approximately 12 square miles, of which approximately four square miles underlie the bay

[1] *The 2011 RCS recommended a separate LOS I for the Atascadero Sub-basin.*



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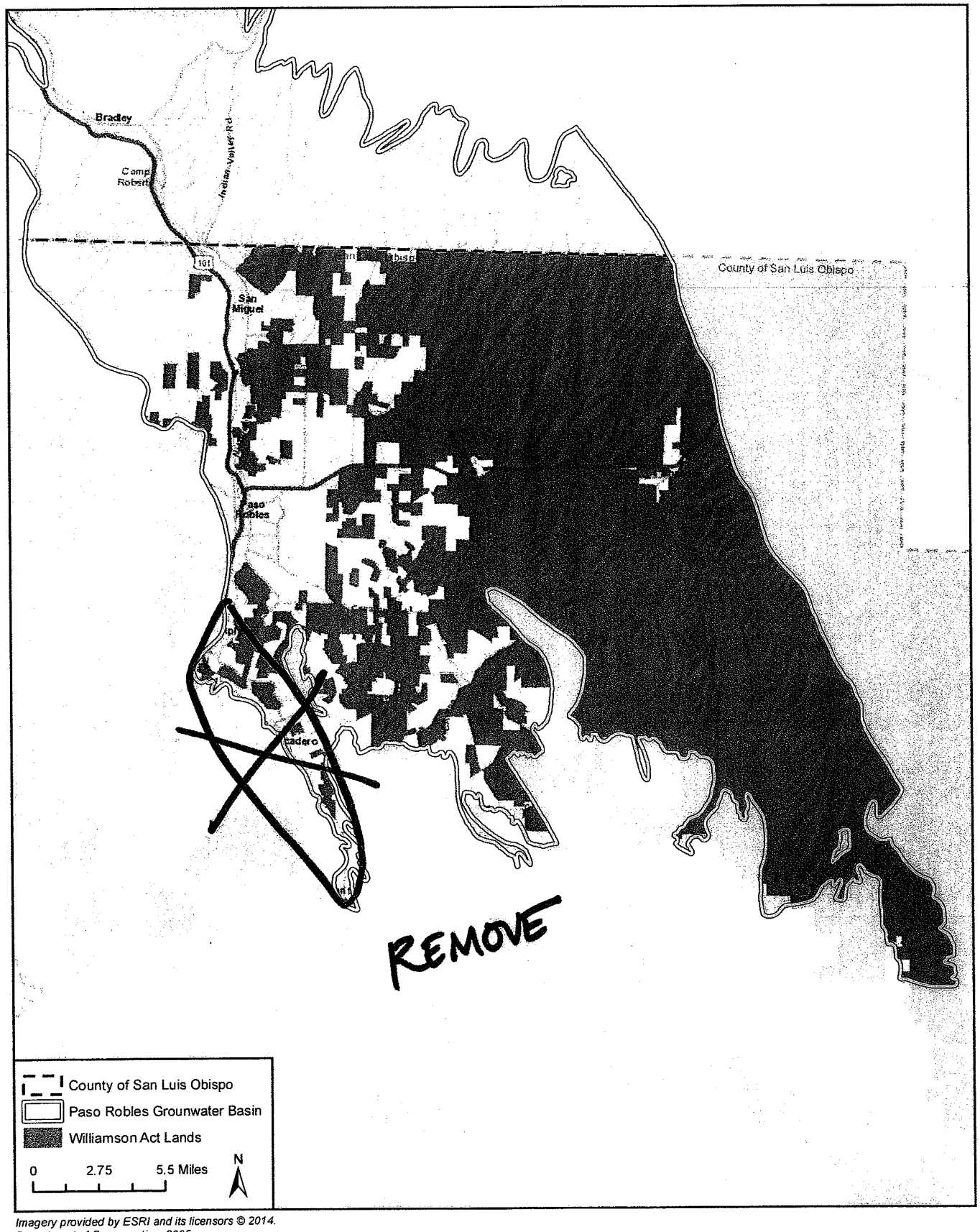
Department of Conservation, 2010.

Important Farmland:
Paso Robles Groundwater Basin

Figure 4.1-1



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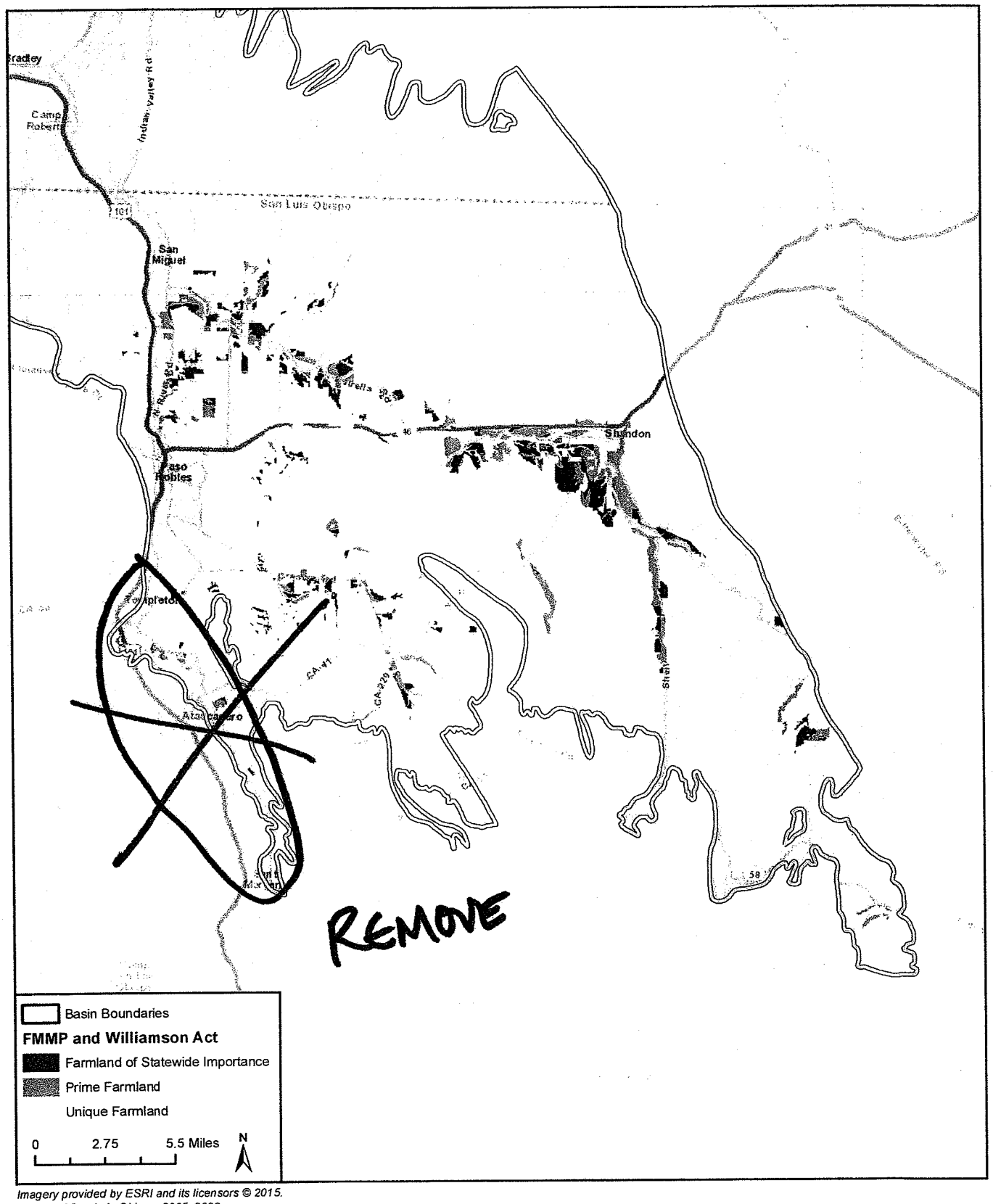
Department of Conservation, 2005.

Williamson Act Lands:
Paso Robles Groundwater Basin

Figure 4.1-2



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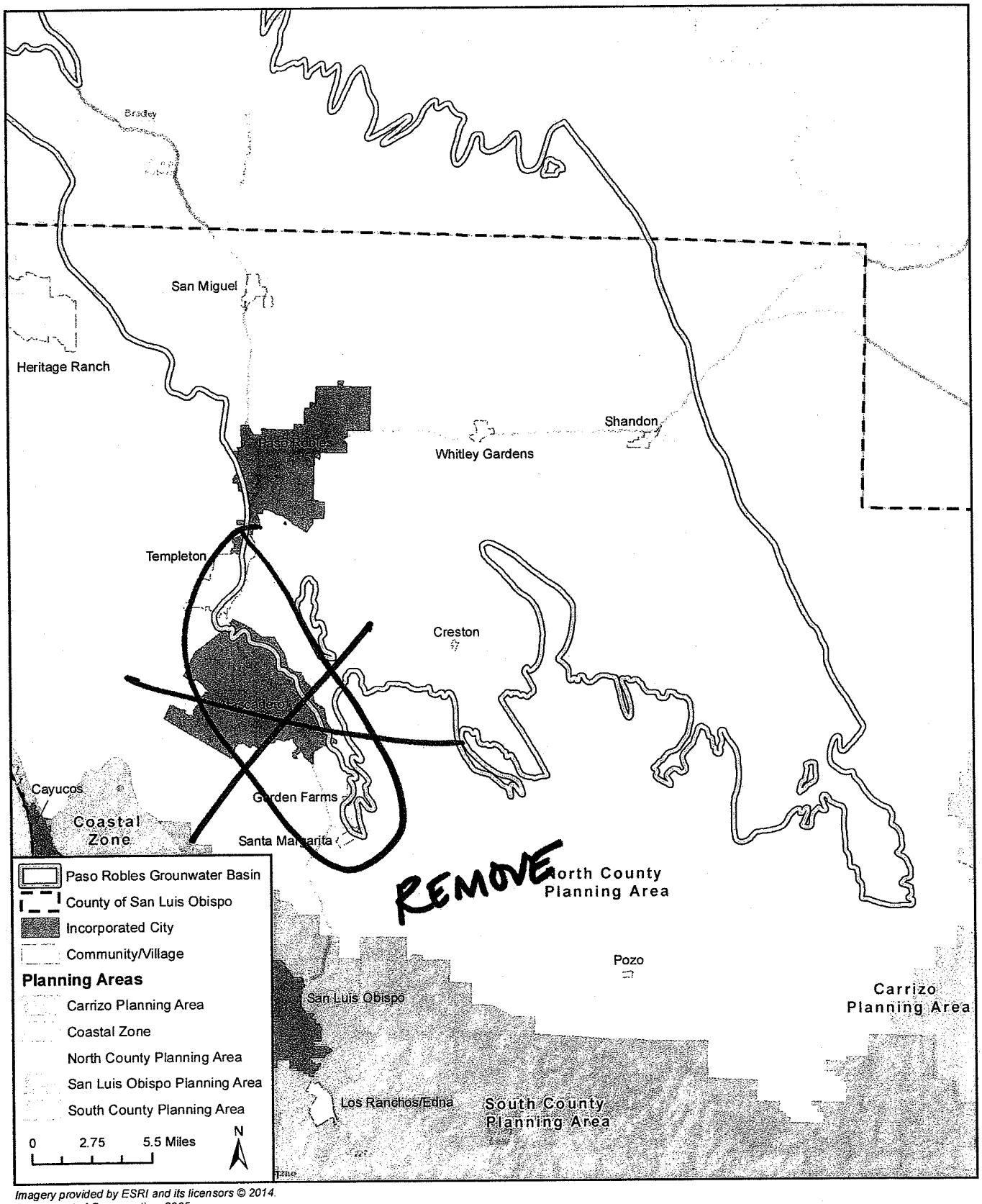
County of San Luis Obispo, 2005, 2006.

Prime Farmland, Farmland of Statewide Importance, and Unique Farmland in Williamson Act Lands: Paso Robles Groundwater Basin

Figure 4.1-3



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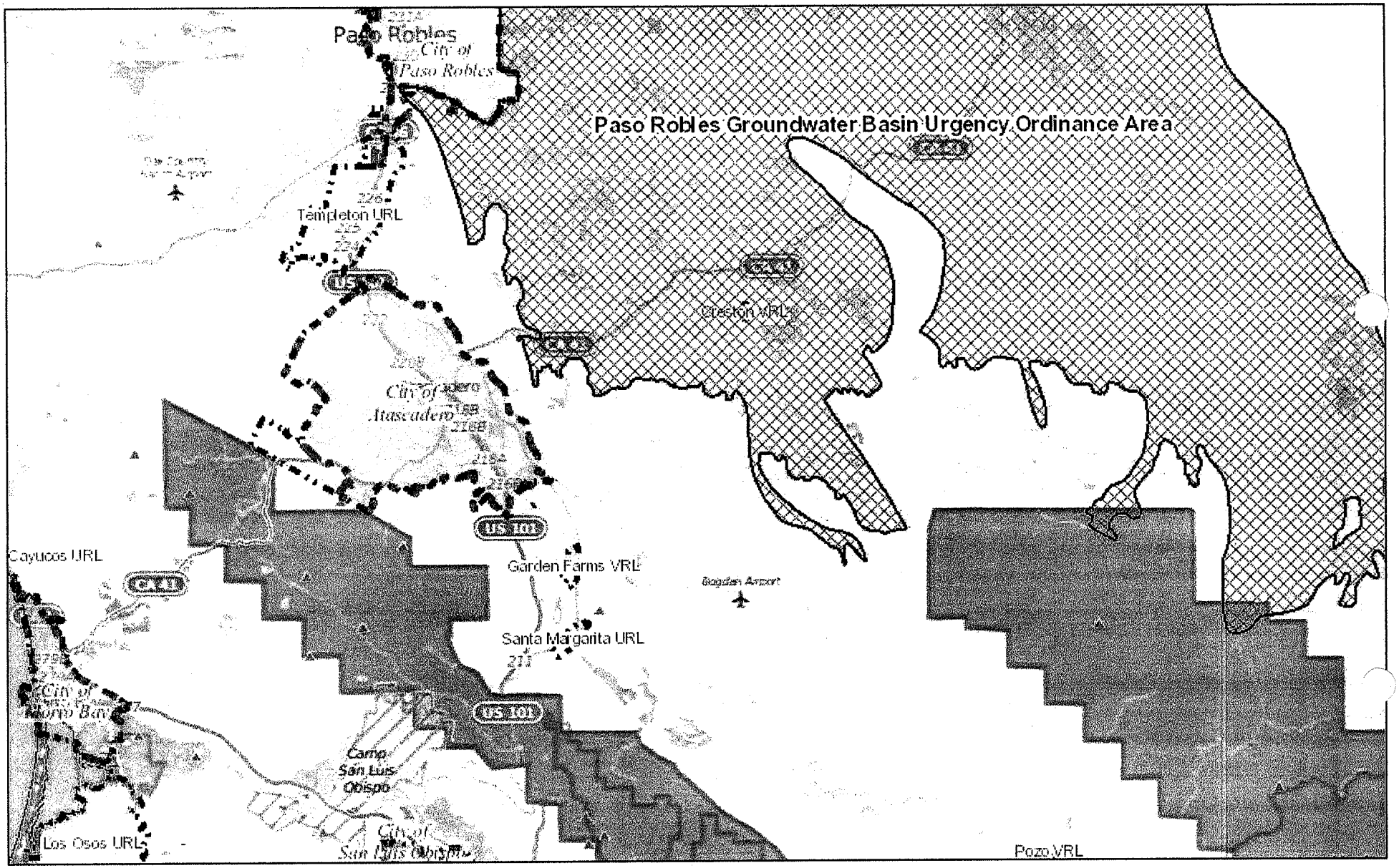
Department of Conservation, 2005.

Level of Severity III Areas and San Luis Obispo County Planning Areas and Community/Village Plans: Paso Robles Groundwater Basin

Figure 4.2-1a

URGENCY ORD.

County of SLO Map



May 14, 2015

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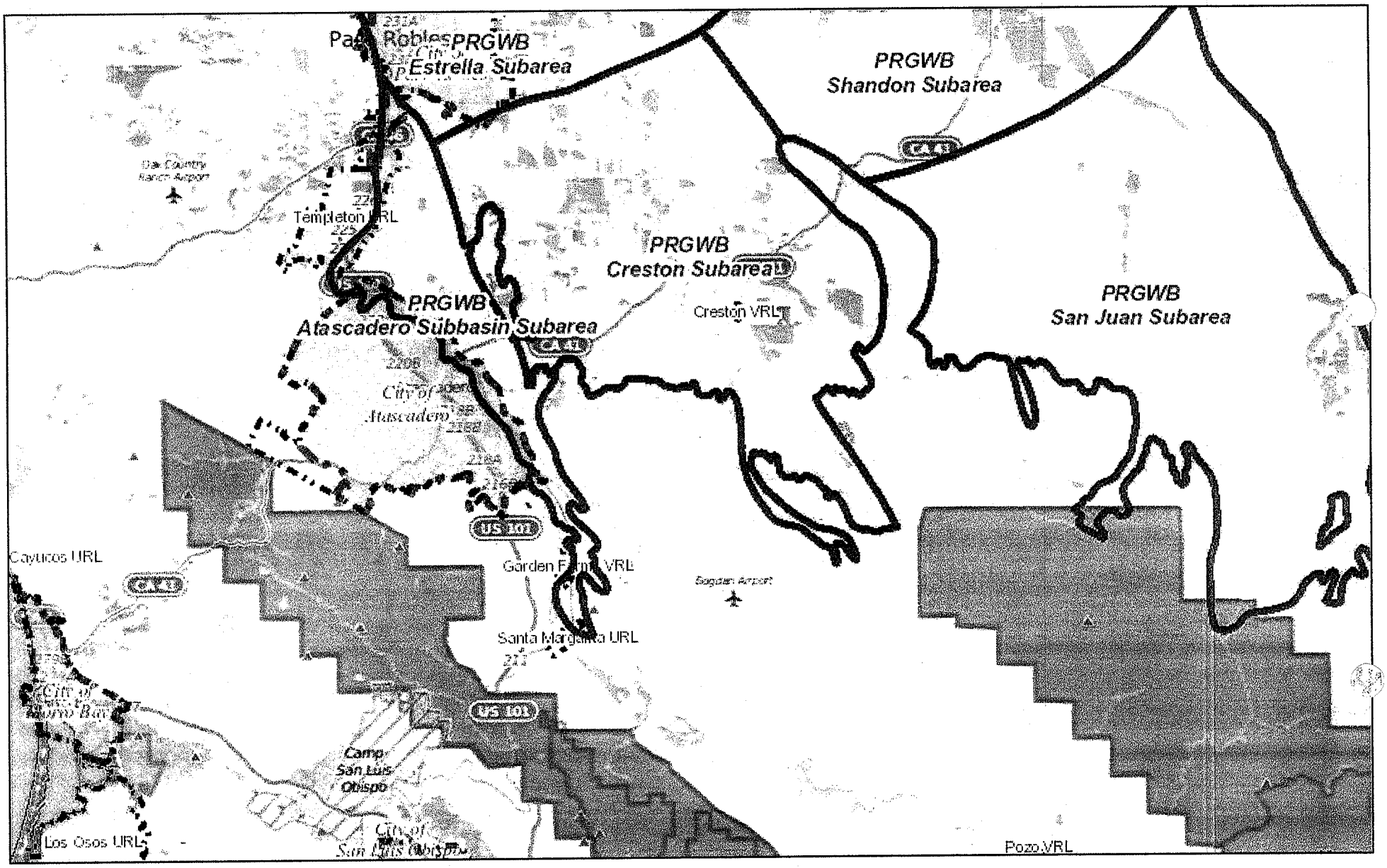
County of San Luis Obispo Planning & Building Department, Geographic Technology & Design, FUGRO, LAFCO

BULLETIN 118

County of SLO Map



May 14, 2015

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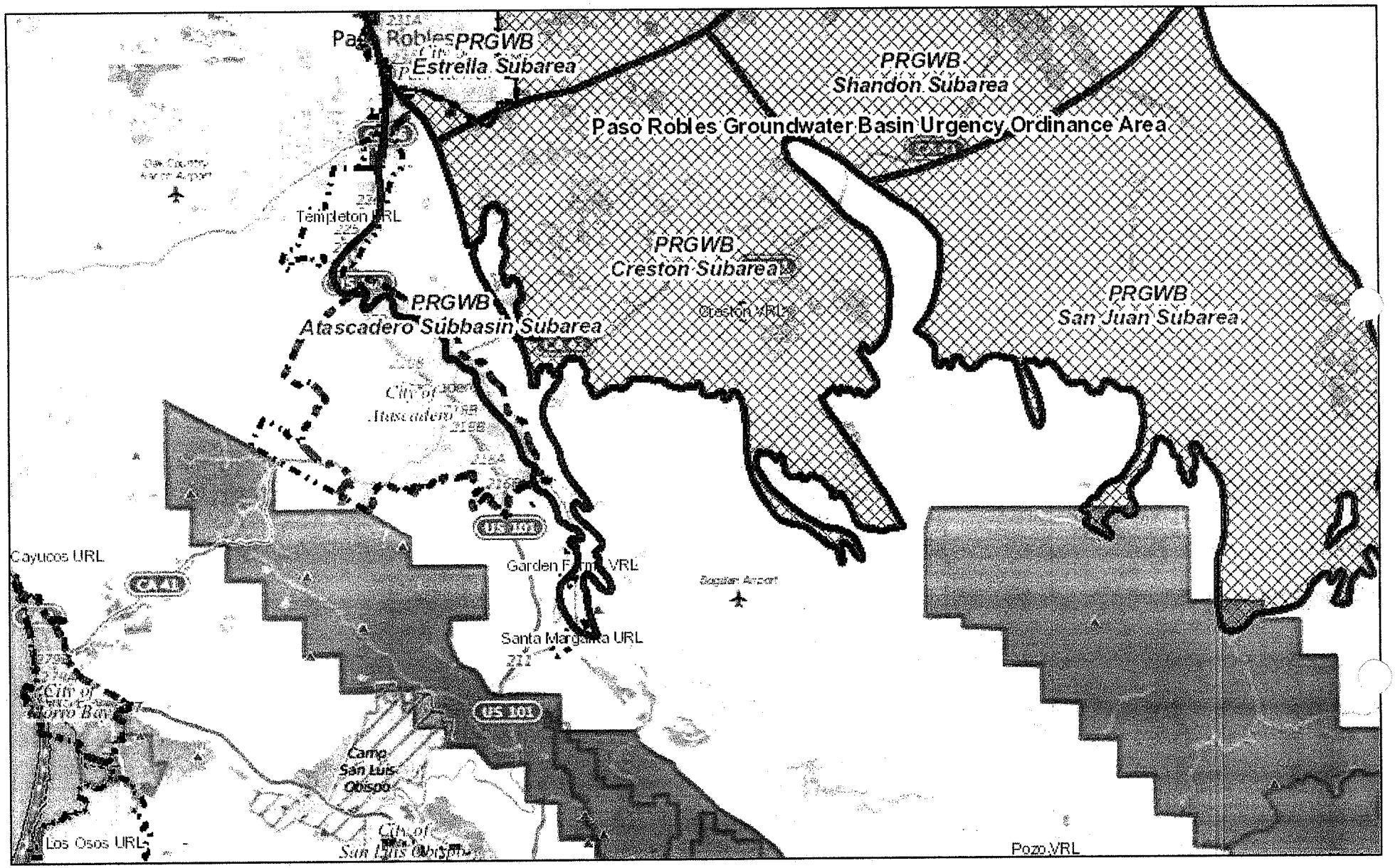
County of San Luis Obispo Planning & Building Department, Geographic Technology & Design, FUGRO, LAFCO

URGENCY &
BULLETIN 118

County of SLO Map



May 14, 2015

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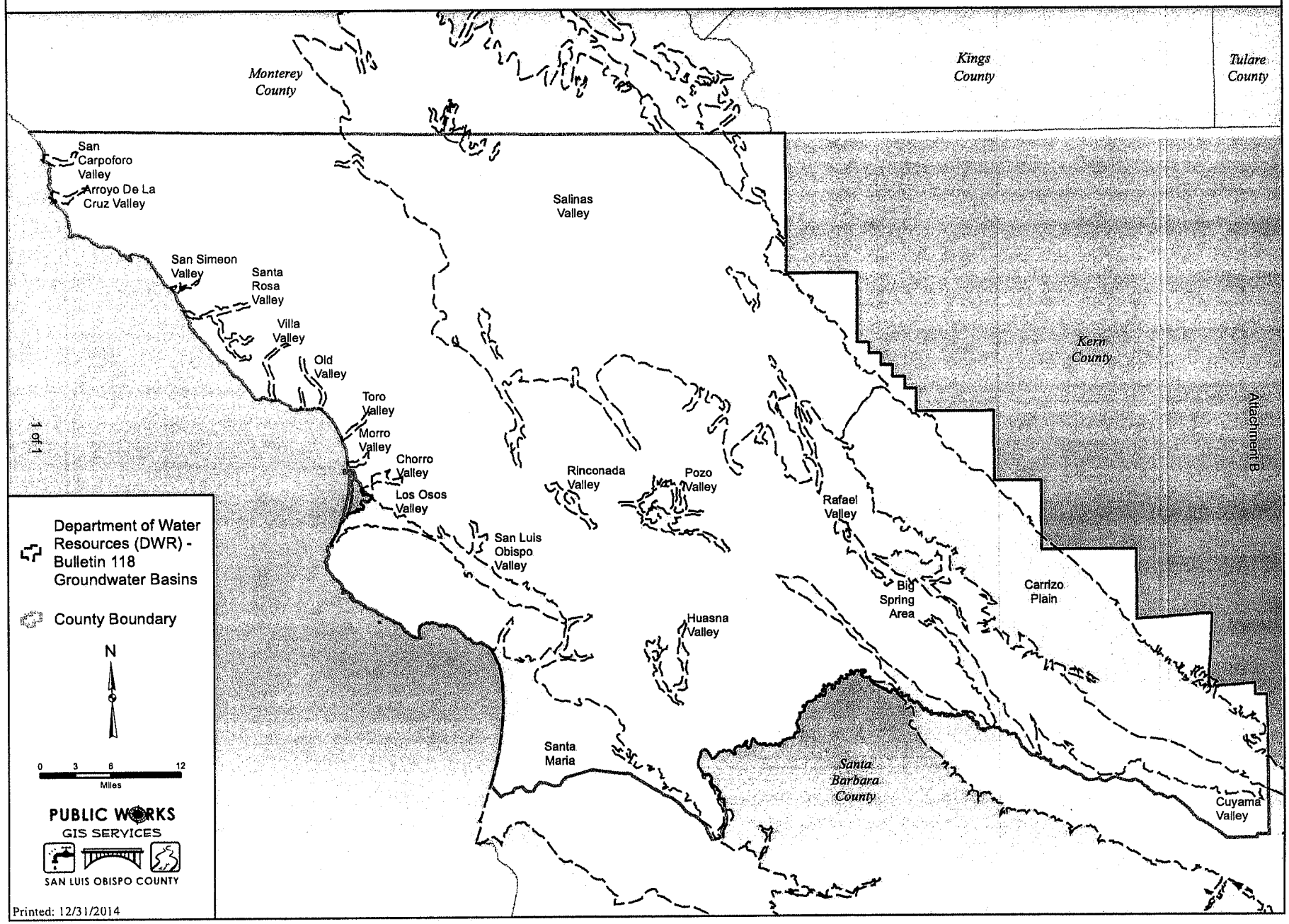
County of San Luis Obispo Planning & Building Department, Geographic Technology & Design, FUGRO, LAFCO

EXPORT ORDINANCE

Attachment B

DWR Bulletin 118 Goundwater Basins in San Luis Obispo County



SANTA MARGARITA COUNTY SERVICE AREA NO 23 ADVISORY BOARD
P.O. BOX 1056, Santa Margarita, CA 93453
Smcsa23@yahoo.com

May 14, 2015

To: Xzandrea Fowler, Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Subject: CSA 23 Advisory Group response to Draft Environmental Impact Report (EIR) for the Countywide Water Conservation Program.

The CSA Advisory Groups Preamble states: " ... to better serve the public, health, safety and welfare of the Santa Margarita Community by providing a conduit for public input to the San Luis Obispo County Board of Supervisors on topics such as:

- Water supply quality, quantity and affordability.
- Certain planning topics pertaining to health, safety and public welfare.
- Development plans that affect drainage, water usage, water quality or public health and safety.

The Group's area of concern is within the urban reserve line. The Group may also consider topics from outside the urban reserve line that have a direct impact on the community's public health, safety and welfare."

The Santa Margarita CSA 23 Advisory Group is submitting the attached response to the Draft EIR of Countywide Water Conservation Program. In recognition of the current drought emergency and rapidly evolving water management planning affecting surrounding areas the Advisory Group has reviewed the Draft EIR and believes that portions of the document does not accurately represent conditions in CSA 23 and the surrounding area surrounding Santa Margarita.

Thank you for your consideration of our comments on this program.

Sincerely,

Jordan Blasingame
Chairperson

SANTA MARGARITA COUNTY SERVICE AREA NO 23 ADVISORY BOARD
P.O. BOX 1056, Santa Margarita, CA 93453
Smcsa23@yahoo.com

May 14, 2015

CSA 23 Review of Draft Environmental Impact Report (DEIR) for the Countywide Water Program

In the opinion of the CSA 23 Advisory Board, The County Wide Program DEIR falls short in providing accurate information and or identifying specific details in the Community of Santa Margarita.

General Concerns:

- The Atascadero Subbasin should remain excluded -from the Program and language should be added stating that the subbasin is not experiencing conditions seen in the Estrella area of concern. The Paso Robles Groundwater Basin is currently certified as Level of Severity III (LOS III). Well levels in the Atascadero Sub-basin have been stable during this "exceptional drought", and the area is not experiencing the same groundwater depletion that is being experienced in areas near Paso Robles and the Estrella area of concern. The Atascadero Subbasin was not included in the Urgency Ordinance in recognition of this fact. In the opinion of our board, the DEIR is inconsistent in its characterization of the situation in the Atascadero Subbasin and that the unincorporated rural, urban and agricultural areas of the Atascadero Subbasin remain excluded from the Water Net Neutral Development program and that references to CSA 23 and surrounding areas such as Santa Margarita and Garden Farms be struck from the record.
- It is not clear how the system of water credits and urban/rural retrofits will be implemented by the program. Water credits for urban/rural should only fund urban/rural projects. Funds generated by the program should not be used to fund projects in unrelated areas, i.e. funds generated in Paso Robles Groundwater Basin should not be used in the Los Osos Groundwater Basin. It is not clear how these credits are to be distributed and divided to developers and landowners for new projects and remodels. Retrofitting programs could have negative impacts on property values for area landowners, and these should be addressed in the Final EIR
- **Section 4. Environmental Impact Review General:** The figures used in Section 4 to delineate the Paso Robles Groundwater Basin are not consistent with the boundaries established by the Urgency Ordinance. The Atascadero Subbasin has not been declared LOS III, and questions remain as to the interconnectivity between the Atascadero Subbasin and the Paso Robles Groundwater Basin. Our board feels that only areas with proven water supply issues, regions certified LOS III, should be subject to the WNND. Use maps consistent with the boundaries established by the

Urgency Ordinance or clearly delineate the Rinconada Fault and Atascadero Subbasin in published figures.

- **Section 5, Alternatives:** CSA 23 recognizes that San Luis Obispo County is currently experiencing a challenging drought. The "exceptional drought" has led to LOS III being declared in the 2014 RMS that were previously "none" or "I". We also recognize that the Countywide Water Conservation Program is meant as a "stopgap" to dictate policy between the sunset of the Urgency Ordinance in August, 2015 until the formation of a Groundwater Sustainability Agency or implementation of a Groundwater Sustainability Plan, which could be up to 20 years. Alternative #5 should be included in the Final EIR to explore a program that is only in affect when the United States Drought Monitor declares "exceptional drought" conditions are present for the relevant LOS III basin.

2.3 Proposed Countywide Water Conservation Program Concerns

- **2.2.1. pg2-1:** San Luis Obispo County is the only county in the California that uses LOS classifications to determine policy. The 2014 update to the RMS attempted to place Santa Margarita into LOS III for water supply based on outdated data. Efforts by the Santa Margarita Area Advisory Council, CSA 23 and concerned citizens led to County staff revising from LOS III to "none". Our board does not feel that the RMS should be used to dictate policy, but that regional differences need to be accounted for in management programs, rather than a "one size fits all" approach.
- **Figure 2.3.1. pg2-6:** The Urban/Rural Water Offset component of the WNND provides incentives for homeowners in affected areas to remove turf and install more water efficient fixtures. The DEIR acknowledges that agriculture implements Best Management Practices to conserve resources out of its own self-interest, but does not recognize this to be true for urban/rural landowners. CSA 23 listens to community input and monitors well levels, and believes that homeowners will conserve water resources out of their own self-interest. The Final EIR should target larger community goals that revenue from this program can finance after efficiency improvement targets are realized and groundwater basins become more sustainable.
- **Figure 2.3.1. pg2-8:** The WNND program states that "new or expanded irrigated agricultural development is defined as follows: ...d. Hobby agriculture for rural residential users" is vague. Define what constitutes hobby agriculture is in the Final EIR.
- **2.3.2. pg2-12:** The proposed requirements of the Waste Water Prevention (WWP) program defines water wasting activities. One such activity is "use of potable water in a fountain or other decorative water feature". It is unclear what sources of water are to be used in outdoor water features and the Final EIR should clarify the County's expectations for what this means.

3.2 Program Area Setting Concerns:

- **3.2.1. pg3-3:** Garden Farms should be struck from the document. CSA 23 and neighboring area wells have remained relatively stable during this most recent drought cycle, and the statement "...portions of the Paso Robles Groundwater Basin have experienced significant water level declines over the past 15 to 20 years" does not apply to the Atascadero Sub-basin. The Atascadero Subbasin was recommended for LOS I in 2011 Resource Capacity Study and was not subject to the Urgency Ordinance.
    - Recommendation: Add a statement about the Atascadero Subbasin not experiencing same significant water level declines over the past 15 to 20 years as the Estrella area of concern.

Upper Salinas-Las Tablas Resource Conservation District

65 S. Main St. Ste. 107 Templeton, CA 93465 | 805.434.0396 x 5 | www.us-ltrcd.org

May 13, 2015

Xzandrea Fowler
Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Dear Ms. Fowler,

Thank you for this opportunity to comment on the San Luis Obispo Countywide Water Conservation Program Draft Environmental Impact Report (DEIR). The proposed project is two-fold consisting of a Water Neutral New Development (WNND) and Water Waste Prevention Program. These two programs will be amended into the County General Plan and County Code. The WNND program is for Level of Severity (LOS) III, which are basins that meet or exceed dependable supply due to current demand. The three LOS III groundwater basins in San Luis Obispo County are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin, and the Nipomo Mesa Management Area. The Upper Salinas – Las Tablas Resource Conservation District (RCD) has reviewed the EIR and has the following comments and recommendations to make to San Luis Obispo County Planning Department (hereafter referred to as "County") for the Agricultural Water Offset program.

Proposed Preferred Agricultural Water Offset Program

In the proposed project for Agricultural Water Offset program, the County proposes a simplified version. The RCD's Agricultural Offset Program for the Paso Robles Groundwater Basin provided a framework for the County to adopt and implement for a 1:1 offset program. The program proposed by the County is an overly simplified version of the Agricultural Offset Program. For instance, the proposed project by the County eliminates much of the technical level of analysis and assessment needed to verify a 1:1 offset for irrigated agriculture. Although this may be in an effort to simplify the process for applying and receiving offset credits, it does not take into account the hydrologic connection between sending and receiving sites nor does it provide for accountability between sites, especially in Category II: Off-site Offsets. Furthermore, the proposed project by the County lacks the mechanism to quantify and verify offsets credits. Without a monitoring component, it is nearly impossible to verify compliance a 1:1 offset is achieved. The one requirement in the County's proposed project for monitoring is installation of a well meter. This is an important first step, yet the programs fails to ensure a 1:1 Agricultural Water Offset is maintained throughout the program without verification (e.g. annual reporting).

If the County proceeds with a simplified version of the Agricultural Water Offset Program, it should continue to include the essential elements of the Paso Robles Agricultural Water Offset

Program developed by the RCD. The RCD would strongly encourage the County to incorporate more components of the RCD's Agricultural Offset Program into their proposed program for two reasons. First, the RCD provided varied levels of technical information necessary to apply for an agricultural offset. These were developed and designed with the understanding of the diversity of agricultural users and application types (*i.e.* Categories). Removing these components from a permit application process does not enable the County the ability to accurately quantify where groundwater is being offset and applied within the Paso Robles Groundwater Basin. This is likely to become an intrinsic component in a Groundwater Sustainability Plan (GSP) and feels shortsighted by the County to not incorporate those elements into the proposed project. Secondly, because the County's proposed program eliminates many of the technical aspects of the RCD's Agricultural Water Offset Program, impacts to shallow aquifer wells or to hydrogeologically connected sub-basins cannot be assessed and mitigated for. The proposed program should envelop some of this analysis in the offset application process to avoid or minimize environmental and economic impacts to local stakeholders in the Paso Robles Groundwater Basin.

Summary of Significance of Impacts

The proposed project, and every alternative, have a multitude of potentially significant impacts. The DEIR states the only two significant impacts would be to *Agricultural Resources* and *Land Use*. The Countywide Water Conservation program should also evaluate impacts to hydrology, water quality, and biological resources in the final EIR. It is unclear how the DEIR can make the determination one alternative is environmentally preferred than another when environmental resources such as hydrology and biological resources were not evaluated. The County should, before proceeding with the proposed program, assess and evaluate the impacts to these resources to determine if the proposed program is the preferred alternative.

General Comments

The proposed Agricultural Water Offset component of the Countywide Water Conservation Program is not likely effective for providing a 1:1 offset that is protective of current water users in the Paso Groundwater Basin, nor does it resolve the issue of alleviating the severity of groundwater depletion. As an organization committed to natural resource conservation and management, the program, as currently proposed, does not meet the goals of providing a means to, "substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin," as stated in the Executive Summary (ES-2). Instead, the proposed program authorizes and permits new irrigated agriculture without assessment of impacts to neighboring wells, quantifying interactions between hydrogeologic strata, or verification the permitted new irrigated agriculture is achieving a 1:1 offset in the Paso Robles Groundwater Basin. Lastly, the DEIR is meager in its analysis of the summary of significant environmental impacts associated from the alternatives proposed. The additional environmental impacts listed above should also be analyzed and, if needed, mitigated for in the DEIR.

The RCD would like to offer its services and expertise to the County. If you have any questions please feel free to contact Mr. Devin Best by phone at (805) 434-0396 ex. 5 or via email at devin@us-ltrcd.org.

Sincerely,

Devin Best
Executive Director

May 13, 2015

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

RE: Draft WNND Implementation Language for County Land Use Ordinance (Title 22)

Dear Chairperson Topping and Members of the Commission:

The Paso Robles Wine Country Alliance Government Affairs Committee has reviewed the above referenced draft and also had the opportunity to discuss it with County Planning Staff. We provide the specific comments below (in italics) for your consideration, followed by general comments.

22.30.204. A. "In no case shall a request for an agricultural offset clearance be granted for a site outside the PRGWB." *We request that the Bulletin 118 boundary be used to provide more options and consistency with the Sustainable Groundwater Management Act (SGMA).*

22.30.204. E1. "Eligible sites for participation. On-site offset. Conversion or intensification on the same site will require an offset clearance." *This was not understood as part of the Urgency Ordinance and should not apply to replanting on the same site if that activity does not intensify crop production resulting in increased water.*

22.30.204. E2. *The explanation of the requirements for contiguous property and same ownership for sender/receiver is acceptable; however, we do not want any proximity requirements attached to this. Under the same owner, an offset on another property within the PRGWB should be allowed. Since it is required to be the same landowner or contiguous parcels a proximity limiting factor is not needed.*

22.30.204. G2. "Proposed sending sites predominantly composed of soils designated as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland will remain in some form of crop production." *If you reduce or eliminate water use in the sending site, how can you meet the criteria to keep it in crop production?*

22.30.204. G5. "Sending sites will be determined by current demand of irrigated crop production on the sending site." *What historical data will be required to verify the current demand?*

22.30.204. G7. Deed restriction. *Add language that makes it clear that the deed restriction is lifted immediately upon sunset of the ordinance.*

22.30.204. H. Termination. "The provisions of this section shall expire upon the adoption of a Groundwater Sustainability Plan for the PRGWB." *This may be on or before 2020 so this language is too vague and creates undue difficulty for agriculturists who need to plan well in advance.*

PASO ROBLES WINE COUNTRY ALLIANCE ADDRESS **PO Box 324 Paso Robles, CA 93447** PHONE **805.239.8463** FAX **805.237.6439** WEB **pasowine.com**

We want to emphasize the need for a clear, ministerial process that will not require any public notice so that applicants may conduct business with a degree of assurance. It has been suggested by some that notification cards should be sent to neighbors; however, this may create undue controversy. How much detail would such a notification provide?

It is important that a sufficient number of years are allowed before planting when in receipt of an offset clearance to allow for such agricultural contingencies as the availability of disease free plants.

In conclusion, we want to thank Planning Staff members Xzandra Fowler, Cheryl Cochran and Michael Hanebutt for meeting with us to discuss and receive comments on the Draft. We look forward to your deliberations and will be in attendance to provide input and answer any questions that you may have.

Sincerely,
Patricia Wilmore
Government Affairs Coordinator
Paso Robles Wine Country Alliance
pwilmore@pasowine.com

proposed Ag Offset ordinance language

Willy Cunha to: xfowler@co.slo.ca.us 05/13/2015 08:36 AM

History: This message has been replied to.

Xzandrea,

I am Willy Cunha a member of the Paso Robles Ground Water Basin Advisory Committee. You spoke to our Management Subcommittee meeting on May 4th at the Paso Library and listened to some of our concerns regarding the proposed Ag Offset Ordinance. I wanted to reiterate my two main concerns regarding sending sites for Ag Offsets for reducing irrigation on one site in our Basin and moving it to another site within our Basin. Applications that move the location of use a short distance, a mile maybe half a mile, should have very little paperwork or review. If these two sites are within the same topographic area the effects should be relatively equivalent. They should not need to notice the neighbors. For those sending and receiving sites that are more discontiguous, more than a mile or in separate topographic areas, the level of scrutiny should be much higher. The cost of the requisite studies should be borne by the applicant. The neighbors of the receiving site should definitely be notified at the expense of the applicant. This should apply to any area of the Paso Basin. It should not be aimed only at "red zones". Increasing water use in any area will potentially lead to new local "red zones". Increased pumping in one part of the basin can cause impacts on nearby properties even if pumping is reduced elsewhere. Notice should be provided to surrounding landowners near a proposed discontiguous receiving site when the application is accepted for processing.

The idea of a one to one offset to allow for reasonable use of our existing water and agricultural resources is a good one. The Ag economy is at the very heart of our local economy, our State economy and our National economy. They are resources that we truly need and we truly need to manage in a responsible and long term sustainable fashion. To allow reasonable transfers of water use is a good thing. To allow one property owner to create a new use in a discontiguous area of the basin at the cost of his neighbors is not fair and that use is not mitigated by reducing use in another discontiguous part of the basin. The water in our groundwater basin is connected but does not slosh back in forth like the milk in a bowl of cheerios. Our use of water in the basin and the resulting uneven water levels have shown that quite clearly. While it may be convenient to declare that the water is connected, in reality the connections are tenuous and in many areas it may take from tens of years to hundreds of years for water levels to respond. There are areas where the connection is very strong and the response is very rapid. The applicant for a discontiguous transfer of water should bear the cost of demonstrating that.

Is there a place on your website where you have posted or will be posting the latest suggested language?

Thank you,

Willy Cunha

NIPOMO COMMUNITY SERVICES DISTRICT

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Celebrating 50 Years of Service to the Community, 1965 - 2015

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(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

May 12, 2015

Xzandrea Fowler
San Luis Obispo County
Department of Planning & Building
976 Osos Street
Room 200
San Luis Obispo, CA 93408
efowler@co.slo.ca.us

Dear Ms. Fowler:

SUBJECT: PROPOSED COUNTYWIDE WATER CONSERVATION PROGRAM DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

On May 12, 2015, the Nipomo Community Services District Board of Directors reviewed the draft Supplemental Environmental Impact Report (SEIR) which supports the proposed Countywide Water Conservation Program (Conservation Program). The District appreciates the opportunity to review and comment on the draft SEIR and proposed Conservation Program prior to consideration by the Planning Commission and Board of Supervisors.

The District offers the following comments and suggestions:

In general, we are concerned that by developing the Conservation Program and drafting the SEIR concurrently, the impact of the final Conservation Program cannot be adequately addressed. As the Program's Project Description and Objectives are still being developed, it is difficult to accurately assess the environmental impacts of the Program.

One of the four Project Objectives is to "Substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III." Not only is this objective unclear and unmeasurable, it does not address depletion of a basin that, by the County's criteria, is at the highest level of concern with demand equal to or in excess of available supply. The objective should be revised to adhere to the County's Resource Management System recommended actions for addressing Level of Severity III resources, namely; to reduce the level of severity with a goal of achieving LOS I.

A second Project Objective is to "Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins ... in a manner that fully offsets projected water use." At best, this Objective would maintain status quo in a basin that is at LOS III with demand equal to

supply. In basins where demand already exceeds supply, failure to achieve and maintain offsets would result in new permanent demand and further exacerbate the level of severity in the basin.

Offsets result in theoretical water savings – we know a new fixture saves a set amount of water per use or per minute relative to the old fixture, but we don't know how much the device (e.g. sink, toilet, shower) is or will be used, how long it will be in service, and we don't know that it will be used as designed. The value of landscape related offsets are even more problematic to define and rely on over time. For this reason, it is appropriate to use offsets as a means to lessen resource demands of current basin users in LOS III settings, but it is ill advised and inappropriate to use an offset program as the basis for allowing new development with its potential for permanent new resource demands.

A third Project Objective is to "Reduce the wasteful use of water in the County". The objective needs to be strengthened and better defined. Consideration should be given to revising the goal to 'eliminating water waste in the County' and including measurable goals based on reasonable estimates of current levels of water waste in the County.

In 2005, the County Board of Supervisors certified water resources underlying the Nipomo Mesa Water Conservation Area (NMWCA) as LOS III and subsequently adopted Ordinance 3090.
The Ordinance requires development and land divisions to pay a water development fee to offset new urban water demand that will result from the development. The land division can then proceed while the development fee is directed to obtain water resources to meet the proposed project's needs. As it is currently unclear how the proposed Conservation Program would affect Ordinance 3090, this interrelationship needs to be discussed in the draft SEIR.

Finally, the draft SEIR must specifically evaluate the water resource impacts of the proposed Conservation Program. As outlined above, we do not believe this impact can be presumed to be positive.

We strongly encourage the County to improve the Project Description and define measurable and meaningful Project Objectives that will serve to address the critical level of severity in the NMWCA. The District Board and staff are committed to assisting in this effort in every way possible.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael S. LeBrun

Michael S. LeBrun
General Manager

Cc (by email): 4th District Supervisor Lynn Compton
4th District Planning Commissioner Jim Harrison
4th District Legislative Assistant Jocelyn Brennan
Director of Planning and Building James A. Bergman

SAN LUIS OBISPO COUNTY FARM BUREAU
4875 MORABITO PLACE ♦ SAN LUIS OBISPO, CA 93401
® PHONE (805) 543-3654 ♦ FAX (805) 543-3697 ♦ www.slofarmbureau.org

Commissioners
San Luis Obispo County Planning Commission
976 Osos St.
Rm. 200
San Luis Obispo, CA 93401

Re: Countywide Water Conservation Program

Dear Commissioners:

The San Luis Obispo Co. Farm Bureau (SLOCFB) appreciates this opportunity to comment on the Countywide Water Conservation Program, especially the amendments relating to the Offset Ordinance.

As SLOCFB reviewed the proposed offset program, one major need for change in the program surfaced. Short-term offsets would make the program more affordable for the smaller growers. It is hoped that any short-term offsets created would also have limited fees. The short-term offset would be for 1 to 3 or 4 years, which would be fitting with certain types of crops such as annual vegetable or seed crops. This is different from an offset for the Paso Robles Basin that continues till SGMA is adopted, which is much more appropriate for longer term crops such as vineyards and orchards.

The fees relating to the offset ordinance are referenced in Title 22, but unfortunately they are not yet part of the County's fee schedule so the public has no idea what participation in the offset program will really cost. We hope that the fee schedule for the offsets will be published before the ordinance is adopted so that public comment will be possible.

In Section G, the offset clearance review and approval it states that a sending site "will remain in some form of crop production". As the Water Resources Advisory subcommittee stated "a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation". We concur and hope that this requirement will be stricken from the program.

We are thankful that the staff stated in their response to the subcommittee's correspondence that deed restrictions will end with the end of the program. This is a serious issue as nothing "automatically ends" even though this was stated in staff's response. Unfortunately, history shows that too often what the public understands as a program end turns out to have a continuing life. If this ordinance becomes permanent there is a serious concern regarding ongoing deed restrictions even if the basin is in balance and feel that it needs to be clarified in the ordinance that the deed restriction will end with the program.

Finally, the offset program is billed as voluntary yet history shows that voluntary too often becomes mandatory and permanent. What assurance is there that this won't happen with the offset program?

I hope that these comments and the other comments by the WRAC subcommittee will be given serious consideration in the development of the Countywide Water Conservation Program.

Thank you,

Joy Fitzhugh
Legislative Analyst

WRAC Ad Hoc Subcommittee to Review Agricultural portions of Countywide Water Conservation Program

Subcommittee members

Mike Broadhurst (Chair of subcommittee), George Kendall, Lowell Zelinski, Sue Luft

Documents reviewed by subcommittee

Countywide Water Conservation Program Draft Supplemental Environmental Impact Report (supplemental to EIR for COSE)

Revisions to Title 22 regarding crop production

Revisions to Title 8 regarding wineries

Revisions to Agriculture Element and Conservation and Open Space Element (COSE)

Comments on each document

Title 22 - General

How is the offset program enforced (monitoring, penalties for non-compliance, etc.)?

Offset credits should be available for a limited duration if desired by the landowners. This might make the cost of the credits more affordable to small farmers.

Title 22, Chapter 22.06.040

Figure XX should show the Paso Robles Groundwater Basin as delineated in DWR Bulletin 118, excluding the Atascadero sub-basin. A footnote should be provided stating "Paso Robles Groundwater Basin as identified and defined in Bulletin 118 or as modified pursuant to Water Code Section 10722 et seq, excluding the Atascadero sub-basin as delineated by the Rinconada fault." Similar language is used in the draft ordinance regulating the exportation of groundwater.

Title 22, Chapter 22.30.204, Table 1

This table would be clearer if the term "crop water use" was used instead of "crop production".

Title 22, Chapter 22.30.204, Table 1

The restriction that the receiving site cannot be within the area of severe decline makes sense. However, this will have an impact on the ability to use the offset program. Also, the area of severe decline (which well level decline contour) needs to be defined.

Title 22, Chapter 22.30.204. G.2.

This provision is not enforceable since a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation.

Title 22, Chapter 22.30.204. G.3.

This statement seems unnecessary since a Williamson Act contract must be complied with whether the site is involved in the offset program or not.

Title 22, Chapter 22.30.204. G.5.

Add "as listed in Table 2" at the end of the sentence.

Title 22, Chapter 22.30.204. G.6., regarding landowner agreements

Are there standardized landowner agreements to simplify the process, particularly for small farmers?

Title 22, Chapter 22.30.204. G.7.

Do deed restrictions end when ordinance sunsets?

Title 22, Chapter 22.30.204. G.8.

Flowmeters should be installed on wells at both the sending and receiving sites. Reports of water use should be turned into the County on an annual basis. County staff should review this data to ensure compliance with this program.

Title 22, Chapter 22.30.204, Table 2

This table differs from Table 2-3 in the Draft SEIR. However, the vineyard applied water value in Table 2 may be a more appropriate number than the value in Table 2-3.

Title 8, Chapter 8.69, Section 8.69.110

Since the Agricultural Offset Program applies only in the Paso Robles Groundwater Basin, the agricultural processing uses - wineries should also only apply in the Paso Robles Groundwater Basin. Discussions should be held with industry representatives to determine appropriate best management practices which would provide meaningful reductions in water use.

Revisions to COSE, Page 10.7, Policy WR 1.7 Agricultural operations

Since the proposed requirements Agricultural Offset Program applies only in the Paso Robles Groundwater Basin, this policy should be applicable only to the Paso Robles Groundwater Basin.

Countywide Water Conservation Program Draft SEIR

Executive Summary, Project Description

Although the "exceptional drought" has exacerbated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed.

2.0 Project Description, 2.2 Background

Although the "exceptional drought" has exacerbated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed.

3.0 Environmental Setting, 3.2 Program Area Setting

These three groundwater basins were certified as LOS III long before the current drought. The discussion of drought should either be removed or moved to later in this section.

3.0 Environmental Setting, 3.2 Program Area Setting, 3.2.1 Paso Robles Groundwater Basin

Last sentence of this section. The outflows are projected to exceed inflows by 26,159 AFY (see page ES-10 of http://www.slocountywater.org/site/Water%20Resources/Water%20Forum/Computer%20Modeling/pdf/Final%20Executive%20Summary.pdf).

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TEMPLETON COMMUNITY SERVICES DISTRICT

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May 5, 2015

Xzandrea Fowler
Mike Hannebutt
San Luis Obispo County Planning Dept
County Government Center,
San Luis Obispo, CA 93408

Subject: Proposed Water Neutral New Development (WNND) Ordinance and related proposed programs, policy and code changes.

Dear Xzandrea and Mike:

Thank you for the opportunity to review the draft proposed Countywide Water Neutral New Development Ordinance and related proposed programs, policy and code changes. Our comments are primarily focused on the Atascadero Sub-basin as it is an important water supply for the District. The Atascadero Sub-basin is treated separately from the Paso Robles Basin in all County actions specific to the Paso Robles Basin and was specifically excluded from the emergency ordinance. The recent County Resource Summary Report treats them separately and gives the Atascadero Sub-basin no level of severity, whereas the Paso Robles Basin is assigned an LOS III. The proposed ordinance does not make this distinction and we strongly feel that it should. We request that the Atascadero Sub-basin be specifically excluded in the proposed WNND Ordinance requirements and related regulations.

Our comments are as follows:

1. The Atascadero Sub-basin is being sustainably managed and has no level of severity assigned to it, whereas the Paso Robles Basin has a level of severity (LOS) III. For consistency and recognizing the distinction, the Atascadero Sub-basin should be specifically excluded wherever regulations for the Paso Robles Basin are stated. This comment applies to the new WNND ordinance as well as to the proposed changes to Titles 22, 19, 8, and the County General Plan and Conservation and Open Space Element.
2. The map Figure 7.2 dos not clearly show boundaries of the Paso Robles Groundwater Basin and the Atascadero sub-basin should be added and shown here.

Please feel free to contact me at (805) 434-4915 should you have any questions.

Sincerely,

Bettina L. Mayer, PE
District Engineer

PRO Water Equity, Inc.

Paso Robles Groundwater Basin Overliers for Water Equity

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info.prowaterequity@gmail.com
www.facebook.com/ProWaterEquity
P.O. Box 255, Templeton, CA 93465

February 19, 2015

Chair Debbie Arnold
Supervisor Frank Mecham
Supervisor Bruce Gibson
Supervisor Adam Hill
Supervisor Lynn Compton

Re: Interim Management of the Paso Basin
February 24, 2015 Board of Supervisors Meeting
Agenda Item #31

The Urgency Ordinance, due to expire in August of this year, was developed to give the Paso Robles Groundwater Basin a breather from the stress of chronic overpumping that has been the status quo for many years. The recent computer model update makes it clear that growth in water uses will make it harder - or maybe impossible - to balance the basin.

The enactment of the Sustainable Groundwater Management Act of 2014 requires a management agency to be established for the Basin, and that agency will be required to develop a Groundwater Sustainability Plan for sustainably managing the Basin. A Groundwater Sustainability Agency must be in place by 2017 and a plan established by 2020 or 2022.

That leaves a window of opportunity for additional irrigated plantings, additional wells and additional development between the expiration of the Urgency Ordinance and the point at which a management agency can effectively manage the Basin. That will mean the management agency will be working to dig the Basin out of an even deeper hole.

We encourage you to move forward with dispatch to develop an ordinance to be ready and in place upon expiration of the Urgency Ordinance. The new ordinance should contain the basic provisions of the existing ordinance: applicable to the Paso Basin, water neutrality on new water uses, boundaries to match the current ordinance, limit vested rights to those under the current ordinance (i.e. - no new vested rights).

Additionally, the ordinance could sunset upon one or more conditions, but the shortest timeframe sunset clause would occur if the AB2453 water district is formed and subsequently requests for the ordinance to be repealed because the district is in a position to manage new pressures on the Basin.

Mission Statement: To promote the health, safety, common good and general welfare of the community by advocating for the stabilization and sustainability of the Paso Robles groundwater basin for the benefit of all overliers.

PRO Water Equity, Inc.

Paso Robles Groundwater Basin Overliers for Water Equity

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P.O. Box 255, Templeton, CA 93465

PRO Water Equity also requests that the Paso Basin Advisory Committee be actively engaged in developing the replacement ordinance provisions. The BAC is broadly representative of the stakeholders of the Basin and can quickly develop consensus as to what would work for agriculture, rural residents, rangeland and commercial interests.

Time is of the essence as County staff will need to prepare an EIR for the ordinance and there can be no delay or break in protection for the Basin.

Thank you for your consideration.

The Board of PRO Water Equity, Inc.

Sue Luft	Laurie Gage	Jan Seals	CC Coats
President	Vice President	Treasurer	Secretary

Mission Statement: To promote the health, safety, common good and general welfare of the community by advocating for the stabilization and sustainability of the Paso Robles groundwater basin for the benefit of all overliers.

NCAC Comments

LRP2013-00012 COUNTY OF SLO FIVE (5) proposed general plan or ordinance amendments. The Board of Supervisors recently authorized for processing a number of program amendments dealing with county –wide water resources. The Dept. of Planning and Building is currently preparing an initial study pursuant to the California Environmental Quality Act (CEQA) for this project. They seek our timely review of and comments on the proposed project.

1. Proposed county wide retrofit –on-sale ordinance to require all pre-1994 properties sold within the unincorporated area of the County to replace older, high water –using plumbing fixtures (toilets and shower heads)in existing buildings with more efficient models prior to completing real estate transactions.

Recommendation

- Set a specific standard of high efficiency for water using fixtures for all properties (residential, commercial...) even homes built post -1994, since there have been increases in efficiency of fixtures since then. Apply it county wide, not only in unmanaged ground water basins certified at level of service 2 or 3. Adding time and costs for sellers is secondary importance to conserving water.

- If County standards are more-conserving than those of Nipomo, Los Osos, and Cambria, they should override those area and district ordinances.

- In response to retrofit –on-sale of agricultural properties requiring modernization of irrigation systems: yes county wide.

2. Proposed ordinance amendments to require Water Supply Assessments for all new land divisions within certified Level of Severity 3 groundwater basins (presently, Los Osos and Paso Robles ground water basins and Nipomo Mesa Management Area).

Recommendation-

Although this advisory council area of supervisorial district 2 contains no certified LOS 3 groundwater basins. The Cambria CSD did declare a water resource LOS3 in 2001. That LOS 3 has not been certified by the Board of Supervisors. We would like to see credible Resource capacity Studies of groundwater basins countywide, and adoption of them, with credible certified levels of Service, by the Board of supervisors, so that theses proposed amendments that take the trigger for required WSAs up to LOS 2. Assessment of the resource prior to allocation is our priority.

- We request that the Cambria service area be certified LOS III

3. Proposed ordinance amendments to establish new landscaping requirements for all new construction, remodels, additions and all other private and public development(s). With focus on requiring ultra-low water using plantings based on revised county approved list and other outdoor water uses, such as water features. The amendments would apply to urban and rural areas.

Recommendation –

- Exceptions should be provided for the planting of vegetables, fruit and nut bearing trees, herbs –gardens for comestible. Gardens for food production are a big part of life style in this county.

- A revised County approved list should stress plants native and appropriate to specific areas of the County, i. e. maritime natives (coastal bluff), Monterey Pine forest, oak woodland . Etc. These are the plants best adapted to precipitation patterns, are less likely to introduce pathogens to rare or endangered natives, and associated with native fauna.

- If increased fire hazard is a concern, the revised County approved list might make every effort to list options which are both low water using and fire resistant.

- Amendments should focus on every means of capture of roof run-off and on –site cisterns and tanks to store for landscaping purposes, as well as systems for use of non-portable water, rather than the types of plantings.

- Limitations on water features should be considered.

- Dry farming is highly recommended when appropriate.

4. Proposed requirements for offsetting new water demand from new developments-residents, businesses and irrigated agriculture.

Recommendation- No Comment

5. Proposed new water waste ordinance which would limit and /or prohibit certain water using activates in the unincorporated areas, exempting CSD's with possible future inclusion of CSD's if circumstances so require. Possible limitations; hose shut off when washing cars, no water use to clean driveways, no water run off to paving from irrigation systems, watering landscape certain times of the days, fix leaks, limit ornamental fountains, water in restaurants on requests, limited Ag. Overhead watering, fix Ag. Leaks, maintain irrigation, protocol for public reporting water waste.

Recommendation –

- There should be a strong enforcement provision.

- Applicability should be countywide.

- Additional limitation to those listed in the referral document; filing and refilling of hot tubs and swimming pools, commercial and residential. This would be naturally having some impact on local life style as well as visitor –serving uses i.e. motels, hotels, vacation rentals.

- Prohibit rather than limit overhead agricultural watering if feasible for certain crops, and to prohibit irrigation of fallow land for the purpose of establishing water use history.

- Limit laundering of lodging sheets and towels by customer request only.

Motion to approve all 5 of the above proposals and recommendations- First Motion –Mary Webb and seconded – Debbie Mix

Council vote–Unanimous.

North Coast Advisory Council
P.O.Box 533
Cambria, CA 93428
(805) 924-1930
www.northcoastadvisorycouncil.org

June 20, 2014

Airlin Singewald
County of San Luis Obispo Planning Department
976 Osos Street #300
San Luis Obispo, CA 93408

RE: LRP2013-00012 COUNTY OF SLO Five (5) proposed general plan or ordinance amendments.

– Proposed county-wide retrofit-on-sale ordinance, with possible triggers for remodels and room additions. *The North Coast Advisory Council recommends:*

- *Set a specific standard of high-efficiency for water using fixtures for all properties (residential, commercial...), even homes built post-1994, since there have been increases in efficiency of fixtures since then. Apply it county-wide, not only in unmanaged groundwater basins certified at Level of Service III. Adding time and costs for sellers is of secondary importance to conserving water.*
- *If County standards are more water-conserving than those of Nipomo, Los Osos and Cambria, they should override those area and district ordinances.*
- *In response to retrofit-on-sale of agricultural properties requiring modernization of irrigation systems: yes, county-wide.*

2 – Proposed ordinance amendments to require Water Supply Assessments for all new land divisions within certified LOS III groundwater basins. *The North Coast Advisory Council recommends:*

- *Although this advisory council area of Supervisorial District 2 contains no* certified *LOS III groundwater basins, the Cambria CSD did declare a water resource LOS III in 2001. That LOS III has not been certified by the Board of Supervisors. We would like to see credible Resource Capacity Studies of groundwater basins countywide, and adoption of them, with credible Levels of Service, by the Board of Supervisors, so that these proposed amendments might apply to new land divisions countywide. Ideally, the County might consider amendments that take the trigger for required WSAs up to LOS II. Assessment of the resource prior to allocation is our priority.*
- *We request that the Cambria service area be* <u>*certified*</u> *LOS III.*

3 – Proposed ordinance amendments to establish new landscaping requirements for all new construction, remodels, additions and all other private and public development(s). *The North Coast Advisory Council recommends:*

- *Exceptions should be provided for the planting of vegetables, fruit and nut-bearing trees, herbs – gardens for comestibles. Gardens for food production are a big part of life-style in this county.*
- *We highly recommend dry-farming where appropriate.*
- *A revised County approved plant list should stress plants native to and appropriate to specific areas of the County, i.e. maritime natives (coastal bluff), Monterey Pine forest, oak woodland, etc. These are the plants best adapted to precipitation patterns, are less likely to introduce pathogens to rare or endangered natives, and are associated with native fauna.*
- *If increased fire hazard is a concern, the revised County approved plant list might make every effort to list options which are both low water using* and *fire resistant.*
- *Perhaps amendments should focus on every means of capture of roof run-off and on-site cisterns and tanks to store for landscaping purposes, as well as systems for use of non-potable water, rather than the types of plantings.*
- *Limitation of water features* should *be considered.*

4. Proposed requirements for offsetting new water demand from new development. *The NCAC has no comment.*

5.Proposed new water waste ordinances. *The NCAC recommends:*

- *There should be strong enforcement provisions.*
- *Applicability should be countywide.*

The NCAC strives to develop a unified, cooperative effort among individuals, organizations and public jurisdictions.

- *Additional limitations to those listed in the referral document: limit laundering of sheets and towels per customer request in visitor-serving lodging facilities; limit filling and refilling of hot tubs and swimming pools – both commercial and residential (this would naturally have some impact on local life-style as well as visitor serving uses, i.e. motels, hotels, vacation rentals)*
- *Additional limitation to those listed in the referral document: prohibit, rather than "limit" overhead agricultural watering, if feasible for the crop(s) in question.*
- *Prohibit irrigation of land that is being done for the purpose of establishing water use..*

Respectfully,

Bruce Fosdike
NCAC Chairman

BF/lh