IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, October 27, 2015

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

ABSENT: None

RESOLUTION NO. 2015-288

RESOLUTION ADOPTING SPECIFIC AMENDMENTS TO THE AGRICULTURE ELEMENT AND THE CONSERVATION AND OPEN SPACE ELEMENT OF THE GENERAL PLAN; SPECIFIC AMENDMENTS TO TITLE 8 (HEALTH AND SANITATION CODE), TITLE 19 (BUILDING AND CONSTRUCTION ORDINANCE), AND TITLE 22 (LAND USE ORDINANCE) OF THE COUNTY CODE IN ORDER TO IMPLEMENT THE WATER NEUTRAL NEW DEVELOPMENT AND WATER WASTE PREVENTION COMPONENTS OF THE PROPOSED COUNTYWIDE WATER CONSERVATION PROGRAM; SPECIFIC AMENDMENTS TO ORDINANCE 3274 (COUNTY FEE SCHEDULE) TO ESTABLISH NEW FEES ASSOCIATED WITH THE IMPLEMENTATION OF THE PROPOSED COUNTYWIDE WATER CONSERVATION PROGRAM; AND ESTABLISHMENT OF A PLUMBING RETROFIT PROGRAM AND TURF REMOVAL PROGRAM

The following resolution is now offered and read:

WHEREAS, water levels in groundwater basins and surface lakes and reservoirs throughout the County have been in decline for over a decade, and current exceptional drought conditions have exacerbated this decline; and,

WHEREAS, the Board of Supervisor s of San Luis Obispo County (herein after "Board") declared the Nipomo Mesa (part of Santa Maria Groundwater Basin) and the Paso Robles Groundwater Basin (PRGWB) at Level of Severity (LOS) III, which indicates that groundwater demand has met or exceeded the dependable supply; and,

WHEREAS, on August 27, 2013, the Board adopted Ordinance 3246 (Paso Robles Groundwater Urgency Ordinance), which required a 1:1 offset for new irrigated agriculture and new development dependent on a well in the Paso Robles Groundwater Basin, which expired on August 27, 2015; and,

WHEREAS, beginning on March 4, 2014, the Board authorized the processing of various General Plan and Ordinance amendments to develop and implement a Countywide Water Conservation Program; and,

WHEREAS, since March 2014, the Planning and Building Department engaged the public and other agencies in an extensive outreach effort that in part involved in depth presentations at public and private community meetings held throughout the County and receipt of extensive public input; and,

WHEREAS, the Planning Commission held full day public hearing study sessions on May 14, 2015, May 29, 2015, June 4, 2015, and July 30, 2015, and a half day on August 13, 2015 where they took public comment, and reviewed and provided comments on the proposed Countywide Water Conservation Program and associated General Plan and Ordinance amendments, and recommended on August 13, 2015 that the Board adopt the Countywide Water Conservation Program and associated General Plan and Ordinance amendments as carried forward herein and certify the associated Final Supplemental Environmental Impact Report (SCH#2008031091); and,

WHEREAS, the establishment of the Countywide Water Conservation Program requires amendments to; 1) the Agricultural Element of the County General Plan, Agricultural Goal – AG1(Support County Agricultural Production), Agricultural Policies – AGP10 (Water Conservation) and AGP11 (Agricultural Water Supplies) (Exhibit B); 2) the Conservation and Open Space Element of the County General Plan, Water Resource Policy – WR 1.7 (Agricultural operations), Water Resource Implementation Strategy - WR 1.7.1 (Protect agricultural water supplies), and Water Resource Policy - WR 1.14 (Avoid net increase in water use) (Exhibit C); 3) Title 8 (Health and Sanitation Ordinance) of the County Code, Section 8.40.030 – Acts prohibited, permit required, Section 8.40.040 – Permits, and the addition of a new Chapter 8.69 – Urban and Rural Development Water Conservation Requirements (Exhibit D); 4) Title 19 (Building and Construction Ordinance) of the County Code, Chapter 7 – Plumbing Code, Section 19.07.42 – Water Conservation Provisions (Exhibit E); and 5) Title 22 (Land Use Ordinance) of the County Code, Chapter 22.06 – Allowable Land Uses and Permit Requirements by Land Use Category, Section 22.06.030 - Table 2-2, Section 22.06.040 – Exemptions from Land Use Permit Requirements, Chapter 22.30 – Standards for Specific Land Uses for the addition of a new Section 22.30.204 – New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin, Section 22.30.310 – Nursery Specialties, Chapter 22.62 – Permit Approval or Disapproval, Section 22.62.030 – Zoning Clearance, and Chapter 22.80 – Definitions/Glossary, Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases (Exhibit F); and Ordinance 3274 (County Fee Schedule) to

establish new fees associated with the implementation of the proposed Countywide Water Conservation Program (Exhibit G); and,

WHEREAS, in order to implement the Countywide Water Conservation Program the County will hereby create and implement two County-run programs including a Plumbing Retrofit Program (Exhibit H) and a Turf Removal Incentive Program, to be known as "Cash for Grass" (Exhibit I); and,

WHEREAS, the Countywide Water Conservation Program was analyzed in a Final Supplemental Environmental Impact Report. The Final Supplemental Environmental Impact was prepared as a supplement to the previously certified Environmental Impact Report for the Conservation and Open Space Element of the County General Plan (SCH#2008031091); and,

WHEREAS, the proposed amendments to Title 8, Title 19 and Ordinance 3274 (County Fee Schedule) were duly introduced on October 6, 2015, and a public hearing was duly set, noticed, and held by the Board of Supervisors on October 27, 2015, on all amendments described above for the establishment of the Countywide Water Conservation Program; and,

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written comments, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said proposed amendments; and,

WHEREAS, the Board of Supervisors has duly considered the proposed Program and associated amendments and finds that the recommendation of the Planning Commission on August 13, 2015 should be accepted and the Countywide Water Conservation Program should be enacted.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE Board of Supervisors of the County of San Luis Obispo, State California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A.

3. That the Final Supplemental Environmental Impact Report (SCH #2008031091) (hereinafter "FSEIR") prepared for this project is hereby certified as having been prepared and completed in full compliance with the California Environmental Quality Act (Public Resources

Code section 21000, et seq., and Title 14 of the California Code of Regulations, Division 6, Chapter 3 (hereinafter "CEQA")), including CEQA Guidelines sections 15162 and 15163, that the FSEIR is adequate for purposes of compliance with CEQA for this project, and that the FSEIR represents the independent judgment of the Board of Supervisors.

4. That amendments to the Agriculture Element and Conservation and Open Space Element of the General Plan as set forth in Exhibit B and C, respectively, are hereby adopted and enacted.

5. That the Chairperson of the Board of Supervisors sign Ordinance 3306 to adopt and enact the amendments to Title 8 (Health and Sanitation Ordinance) of the County Code as set forth in Exhibit D attached hereto.

6. That the Chairperson of the Board of Supervisors sign Ordinance 3307 to adopt and enact the amendments to Title 19 (Building and Construction Ordinance) of the County Code as set forth in Exhibit E attached hereto.

7. That the Chairperson of the Board of Supervisors sign Ordinance 3308 to adopt and enact the amendments to Title 22 (Land Use Ordinance) of the County Code as set forth in Exhibit F attached hereto.

8. That the County-run Water Conservation Programs in Exhibits H and I are hereby adopted.

9. That the Chairperson of the Board of Supervisors sign Ordinance 3309 to adopt and enact amendments to Ordinance 3274 (County Fee Schedule) as set forth in Exhibit G attached hereto.

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

AYES: Supervisors Mecham, Hill and Gibson

NOES: Supervisors Chairperson Arnold and Compton

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Debbie Arnold
Chairperson of the Board of Supervisors

ATTEST:

TOMMY GONG
Clerk of the Board of Supervisors

By: Annette Ramirez
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Whitney McDonald
Deputy County Counsel

Dated: October 13, 2015

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, TOMMY GONG, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 2nd day of November, 2015.

TOMMY GONG
County Clerk and Ex-Officio Clerk of the Board
of Supervisors

(SEAL)

By _____ Deputy Clerk.