Paso Basin Land Use Management Area Planting Ordinance (LRP2021-00001)

COUNTY OF SAN LUIS OBISPO

Water Resources Advisory Committee
September 7, 2022

www.slocounty.ca.gov
Presentation Overview

• Background - Agricultural Offset Requirements
• Project Objectives
• Project Timeline
• Project Description
• Ordinance Format
• Environmental Review
Paso Basin Land Use Management Area (PBLUMA)
Background – Agricultural Offset Requirements

• Existing land use requirements for the PBLUMA
• Require ministerial land use permits for new or expanded irrigated crop production
• Limited to “water neutral” plantings based on a 5-year lookback period
• 5 acre-feet per year (AFY) per site exemption
Background – Agricultural Offset Requirements

• Adopted in October 2015 after 2013 urgency ordinance expired

• Interim measure until Sustainable Groundwater Management Act (SGMA) actions are in place

• Terminate when planting ordinance takes effect, or August 31, 2023, whichever is sooner
Planting Ordinance Project Objectives

• Continue to exercise County land use authority to regulate new commercial plantings using PBLUMA groundwater wells with ministerial permits.

• Require “water neutral” new crop plantings.

• Allow an exemption for farms to plant that are not able to under existing agricultural offset ordinance.
Planting Ordinance Project Objectives

• Conserve groundwater resources for use by production agriculture.

• Support a healthy and competitive agricultural industry.

• Encourage and facilitate smaller production agriculture operations.
# Planting Ordinance Project Timeline

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Project Description – Planting Permits

• Require ministerial “planting permits” until 2045
• Applies to new or expanded planting of commercial irrigated crops using water from groundwater wells located within the PBLUMA

Exemption
Plantings using up to 25 AFY per site*

Planting Permit
“Water neutral” on-site plantings based on 6-year rolling look back

*Site = contiguous parcels under common ownership when the ordinance takes effect
Project Description – Procedures

- Both “water neutral” planting permits and 25-AFY exemptions would require:
  - Application approval prior to planting
  - Final site inspection after planting is complete
  - Annual site inspections through 2045
  - Maintaining Williamson Act compliance, if applicable

- Outstanding ag offset clearances to be issued new planting permits or exemptions
Project Description – Application Requirements

• Site map showing existing, removed, and proposed commercial irrigated crops and groundwater wells
• Estimates of annual water demand for existing, removed, and proposed crops
• Title report or lot book guarantee
• Williamson Act contract (if applicable)
• Evidence of previously irrigated crops within 6-year lookback period (for planting permits only)
Water Demand Estimation Methodology

\[
\text{water demand (AFY)} = \text{water duty factor (AFY/acre)} \times \text{crop area (acres)}
\]

- Water duty factors specified in the ordinance
- Unlisted crops shall be assigned a factor by a joint committee of reps from Planning & Building, Public Works, and Agriculture Departments, in consultation with the UC Cooperative Extension
## Water Duty Factors & Pasture Definition

<table>
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<tr>
<th>Crop Group</th>
<th>Water Duty Factor (AFY/acre)</th>
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<tr>
<td>Pasture (irrigated grasses or grass mixes used for on-site livestock grazing, not harvested for hay or silage)</td>
<td>4.8 (irrigated through dry season)</td>
</tr>
<tr>
<td>Alfalfa</td>
<td>4.5</td>
</tr>
<tr>
<td>Deciduous</td>
<td>3.5</td>
</tr>
<tr>
<td>Table Grapes</td>
<td>3.0</td>
</tr>
<tr>
<td>Nursery</td>
<td>2.5</td>
</tr>
<tr>
<td>Citrus</td>
<td>2.3</td>
</tr>
<tr>
<td>Strawberries</td>
<td>2.3</td>
</tr>
<tr>
<td>Vegetables</td>
<td>1.9</td>
</tr>
<tr>
<td>CBD Hemp</td>
<td>1.5</td>
</tr>
<tr>
<td>Wine Grapes</td>
<td>1.25</td>
</tr>
<tr>
<td>Supplementally Irrigated Dry Cropland</td>
<td>Based on actual water usage data</td>
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Project Description – Time Limits

• Approved exemption allows planting until 2045
• Planting permit allows 18 months to finish planting from identified planting start date
  • Planting start date must be within 6 years of the irrigation stop date for removed/fallowed crops
  • 1-yr extension granted if the County declares a local emergency due to drought conditions
  • Two 1-yr extensions at Director discretion and additional 1-yr extension at Planning Commission discretion
Planting Permit Timeline

Irrigation Stop Date

Planting Start Date

6 years max*

1.5 - 4.5 years max*

*Deadline to Finish Planting

*Drought years do not count towards look back period timeframes.
Planting Permit Timeline – Example 1

2018 Irrigation Stop Date

Irrigation Stop Date

Planting Start Date

6 years max*

1.5 - 4.5 years max*

*Deadline to Finish Planting

*Drought years (indicated in blue) do not count towards look back period timeframes.
Planting Permit Timeline – Example 2

2023 Irrigation Stop Date

Irrigation Stop Date

Planting Start Date

6 years max*

2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033

1.5 - 4.5 years max*

Deadline to Finish Planting

*Drought years do not count towards look back period timeframes.
Planting Ordinance Format

Part 1: Ordinance Amendments (paraphrased)

*Health and Sanitation Ordinance (Title 8)*

- Require verifying compliance with *ag-offset planting permit* requirements before constructing or modifying a groundwater well in the *Paso Basin PBLUMA*

*Land Use Ordinance (Title 22)*

- Add planting permit requirements
- Rescind agricultural offset requirements
Agriculture Element

- **Ag Goal 1: Support Ag Production** – Do not require permits for ag practices that are currently exempt, except for ag offset clearances. PBLUMA planting permits.

- **Ag Policy 10: Water Conservation** – In the Paso Basin, require new ag water use to be offset.
Planting Ordinance Format

Part 2: General Plan Amendments (paraphrased)

Agriculture Element

- **Ag Policy 11: Ag Water Supplies** – Planning & Building should propose amendments to ensure land divisions, land use permits, building permits, and new ag water use in the Paso Basin do not adversely affect water supplies, watershed yields or water quality based on approved resource capacity studies or studies for CEQA review **and GSP actions**
Planting Ordinance Format

Part 2: General Plan Amendments (paraphrased)

Conservation and Open Space Element

• *Water Resources Policy 1.14:* **Avoid-Limit** net increase in water use in groundwater basins that are certified at LOS II or III for water supply, except where the net increase is the result of actions to promote the agricultural use of the supply in a manner that is equitable and consistent with groundwater rights. In addition, limit further land divisions...
Environmental Review

- California Environmental Quality Act (CEQA)
  - Inform and disclose impacts
  - Avoid, reduce, and mitigate impacts as feasible

- Program Environmental Impact Report
  - In-depth study based on substantial evidence
  - Analyze alternatives
  - Does not approve or deny a project
  - Identifies significant and unavoidable impacts
  - Mitigation Monitoring and Reporting Program
Estimated Activities for CEQA Analysis

• 240-acre annual increase in irrigated crop production on previously uncultivated land
• 450-AFY annual increase in groundwater use
• 4 new irrigation wells constructed annually
• 88 new well pumps and 12 new booster pumps in operation annually
• 13 new ag ponds by 2045
• 1.9 million increase in commute miles by 2045
• 3,700 increase in tractor passes by 2045
Mitigation Measures

• **AQ-1 Construction Emissions Reduction** – Feasible use of Tier 4 construction equipment and dust control measures.

• **BIO-1 Riparian and Wetland Habitat Setback** – No planting within 50’.

• **GHG-1 Carbon Sequestration** – 25-AFY exemption projects shall sequester 0.15 MT CO$_2$e per acre of planting per CDFA Healthy Soils Program guidelines.
Mitigation Measures

- **UTIL-1 Well Metering and Reporting** – Monthly reporting of water usage for planting permits and exemptions.

- **UTIL-2 Hydrology Report** – Verification of no negative impacts to nearby wells (within 750’) required for planting permit approval.
Significant and Unavoidable Impacts (Class I)

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions

- Hydrology and Water Quality
- Land Use and Planning
- Tribal Cultural Resources
- Utilities and Service Systems (Water)
Class 1 Impacts Related to Water Resources

- **BIO-2**: Impacts to riparian and wetland habitats
- **HYD-2**: Degraded groundwater quality
- **HYD-3**: Decrease in groundwater supplies
- **HYD-5**: Conflict with water quality plans (e.g., RWQCB Basin Plan)
- **HYD-6**: Conflict with Paso Robles Subbasin Groundwater Sustainability Plan (GSP) goals and projections
- **UTIL-2**: Exacerbate groundwater basin overdraft
Alternative Scenarios

1. No Project—Agricultural offset requirements expire January 31, 2023 (now August 31, 2023)
2. Continuation of agricultural offset requirements through 2025
3. No exemptions within areas of severe groundwater elevation decline
4. No exemptions
5. Exemptions limited to existing Williamson Act contracts
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Questions?

Project Updates Available at:

www.slocounty.ca.gov/Departments/Planning-Building/Grid-Items/Community-Engagement/Active-Planning-Projects/Paso-Basin-Land-Use-Use-Planting-Ordinance.aspx