



Michael Winn
Chairperson

Sue Luft
Vice Chairperson

Courtney Howard
Secretary

Room 207, County Government Center
San Luis Obispo CA 93401

PH (805) 781-1016
FAX (805) 788-2182

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Steve Sinton
District 1

Bill Garfinkel
District 2

Marilee Hyman
District 3

James Toomey
District 4

Della Barrett
District 5

Tim Brown
Arroyo Grande

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Golden State Water

June 12, 2012

Honorable James Patterson
Chairperson, Board of Supervisors
County of San Luis Obispo
976 Osos Street, Room 200
San Luis Obispo, CA 93408

Subject: Consideration of WRAC Report Regarding the Draft Ordinance Language for the Land Use Actions in the Paso Robles Groundwater Basin Resource Capacity Study

Dear Chairperson Patterson:

County Planning and Building Department Staff provided the Water Resource Advisory Committee (WRAC) with draft ordinance revisions for the land use actions associated with the Paso Robles Groundwater Basin Resource Capacity Study (RCS). On December 7, 2011, the WRAC formed an ad hoc subcommittee whose purpose was to review and comment on draft ordinance language for the land use actions in the Paso Robles Groundwater Basin RCS. Attached are comments for the Planning and Building Department Staff to consider before the ordinance revisions are taken to the July 26, 2012 Planning Commission meeting. Planning and Building Department Staff will receive a copy of this letter.

Subcommittee members included Member Sinton (District 1), Member Winn (Nipomo CSD), Member Luft (Environmental at-Large), Member Zelinski (Agriculture at-Large), Member Allen (Agriculture at-Large), Alternate Member Larson (City of Paso Robles), Member Neil (Atascadero Mutual Water Company), and Member Barrett (District 5). Member Barrett served as chair to the ad hoc subcommittee. The subcommittee met on December 27, 2011, and January 5, 2012, and subsequently developed a subcommittee report.

On February 1, 2012, the WRAC reviewed and revised the ad hoc subcommittee's report and voted (18-3-0) to submit the attached revised ordinance language to you for further consideration. It should be noted that one member clarified his negative vote was indicative of the need to further discuss antiquated subdivisions and their reconfigurations; however, he was otherwise generally supportive.

Purpose of the Committee:

To advise the County Board of Supervisors concerning all policy decisions relating to the water resources of the SLO County Flood Control & Water Conservation District. To recommend to the Board specific water resource programs. To recommend methods of financing water resource programs.

Excerpts from WRAC Bylaws dated 3/2/2011

Respectfully,



MICHAEL WINN

Chairperson, Water Resources Advisory Committee

cc: SLO County Board of Supervisors
SLO County Planning Commission
James Caruso, County Department of Planning and Building
Sue Luft, Water Resources Advisory Committee Vice Chairperson

Attachments: Redlined Draft Ordinance Language for Land Use Actions in the Paso
Robles Groundwater Basin Resource Capacity Study

Discretionary Development and Water Offsets – Rural and Village Areas

**Note: WRAC Subcommittee comments are reflected as redline edits.*

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RCS Recommendation

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In unincorporated rural areas of the basin defined as lands located outside the County Land Use Element's Urban Reserve Lines:

- a. *Do not approve General Plan amendments that result in a net increase in the non-agricultural use of groundwater;*
- b. *Prohibit new land divisions in the rural areas of the basin;*
- c. *All discretionary development shall offset its water use with nonagricultural water, except that proposed Agricultural Processing uses (as defined in the Land Use Ordinance), including outdoor and other appurtenant water use, shall be subject to project-specific land use and/or water conservation mitigation measures required by the review authority based on environmental review.*

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Staff-recommended Implementation

Revise Title 22 to add the following sections:

22.25.010 – Discretionary Development in the Paso Robles Groundwater Basin (see Figure xx-xxx)

The following standards apply to lands that use water from the Paso Robles Groundwater Basin and are located outside of city limits.

Deleted: urban reserve lines

a. Definitions

- i. "Net increase" means the expected increase in non-agricultural water use due to the proposed project, taking into account net existing water demand.
- ii. "Net existing water demand" is the amount of non-agricultural water used on the proposed project site, minus the volume of water returned to the groundwater basin through wastewater return flows. The determination of net existing water demand is the sole responsibility of the Planning Director, using historical water records if available or other means if records are not available.
- iii. "Net new water demand" is the amount of non-agricultural water to be used by the new discretionary development, minus the volume of water returned to the groundwater basin through wastewater return flows. The determination of net new water demand is the sole responsibility of the Planning Director, using water demand factors for the proposed land uses.

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f. Any required offset of net new water demand shall be completed at the time of final inspection or issuance of a certificate of occupancy. The review authority must find the offsets to be real, verifiable, permanent and enforceable.

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g. Offsets programs may include but are not limited to following:

- i. Retrofitting of plumbing fixtures in the Paso Robles Groundwater Basin
- ii. Paying an in-lieu fee to a fund restricted to the purchase of supplemental water for a specified water supplier that uses water from the Paso Robles Groundwater Basin.
- iii. Participation in a County-approved water conservation program in the Paso Robles Groundwater Basin that results in measurable water savings.
- iv. Participation in a County-approved water conservation program in the San Miguel or Paso Robles urban area that results in measurable water savings.
- v. Reducing water demand in the San Miguel or Paso Robles urban areas through other means that result in measurable water savings.
- vi. At a ratio of 4:1, retiring the development potential of lots within the Paso Robles Groundwater Basin that are outside of urban reserve lines through an agreement with the County or qualified land trust (without using TDCs).

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h. Discretionary Land Use Permits - Discretionary land use permits shall offset the resulting net new demand for water. Land use permit applications shall include existing water use data, if it is available, that is sufficient to calculate the maximum net existing water demand on the proposed project site. The land use application shall include descriptions of all proposed uses on the site in a level of detail adequate to calculate the proposed project's maximum new net water demand.

All discretionary indoor development shall be designed and operated to use water as efficiently as possible. At a minimum, all interior water fixtures (such as toilets, faucets and showerheads) shall meet the most efficient current State plumbing code standards.

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Toilets using no more than 1.28 gallons per flush (gpf)¶
Showerheads using no more than 1.5 gallons per minute (gpm)¶
Tankless, instant hot water systems or hot water circulation systems.¶
¶

Discretionary Development and Water Offsets – Urban Areas

*Note: WRAC Subcommittee comments are reflected as redline edits.

RCS Recommendation

In urban areas (defined as lands located within the County Land Use Element's Urban Reserve Lines) that do not have access to supplemental water (e.g. Nacimiento Project water), require new discretionary development that uses groundwater to use the California Urban Water Conservation Council's (CUWCC) best management practices for water conservation and offset 100 percent of its new water use with nonagricultural water.

Staff-recommended Implementation

Revise Chapter 22.104 of the Land Use Ordinance by adding the following standards:

22.104.060 – Paso Robles Urban Area Standard for outside the city limits but within the URL: the rural area standards will apply

22.104.070 – Shandon Urban Area Standards: Please see Shandon Community Plan

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22.104.080 – San Miguel Urban Area Standards

Add new Section A as follows:

A. **Communitywide: Water Conservation.** The following standards apply to all land use categories inside the San Miguel Urban Reserve Lines. The Paso Robles Groundwater Basin Resource Capacity Study (RCS) has identified a growing water supply concern in the Paso Robles Groundwater Basin. In order to slow the increase in demand for groundwater, the following requirements shall be met by all new discretionary development.

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1. Definitions

- a. "Net increase" means the expected increase in non-agricultural water use due to the proposed project taking into account net existing water demand.
- b. "Net existing water demand" is the amount of non-agricultural water used on the proposed project site, minus the volume of water returned to the groundwater basin through wastewater return flows. The determination of net existing water demand is the sole responsibility of the Planning Director, using historical water records if available or other means if records are not available.

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Deleted: At the discretion of the Planning Director, historical water use can be considered as part of net existing demand if that water use was metered and recorded at the time it was pumped.

c. "Net new water demand" is the amount of non-agricultural water to be used by the new discretionary development, minus the volume of water returned to the groundwater basin through wastewater return flows. The determination of net new water demand is the sole responsibility to the Planning Director, using water demand factors for the proposed land users. (Water returned to the soil outdoors shall not be considered "return flows" unless they are demonstrated to not being lost to evapotranspiration.)

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d. "Non-agricultural water" as used in this section is water that has been used on the site in the past five years for allowable non-agricultural purposes, and has not been used, whether on or off the site, for an agricultural activity. Non-agricultural water does not include water used for agricultural activities, including cultivation, growing, harvesting and production of any agricultural commodity and appurtenant practices incidental to the production of agricultural commodities.

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2. All discretionary development shall be designed and operated to use water as efficiently as possible. At a minimum, all interior water fixtures (such as toilets, faucets and showerheads) shall meet the most efficient current State plumbing code standards.

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-#> Toilets using no more than 1.28 gallons per flush (gpf)¶
-#> Showerheads using no more than 1.5 gallons per minute (gpm)¶
-#> Tankless, instant hot water systems or hot water circulation systems¶
-#> Waterless urinals in non-residential uses¶

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Deleted: -#> Irrigated landscaping shall be limited to a total area no more than 10 percent of the lot area. No more than 25 percent of the area of irrigated landscaping may be planted with turf.¶

-#> All landscaped areas shall be irrigated with automatic irrigation systems, including irrigation controllers and moisture sensors¶
-#> All landscape material shall be low-water using¶
-#> Xeriscaping is encouraged in lieu of irrigated landscaping.¶

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3. Outdoor water use is subject to the following requirements:

- a. All landscape materials shall be drought tolerant.
- b. Non-irrigated drought-resistant landscaping is encouraged in lieu of irrigated landscaping.
- c. For single-family residential detached development, turf grass may be planted in the smaller of 25 percent or 1,000 square feet of the landscaped area.
- d. For multi-family development, turf grass shall be limited to 20% of the landscaped area. The 20% limitation shall be exclusive of areas designed as active play surfaces (e.g. sports fields, playgrounds, picnic areas).
- e. For commercial and industrial projects, the area planted in turf grass and irrigated with spray irrigation shall be limited to 10% of the development's landscaped area.
- f. Any area taken up by ornamental ponds shall be subtracted from the area allowed for turf grass.

4. Discretionary development's net new water demand shall be offset with non-agricultural water at a ratio of 2:1, except for programs included in (b, vi) below. Any net existing water demand shall be taken into account in the calculation of required offsets of net new water demand.

- a. Any required offset of net new water demand shall be completed at the time of final inspection or prior to issuance of a certificate of

occupancy. The review authority must find the offsets to be real, verifiable, permanent, and enforceable.

- b. Offset programs may include, but are not limited to, the following:
- i. Retrofitting of plumbing fixtures in the Paso Robles Groundwater Basin.
 - ii. Paying an in-lieu fee to a fund restricted to the purchase of supplemental water for a specified water supplier that uses water from the Paso Robles Groundwater Basin.
 - iii. Participation in a County-approved water conservation program in the Paso Robles Groundwater Basin that results in measurable water savings.
 - iv. Participation in a County-approved water conservation program in the San Miguel or Paso Robles urban area that results in measurable water savings.
 - v. Reducing water demand in the San Miguel or Paso Robles urban areas through other means that result in measurable water savings.
 - vi. At a ratio of 4:1, retiring the development potential of lots within the Paso Robles Groundwater Basin that are outside of urban reserve lines through an agreement with the County or qualified land trust (without using TDCs).

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The subcommittee did not support the following option which was proposed by Planning staff

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¶ The following is an option to be considered

- c. In lieu of the offsets required in preceding Section A.4.b, the developer may choose to design a proposed residential use so that it uses 20% less water per capita than the average residence in San Miguel AND at least one of the offsets in A.3.b above is implemented.

Landscaping

**Note: WRAC Subcommittee comments are reflected as redline edits.*

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RCS Recommendation

The County will develop a landscape ordinance that will limit the amount of turf and other high-water use features on all parcels within the Paso Robles Groundwater Basin, including the Atascadero Sub-basin.

Staff-recommended Implementation

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Revise Chapter 22.16 of Title 22 as follows:

22.16.020 - Applicability of Landscape Standards

A. Where required. Except as provided in Subsections B and C., the landscape standards of this Chapter shall apply to:

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1. **Public projects.** Public projects that require a land use permit.
2. **Projects in specific land use categories.** Development projects in the Recreation, Office and Professional, Commercial Retail, Commercial Service, Industrial and Public Facilities land use categories.
3. **Developer-installed landscape.** For the purposes of this Chapter, developer-installed landscape shall be defined as the landscape installed (including any common area) prior to the initial sale of the residence or landscape installed as a condition of approval of a land use permit.
 - a. Within the urban and village areas, all developer-installed landscape in residential land use categories.
 - b. Outside of urban and village areas, all developer-installed landscape on parcels of 2.0 acres or less in any land use category.

B. Exceptions.

1. **Homeowner-provided landscape.** Landscape in compliance with this Chapter is not required for any homeowner-provided landscape in the residential land use categories except where required for a special use by Article 4 (Standards for Specific Land Uses), or by Conditional Use Permit or Minor Use Permit conditions of approval. For the purposes of this Section, homeowner-provided landscape is defined as the landscape installed by an individual homeowner after the initial sale of the residence or after compliance with the conditions of approval of a land use permit has been achieved.

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2. **Agriculture and Rural Lands categories.** Except where required for a special use by Article 4, setbacks and areas not proposed for development are not required by the standards of this Chapter when the areas are cultivated or maintained in native vegetation, provided that any applicable requirements of Chapter 22.50 (Fire Safety) are satisfied.

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3. **Large rural parcels.** When located outside of an urban or village area, any parcel larger than 2 acres is not required to be landscaped. Landscape may be required Article 4, or by Conditional Use Permit or Minor Use Permit conditions of approval. In any case, all areas not proposed for development shall be cultivated, or maintained in native vegetation, and any applicable requirements of Chapter 22.50 (Fire Safety) shall be satisfied.

4. **Cemeteries.** Existing cemeteries are not subject to this Chapter.

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5. **Small areas of landscape.** Landscaping meeting the water-efficient provisions of Sections 22.16.030 is not required for any project with a potential total irrigated landscape area of less than 2,500 square feet or with a proposed turf area of less than 20 percent of the irrigated landscape area. Landscaping located in the areas specified in Section 22.16.040.B is required, and landscape plans in compliance with Section 22.16.040.D.1, D.3, and D.4 shall be submitted for review and approval. Landscaping shall be installed or its installation guaranteed through bonding prior to occupancy.

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6. **Edible plants.** Areas dedicated to edible plants, such as orchards or vegetable gardens, are not included in the determination of landscape area.

7. **Effect on existing uses.** The provisions of this Chapter are not retroactive in their effect on landscape lawfully established as of the date of adoption of amendments to this Chapter.

C. Paso Robles Groundwater Basin Rural Area Special Landscaping Standards

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1. **Area affected.** These special landscaping standards affect all proposed development in the Paso Robles Groundwater Basin. The purpose of these special standards is to reduce outdoor water use for ornamental landscaping. These special standards do not apply to agricultural activities.

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2. **Landscaping requirement.** In addition to these special landscaping standards, ornamental landscaping installed adjacent to the proposed development, including accessory structures and flatwork areas, shall comply with the requirements of this Chapter, including the requirements in section C.3 below.

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3. Outdoor water use is subject to the following requirements:

Non-irrigated, drought-resistant landscaping is encouraged in lieu of irrigated landscaping. The portion of a rural parcel that is not used for structural development, landscaping or driveways is encouraged to be left in a native state consistent with safe fire protection standards.

i. For single-family residential detached development, turf grass may be planted in the smaller of 25 percent or 1,000 square feet of the landscaped area.

ii. For multi-family development, turf grass shall be limited to 20% of the landscaped area. The 20% limitation shall be exclusive of areas designed as active play surfaces (e.g. sports fields, playgrounds, picnic areas).

iii. For commercial and industrial projects, the area planted in turf grass and irrigated with spray irrigation shall be limited to 10% of the development's landscaped area.

iv. Any area taken up by ornamental ponds shall be subtracted from the area allowed for turf grass.

4. Plot plan approval. The approved plot plan shall provide a fair representation of the area within the proposed development that will be landscaped, identifying areas of turf grass and non-turf irrigated landscaping, and noting that other areas of the site will not be landscaped or will be used for agricultural purposes. Planting in non-turf grass areas shall be composed of drought-tolerant landscaping. Please refer to "Frequently Asked Questions" and "Sample Landscape Plans with Plant Lists", which are available at the Planning Department.

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