

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



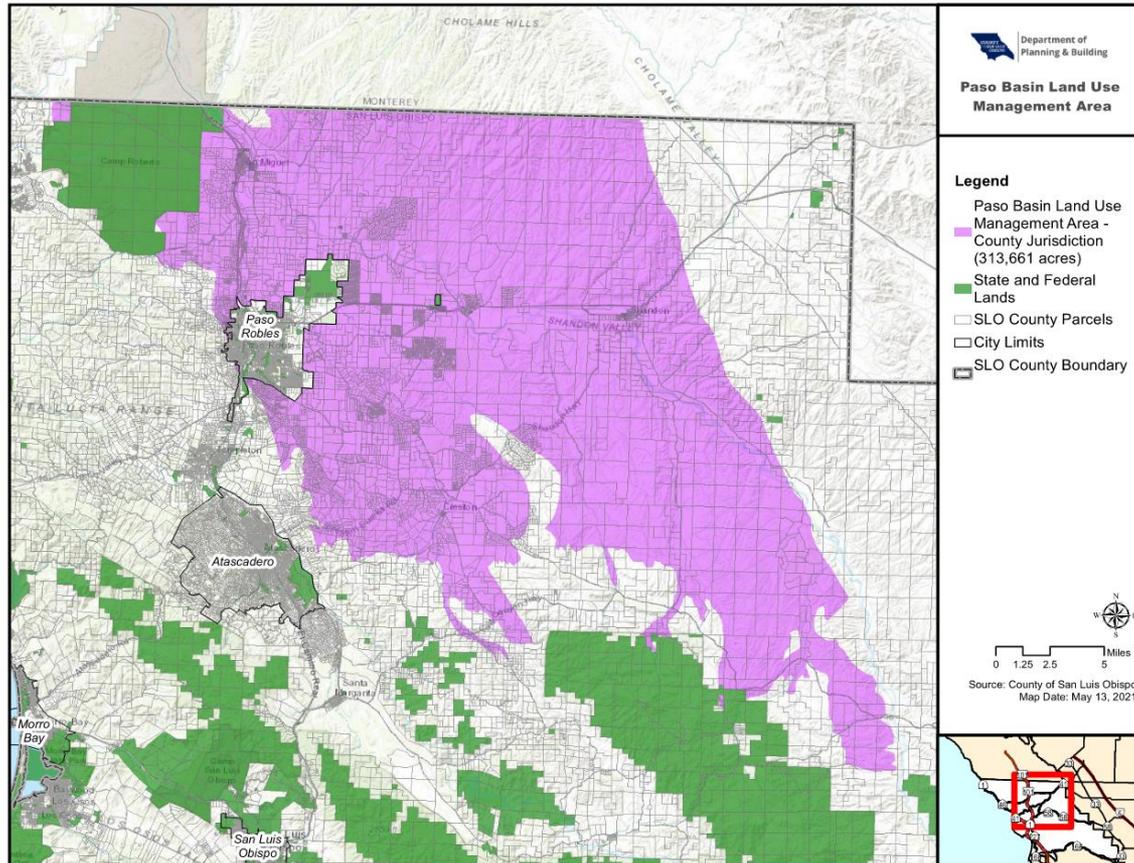
COUNTY OF SAN LUIS OBISPO
Water Resources Advisory Committee
September 7, 2022

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

Milestone	Tentative Timeline
Board of Supervisors authorization	January 26 & April 6, 2021
EIR Contract approval	Summer 2021
NOP/IS 30-day public review period	August 12 - September 13, 2021
EIR Scoping Meeting	September 1, 2021
Draft ordinance public review period	October 25 – November 24, 2021
Draft EIR 45-day public review period	May 23 – July 6, 2022
Final EIR Distributed	September 2022
Planning Commission	October 27, 2022
Board of Supervisors	December 6, 2022
Effective Date (if adopted)	January 31, 2023



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

water demand (AFY)

=

water duty factor (AFY/acre) x 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

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

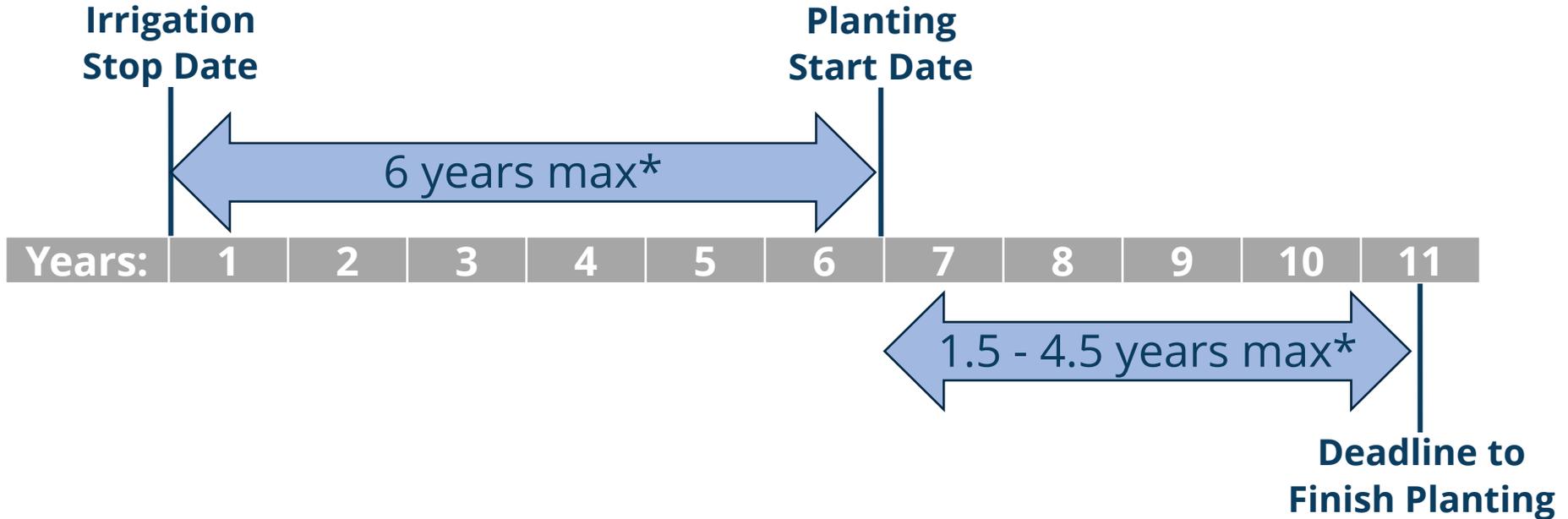


Project Description – Time Limits

- 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

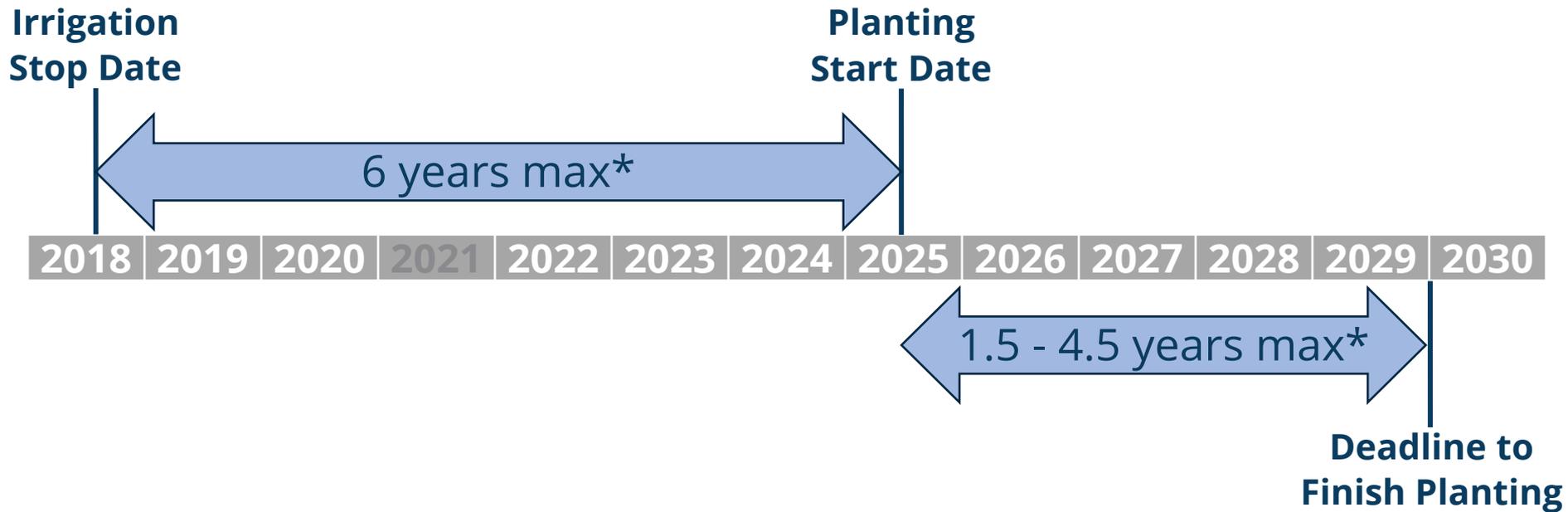


*Drought years do not count towards look back period timeframes.



Planting Permit Timeline – Example 1

2018 Irrigation Stop Date

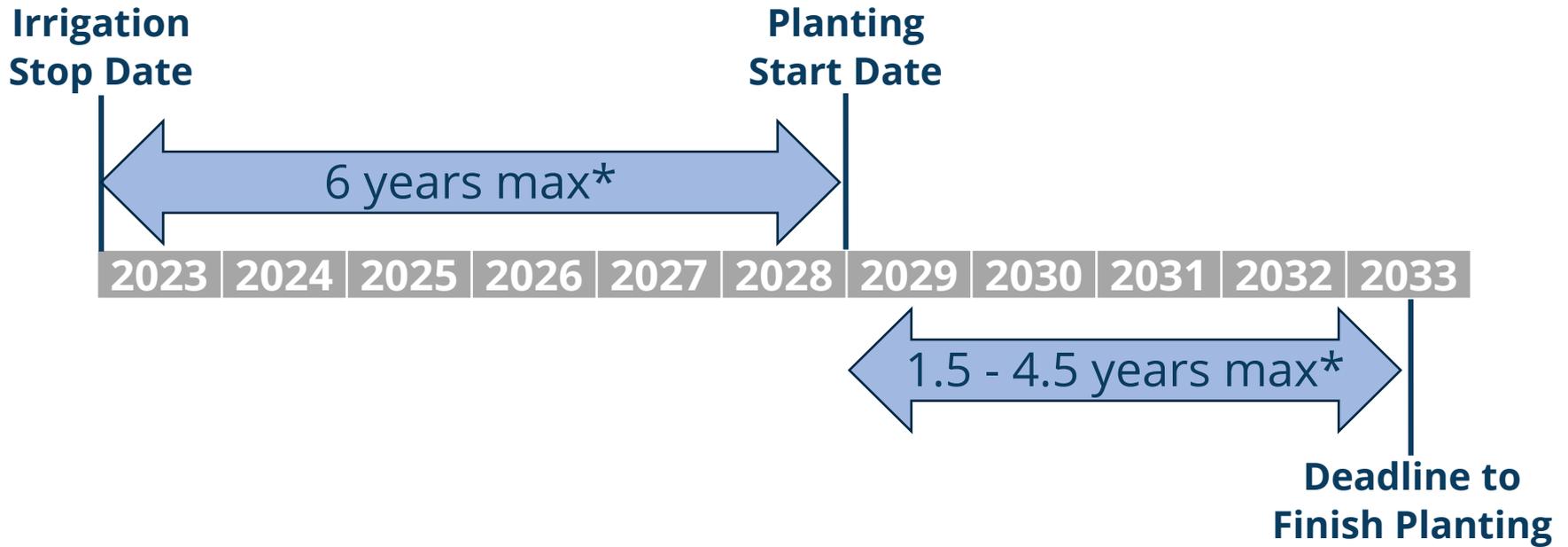


*Drought years (indicated in blue) do not count towards look back period timeframes.



Planting Permit Timeline – Example 2

2023 Irrigation Stop Date



*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



Planting Ordinance Format

Part 2: General Plan Amendments (paraphrased)

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 CO₂e 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/Plannin
g-Building/Grid-Items/Community-
Engagement/Active-Planning-Projects/Paso-
Basin-Land-Use-Planting-Ordinance.aspx](http://www.slocounty.ca.gov/Departments/Plannin
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