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October 20, 2011

James Caruso, Senior Planner
San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 200
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Subject: Consideration of WRAC Report regarding the Outline for Paso Robles Groundwater Basin Resource Capacity Study (RCS) Implementation Programs

Dear Mr. Caruso:

On September 7, 2011, the WRAC formed an ad hoc subcommittee to review and comment on the Outline for Paso Robles Groundwater Basin Resource Capacity Study (RCS) Implementation Programs.

Subcommittee members included Member Zelinski (Agriculture at-Large), Member Neil (Atascadero Mutual Water Company), Member Allen (Agriculture at-Large), Member Luft (Environmental at-Large), Member Winn (Nipomo CSD), Member Barrett (District 5), and Member Sinton (District 1). Member Zelinski served as chair to the ad hoc subcommittee. The subcommittee first met on Wednesday, September 21, 2011 and subsequently developed a subcommittee report.

On October 5, 2011, the WRAC reviewed the ad hoc subcommittee's report and unanimously voted (24-0-0) to submit the attached recommendations to you for further consideration; however, members of the WRAC did not unanimously agree on everything. The WRAC discussed the concept of giving different offset rates for public and private projects. A straw vote indicated, by a ratio of 2:1, that offset rates should be set such that projects with public benefit are favored. Generally, all other items contained within the subcommittee report had a strong majority of support by the WRAC.

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

Attachments: WRAC Recommendations
 Outline for RCS Implementation Programs

eCopy: Michael Winn, Water Resources Advisory Committee Chairperson
 Sue Luft, Water Resources Advisory Committee Vice Chairperson
 Larry Werner, Paso Robles Groundwater Management Plan Steering
 Committee Chairperson
 Lisa Bodrogi, Paso Robles Groundwater Management Plan Steering
 Committee Vice Chairperson

**Interim Recommendations for Paso Robles Groundwater Basin Resource Capacity Study
Ordinance Implementation Program**

WRAC Paso Robles Groundwater Basin Subcommittee

- Meeting: September 21, 2011, followed by email dialogue
- Purpose: 1) Review and comment on Ordinance Implementation Program
2) Review and comment on Groundwater Monitoring Plan
- Members: Lowell Zelinski, Agriculture At-Large, subcommittee chair
John Neil, Atascadero Mutual Water Company
Ray Allen, Agriculture At-Large
Sue Luft, Environmental At-Large
Mike Winn, Nipomo CSD
Della Barrett, District 5
Steve Sinton, District 1

The subcommittee discussed each topic in the proposed Ordinance Implementation Program outline. The recommendations from the WRAC are intended to provide guidance to County staff in their development of ordinance language. The WRAC understands that they will be asked to comment further as the process moves forward.

The WRAC recognizes the collaborative effort by stakeholders in the Paso Robles Groundwater Basin and recommends that the County support the voluntary Groundwater Basin Management Plan while developing such County ordinances as may be helpful and not conflict with the voluntary Groundwater Basin Management Plan.

1. *Best Management Practices (BMPs) for Agriculture*

The WRAC recommends that Best Management Practices (BMPs) for agriculture not be made into ordinances. BMPs are often developed through cooperative efforts which should not be discouraged by turning them into regulatory minimums. The WRAC recommends that staff work with UC Cooperative Extension for workshops, and with industry associations in the development and dissemination of appropriate BMPs.

2. *Wells*

The WRAC recommends that current well standards be changed to require that all new and replacement wells, including agricultural, private and public wells, have a means by which groundwater levels can easily be determined.

The WRAC looks forward to reviewing the draft ordinance, to see how metering and reporting should be handled.

3. Rural Area Water Conservation and the Landscape Ordinance

Rural area water conservation was discussed in conjunction with the Landscape Ordinance and is therefore combined in this report.

The WRAC recognizes that landscaping is an important dimension of rural water demand and urges County staff to draft a landscape ordinance that is consistent with the County's own countywide landscape ordinance and that incorporates elements from the landscape ordinances of the City of Atascadero, the City of Paso Robles, and those adopted for the Nipomo Mesa Water Conservation Area (also LOS III for water supply). The WRAC looks forward to reviewing the draft ordinance language.

4. New Discretionary Rural Development

New discretionary projects must use non-ag supplemental water or offset 100% of its groundwater use. (San Miguel should not be called out separately, since this applies to all “urban” areas under County jurisdiction.) Furthermore, **access** to supplemental water is an inadequate criterion if there are not provisions that also require its **actual** use. This means, for example, that although Shandon has a State Water Project allocation, it does not currently use it.

For new subdivisions, other lot splits and General Plan Amendments, the WRAC recommends that staff look at possible offsets for new non-ag water by upgrading irrigation systems on existing schools and parks and other rural development.

Public offsets (e.g. parks, museums, historic sites and schools) could be at some appropriate ratio, and private offsets could be at a less favorable ratio. Generally, repairing leaks or eliminating wasteful habits should not be counted as an offset, but redesigning irrigation systems or replacing landscape choices with species demanding less water could.

As a potential offset, staff should look at the possibility of improving water use efficiency in ag (such as upgrades to drip irrigation systems).

5. Growth Management Ordinance (GMO)

There is currently a Growth Management Ordinance which limits new development in the rural portions of San Luis Obispo County. The WRAC does recommend that the GMO limit for the Paso Robles Basin (outside of the Atascadero sub-basin) be determined by staff after comparisons are made with the limit placed on the Nipomo Mesa Water Conservation Area (also an LOS III).

Resource Capacity Study Implementation Programs

The Board of Supervisors adopted the **Resource Capacity Study** (RCS) for the Paso Robles Groundwater Basin (the Basin) in February 2011. The study gathered basic data, evaluated the status of the groundwater resource and recommended actions to be taken. The recommended actions now need to be implemented. The following discussion identifies general ways to implement the actions through revisions to existing land use polices and ordinances. It is important to remember that the Board of Supervisors has not yet approved any of these actions.

The RCS's recommended actions can be implemented in various ways. As discussed at the public meetings in June 2011, County staff has developed the following ideas to implement those actions. Each recommended action below (as found in the RCS) is followed by a discussion regarding how the measure could be implemented (e.g., revising the landscaping portion of the Land Use Ordinance).

1. Rural Area Water Conservation

Resource Capacity Study recommended action:

The County will develop and implement, in collaboration with other water purveyors within the Paso Robles Groundwater Basin and the Atascadero Sub-basin, a water conservation outreach and education program for the rural area. The outreach program will inform rural groundwater users of the state of the basin, include suggested conservation and efficiency measures, and if possible, provide incentives to water conservation and efficiency efforts.

Implementation:

The County has initiated a **water conservation** outreach and education program. The following tasks have been completed:

- A rural water use web site was established
- **A newsletter** was sent to over 6,000 property owners
- Two public meetings were held to discuss water conservation and the status of the Basin.

Future and ongoing actions can include:

- The **Groundwater Management Plan** (GMP) Steering Committee can continue to address rural water conservation outreach on a voluntary basis.

- The County can collaborate with local organizations such as **The Partners in Water Conservation** made up of local cities and communities (e.g., City of Paso Robles, Templeton Community Services District, Atascadero Mutual Water Co.) to continue conservation messaging.
- Retrofit subsidies can be established if adequate grant funding can be found.

2. Landscape Ordinance

Resource Capacity Study recommended action:

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.

Implementation:

The existing landscape ordinance is found in Title 22 of the County Code (Land Use Ordinance or LUO section 22.16). It generally requires low-water-using plant materials and irrigation systems. However, it applies mainly to larger landscaped areas such as subdivisions and commercial projects. Some areas of the county such as Nipomo have special limits on the square footage of new landscaped areas for all land uses (including residential) and a further limitation on high-water-using turf grasses.

Revisions to the landscape section of the LUO can be prepared to address the Basin. Revisions to the existing ordinance could require all new development in the Basin to:

- Include a landscape plan with other building permit application materials.
- Include special moisture sensors and irrigation controllers that strictly control landscape water use.
- Limit total landscaped area to 1,000 square feet or a percentage of the site.
- Further limit turf grasses to 150 square feet or some other percentage of total landscaped area.
- Include the use of mulch and other water-saving maintenance measures.

Are there other effective ways to reduce outdoor residential water use in the rural area?

3. New Wells

Resource Capacity Study recommended action:

Title 8 of the County Code will be amended in accordance with the recommendations in the Resource Management System Annual Summary Report:

The process to issue well permits should be modified. Well permits are issued by the Division of Environmental Health. Permits for new nonagricultural wells located in groundwater basins at LOS I, II or III (or basins whose safe yield is not known or wells in fractured formations) should be subject to the following requirements as amendments to Title 8 of the County Code:

- a. Semi-annual measurements by the Department of Public Works.*
- b. Installation of flowmeters on all new wells (excluding replacement wells).*
- c. Enroll in the Flood Control and Water Conservation District's (District) well-measurement program.*
- d. Record water use and other information monthly and report semi-annually on a District-provided form.*

Implementation:

The Public Health Department (Division of Environmental Health) and the Department of Public Works are developing the procedures to implement these recommendations. The Department of Public Works is collaborating with the Groundwater Management Plan Advisory Committee to increase participation in the water well measurement program.

The Public Health Department will prepare a revision to Title 8 of the County Code to require flow meters on certain new wells and to enroll certain wells in the County well measurement program. The decision on whether certain wells need to be metered and made a part of the County well measurement program will be made on an individual basis based on well location and the need for the information.

4. New Discretionary Development

Resource Capacity Study recommended action:

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.

Implementation:

This recommendation affects the community of San Miguel. It is the only “urban” area under County land use jurisdiction in the groundwater basin that does not have access to some source of supplemental water (State or Nacimiento water).

Jurisdiction	Paso Robles	Atascadero	Templeton	Shandon	San Miguel
Supplemental water	Nacimiento	Nacimiento	Nacimiento	State Water	None
County land use jurisdiction	No	City: No S. Atas: Yes	Yes	Yes	Yes
Measure Applicable	No	No	No	No	Yes

The CUWCC Best Management Practices mentioned in the RCS recommended action above are contained in the following table. The third column, Responsible Agency, is the party that would normally implement the practice:

Best Management Practice Category	BMP Program	Responsible Agency
Residential	<ul style="list-style-type: none"> ○ Water survey ○ Plumbing retrofits ○ Hi efficiency washing machines ○ ULFT replacement 	Water provider
Utility Operation	<ul style="list-style-type: none"> ○ Water loss control ○ Metering and conservation rates ○ Wholesale agency assistance ○ Retail conservation pricing ○ Conservation coordinator ○ Waste prohibition 	Water provider
Landscaping	<ul style="list-style-type: none"> ○ Large landscape conservation programs and incentives 	County and Water provider
Public Information Programs	<ul style="list-style-type: none"> ○ Public information programs 	Water provider
School Education Programs	<ul style="list-style-type: none"> ○ School education programs 	Water provider
Commercial, Industrial, Institutional	<ul style="list-style-type: none"> ○ Conservation programs for commercial, industrial, and institutional (CII) accounts 	Water provider

In general, new discretionary development in San Miguel would be required to:

- Install water efficient appliances (indoors)
- Include low-water-using and limited landscaping
- Offset new net water use by reducing water use or increasing efficiencies elsewhere in the area.
- Work with the water provider to implement the best management practices.

What other measures can be implemented in San Miguel to increase water efficiency and conservation and address the groundwater situation?

5. Rural Development

Resource Capacity Study recommended action:

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.*

Implementation:

Implementation of these measures will require several regulatory changes to land use ordinances and policies. Amendments to the General Plan will have to prove that no additional non-agricultural water would be used for new development. Applications for amendments would go forward if it could be shown that there will be no net increase in non-agricultural water use. This could be shown by calculating non-agricultural water demand for the site before and after the amendment and by then assuring that any net increase in water demand is offset.

The prohibition on land divisions would be included in the Article 9 of the Land Use Ordinance, the Community Planning Standards. The prohibition could include exemptions for certain types of land divisions, for example:

- Divisions for public facilities (e.g., fire stations)
- Divisions that would result in no net increase in water demand.
- Divisions to create open space parcels for conservation purposes

Are there other types of subdivisions that should be exempt?

New discretionary development should be designed to use the least water possible. Interior water use can be reduced through measures such as:

- 1.1 gpf toilets or dual flush
- 0.5 to 1.5 gpm showerheads
- “Water sense” appliances
- Instant hot water
- Hot water circulation
- Hot water diversion
- Front-loading washers
- Compost instead of garbage disposal
- 1.0 gpm faucet aerators

Outdoor water use can be reduced by the following measures:

- Low-water-using landscapes, including native or drought-tolerant plants, with drip irrigation
- No turf (or minimal turf area)
- Smart irrigation controllers
- Grey water (pre-plumbed)
- Cisterns/rainwater catchments
- LID/recharge
- Landscape maintenance (mulch, etc...)
- Ongoing operation and maintenance activities
- Recycling water used for ornamental purposes (e.g., waterfalls)

Once the amount of net new water use is determined for new discretionary development, that amount of water will have to be offset. Generally, the following methods can be used to offset new water use:

- On and off-site plumbing retrofits in the Basin
- Retiring the development potential on lots in the Basin
- Supplemental water sources
- Participation in a water conservation program for the Basin
- Contributing funds for a rural water conservation program in the Basin

Are there other ways to offset new water use in the rural areas of the basin?

6. Winery Best Management Practices

Resource Capacity Study recommended action:

New wineries shall use best management practices (BMPs) consistent with the BMP's identified in Attachment 14 (see attached list of BMPs).

Implementation:

These practices can be inserted into the specific requirements for new wineries in the Land Use Ordinance (LUO). Land use applications for new wineries will include these practices as conditions of project approval.

7. Growth Management Ordinance

Resource Capacity Study recommended action:

Revise the Growth Management Ordinance and the Resource Management System to substantially limit yearly non-agricultural development in the rural areas of the basin.

Implementation:

The Resource Management System (RMS) is the County General Plan's method for tracking development and resource availability. The RMS, for instance, called for the development of the Paso Robles Groundwater Basin RCS when it became evident that groundwater levels were falling.

The Growth Management Ordinance (GMO) limits growth rates by limiting the annual number of building permits issued in the unincorporated areas as a whole, as well as in certain communities and areas. This recommended action will revise the GMO to limit new non-agricultural development in the Paso Robles Groundwater Basin. In a related action, the Board of Supervisors has also directed staff to amend the RMS and GMO to set growth rates at low levels in unincorporated areas throughout the county that have constrained resources.

Limiting the rate of growth of new non-agricultural development will act to keep new development from affecting the Basin and to keep the falling groundwater levels from affecting additional already-developed properties. The proposed growth rate in the Basin would be set at a rate that is lower than the historical average.

What is the best growth rate for new rural development in the Basin?

8. Best Management Practices

Resource Capacity Study recommended action:

The Department shall work with stakeholders to develop best management practices for prevalent land uses in the basin similar to the winery BMP developed by the Paso Robles Wine County Alliance.

Implementation:

The Department has developed interim water guidelines for new proposed land uses. These interim guidelines describe how to design a new use to be water efficient. General programs to offset new water use are also included.