

Water Neutral New Development Phase 1.5 Ordinance Amendments

Water Resources Advisory Committee (WRAC)
April 1, 2020

Presented by: Kylie Hensley, Department of Planning & Building



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Background

Overview of land use policies regarding water usage in the unincorporated areas of the Paso Basin

Paso Basin Planning Area Standards

- September 25, 2012 – County Board of Supervisors (Board) adopted amendments to the Land Use Ordinance requiring a 2:1 water offset for discretionary projects and prohibiting land divisions and General Plan Amendments that increase water demand within the Paso Basin.



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Background

Water Neutral New Development

- August 27, 2013 – Board adopted an Urgency Ordinance requiring a 1:1 water offset for new development dependent on a well and new or expanded irrigated crop production and installation of well meters to be issued a permit.
- October 27, 2015 – Board adopted amendments to the Land Use Ordinance & Building Code to continue requiring a 1:1 water offset for new construction and new irrigated crop production and installation of well meters in the Paso Basin, set to terminate upon the adoption of the GSP.



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Background

Water Neutral New Development – Agricultural Offsets

- Property owners in the unincorporated areas of the Paso Basin are required to apply for an Agricultural Offset Clearance from the Department of Planning & Building to plant new or expanded irrigated crops to ensure a 1:1 water offset based on average applied water factors.
- Applicants must provide evidence of existing crops.
- Existing crops that qualify to be converted must have been irrigated within the last 5 years.
- One-time 5 AFY exemption for sites without existing irrigation.



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Background

Water Neutral New Development – Phase 1 Amendments

- November 5, 2019 – Board adopted amendments to the Land Use Ordinance and Building Code to:
 - Extend the termination date for the 1:1 water offset requirement for new construction and new irrigated crops in the Paso Basin to *January 1, 2022* to avoid a gap between GSP adoption and implementation.
 - Disallow off-site water offsets for new irrigated crops.
 - Include a water duty factor for hemp and supplementally irrigated dry croplands and a process to define water duty factors for unlisted crops.



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Background

Water Neutral New Development – Phase 1.5 & 2 Amendments

- November 5, 2019 – Board directed staff to bring additional amendments to Land Use Ordinance and Building Code.
 - Phase 1.5 amendments require minor environmental review.
 - Phase 2 amendments require major environmental review.
- February 27, 2020 – County Planning Commission considered Phase 1.5 proposed amendments, directed staff to conduct additional outreach, and continued the item to the April 24, 2020 Planning Commission hearing date. A Board hearing date is not yet scheduled.



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Phase 1.5 Proposed Amendments

Minor environmental review required.

1. Update the Paso Robles Groundwater Basin (Paso Basin) Map.
 - Fugro Study Boundary → DWR Bulletin 118 Boundary
2. Update the Area of Severe Decline Map.
 - Incorporate new data and updated hydrologic model
3. Incorporate a fallowing option into the Agricultural Offset Ordinance.
 - Clarify application process to fallow land until January 1, 2022
4. Clarify the phrase “de minimis” in the Agricultural Offset Ordinance.
 - Avoid confusion with the GSP definition (5 AFY commercial vs. 2 AFY domestic)



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Phase 2 Proposed Amendments

Major environmental review required.

- Expand 5 AFY one-time exemption to 25 AFY.
- Extend the lookback period for existing crops beyond 5 years.
- Discuss re-allowing off-site agricultural offsets.
- Revisit water offset fees and water usage assumptions for non-agricultural development.
- Revisit the prohibition on new land divisions and General Plan Amendments that increase water demand.



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Updating Paso Basin Map

- Changes which properties are subject to:
 - 1:1 water offset requirement for new irrigated commercial crops
 - 1:1 water offset requirement for new construction
 - 2:1 water offset requirement for non-agricultural discretionary permits
 - Prohibitions on General Plan Amendments and land divisions

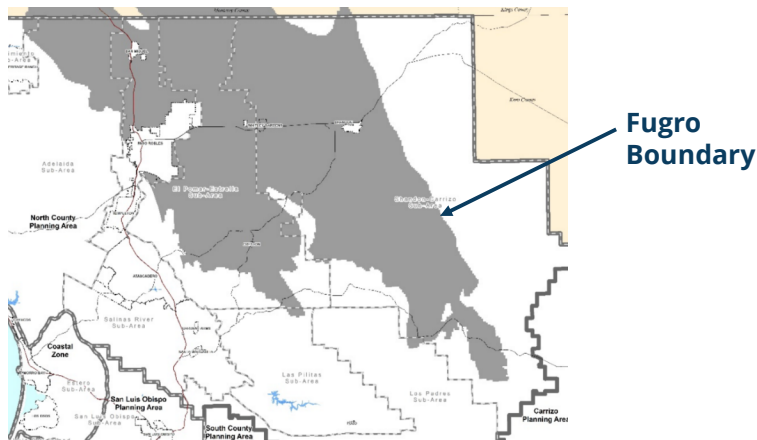


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Paso Basin Map - Current

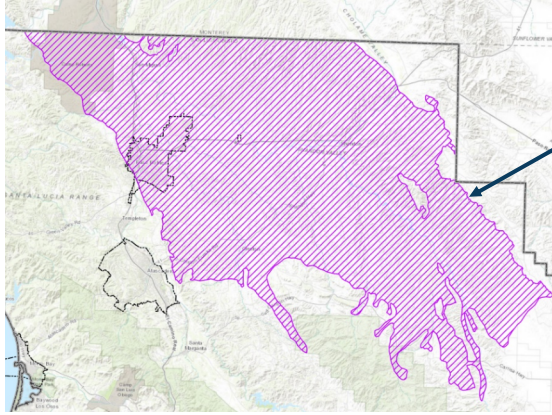


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Paso Basin Map - New



DWR
Bulletin 118
Boundary

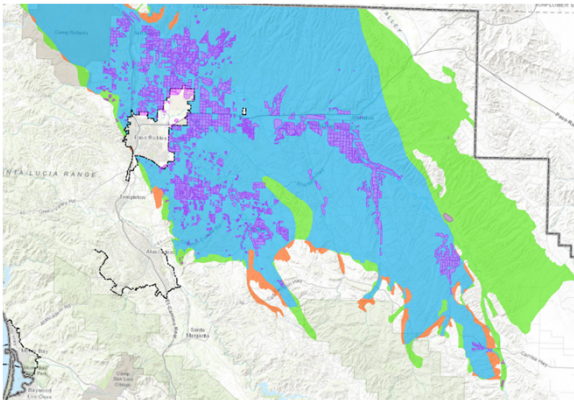


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Paso Basin Map - Change



- o Green = added
- o Orange = removed
- o Blue = unaffected
- o Purple = irrigated crops



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Paso Basin Map - Change

Change	Area (acres)	Properties	Property Owners
Added	103,287	945	524
Removed	12,112	301	244
Net Change	91,175	644	280
% Change	27%	8%	5%

- Most existing irrigated lands are unaffected by the change.
- Most of added area is native vegetation and rural residences.
- Interactive map: www.slocountywwcp.org/prgwb



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Updating Area of Severe Decline

- The County Land Use Ordinance defines the Area of Severe Decline as the -50' contour in the Spring Groundwater Elevation Change Map.
- Updates:
 - 1997-2013 monitoring data → 1997-2017 monitoring data
 - Updated hydrologic model
- Changes which properties are subject to:
 - Exclusion from a one-time 5 AFY exemption for new irrigated crop production
 - 2:1 water offset requirement for cannabis activities permits

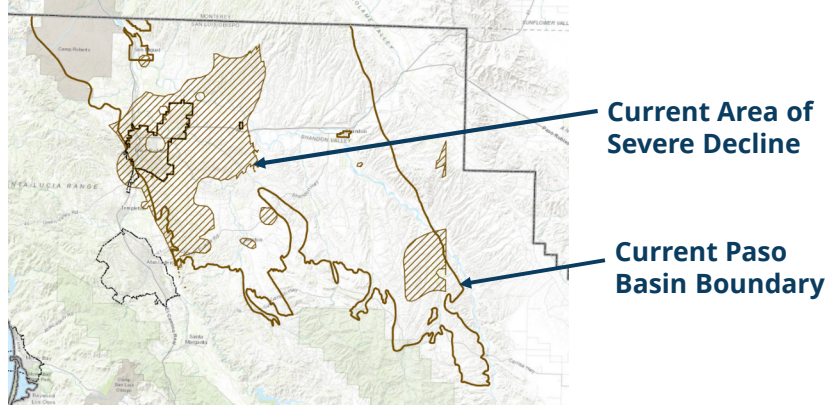


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Area of Severe Decline - Current



-50' contour of groundwater elevation change, Spring 1997-Spring 2013 data

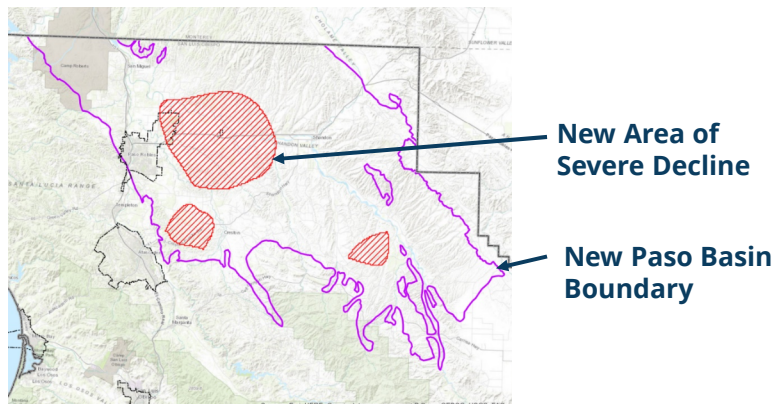


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Area of Severe Decline - New



-50' contour of groundwater elevation change, Spring 1997-Spring 2017 data

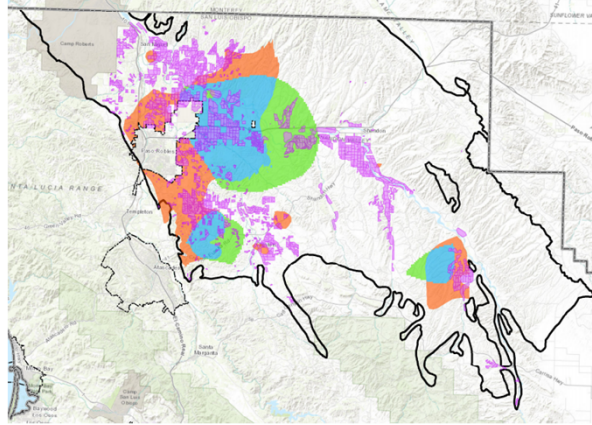


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Area of Severe Decline - Change



- o Green = added
- o Orange = removed
- o Blue = unaffected
- o Purple = irrigated crops



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Area of Severe Decline - Change

Change	Area (acres)	Properties	Property Owners
Added	26,443	455	300
Removed	36,936	1,767	1,437
Net Change	-10,493	-1,312	-1,137
% Change	-14%	-32%	-34%

- Added areas are in Estrella/Whitley Gardens vicinity, along Navarro Creek Road north of Hwy 58, and west of Creston.
- Interactive map: www.slocountywwcp.org/prgwb



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Fallowing

- Property owners in the unincorporated areas of the Paso Basin may apply for an On-Site Agricultural Offset Clearance to quantify their existing water demand and receive approval to plant new irrigated crops that use the same amount of water or less before January 1, 2022.
- Applicants must submit evidence of existing irrigated crop production within the last five years.
- The proposed amendment clarifies that a proposed planting plan is not required to be submitted with the initial application.



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“De Minimis”

- Two conflicting definitions:
 - County Land Use Ordinance: 5 AFY commercial irrigation
 - GSP: 2 AFY domestic use
- The proposed amendments would exclude the phrase “de minimis” from the Land Use Ordinance to avoid confusion with the GSP definition.
- The 5 AFY one-time exemption for new irrigated crops would remain in effect, without the “de minimis” label.



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Environmental Determination

Phase 1.5 Amendments

- An **addendum to the Supplemental Environmental Impact Report** (SCH 2014081056) certified for the Countywide Water Conservation Program in 2015 is proposed for amendments to Section 22.30.204 Agricultural Offset Requirements and Section 19.07.042 Water Conservation Provisions.
- A Class 8 **Categorical Exemption** is proposed for the amendments to Section 22.94.025 Paso Robles Groundwater Basin Planning Area Standards.

Phase 2 Amendments

- Pending



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Public Hearings

Phase 1.5 Amendments

- April 23 – County Planning Commission
- TBD – County Board of Supervisors

Phase 2 Amendments

- TBD – Environmental determination hearing with the County Board of Supervisors



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Questions?

Proposed Amendments & Interactive Map available at:

www.slocountywwcp.org/prgwb

For more information, contact:

Kylie Hensley

Department of Planning & Building

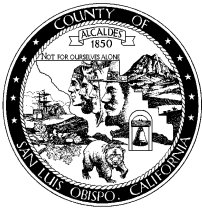
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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE February 27, 2020	CONTACT/PHONE Kylie Hensley, Planner I (805) 781-4979 khensley@co.slo.ca.us	APPLICANT County of San Luis Obispo	FILE NO. LRP2020-00002
SUBJECT Hearing to consider a request by the County of San Luis Obispo to amend Title 22 and Title 19 to update the maps of the Paso Robles Groundwater Basin boundary and the Area of Severe Decline to be consistent with the Paso Robles Subbasin Groundwater Sustainability Plan and to incorporate a fallowing option into the Agricultural Offset Program.			
RECOMMENDED ACTION It is recommended that the Planning Commission 1) recommend that the Board adopt the ordinance to approve the amendments to Title 22 and Title 19 to update the maps of the Paso Robles Groundwater Basin boundary and the Area of Severe Decline to be consistent with the Paso Robles Subbasin Groundwater Sustainability Plan and to incorporate a fallowing option into the Agricultural Offset Program.			
ENVIRONMENTAL DETERMINATION An addendum to the Supplemental Environmental Impact Report (SCH 2014081056) certified for the Countywide Water Conservation Program in 2015 was prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq. for amendments to Section 22.30.204 Agricultural Offset Requirements and Section 19.07.042 Water Conservation Provisions. A Class 8 Categorical Exemption is proposed for the amendments to Section 22.94.025 Paso Robles Groundwater Basin Planning Area Standards.			
LAND USE CATEGORY Various	COMBINING DESIGNATION Various	ASSESSOR PARCEL NUMBER Various	SUPERVISOR DISTRICT(S) 1 & 5
PLANNING AREA STANDARDS: Not Applicable			
EXISTING USES: Various			
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to the Department of Public Works, Department of Agriculture/Weights and Measures			
TOPOGRAPHY: Various	VEGETATION: Various		
PROPOSED SERVICES: Not Applicable	AUTHORIZED FOR PROCESSING DATE: June 18, 2019; amended November 5, 2019		
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

PROJECT SUMMARY

The ordinance amendments in Attachments 1 and 2 update the maps of the Paso Robles Groundwater Basin (Paso Basin) and the Area of Severe Decline in the Paso Basin in Title 22 and Title 19 to be consistent with the recently adopted Paso Robles Subbasin Groundwater Sustainability Plan (GSP) and incorporate a fallowing option into the Agricultural Offset Program.

DISCUSSION

Paso Basin Groundwater Management

The Salinas Valley – Paso Robles Area (Paso Basin) is designated as a high-priority, critically overdrafted groundwater basin by the California Department of Water Resources (DWR). The County participates in management of the Paso Basin through a variety of mechanisms, three of which are:

1. The Paso Robles Subbasin Groundwater Sustainability Plan,
2. The Water Neutral New Development Programs in the Paso Basin, and
3. The Paso Robles Groundwater Basin Planning Area Standards.

Groundwater Sustainability Plan (GSP)

On December 17, 2019, the Board of Supervisors adopted the Paso Robles Subbasin Groundwater Sustainability Plan (GSP) in accordance with the requirements of the Sustainable Groundwater Management Act (SGMA). This document includes the most recent mapping of the basin boundaries and groundwater level contours.

Water Neutral New Development (WNND) Programs

On October 27, 2015, the Board of Supervisors established the following Water Neutral New Development (WNND) Programs in the Paso Basin:

- The Urban/Rural Water Offset and Rebate Programs (Title 19 Building and Construction Ordinance Section 19.07.042); and
- The Agricultural Offset Program (Title 22 Land Use Ordinance Section 22.30.204).

Paso Basin Planning Area Standards

On September 25, 2012, the Board of Supervisors authorized the adoption of planning area standards for the Paso Basin (Section 22.94.025) that require a 2:1 water offset and low-water using landscaping for non-agricultural projects approved through a discretionary land use permit. The planning area standards also prohibit approval of General Plan Amendments that increase water demand and land divisions in the Paso Basin, excluding San Miguel and Shandon and exempting comprehensive Community Plan Updates.

WNND Amendment Phases

On June 18, 2019, the Board of Supervisors authorized amendments to the Water Neutral New Development (WNND) Programs. On November 5, 2019, the Board of Supervisors approved Phase 1 of the WNND amendments and directed staff to bring the remaining amendments that do not require extensive CEQA analysis as Phase 1.5 and to bring amendments that require more extensive CEQA analysis as Phase 2. The phases are summarized below.

Phase 1 (effective December 5, 2019)

- Eliminate off-site agricultural offsets.
- Extend the termination date to January 1, 2022.
- Include a water duty factor for hemp and supplementally irrigated dry cropland.
- Establish a process to determine water duty factors for crops not specified in the ordinance.
- Require a recorded disclosure form instead of a deed restriction.

Phase 1.5 (for review today, see Attachments 1 and 2)

- Update the maps of the Paso Basin and the Area of Severe Decline to be consistent with the Groundwater Sustainability Plan (GSP).
- Create a following registration.

Phase 2 (for review later, pending environmental determination)

For agricultural offsets:

- Expand the definition of the 5 acre-feet per year (AFY) per site one-time exemption to allow 25 AFY per site, considering parcel size.
- Extend the lookback period beyond 5 years.
- Discuss re-allowing off-site offsets.

For non-agricultural (rural/urban) offsets:

- Revisit water offset fees and water usage assumptions.
- Revisit the Paso Basin planning area standards prohibiting land divisions and General Plan Amendments.
- Revisit the 1:1 water offset requirement for the Nipomo Mesa.

WNND Phase 1.5 - Updated Maps

Paso Basin

The existing map of the Paso Basin for the WNND programs (Section 22.30.204) is shown in Figure 1 below. The Paso Basin Planning Area Standards (Section 22.94.025) includes a similar map. This map is based on the 2002 Fugro basin study.

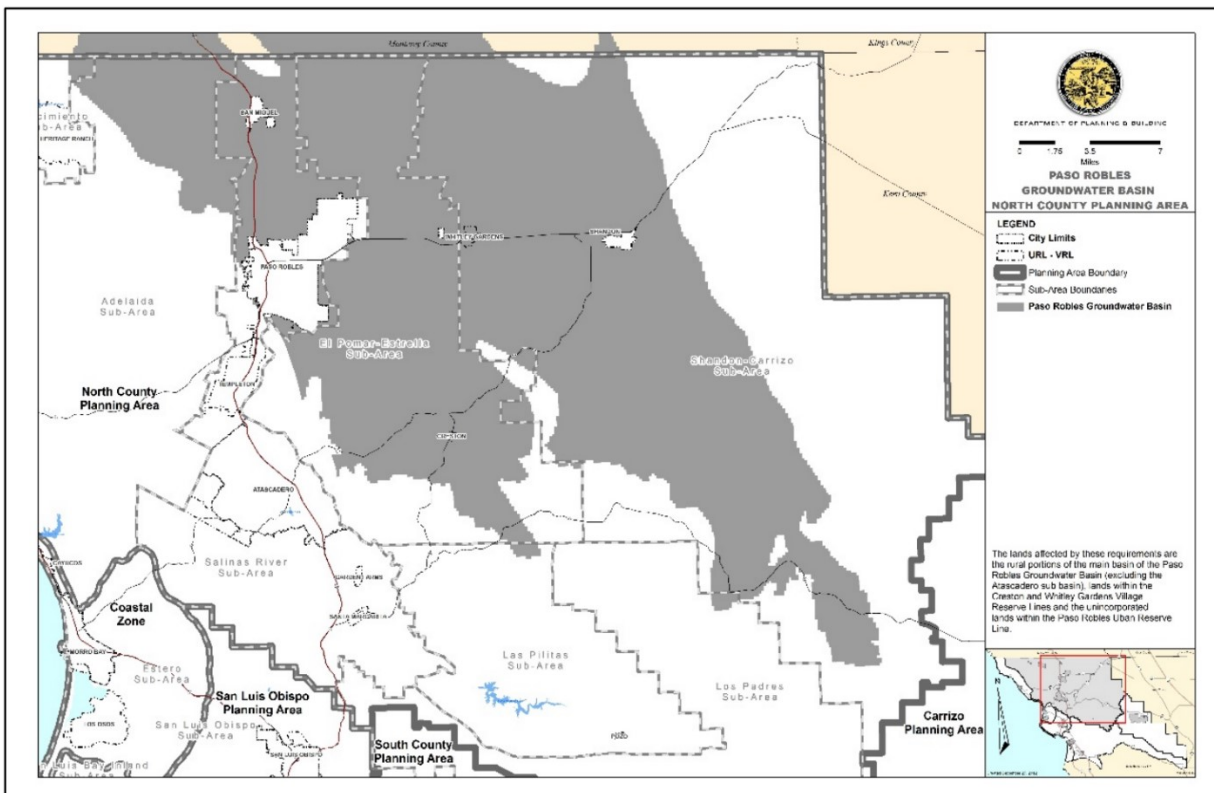


Figure 1: Existing Paso Basin Map

The updated Paso Basin boundary map shown in Figure 2 below is defined by Bulletin 118 for the Salinas Valley – Paso Robles Area from the DWR for the Sustainable Groundwater Management Act (SGMA). This map is consistent with the Paso Robles Subbasin Groundwater Sustainability Plan (GSP) adopted by the Board of Supervisors on December 17, 2019.

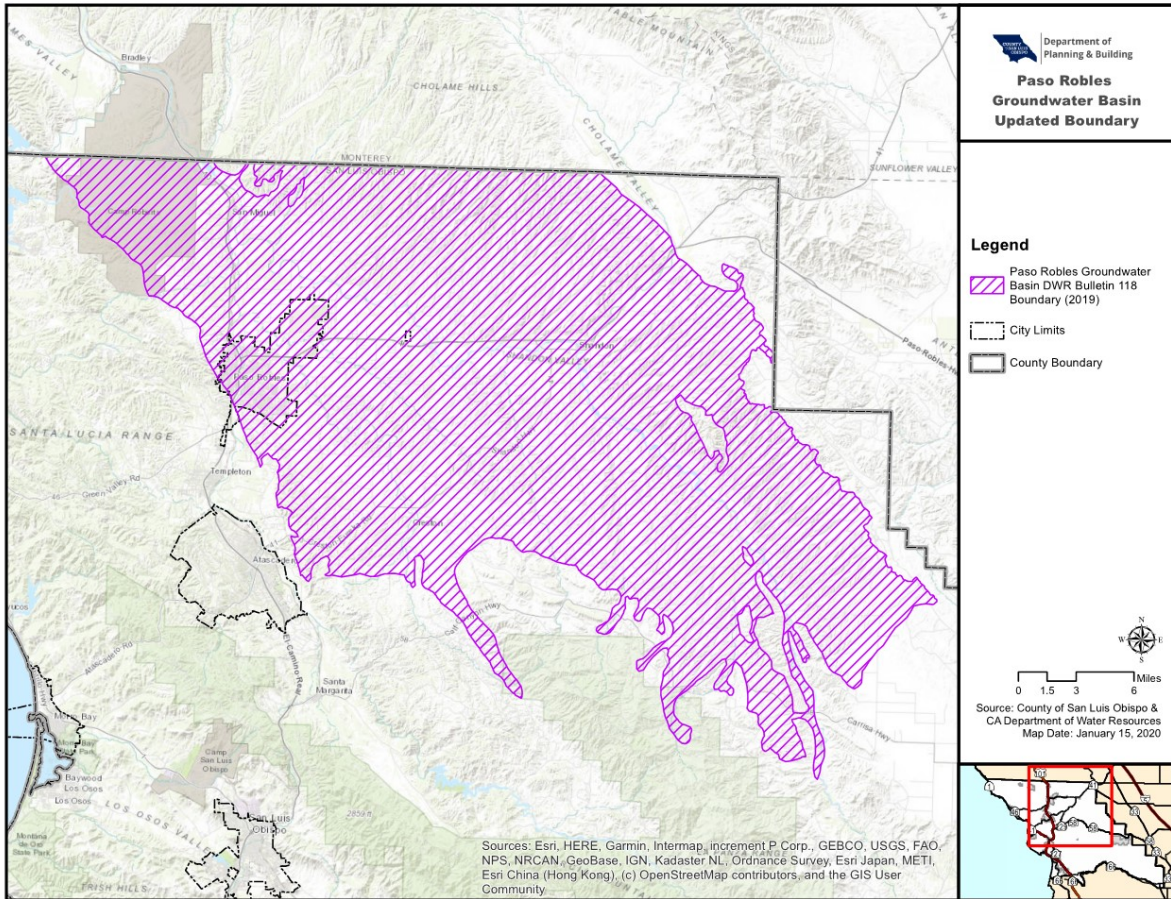


Figure 2: Updated Paso Basin Map

As shown in Figure 3 below, the updated Paso Basin map adds approximately 103,000 acres and removes approximately 12,000 acres from the boundary, for a net increase of about 91,000 acres, primarily in the eastern portion of the basin.

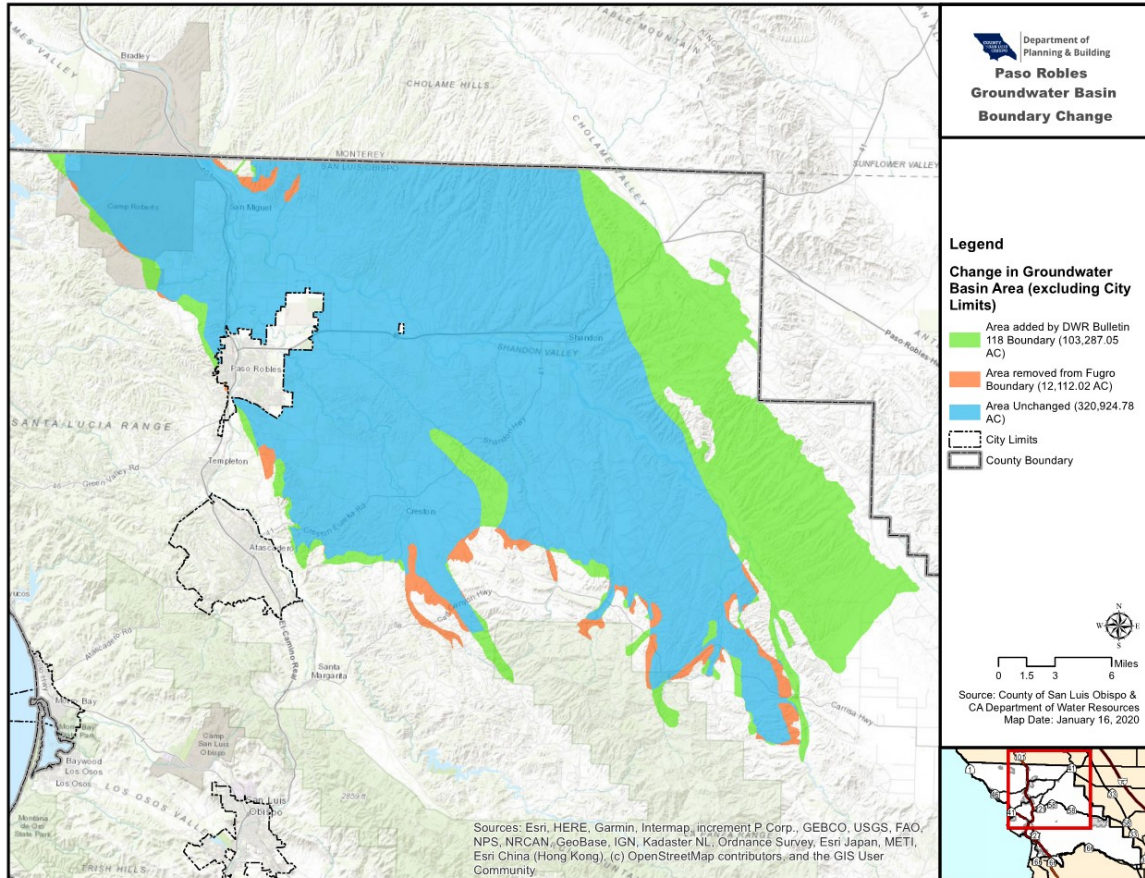


Figure 3: Change in Paso Basin Area

A summary of the differences between the Fugro and Bulletin 118 Paso Basin maps in terms of the number of included acres, properties, and property owners is shown in Table 1 below. With this update, 945 properties (524 owners) that are *not* currently considered to be in the Paso Basin would now be within the basin. 301 properties (244 owners) that *are* currently considered to be in the Paso Basin would be removed. Overall, the changes would be a 27% increase in area, 8% increase in affected properties, and 5% increase in affected property owners.

Table 1: Summary of Changes to the Paso Basin Map

Paso Robles Groundwater Basin			
Change	Area (acres)	Properties	Property Owners
Added	103,287	945	524
Removed	12,112	301	244
Net Change	91,175	644	280
Percent Change	27%	8%	5%

The existing land use within the updated Paso Basin boundary is shown in Figure 4 below, sourced from Figure 3-4 of the GSP. If the proposed ordinance amendments are approved, the areas added to the Paso Basin in the updated map would be subject to the requirements of the WNNP Programs and the Paso Basin Planning Area Standards. Nearly all existing irrigated agricultural land in the Paso Basin would be unaffected by the updated basin boundary map. Most of the acres added to the Paso Basin in the updated map are properties in the eastern portion of the basin where the existing land use is native vegetation and rural residential uses without existing irrigated crop production on-site. The Agricultural Offset Ordinance (Section 22.30.204) would prohibit planting new commercial irrigated crops on these properties, (except for a 5 AFY de minimus exemption if the property is not located in the Area of Severe Decline) unless off-site agricultural offsets are re-allowed in the future. Most of the added area is composed of large grazing properties with low residential density that will be minimally impacted by the 1:1 offset requirement for new construction (Section 19.07.042). The Paso Basin Planning Area Standards (Section 22.94.025) would 1) require a 2:1 water offset and low-water using landscaping for projects approved through a discretionary land use permit, and 2) prohibit General Plan Amendments that increase water demand and land divisions in the added areas, excluding San Miguel and Shandon. The Phase 2 WNNP Amendments will re-examine the requirements of the 1:1 offset ordinances and the planning area standards.

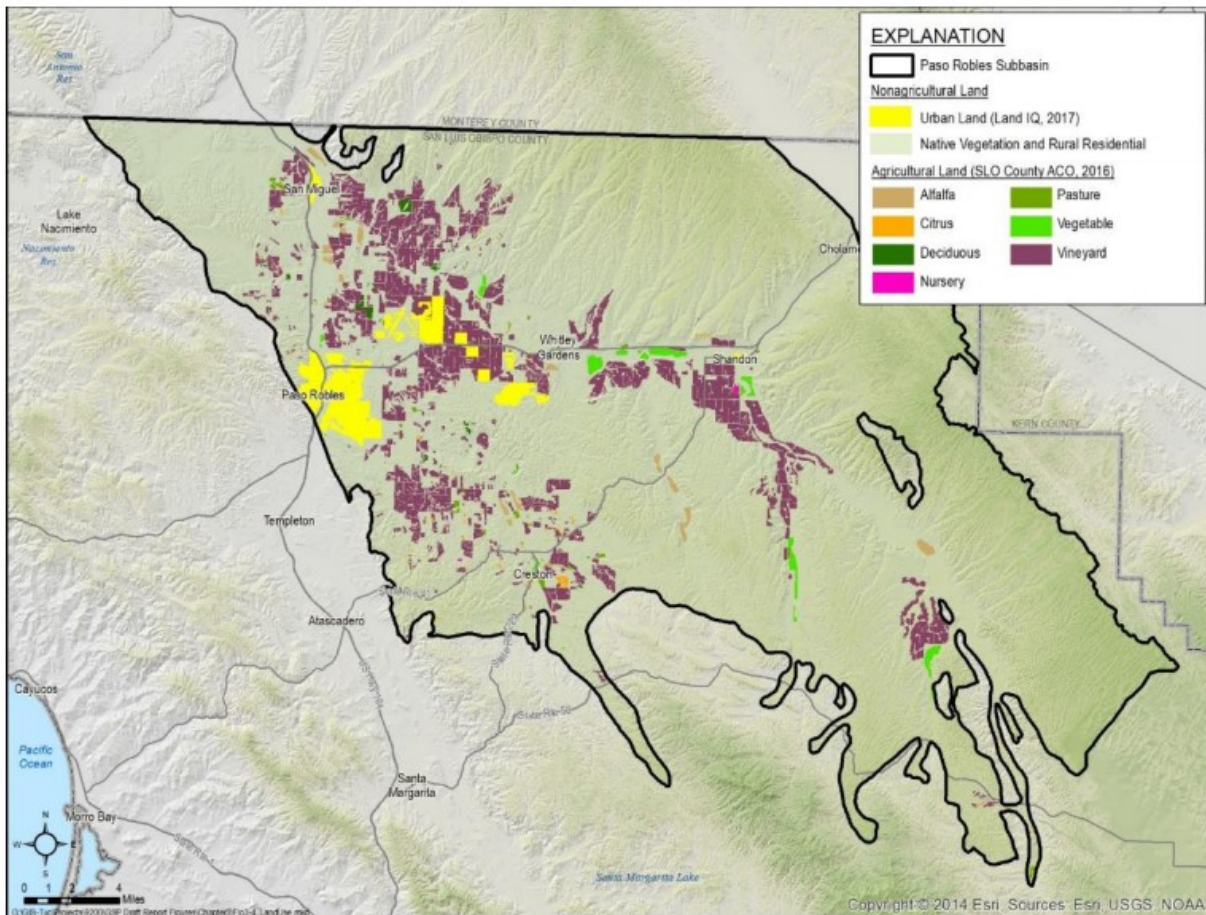


Figure 4: Existing Land Use in the Paso Basin (GSP Figure 3-4)

Area of Severe Decline

The existing Area of Severe Decline map shown in Figure 5 below is based on the 50' contour of the change in groundwater elevation map prepared by GEI Consultants using Spring 1997 - Spring 2013 monitoring data.

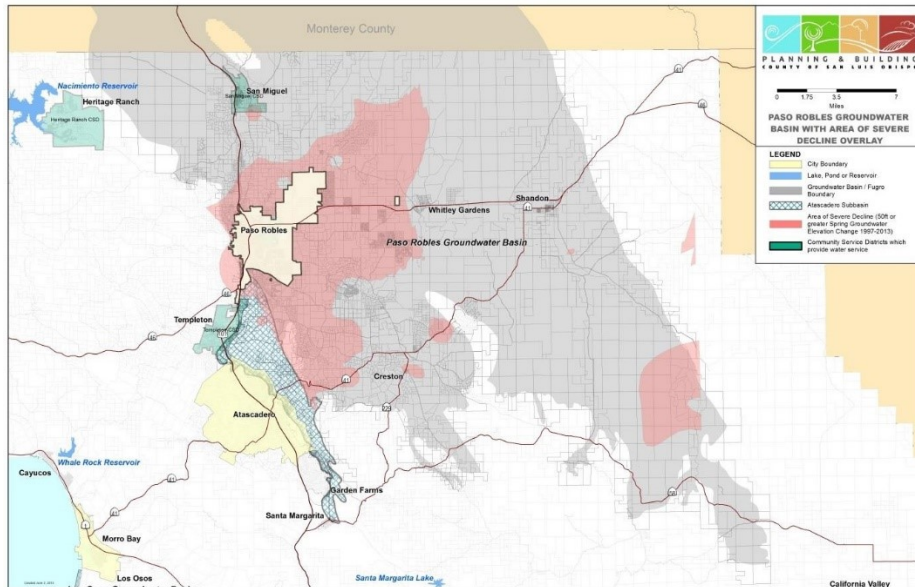


Figure 5: Existing Area of Severe Decline Map

The updated Area of Severe Decline map shown in Figure 6 below is based on the updated change in groundwater elevation map in GSP Figure 5-7, maintaining the 50' change contour as the boundary. The updated map uses monitoring data from Spring 1997 - Spring 2017 and updates to the hydrologic model.

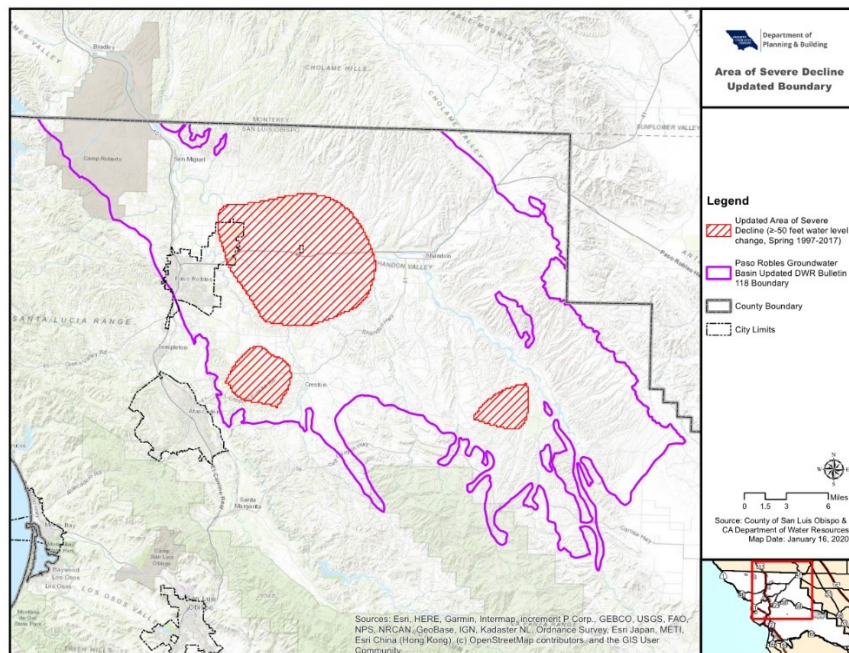


Figure 6: Updated Area of Severe Decline Map

As shown in Figure 7 below, the updated Area of Severe Decline boundary adds over 26,000 acres and removes almost 37,000 acres, for a net decrease of about 10,500 acres. The updated map increases the area of irrigated croplands in the Estrella/Whitley Gardens vicinity east of the City of Paso Robles, removes the spots of land near San Miguel and north of Creston and areas north and south of the City of Paso Robles, expands the area west of Creston, and changes the shape of the boundary near the vineyards along Navarro Creek Road north of Highway 58.

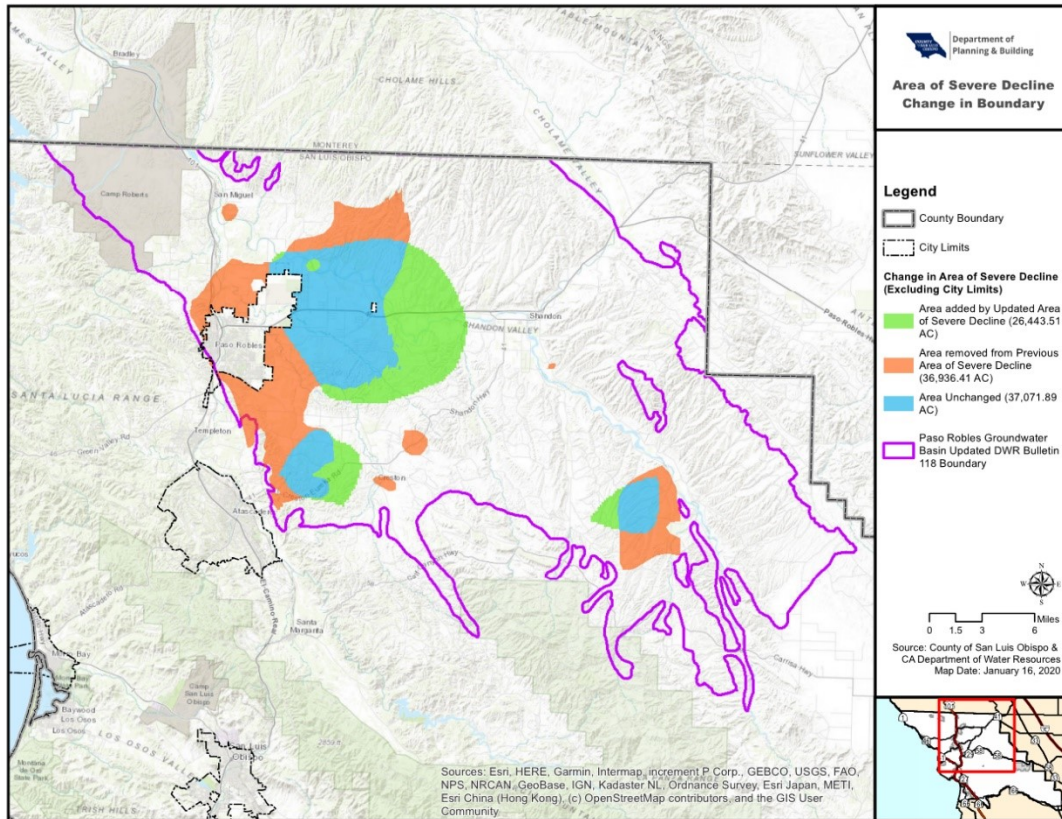


Figure 7: Change in Area of Severe Decline

Table 2 below shows a summary of the changes to the Area of Severe Decline map in terms of the number of acres, properties, and property owners. With this update, 455 properties (300 owners) that are *not* currently considered to be in the Area of Severe Decline would now be within the area. 1,767 properties (1,437 owners) that *are* currently considered to be in the Area of Severe Decline would be removed. Overall, the changes would be a 14% decrease in area, 32% decrease in affected properties, and 34% decrease in affected property owners.

Table 2: Summary of Changes to the Area of Severe Decline Map

Area of Severe Decline			
Change	Area (acres)	Properties	Property Owners
Added	26,443	455	300
Removed	36,936	1,767	1,437
Net Change	-10,493	-1,312	-1,137
Percent Change	-14%	-32%	-34%

The Agricultural Offset Ordinance (Section 22.30.2004) does not allow new commercial irrigated crops to be planted on sites with no existing commercial irrigated crop production within the Area of Severe Decline. The updated map decreases the number of acres and properties subject to this restriction. Based on the existing land uses shown in Figure 4 above, the properties removed from the Area of Severe Decline are a mixture of irrigated croplands, native vegetation (including dry farmed crops), and rural residential use. The added areas are near concentrated vineyard operations in the Estrella/Whitley Gardens vicinity, along Navarro Creek Road north of Highway 58, and the rural area west of Creston. Existing irrigated crop production sites are not affected by the change in the Area of Severe Decline designation. Properties without existing irrigated commercial crop production that are removed from the Area of Severe Decline would qualify for a one-time 5 AFY de minimus exemption when they did not previously. Since the Ag Offset Ordinance was adopted in 2015, only four 5 AFY de minimus applications have been received by the County. Based on this trend, the expansion in areas that qualify for the de minimus exemption is not significant.

WNND Phase 1.5 - Fallowing

The proposed amendments allow applicants for an On-Site Agricultural Offset Clearance to indicate that they are voluntarily fallowing the land or not planting an irrigated crop to postpone the deadline for submitting a proposed planting plan for approval. The Phase 1 WNND Amendments that took effect on December 5, 2019 extended the expiration date for conditionally approved Offset Clearances to the termination date of the ordinance, currently set as January 1st, 2022.

The Agricultural Offset Ordinance is intended to be a temporary management strategy until the GSP is implemented. Chapter 9 of the GSP states:

This GSP calls for the GSAs to promote voluntary fallowing of crop land to reduce overall groundwater demand. For example, the GSAs could develop a Subbasin-wide accounting system that tracks landowners who decide to voluntarily fallow their land and cease groundwater pumping or otherwise refrain from using groundwater. If given the opportunity to create a 'place holder' for their ability to pump under regulations adopted by the GSAs, some property owners currently irrigating crops or that might want to irrigate in the future may choose to forego the expense of farming and extracting water if those rights can be accounted for and protected. A regulation would need to be adopted by the GSAs for the metering and reporting program, and the program could include provisions related to land fallowing.

The specific timing and details of GSP implementation are under development at this time.

ORDINANCE AMENDMENTS

Attachments 1 and 2 show proposed revisions to Title 22 and Title 19 of the County Code. Proposed text marked for deletion has a **strikeout** and the proposed text to be inserted is **underlined**. The proposed revisions are described below:

Amendments to Section 22.30.204 Agricultural Offset Requirements

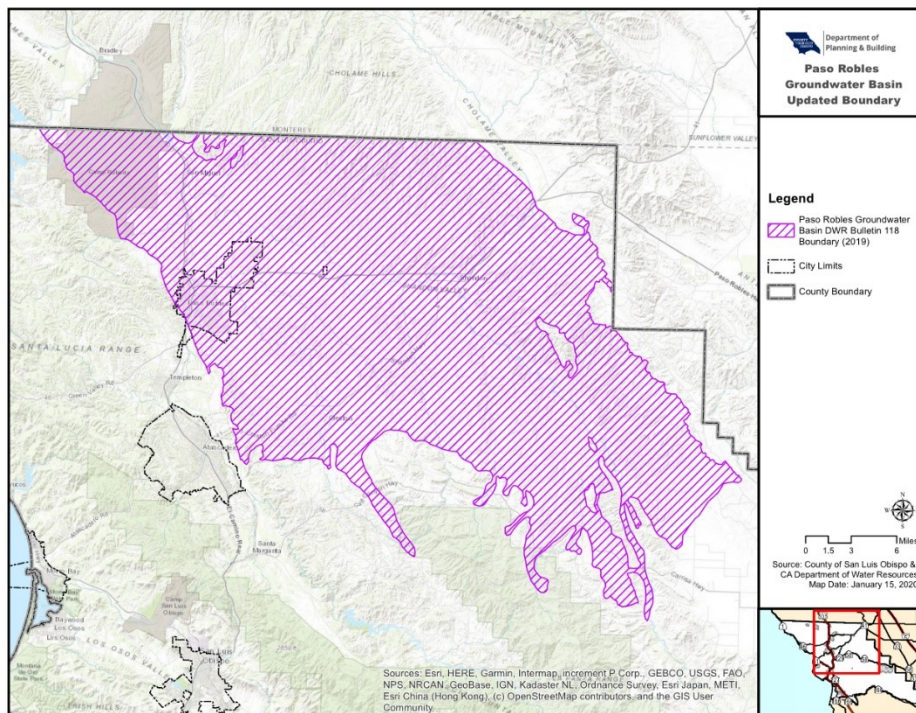
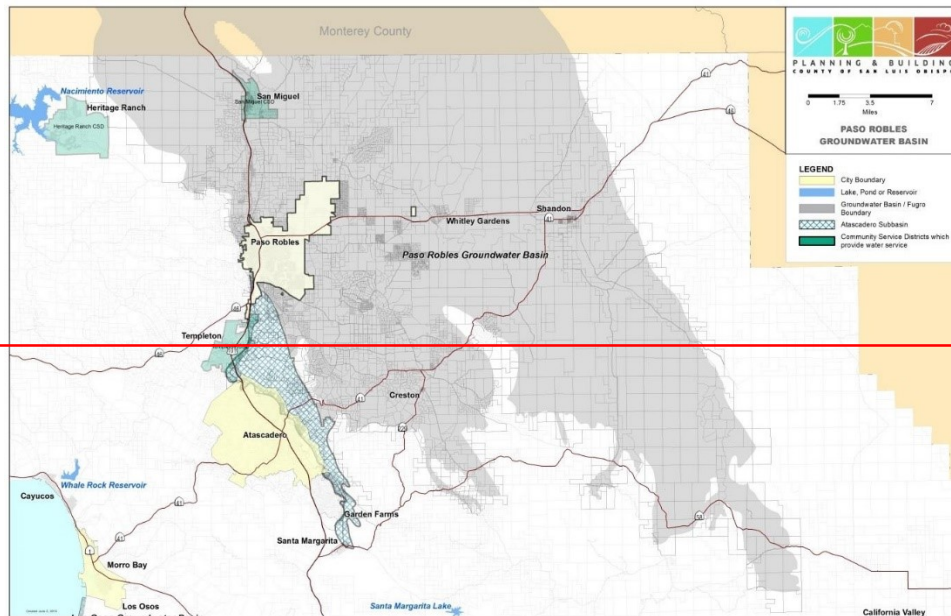


Figure 30-1: Paso Robles Groundwater Basin (Excluding the Atascadero Sub-basin)

Explanation: This change updates the Paso Basin boundary map to be consistent with the GSP.

A. **Exemptions.** Consideration of an exemption is subject to section 22.30.204 F (Application Contents). The Agricultural Offset Clearance requirements as outlined in this section do not apply to the following activities, unless specified below:

5. For the purpose of new crop production overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as defined by Figure 30-1, sites that do not have any existing crop production and are not within the area of severe decline (50 feet or greater Spring Groundwater Elevation Change 1997-2013~~7~~) as shown in Figure 30-2, may be eligible for a one-time only **de minimis** exemption. The one-time only **de minimis** exemption is limited to the establishment of crop production representing a new total of no more than 5.0 AF per year per site. If a one-time only **de minimis** exemption is granted, the resulting crop production cannot be used as a source of Agricultural Offset Clearance credits in any future application.

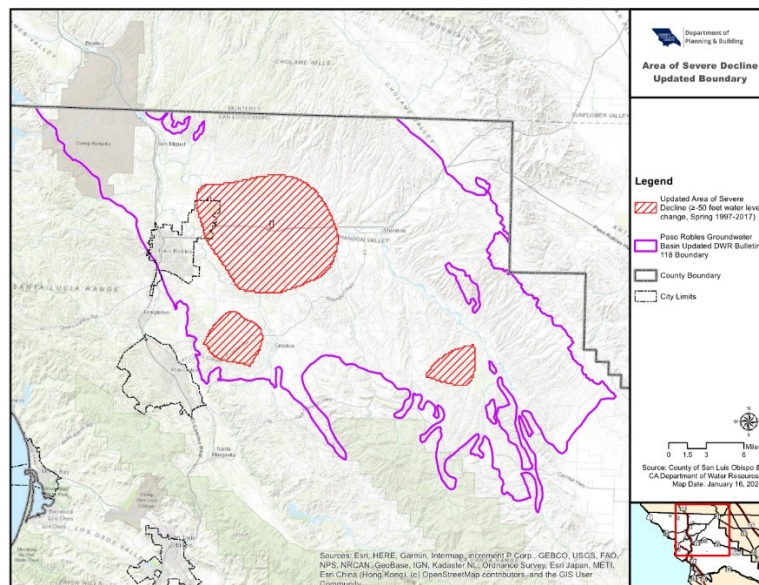
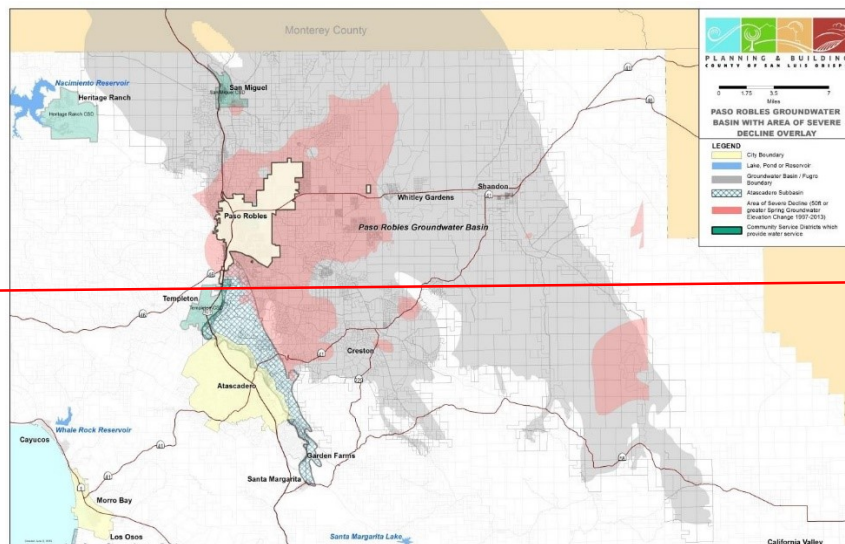


Figure 30-2: Paso Robles Groundwater Basin with Area of Severe Decline

Explanation: These changes update the Area of Severe Decline to be consistent with the GSP and remove the term “de minimis”. The CA Water Code Sec. 10721 defines a “de minimis” groundwater extractor as “a person who extracts, for domestic purposes, two acre-feet or less per year.” Extracting 5 AFY for commercial crop production does not fit within this definition.

F. Application Contents. In addition to meeting the application contents of section 22.62.030 (Zoning Clearance), a request for an Agricultural Offset Clearance shall include all of the following:

1. Vicinity of site(s) participating in the requested Agricultural Offset Clearance, including all parcels currently under crop production, and adjacent parcels with same ownership.
2. Identification of specific locations and acreage of current crop type(s).
3. Identification of specific locations and acreage of proposed crop type(s). The applicant may indicate that they are voluntarily fallowing the land or not planting irrigated crops to receive conditional approval to submit a proposed planting plan at a later date. The conditional approval expires with the termination of this ordinance.
4. A current title report or lot book guarantee for all parcels participating in the requested Agricultural Offset Clearance.

Explanation: This change allows applicants for an On-Site Agricultural Offset Clearance to indicate that they are voluntarily fallowing their land or not planting irrigated crops to allow them to verify their available water credits and receive conditional approval to plant irrigated crops that do not exceed the water demand without having to specify a proposed planting plan when they apply.

Amendments to Section 22.94.025 Paso Basin Planning Area Standards

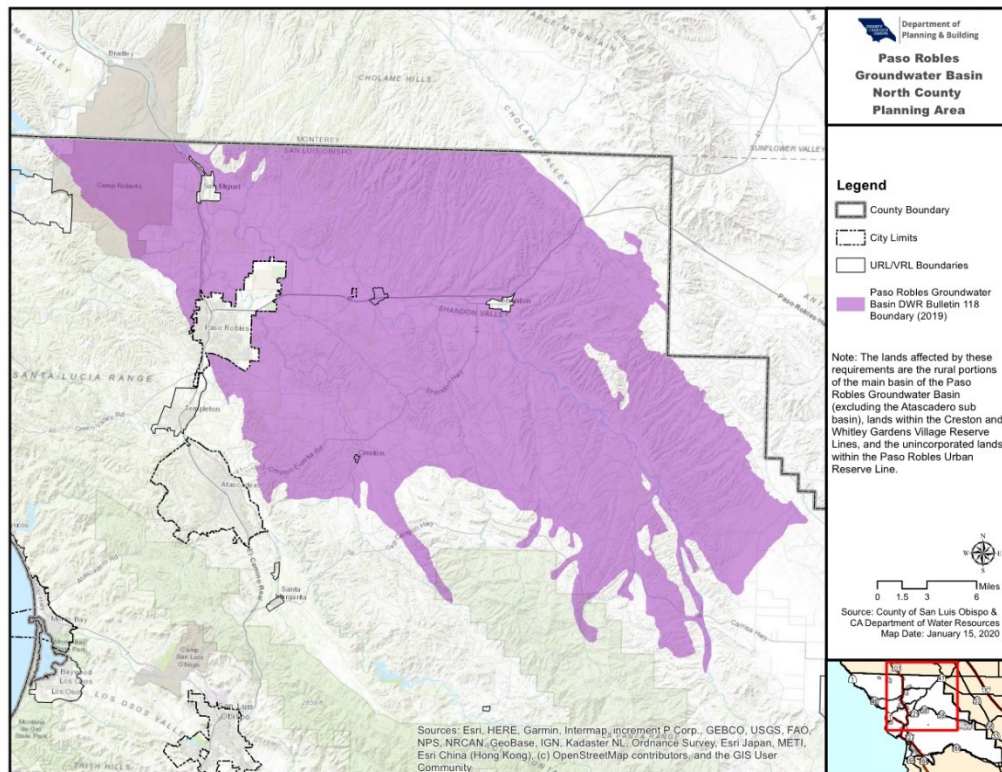
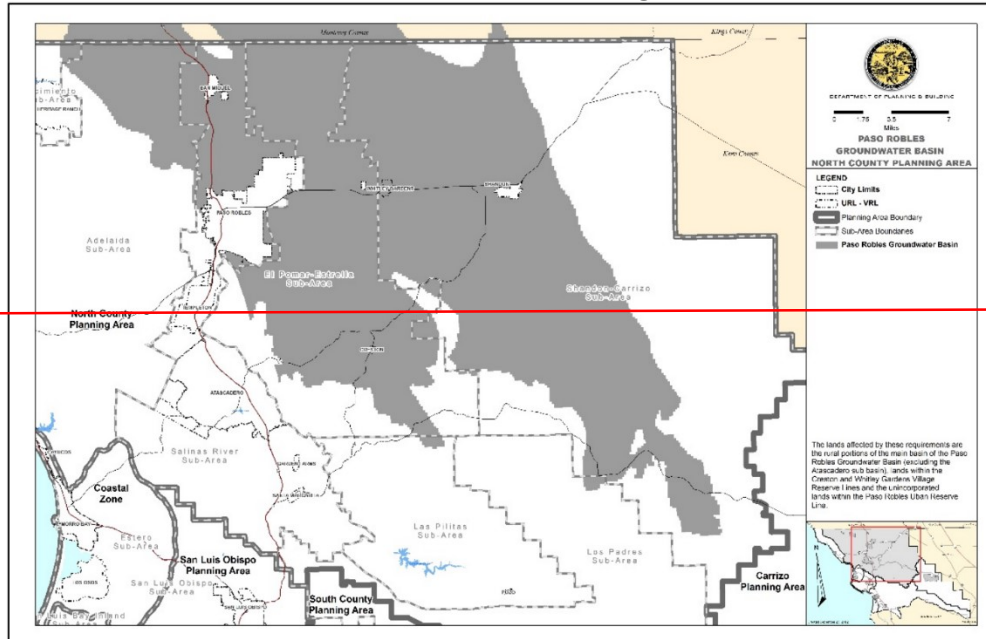


Figure 94-6: Paso Robles Groundwater Basin North County Planning Area

Explanation: These changes update the map of the Paso Basin to be consistent with the GSP, still excluding the San Miguel and Shandon URLs as specified in the original map and clarifies that this map shows the areas affected by the Paso Basin Planning Area Standards.

Amendments to Section 19.07.042 Water Conservation Provisions

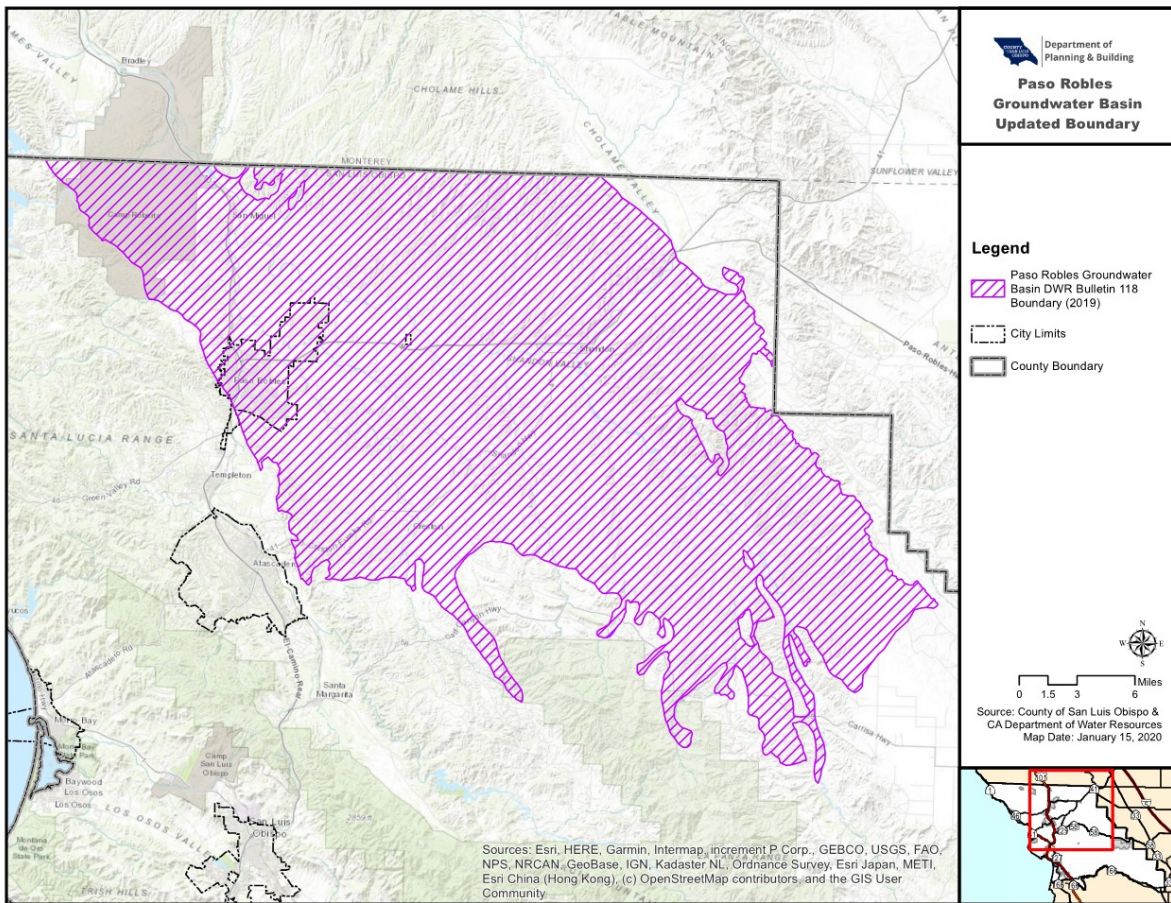


Figure 7-1 – Paso Robles Groundwater Basin (Excluding the Atascadero Sub-basin)

[Map of Nipomo Mesa]

Figure 7-~~12~~ – Nipomo Mesa Water Conservation Area

(5) Los Osos Groundwater Basin: In addition to the requirements in Section 1., 2., and 3. Above, the requirements in subsections (5)a. through (5)j. below shall apply to all new development that uses water from the Los Osos Groundwater Basin shown in Figure 7-~~23~~.

[Map of Los Osos Groundwater Basin]

Figure 7-~~23~~ – Los Osos Groundwater Basin and Prohibition Zone

Explanation: These changes add a map of the Paso Basin with the Bulletin 118 boundary to this section of Title 19 to clarify the areas subject to the water conservation provisions for the Paso Basin and update the figure numbers and references for the following maps in the section. Previously, this section did not include a map of the Paso Basin, although one is referenced.

CEQA REVIEW

An addendum to the Supplemental Environmental Impact Report (SEIR) (SCH 2014081056) certified for the Countywide Water Conservation Program in 2015 was prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq. for the proposed changes to the WNND ordinances (Sections 19.07.042 and 22.30.204).

A Class 8 Categorical Exemption is proposed for the amendments to the Paso Robles Groundwater Basin Planning Area Standards (Section 22.94.025).

AGENCY REVIEW

The Department of Public Works, the Department of Agriculture/Weights and Measures, and County Counsel have reviewed and approved the proposed ordinance changes.

ATTACHMENTS

1. Proposed Ordinance (Redline Version)
2. Proposed Ordinance (Clean Version)
3. Addendum to SEIR
4. Notice of Exemption

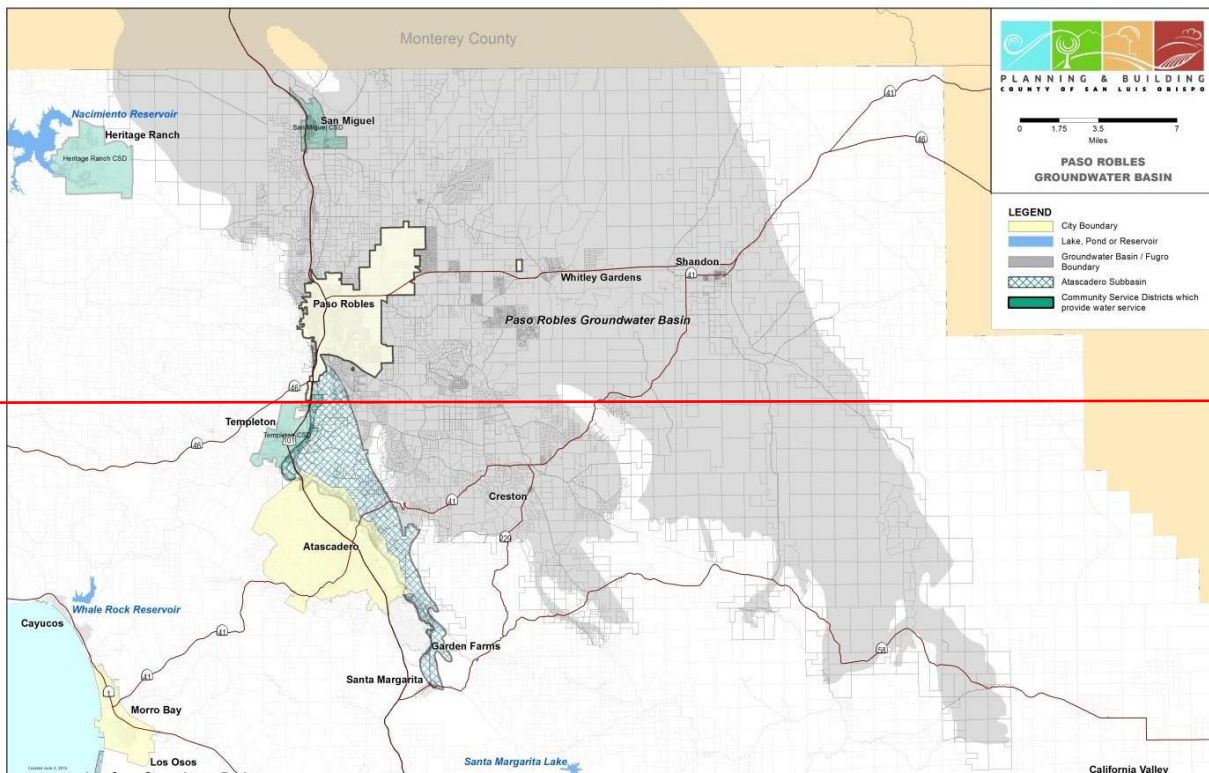
ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 AND TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE AND BUILDING ORDINANCE, BY AMENDING SECTION 22.30.204 AGRICULTURAL OFFSET REQUIREMENTS, SECTION 22.94.025 PASO BASIN PLANNING AREA STANDARDS, AND SECTION 19.07.042 WATER CONSERVATION PROVISIONS

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: Section 22.30.204 of Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

Chapter 22.30.204 – New or Expanded Irrigated Crop Production Overlying the Paso Robles Groundwater Basin, Excluding the Atascadero Sub-basin.



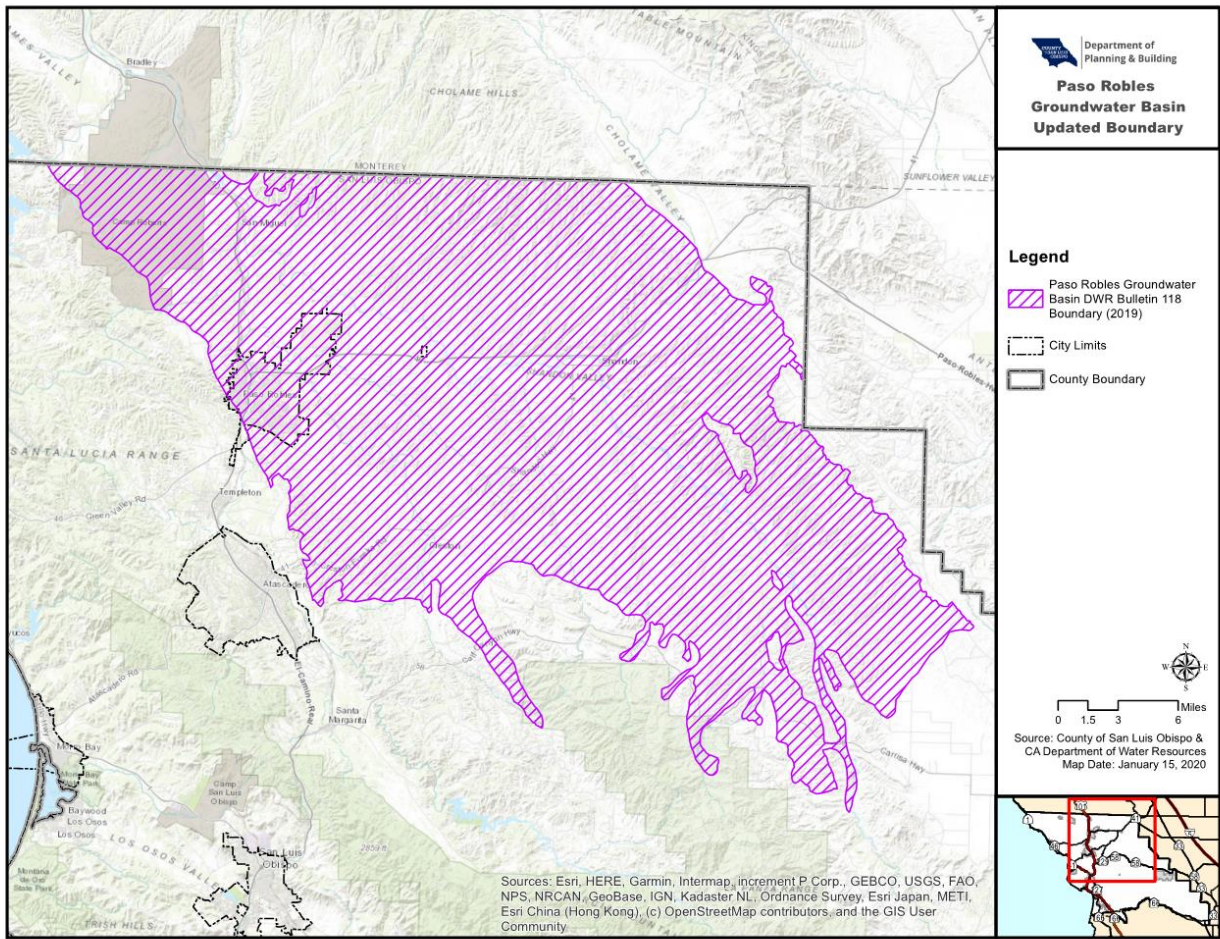


Figure 30-1: Paso Robles Groundwater Basin (Excluding the Atascadero Sub-basin)

A. Exemptions. Consideration of an exemption is subject to section 22.30.204 F (Application Contents). The Agricultural Offset Clearance requirements as outlined in this section do not apply to the following activities, unless specified below:

5. For the purpose of new crop production overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as defined by Figure 30-1, sites that do not have any existing crop production and are not within the area of severe decline (50 feet or greater Spring Groundwater Elevation Change 1997-2013~~7~~) as shown in Figure 30-2, may be eligible for a one-time only **de-minimis** exemption. The one-time only **de-minimis** exemption is limited to the establishment of crop production representing a new total of no more than 5.0 AF per year per site. If a one-time only **de-minimis** exemption is granted, the resulting crop production cannot be used as a source of Agricultural Offset Clearance credits in any future application.

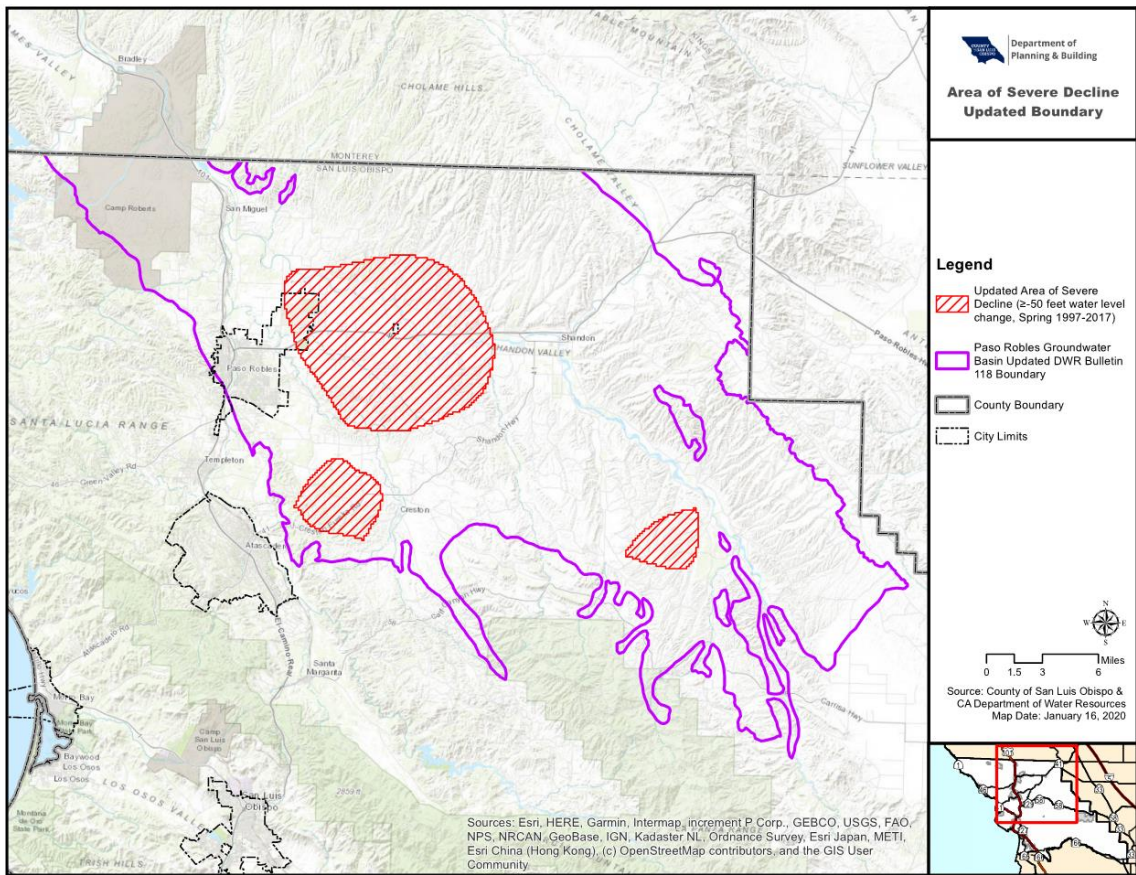
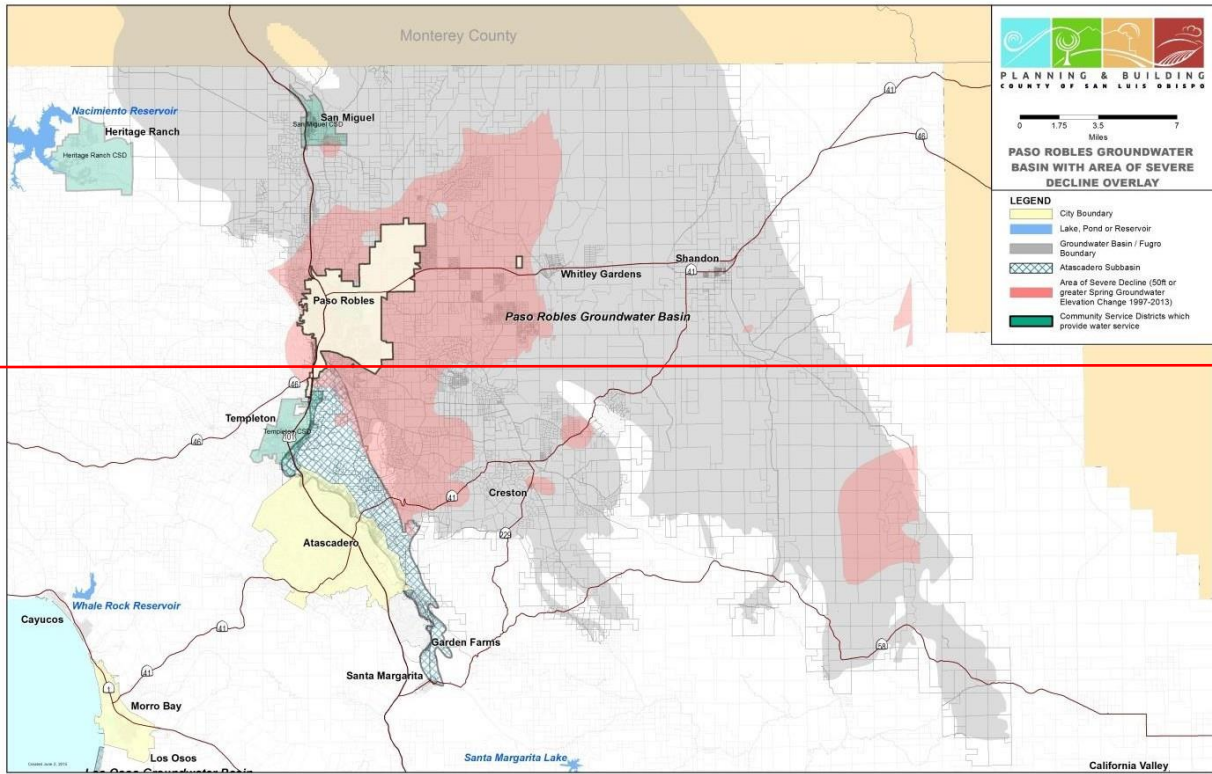
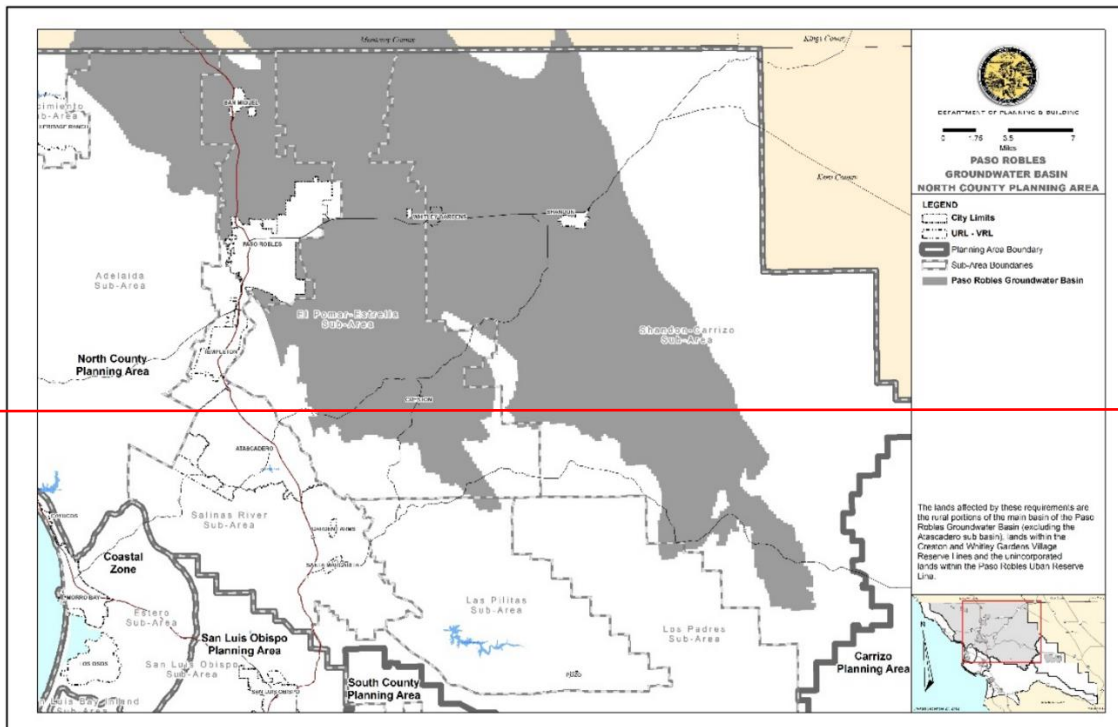


Figure 30-2: Paso Robles Groundwater Basin with Area of Severe Decline

F. Application Contents. In addition to meeting the application contents of section 22.62.030 (Zoning Clearance), a request for an Agricultural Offset Clearance shall include all of the following:

1. Vicinity of site(s) participating in the requested Agricultural Offset Clearance, including all parcels currently under crop production, and adjacent parcels with same ownership.
2. Identification of specific locations and acreage of current crop type(s).
3. Identification of specific locations and acreage of proposed crop type(s). The applicant may indicate that they are voluntarily fallowing the land or not planting irrigated crops to receive conditional approval to submit a proposed planting plan at a later date. The conditional approval expires with the termination of this ordinance.
4. A current title report or lot book guarantee for all parcels participating in the requested Agricultural Offset Clearance.

SECTION 2: Section 22.94.025 of Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:



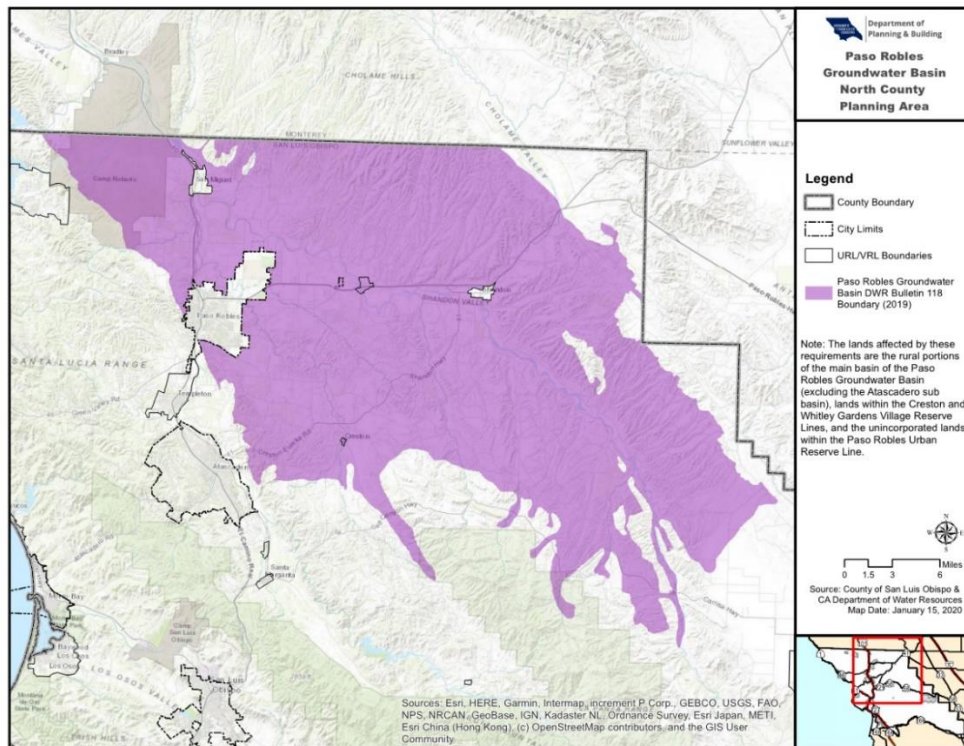


Figure 94-6: Paso Robles Groundwater Basin North County Planning Area

SECTION 3: Section 19.07.042 of Title 19 of the San Luis Obispo County Code, is hereby amended to read as follows:

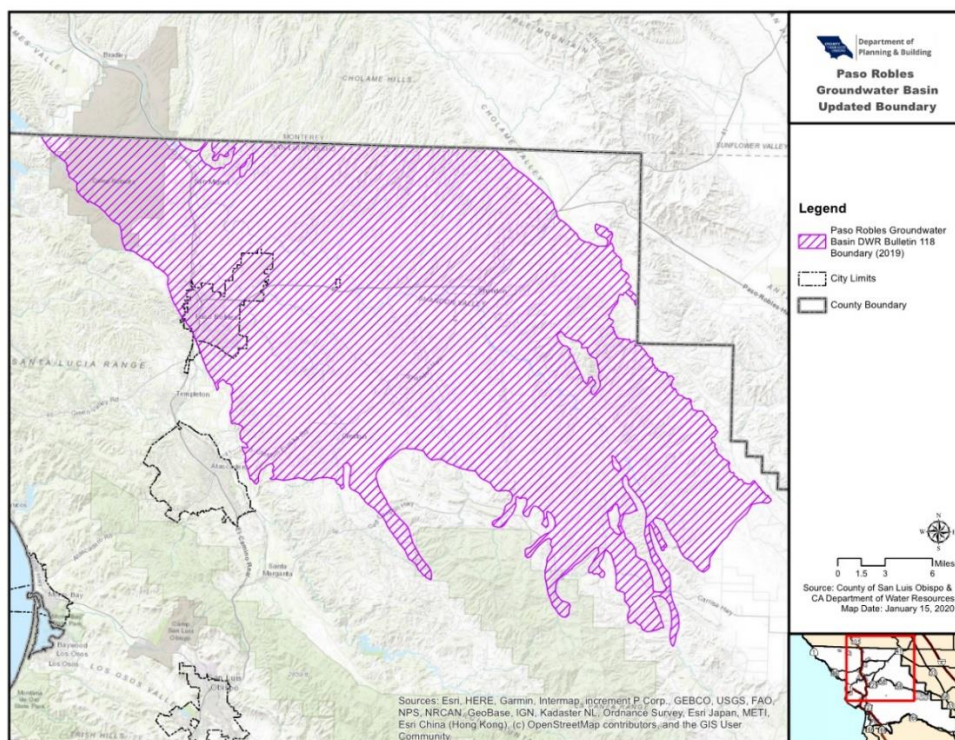


Figure 7-1 – Paso Robles Groundwater Basin (Excluding the Atascadero Sub-basin)

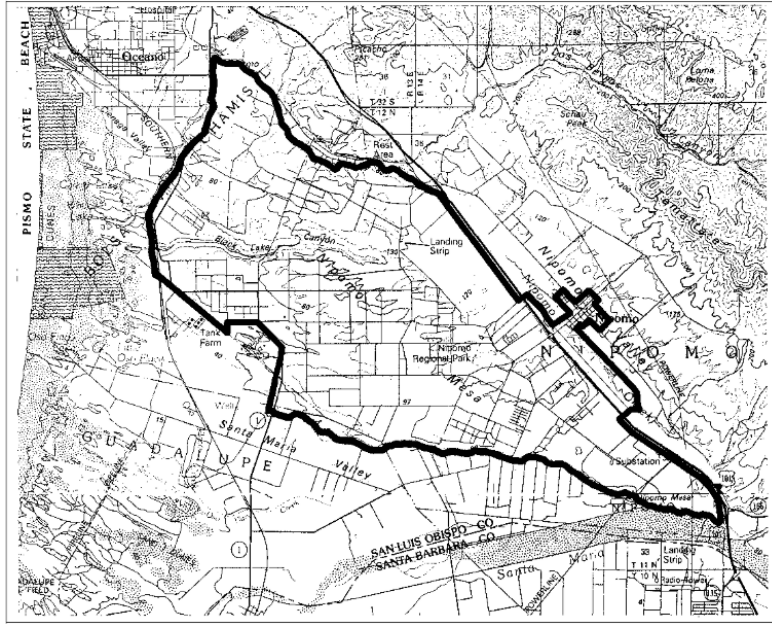


Figure 7-22 – Nipomo Mesa Water Conservation Area

(5) Los Osos Groundwater Basin: In addition to the requirements in Section 1., 2., and 3. Above, the requirements in subsections (5)a. through (5)j. below shall apply to all new development that uses water from the Los Osos Groundwater Basin shown in Figure 7-23.

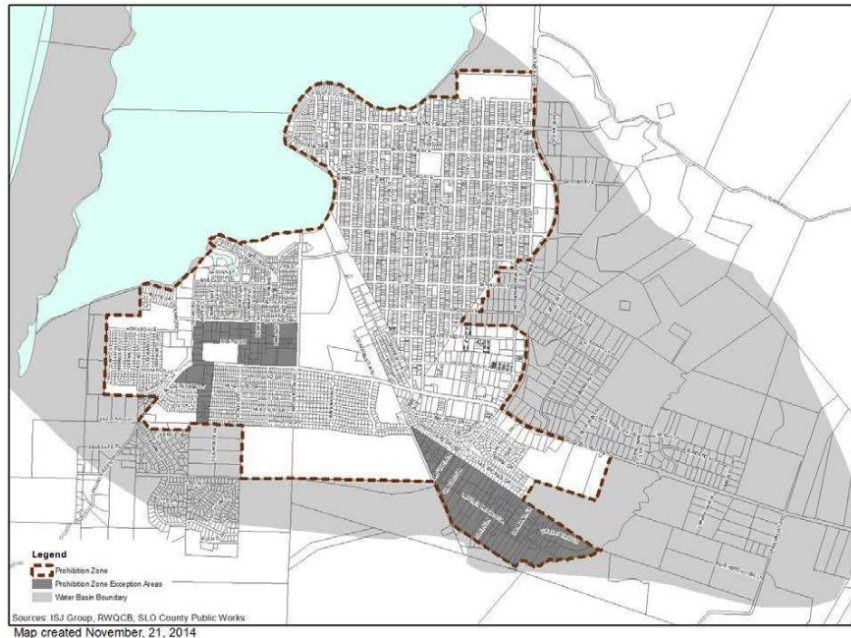


Figure 7-23 – Los Osos Groundwater Basin and Prohibition Zone

SECTION 4: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 6: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 7: An addendum to the Supplemental Environmental Impact Report (SEIR) (SCH 2014081056) certified for the Countywide Water Conservation Program in 2015 was prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq. for the proposed changes to the WNND ordinances (Sections 19.07.042 and 22.30.204). A Class 8 Categorical Exemption is proposed for the amendments to the Paso Robles Groundwater Basin Planning Area Standards (Section 22.94.025).

SECTION 8: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

RECOMMENDED at a special meeting of the San Luis Obispo County Planning Commission held on the 27th day of February, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _day of __, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED

AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _ May 5, 2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 AND TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE AND BUILDING ORDINANCE, BY AMENDING SECTION 22.30.204 AGRICULTURAL OFFSET REQUIREMENTS, SECTION 22.94.025 PASO BASIN PLANNING AREA STANDARDS, AND SECTION 19.07.042 WATER CONSERVATION PROVISIONS

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: Section 22.30.204 of Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

Chapter 22.30.204 – New or Expanded Irrigated Crop Production Overlying the Paso Robles Groundwater Basin, Excluding the Atascadero Sub-basin.

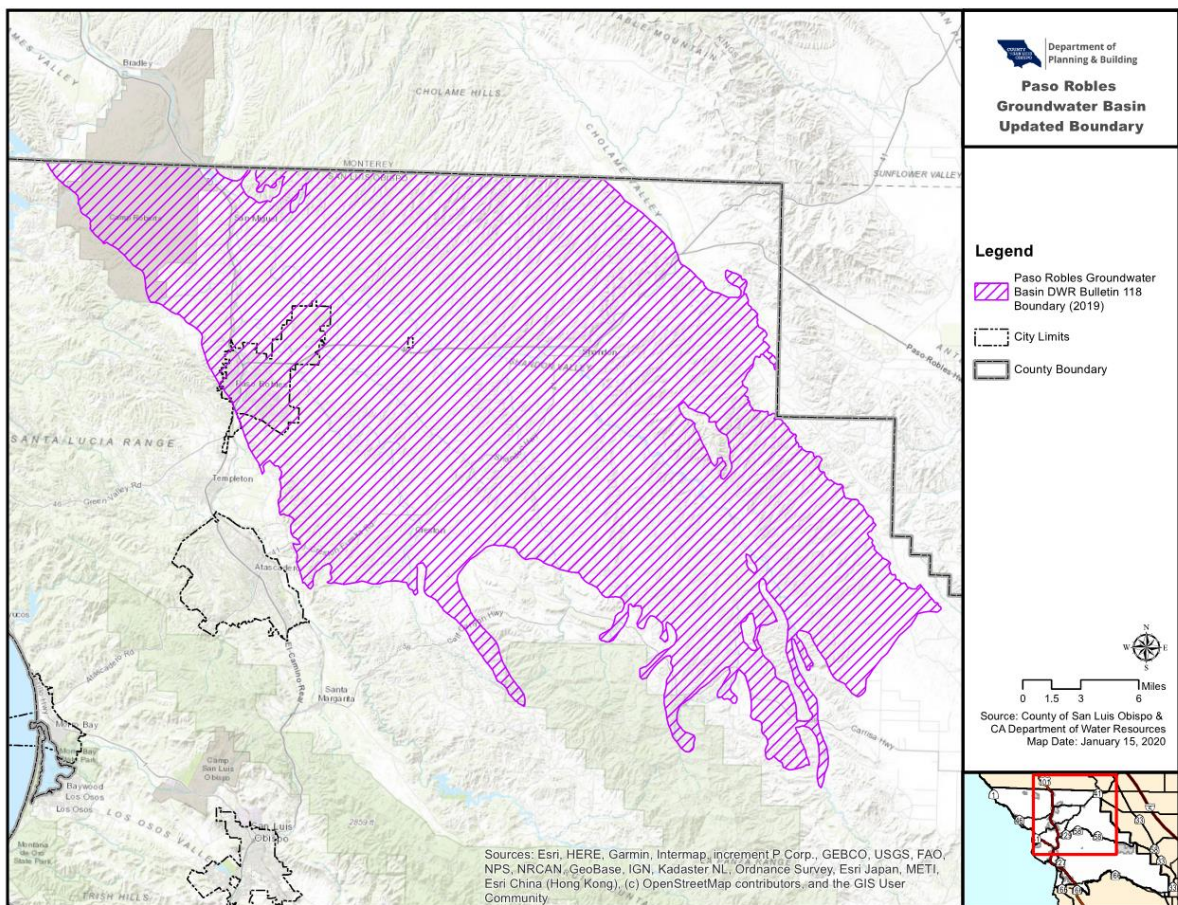


Figure 30-1: Paso Robles Groundwater Basin (Excluding the Atascadero Sub-basin)

- A. **Exemptions.** Consideration of an exemption is subject to section 22.30.204 F (Application Contents). The Agricultural Offset Clearance requirements as outlined in this section do not apply to the following activities, unless specified below:

5. For the purpose of new crop production overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as defined by Figure 30-1, sites that do not have any existing crop production and are not within the area of severe decline (50 feet or greater Spring Groundwater Elevation Change 1997-2017) as shown in Figure 30-2, may be eligible for a one-time only exemption. The one-time only exemption is limited to the establishment of crop production representing a new total of no more than 5.0 AF per year per site. If a one-time only exemption is granted, the resulting crop production cannot be used as a source of Agricultural Offset Clearance credits in any future application.

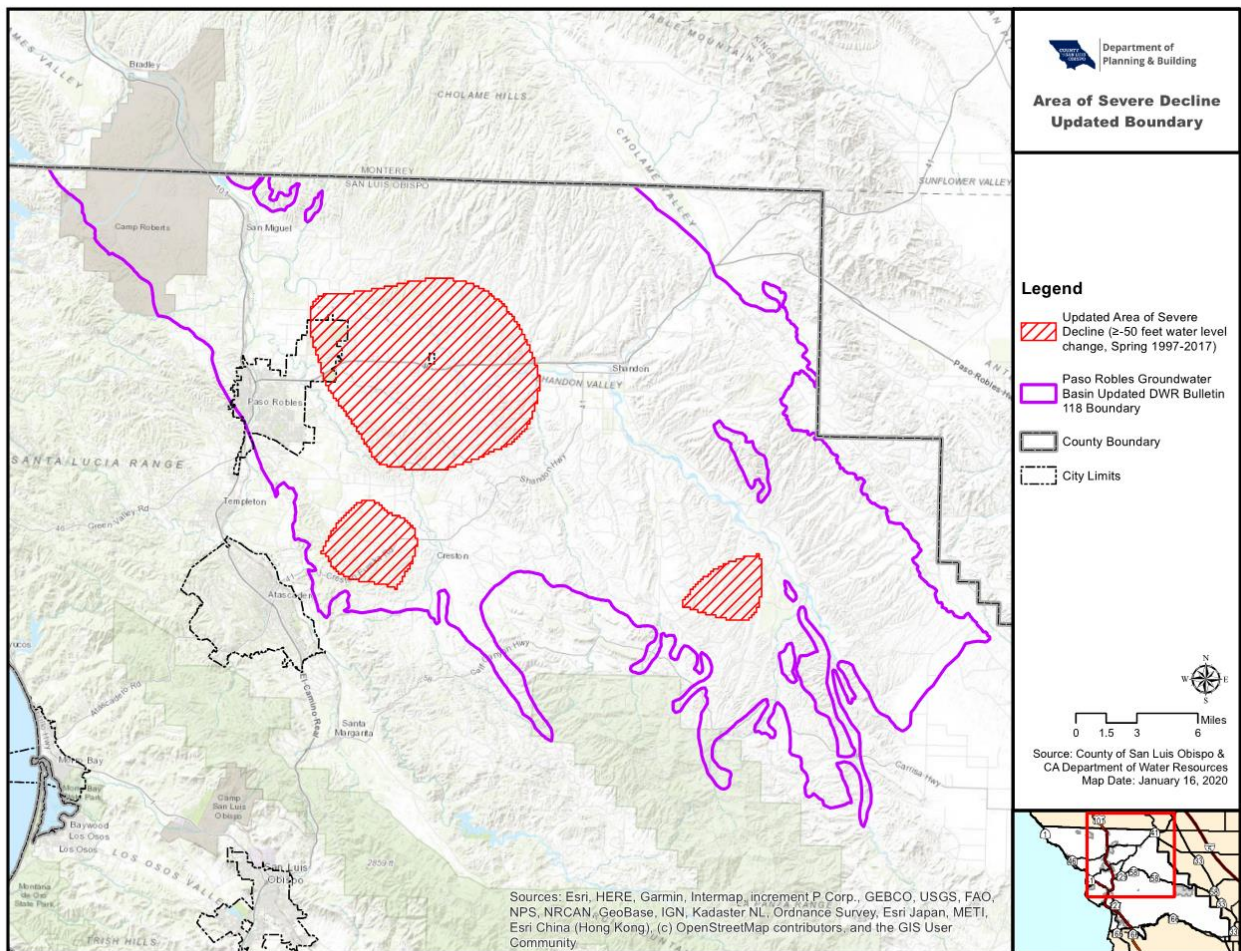


Figure 30-2: Paso Robles Groundwater Basin with Area of Severe Decline

F. Application Contents. In addition to meeting the application contents of section 22.62.030 (Zoning Clearance), a request for an Agricultural Offset Clearance shall include all of the following:

1. Vicinity of site(s) participating in the requested Agricultural Offset Clearance, including all parcels currently under crop production, and adjacent parcels with same ownership.
2. Identification of specific locations and acreage of current crop type(s).

3. Identification of specific locations and acreage of proposed crop type(s). The applicant may indicate that they are voluntarily following the land or not planting irrigated crops to receive conditional approval to submit a proposed planting plan at a later date. The conditional approval expires with the termination of this ordinance.

4. A current title report or lot book guarantee for all parcels participating in the requested Agricultural Offset Clearance.

SECTION 2: Section 22.94.025 of Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

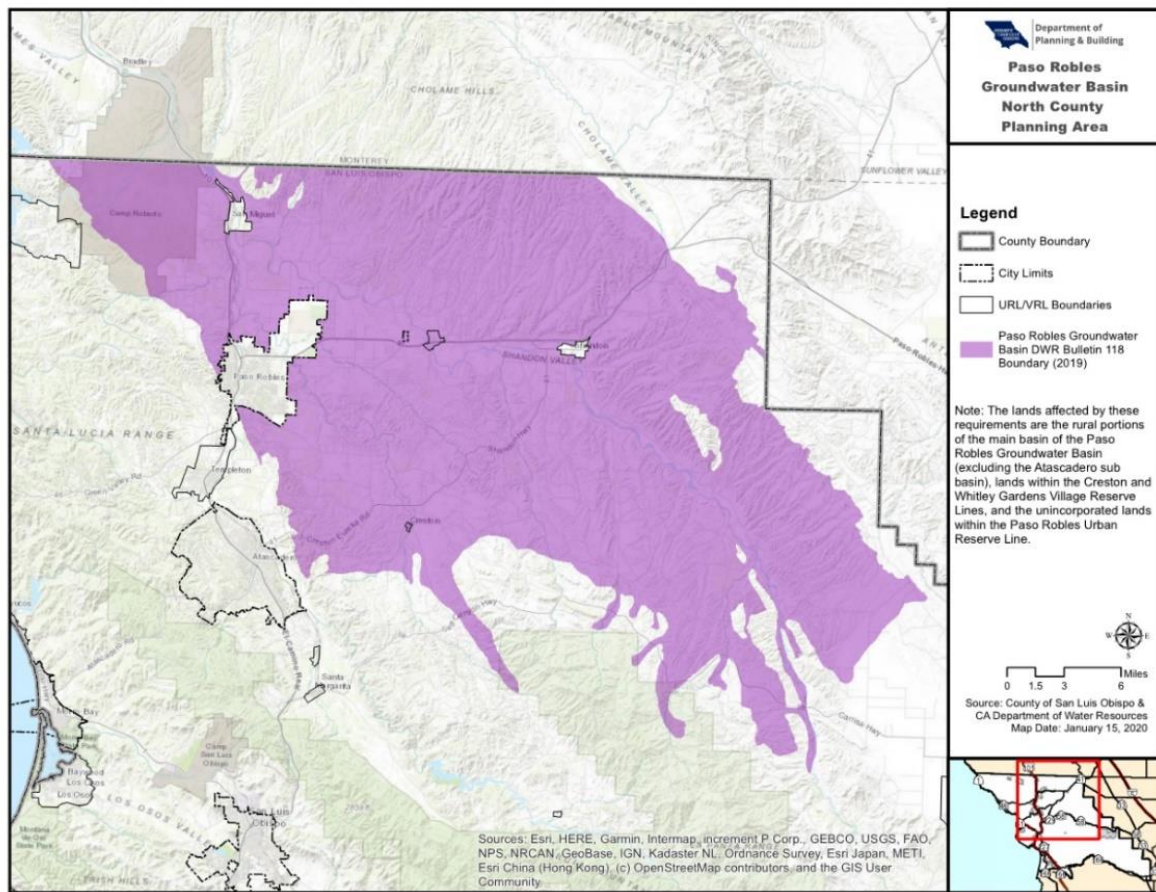


Figure 94-6: Paso Robles Groundwater Basin North County Planning Area

SECTION 3: Section 19.07.042 of Title 19 of the San Luis Obispo County Code, is hereby amended to read as follows:

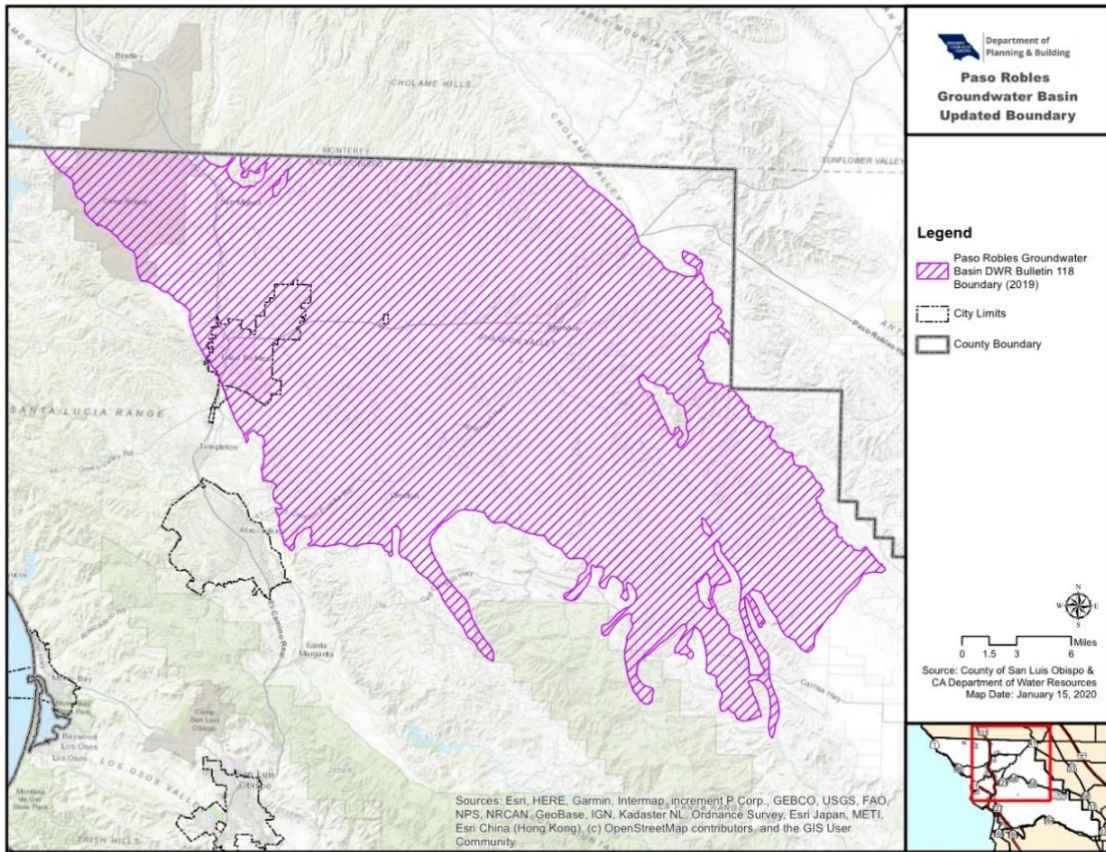


Figure 7-1 – Paso Robles Groundwater Basin (Excluding the Atascadero Sub-basin)

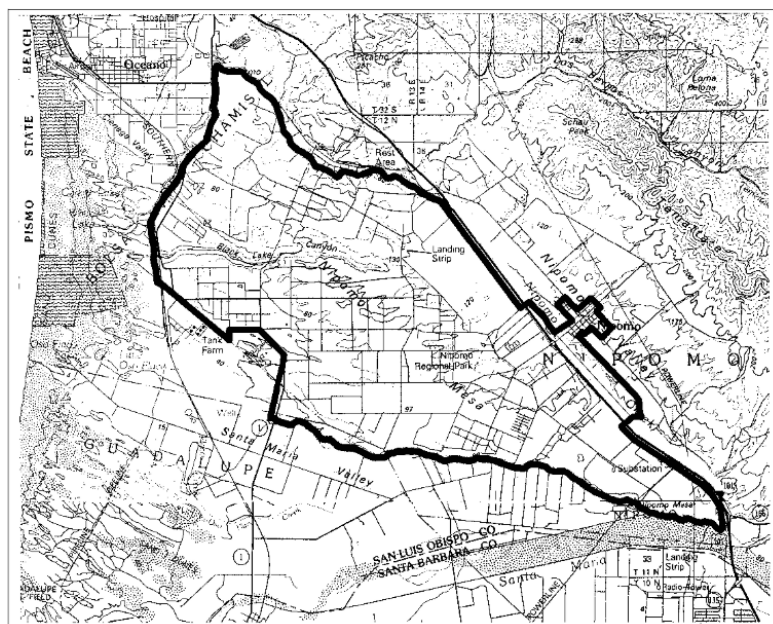


Figure 7-2 – Nipomo Mesa Water Conservation Area

(5) Los Osos Groundwater Basin: In addition to the requirements in Section 1., 2., and 3. Above, the requirements in subsections (5)a. through (5)j. below shall apply to all new development that uses water from the Los Osos Groundwater Basin shown in Figure 7-3.

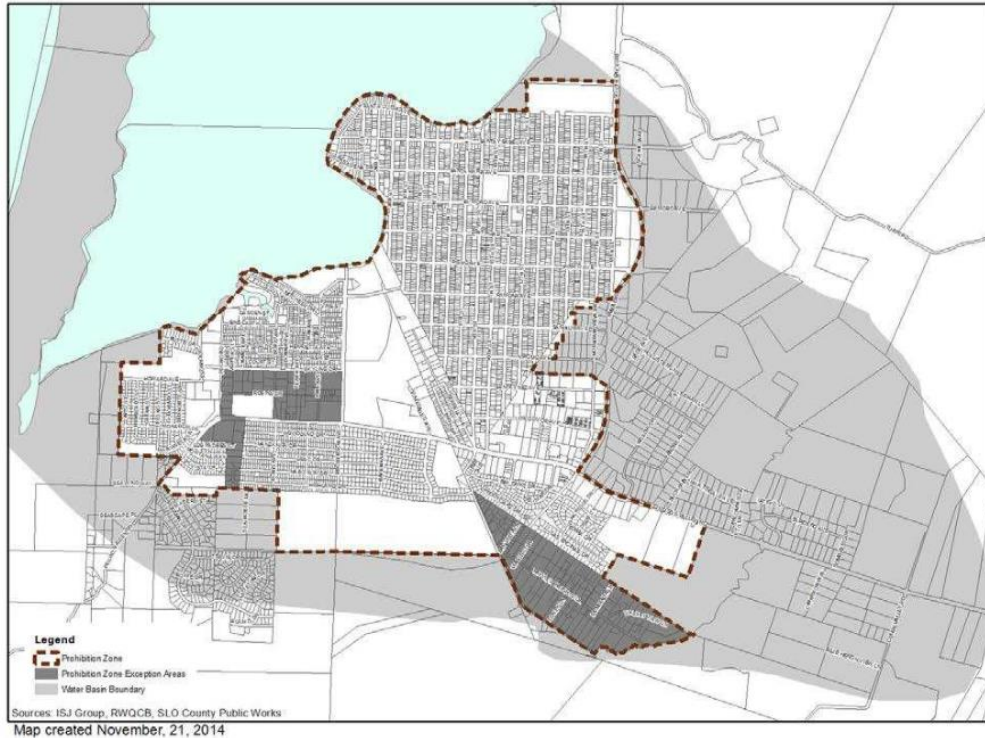


Figure 7-3 – Los Osos Groundwater Basin and Prohibition Zone

SECTION 4: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 6: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 7: An addendum to the Supplemental Environmental Impact Report (SEIR) (SCH 2014081056) certified for the Countywide Water Conservation Program in 2015 was prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq. for the proposed changes to the WNND ordinances (Sections 19.07.042 and 22.30.204). A Class 8 Categorical Exemption is proposed for the amendments to the Paso Robles Groundwater Basin Planning Area Standards (Section 22.94.025).

SECTION 8: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

RECOMMENDED at a special meeting of the San Luis Obispo County Planning Commission held on the 27th day of February, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2020, by the following roll call to vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED

AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _ May 5, 2020

**ADDENDUM TO THE CERTIFIED FINAL SUPPLEMENTAL ENVIRONMENTAL
IMPACT REPORT FOR THE COUNTYWIDE WATER CONSERVATION
PROGRAM
February 2020**

A. INTRODUCTION

This document is an Addendum to the Final Supplemental Environmental Impact Report (FSEIR) prepared for the Countywide Water Conservation Program (State Clearinghouse Number 2014081056). The FSEIR was certified by the County of San Luis Obispo on October 27, 2015, pursuant to County Board of Supervisors Resolution No. 2015-288. The Addendum is intended to bring the existing CEQA documentation up to date as appropriate. Because there are no new significant impacts or mitigation measures as a result of this updated analysis, an Addendum is the appropriate CEQA document.

B. ADDENDUM REQUIREMENTS

The Addendum has been prepared in accordance with the relevant provisions of the California Environmental Quality Act (CEQA) of 1970 (as amended) and the State CEQA Guidelines as implemented by the SSLOCSD. According to §15164(b) of the State CEQA Guidelines, an Addendum to an Environmental Impact Report (EIR) is the appropriate environmental document in instances when “only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred”. Section 15162(a) of the State CEQA Guidelines states that no subsequent Negative Declaration shall be prepared for a project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could

not have been known with the exercise of reasonable diligence at the time the previous EIR or Negative Declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;*
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR or Negative Declaration;*
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

This Addendum does not require circulation because it does not provide significant new information that changes the certified FSEIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.

This Addendum includes this introduction and a description of the proposed actions addressed in the Addendum as they related to the previously-approved project.

The Board of Supervisors shall consider this Addendum to the Final Supplemental EIR as part of the approval of the updated project.

C. PREVIOUS CEQA DOCUMENTATION

The County Board of Supervisors unanimously certified a Final Supplemental EIR and approved the project on October 27, 2015, pursuant to County Board of Supervisors Resolution No. 2015-288. A Notice of Determination (NOD) was prepared, and there were no legal challenges to the adequacy of the Final Supplemental EIR during the 30-day statute of limitations associated with the NOD, pursuant to CEQA (PRC Section 21167 and CEQA Guidelines Section 15094).

D. REASONS WHY AN ADDENDUM IS APPROPRIATE

Subsequent to the approval of the Countywide Water Conservation Program in October 2015, the County Board of Supervisors directed staff to draft an ordinance updating the maps of the Paso Robles Groundwater Basin (Paso Basin) and the Area of Severe Decline to be consistent with the maps of the Groundwater Sustainability Plan and amending the Agricultural Offset Ordinance to incorporate a following registration. This Addendum incorporates the additional analysis for inclusion in the environmental record. The updated analysis does not materially change the findings and conclusions of the FSEIR, making a Subsequent EIR unnecessary pursuant to Section 15162 of the CEQA guidelines.

E. UPDATED PROJECT ELEMENTS

The updated project description includes a following registry that was not included in the certified Final Supplemental EIR. The updated maps of the Paso Basin and the Area of Severe Decline are shown in Figures 1 and 2 below.

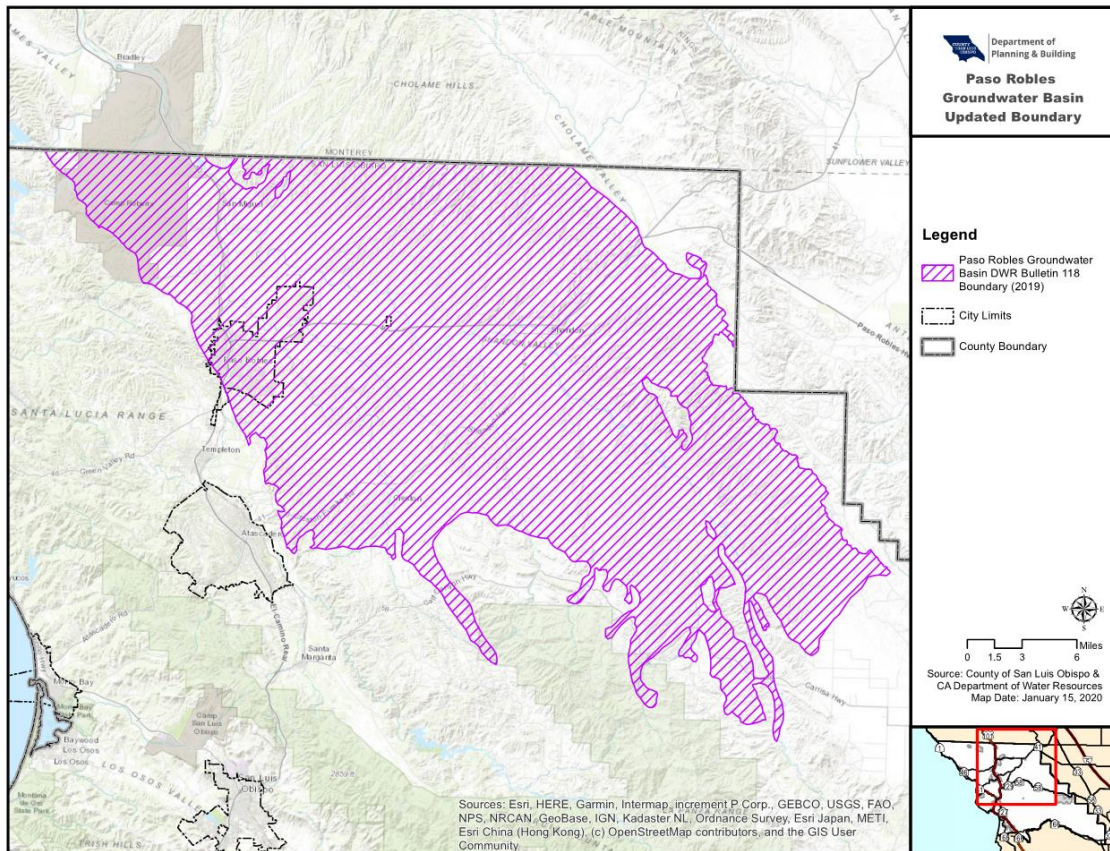


Figure 1: Updated Paso Basin Map

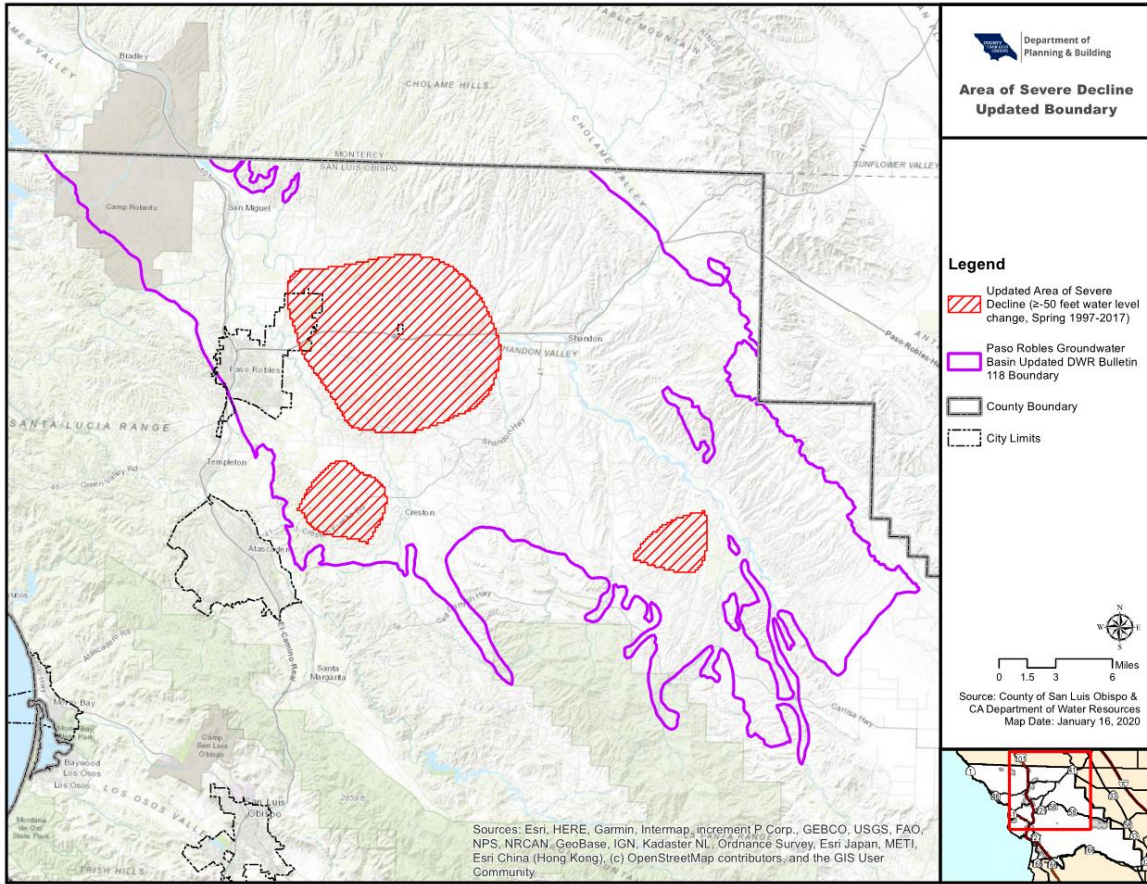


Figure 2: Updated Area of Severe Decline Map

The changes in the Paso Basin map are shown in Table 1 and Figure 3 below.

Table 1: Summary of Changes to the Paso Basin Map

Change	Area (acres)	Properties	Property Owners
Added	103,287	945	524
Removed	12,112	301	244
Net Change	91,175	644	280
Percent Change	27%	8%	5%

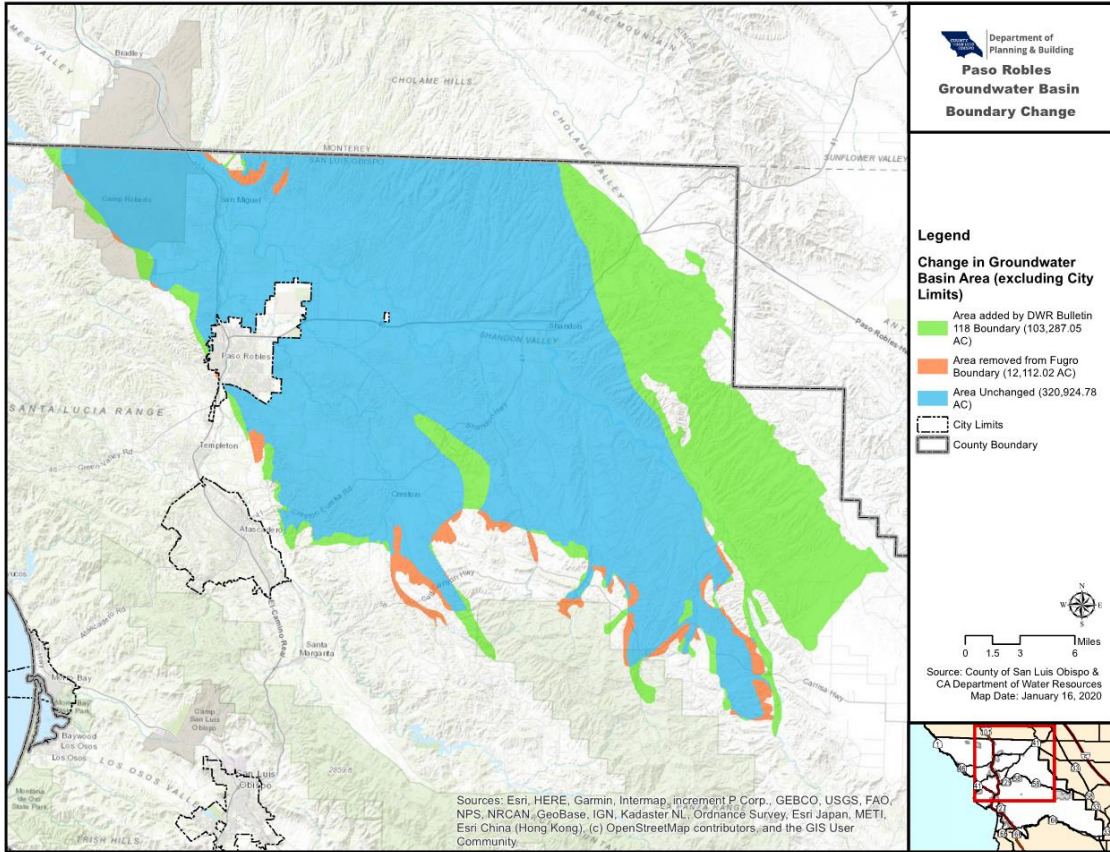


Figure 3: Change in Paso Basin Area

The changes in the Area of Severe Decline map is shown in Table 2 and Figure 4 below.

Table 2: Summary of Changes to the Area of Severe Decline Map

Area of Severe Decline			
Change	Area (acres)	Properties	Property Owners
Added	26,443	455	300
Removed	36,936	1,767	1,437
Net Change	-10,493	-1,312	-1,137
Percent Change	-14%	-32%	-34%

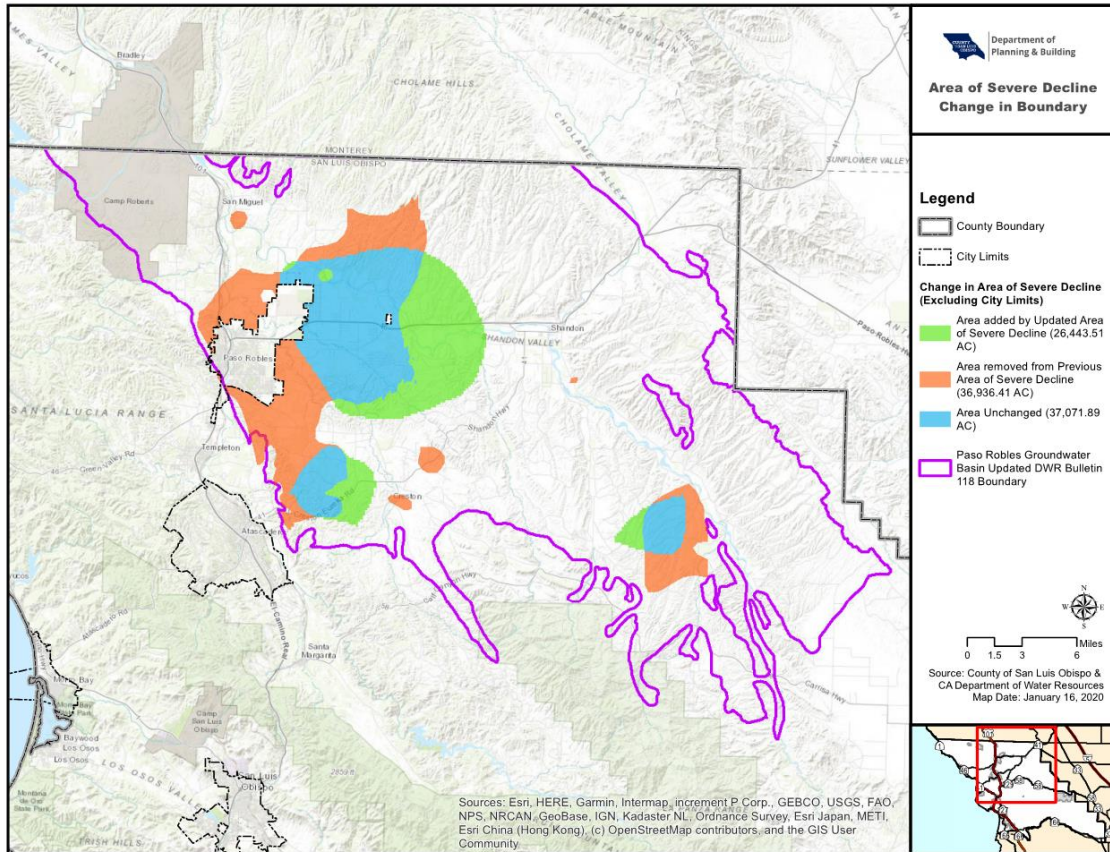


Figure 4: Change in Area of Severe Decline

F. UPDATED ENVIRONMENTAL IMPACT ANALYSIS

The updated Paso Basin map increases the area subject to the WNND Programs by 27% (91,175 acres) but only increases the number of affected property owners by 5%. Most of this added area is composed of large grazing properties with low residential density that will be minimally impacted by the 1:1 offset requirement for new construction. Most of these properties do not have existing irrigated crop production on-site. The Agricultural Offset Program would prohibit planting new commercial irrigated crops on these properties, except for a one-time 5 acre-feet per year (AFY) per site exemption if the property is not located in the Area of Severe Decline without existing irrigation, unless off-site agricultural offsets are re-allowed in the future.

The updated Area of Severe Decline map adds over 26,000 acres and removes almost 37,000 acres, for a net decrease of about 10,500 acres. The properties removed from the Area of Severe Decline are a mixture of irrigated croplands, native vegetation (including dry farmed crops), and rural residential. The added areas are near concentrated vineyard operations in the Estrella/Whitley Gardens vicinity, along Navarro Creek Road north of Highway 58, and the rural area west of Creston. Existing irrigated crop production sites are not affected by the change in the Area of Severe Decline designation. Properties

without existing irrigated commercial crop production that are removed from the Area of Severe Decline qualify for a one-time 5 AFY per site exemption when they did not previously. Since the Ag Offset Ordinance was adopted in 2015, only four 5 AFY exemption applications have been received by the County. Based on this trend, the expansion in areas that qualify for the 5 AFY exemption is not significant in terms of environmental impacts.

The following registration incorporated in the amendment to the Agricultural Offset Program allows farmers the flexibility to stop irrigating without losing the ability to generate water credits to plant new irrigated crops of the same or less water demand in the future. The environmental impact analysis in the certified FSEIR acknowledged that the Agricultural Offset Program could result in the fallowing of agricultural fields. The area of land that could potentially be fallowed does not change by adding a fallowing registration to the Agricultural Offset Program.

The updated maps and inclusion of a fallowing registration does not change the findings or conclusions of the October 15, 2015 Final Supplemental Environmental Impact Report for the Countywide Water Conservation Program (SCH# 2014081056).

G. DETERMINATION

In accordance with Section 15164 of the CEQA Guidelines, the County of San Luis Obispo (County) has determined that this Addendum to the certified FSEIR is necessary to document changes or additions that have occurred in the project description since the FSEIR was originally certified. The County has reviewed and considered the information contained in this Addendum and finds that the preparation of subsequent CEQA analysis that would require public circulation is not necessary.



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Notice of Exemption

PLN-1123
3/22/2018

Project Title and No.: Water Neutral New Development Phase 1.5 Amendments; LRP2020-00002, ED20-026

Project Location (Specific address [use APN or description when no situs available]): Paso Robles Groundwater Basin, County of San Luis Obispo	Project Applicant/Phone No./Email: County of San Luis Obispo ----- Applicant Address (Street, City, State, Zip): See Project Location
---	---

Description of Nature, Purpose and Beneficiaries of Project

A request by the County of San Luis Obispo to amend Title 22 Land Use Ordinance Section 22.94.025 Paso Robles Groundwater Basin Planning Area Standards to update the basin map to be consistent with the Paso Robles Sub-basin Groundwater Sustainability Plan.

Name of Public Agency Approving Project: County of San Luis Obispo

Exempt Status: (Check One)

- Ministerial {Sec. 21080(b)(1); 15268}
- Declared Emergency {Sec. 21080(b)(3); 15269(a)}
- Emergency Project {Sec. 21080(b)(4); 15269(b)(c)}
- Categorical Exemption. {Sec.15308; Class: 8 }
- Statutory Exemption {Sec.____}
- General Rule Exemption. {Sec. 15061(b)(3)} (also complete GRE form PLN-1124)
- Not a Project _____

Reasons why project is exempt: The project qualifies for a Class 8 Categorical Exemption pursuant to State CEQA Guidelines Section 15308 because the project is an action taken by a regulatory agency to protect the shared resource of the Paso Robles Groundwater Basin.

Kylie Hensley (khensley@co.slo.ca.us)

805-781-4979

Lead Agency Contact Person

Telephone

If filed by applicant:	
1. Attach certified document of exemption finding	
2. Has a notice of exemption been filed by the public agency approving the project? Yes <input type="checkbox"/> No <input type="checkbox"/>	

Signature: _____ Date _____

Name: Kylie Hensley Title: Planner

On _____ the project was Approved by:

- Board of Supervisors
- Subdivision Review Board
- Other _____
- Planning Commission
- Planning Dept Hearing Officer