



Final

County of San Luis Obispo

Countywide Water Conservation Program

Conservation and Open Space Element Supplemental Environmental Impact Report

SCH# 2014081056



Rincon Consultants Inc.
July 2015

**FINAL
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

COUNTYWIDE WATER CONSERVATION PROGRAM

Prepared by:

County of San Luis Obispo
Department of Planning and Building
976 Osos Street
San Luis Obispo, California 93401
Contact: Xzandrea Fowler
(805) 781-1172

Prepared with the assistance of:

Rincon Consultants, Inc.
1530 Monterey Street, Suite D
San Luis Obispo, California 93401
(805) 547-0900

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**COUNTY OF SAN LUIS OBISPO
COUNTYWIDE WATER CONSERVATION PROGRAM
CONSERVATION AND OPEN SPACE ELEMENT
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

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EXECUTIVE SUMMARY

This section summarizes the characteristics of the proposed project, the environmental impacts associated with the project, and mitigation measures recommended to mitigate identified significant impacts.

PROJECT SYNOPSIS

Project Applicant

County of San Luis Obispo
976 Osos Street
San Luis Obispo, California 93408

Project Description

Water levels in groundwater basins and surface lakes and reservoirs throughout the County have been in decline for over a decade, and the current San Luis Obispo County is in the midst of an “exceptional drought” that has lowered water levels in groundwater basins and surface lakes and reservoirs throughout the County exacerbated this decline.¹ The Board of Supervisors has declared three groundwater basins, Nipomo Mesa Management Water Conservation Area (NMMA, being part of Santa Maria Groundwater Basin), the Los Osos Groundwater Basin, and the Paso Robles Groundwater Basin, at Level of Severity (LOS) III, which indicates that groundwater demand has met or exceeded the dependable supply.

To address these issues, the proposed Countywide Water Conservation Program (Program) includes amendments to the County General Plan and County Code that would affect water use in both new and existing development, as well as agricultural operations, and is comprised of two separate components. See Figure ES-1 for an illustration of the proposed Program and its various components.

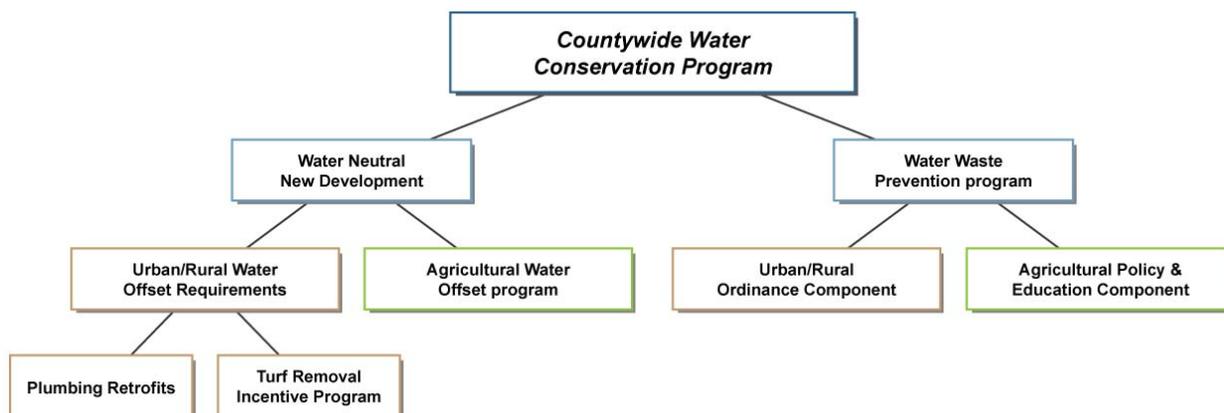


Figure ES-1 Illustration of Countywide Water Conservation Program

¹ “Exceptional drought” is characterized by the United States Department of Agriculture (USDA) and the National Drought Mitigation center as having exceptional and widespread crop and pasture losses, shortages of water in reservoirs, streams and wells creating water emergencies.



The first major component of the Program is Water Neutral New Development (WNND). WNND requirements would require that all new urban and rural development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at LOS III by the Board of Supervisors (the Urban/Rural Water Offset). WNND also requires that, in the Paso Robles Groundwater Basin, all new or more intensively irrigated agriculture must offset new water use at a minimum 1:1 ratio (the Agricultural Offset program). The proposed Agricultural Offset program is an implementation tool for the WNND irrigated agriculture offset requirement, and is intended as a measure to substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin only. The proposed Agricultural Offset program would have a sunset provision upon adoption of a Groundwater Sustainability Plan prepared pursuant to the Sustainable Groundwater Management Act.

The second major component of the overall Program is the Water Waste Prevention (WWP) program. The WWP program is comprised of two elements, an ordinance applying to urban and rural development and policy clarifications that would apply to agricultural operations. The ordinance would apply to all existing and proposed urban and rural development within the unincorporated areas of the county where a water purveyor does not already have a similar ordinance (or other comparable program) in place. Provisions to reduce agricultural water waste would be limited to clarifications of policies and implementation measures found in the Agriculture Element of the General Plan, which would include best management practices as well as implementation of an educational outreach program.

As stated above, the three areas of the county that are currently certified at LOS III for water supply are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin, and the ~~NMMA~~ Nipomo Mesa Water Conservation Area. Also as noted previously, if WNND requirements are approved, the Urban/Rural Water Offset requirements could also apply to any groundwater basins certified at LOS III in the future. However, any changes to implement the WNND in other areas of the County would need to go through a new public vetting and hearing process. Currently, the Cuyama Valley, Morro-Chorro and North Coast groundwater basins are all recommended in the 2010-2012 Resource Summary Report at LOS III but have not been certified by the Board of Supervisors.

Additional detail regarding the Countywide Water Conservation Program is provided in Section 2.0, *Project Description*.

ALTERNATIVES

As required by CEQA, the EIR examines a range of alternatives to the proposed Program. Studied alternatives include the following alternatives.

No Project Alternative (Alternative 1). Under the No Project Alternative, no amendments to the Agriculture Element, COSE, or County Code would be made and implementation of the Countywide Water Conservation Program would not occur. Because WNND requirements would not be implemented, water offset requirements for new urban and rural development overlying groundwater basins certified at LOS III for water supply or new or more intensively irrigated agriculture overlying the Paso Robles Groundwater Basin would be subject to existing requirements, as described in Section 2.0, *Project Description*. As described in



Section 2.0, the areas overlying the Paso Robles Groundwater Basin (excluding cities), the community of Los Osos, and the community of Nipomo currently have a range of water neutral new development requirements in place.

Under the No Project Alternative, existing programs would continue to be implemented, with the exception of the Paso Robles Groundwater Basin Urgency Ordinance after its expiration on August 27, 2015. What would not occur is an extension of the proposed Urban/Rural Water Offset requirements to any other groundwater basin that may be certified at LOS III in the future or establishment of a formal program for agricultural water offsets in the Paso Robles Groundwater Basin. It is possible that a GSP, prepared pursuant to the Sustainable Groundwater Act, would be adopted and would require offsetting, but it is unclear at this time whether a GSP would address the same concerns that the proposed Program would address.

Under the No Project Alternative, development could still occur in groundwater basins certified at LOS III consistent with existing requirements. In areas overlying the Paso Robles Groundwater Basin, this would include a 1:1 offset for both agricultural and non-agricultural development, similar to the proposed Program. Upon expiration, offset requirements for all future development (agricultural and non-agricultural) over the Paso Robles Groundwater Basin would be removed and increases in demand for groundwater would resume. In Los Osos, existing requirements include a 2:1 offset requirement for non-agricultural development; these requirements would remain the same under the No Project Alternative. Finally, in Nipomo, existing water neutral new development requirements are limited to fees, administered by the Nipomo Community Services District, for new development to conserve water within the ~~NMMA~~ Nipomo Mesa Water Conservation Area and conservation efforts in retrofitting existing homes for sale. Again, under the No Project Alternative, these requirements would remain in place.

Because the WWP program would not be implemented under this alternative, water wasting would not be prohibited within unincorporated areas of the county where such an ordinance (or other comparable program) is not already in place. Therefore, in areas where the WWP program would apply, residents may continue to perform activities defined as water wasting, as outlined in Section 2.0, *Project Description*.

Larger Offset Requirement Alternative (Alternative 2). This alternative would modify the proposed WNND requirements for new urban and rural development in groundwater basins certified at LOS III for water supply to offset water use at a ratio of 2:1 rather than 1:1. In addition, new or more intensively irrigated agriculture in the Paso Robles Groundwater Basin would be required to offset water use at a ratio of 2:1 rather than 1:1 as currently proposed.

Similar to the proposed Program, the agricultural water offset requirement in the Paso Robles Groundwater Basin would be extended beyond the expiration date of the Paso Robles Groundwater Basin Urgency Ordinance. This alternative would also extend the requirement to offset non-agricultural water use in all three currently certified LOS III groundwater basins to those which are designated LOS III in future. The methods of offsetting water use would be the same as the proposed Program, including: plumbing retrofits, turf removal, more efficient irrigation, and transferring water credits between landowners. However, the amount of the offset required under this alternative would be increased compared to the proposed Program.



The WWP program would not be modified under this alternative, and would be implemented similar to the proposed Program.

Expanded Agricultural Offset Program Alternative (Alternative 3). The agricultural water offset component of this alternative is based on the offset program originally proposed by the Upper Salinas – Las Tablas Resource Conservation District (RCD) for the Paso Robles Groundwater Basin as described in the document *Agricultural Water Offset Program, Paso Robles Groundwater Basin* (October 2014)(included as Appendix B in this SEIR). Under this alternative, all of the original provisions of that program, as in Section 5.0, *Alternatives*, and in Section 3 of the RCD document, would be applied rather than the simplified version included in the proposed WNND requirements. The Agricultural Offset program would be applied in the Paso Robles Groundwater Basin, as well as in the ~~NMMA~~ Nipomo Mesa Water Conservation Area and Los Osos Groundwater Basin under this alternative. Unlike the proposed Agricultural Offset program, under this alternative credits would not be able to be used to increase pumping within severe groundwater level decline areas as defined by the County. Also, unlike the proposed Program, all agricultural water credit transactions would be evaluated to ensure the water credit is hydrogeologically connected to the new water use and would require a well interference analysis.

Similar to the proposed Program, credits for the Alternative 3 Agricultural Offset program may come from the following potential sources available from current documented practices:

- Fallowing of irrigated land resulting in less pumping;
- Crop conversion(s) to less water intensive crops as designated by the adopted program water use charts (e.g. alfalfa to olives, irrigated pasture to dryland range, water intensive deciduous crops to less intensive deciduous, grain or vegetable crops, etc.).

Similar to the proposed Program, both on-site modifications to existing agricultural activities that increase water use along with new irrigated agriculture and/or crop conversions would be able to take advantage of the offset program to allow increased water use on-site. Unlike the proposed Program, offset applications for new irrigated agriculture would be divided into five categories based on the characteristics of the application, and the complexity of review necessary for Offset Clearance approval would vary between categories. As with the proposed Program, each offset application would be reviewed for compliance with the requirements of the program. Unlike the proposed Program, applicants would be required to enter into an agreement with the County for continued annual verification of water use.

No sunset clause is included for the agricultural offset program as part of this alternative.

The Urban/Rural Water Offset program and WWP program would not be modified under this alternative, and would be implemented similar to the proposed Program.

Altered Sunset Provisions Alternative (Alternative 4). This alternative would include the same Urban/Rural Water Offset requirements and WWP program as included in the proposed Program. In addition, this alternative would also include a simplified version of the Agricultural Offset program that applies only to the Paso Robles Groundwater Basin. No



Agricultural Offset program would be implemented in the ~~NMMA~~ Nipomo Mesa Water Conservation Area or Los Osos Groundwater Basin under this alternative.

The only variation between this alternative and the proposed Program would be in the form of the sunset provision for both the Urban/Rural Water Offset requirements and the Agricultural Offset program. In the proposed Program, the Agricultural Offset program in the Paso Robles Groundwater Basin would sunset upon the adoption of a Groundwater Sustainability Plan (GSP) by a Groundwater Sustainability Agency (GSA). No sunset provision is currently envisioned in the proposed Program for the Urban/Rural Water Offset requirements.

Under this alternative, both the Urban/Rural Water Offset requirements and Agricultural Offset program could sunset under any one of the following conditions:

1. Upon implementation of a GSP that assures water neutrality, prohibits waste, and addresses irrigation BMPs (this differs from the proposed sunset provision of *adoption* of a GSP for the proposed Program);
2. Board of Supervisors declaration of an end to emergency drought conditions; or
3. Board of Supervisors downgrading a LOS III certified basin to LOS I or LOS II.

Based on the analysis in Section 5.0, *Alternatives*, the Altered Sunset Provisions Alternative is potentially the most environmentally superior alternative, depending on which sunset scenario is applied. If condition 3 (downgrading a LOS III certified basin to LOS I or LOS II) is applied as the sunset provision for the Program, then Alternative 4 would be environmentally superior to the proposed Program for both agricultural resources and land use. If condition 1 is applied it would be environmentally superior for land use and incrementally inferior for agricultural resources. However, potentially significant impacts to agricultural resources under this alternative would be reduced to a less than significant level by application of the mitigation measures identified in Section 4.1.

The Larger Offset Requirement Alternative would be environmentally superior to the proposed Program in terms of land use impacts. Alternative 2 would reduce water demand in the LOS III-certified groundwater basins (rather than being water demand neutral, as with the proposed Program); therefore, it would be potentially more consistent with the County's land use policy framework promoting water conservation. Agricultural resources impacts would be incrementally greater than from the proposed Program, due to the greater amount of land following that could occur. Implementation of mitigation identified in this SEIR would reduce agricultural resource impacts to a less than significant level.

As required by State CEQA Guidelines Section 15126.6(c), the EIR also lists the following alternatives that were considered by the Lead Agency but rejected as infeasible, as detailed in Section 5.0, *Alternatives*.

- Extension of Water Neutral New Development Program to LOS I and LOS II Basins
- Elimination of the Program's Water Neutral New Development Requirements
- Desalination Plant
- Development Moratorium
- Water Waste Prevention Ordinance for Agricultural Users



SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

**Table ES-1
 Summary of Environmental Impacts, Mitigation Measures and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
AGRICULTURAL RESOURCES		
<p>Impact AG-1 The Agricultural Offset program component of the Countywide Water Conservation Program would <u>could</u> result in the fallowing of agricultural fields, <u>but</u> would not convert crop conversion, or conversion of irrigation systems as a means of reducing water consumption which could result in direct conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Impacts would be Class III, <u>less than significant but mitigable.</u></p>	<p><u>No mitigation measures are necessary.</u></p> <p>AG-1 Sending sites participating in the Agricultural Offset Program shall be consistent with the following:</p> <ul style="list-style-type: none"> a. Prime Farmland, Farmland of Statewide Importance, and Unique Farmland shall not be followed as a means of providing water offset credits. b. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Prime Farmland must remain consistent with criteria for Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Prime Farmland land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years prior to the mapping date. c. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Farmland of Statewide Importance must remain consistent with criteria for Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Farmland of Statewide Importance land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years, prior to the mapping date. d. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Unique Farmland must remain consistent with criteria for Unique Farmland, Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Unique Farmland land must have been used for the production of specific high economic value crops at some time during the two update cycles, or the last four years, prior to the mapping date. 	<p>Less than significant.</p>



**Table ES-1
 Summary of Environmental Impacts, Mitigation Measures and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
<p>Impact AG-2 Implementation of the proposed Countywide Water Conservation Program would not result in a net decrease in the amount of designated agricultural land in the county, as represented by the Agricultural Resource and Agriculture, Watershed, and Open Space designations on the current San Luis Obispo County General Plan Land Use Map or conflict with existing zoning for agricultural use. Impacts would be considered Class III, <i>less than significant</i>.</p>	<p>No mitigation measures are necessary.</p>	<p>Less than significant.</p>
<p>Impact AG-3 Implementation of the Countywide Water Conservation Program could result in the fallowing of lands under Williamson Act contract and conflict with the provisions of Williamson Act contracts. Impacts are Class II, <i>significant but mitigable</i>.</p>	<p>AG-3 The following provision shall be added to the proposed Agricultural Offset program:</p> <p>Sending sites providing planting credits shall remain consistent with the provisions of any existing Williamson Act contract for the property and County Of San Luis Obispo Rules Of Procedure To Implement The California Land Conservation Act Of 1965.</p>	<p>Less than significant.</p>
<p>LAND USE</p>		
<p>Impact LU-1 The proposed Countywide Water Conservation Program would be potentially consistent with applicable policies of the County of San Luis Obispo General Plan or other applicable planning documents. Though potential minor inconsistencies with aspects of some policies could occur, feasible mitigation measures to address these impacts have been required and are detailed in Section 4.1 of this SEIR.</p>	<p>Mitigation measures outlined in Section 4.1 would address minor potential inconsistencies with applicable policies included in the adopted General Plan. No further mitigation measures would be required.</p>	



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1.0 INTRODUCTION

This document is a Supplemental Environmental Impact Report (EIR) that evaluates the environmental effects of implementation of the proposed Countywide Water Conservation Program (Program), which for the purposes of CEQA is the proposed project. The proposed Program would include amendments to several elements of the County General Plan and the County Code that will affect water use in both new and existing development, as well as agricultural operations. The proposed Program is comprised of two separate components. The two components are the Water Neutral New Development (WNND) requirements and the Water Waste Prevention (WWP) program.

This section describes the purpose and legal authority of the Supplemental EIR, the scope and content of the document, agencies with approval authority over the proposed Program, and the intended uses of the Supplemental EIR. It also provides an overview of the environmental review process under CEQA. Section 2.0, *Project Description*, describes the proposed Program in detail.

1.1 ENVIRONMENTAL IMPACT REPORT BACKGROUND

On May 11, 2010, the San Luis Obispo County Board of Supervisors certified the Conservation and Open Space Element (COSE) EIR. That EIR analyzed the potential impacts associated with the adoption and subsequent implementation of the COSE Consolidation and Update. The COSE unites five elements of the General Plan and incorporates conservation strategies. The consolidated elements include three elements (Conservation, Historic, and Esthetic) of the 1974 Environment Plan as well as the 1994 Energy Element, and the 1998 Open Space Element (extracted from the Agriculture and Open Space Element).

This EIR is being prepared as a Supplemental EIR to the previously certified EIR for the Conservation and Open Space Element of the County of San Luis Obispo General Plan.

1.2 PURPOSE AND LEGAL AUTHORITY

In order to implement the proposed Program, discretionary approval of the County of San Luis Obispo is required. This renders the Program subject to the requirements of the California Environmental Quality Act (CEQA). The purpose of this Supplemental EIR is to comparatively analyze the environmental impacts of the proposed Program in light of the original project evaluated in the County-certified Conservation and Open Space Element Consolidation and Update General Plan Amendment EIR (SCH #2008031091). The San Luis Obispo County Board of Supervisors will consider the information in the Supplemental EIR, including the public comments and staff response to those comments, during the public hearing process. As a legislative action, the final decision will be made at the Board of Supervisors' public hearing, where the Program may be approved, conditionally approved, or denied.

In accordance with Section 15121 of the *State CEQA Guidelines*, the purpose of an EIR is to serve as an informational document that:

"...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project..."



Reviewers of this Supplemental EIR should focus on the sufficiency of the document in identifying and analyzing new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and the way in which the significant effects of the Program might be avoided or mitigated.

1.3 DECISION TO PREPARE THE SUPPLEMENTAL EIR

The County of San Luis Obispo, as lead agency, has determined that a Supplemental EIR must be prepared for the proposed Program. The Program that is now being proposed and evaluated in this Supplemental EIR includes amendments to the County General Plan and County Code that will affect water use in both new and existing development, as well as agricultural operations. The Program proposes amendments to the Conservation and Open Space Element and Agriculture Element of the County General Plan as well as a number of revisions to Titles 8, 19, and 22 of the County Code.

Determination of whether additional CEQA documentation was required to evaluate any changes was based on the criteria contained in Section 15162(a) (Subsequent EIRs and Negative Declarations) and 15163 (Supplement to an EIR) of the *State CEQA Guidelines*.

Although *State CEQA Guidelines* Section 15163(b) states, “The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised,” the County of San Luis Obispo has determined that all impact areas will be addressed for this Program. These assessments are included in Section 4.0, *Environmental Impact Assessment*, of this document.

1.4 SCOPE OF THE EIR

The County of San Luis Obispo prepared a Notice of Preparation (NOP) for an environmental impact report and distributed the NOP for agency and public review for the required 30-day review period from August 15, 2014 to September 17, 2014. During that time, the County received six comment letters from public agencies and other commenters. The NOP, the Initial Study and the comment letters received on the NOP and Initial Study are included in Appendix A, which is attached hereto and incorporated herein by this reference.

A public scoping meeting was held on August 27, 2014. The intent of the scoping meeting was to provide interested individuals, groups, public agencies and others a forum to provide input in an effort to assist in further refining the intended scope and focus of the EIR. Table 1-1 summarizes the comments received in the comment letters and at the public scoping session.



**Table 1-1
NOP Comments and EIR Response**

Commenter	Comment/Request	How and Where it was Addressed
California Coastal Commission	<p>The EIR should evaluate if the program would be more effective if it was applied County-wide.</p> <p>The EIR should evaluate the Program's potential effect on growth in the County.</p> <p>The EIR should look at the Program's potential impact on agricultural production.</p>	<p><i>Section 7.0, Alternatives</i>, includes a discussion regarding this potential alternative.</p> <p><i>Section 5.0, Other CEQA Required Sections</i>, addresses growth inducing impacts.</p> <p><i>Section 4.1, Agricultural Resources</i>, addresses the impacts of the Program on agricultural uses and agricultural land in the Program area.</p>
Joseph R. Rouleau	The Program should not be permanent, but instead be temporary.	<i>Section 2.0, Project Description</i> , describes how the various components of the Program would be applied throughout the County and the timeframes in which it would be implemented.
Grower Shipper Association of Santa Barbara and San Luis Obispo Counties	<p>The potential for the Program to result in conversion of farmland and open space to urban uses should be evaluated.</p> <p>Development and agricultural components should be considered separately in the EIR.</p> <p>The preferred alternative should be the No Project alternative.</p> <p>Pending groundwater legislation and groundwater basin adjudication or management mechanisms should be considered.</p>	<p><i>Section 4.1, Agricultural Resources</i>, addresses potential agricultural conversion impacts.</p> <p>The impacts of all components of the proposed Program are evaluated throughout the EIR and where applicable discussed independently of each other.</p> <p>The potential impacts associated with the No Project Alternatives as well as identification of the preferred alternative are discussed in <i>Section 6.0, Alternatives</i>.</p> <p>Existing regulatory requirements are discussed throughout the EIR. See <i>Section 2.0, Project Description</i>, for a discussion about the timeframe for implementation of this Program in the context of recently adopted groundwater management legislation.</p>
Native American Heritage Commission	The appropriate Native American groups should be consulted regarding the Program.	<i>Section 4.4, Effects Found Not To Be Significant</i> , contains an evaluation of the Program's potential effects on cultural resources.
San Luis Obispo County Air Pollution Control District	Reduction in water use and the associated energy use will reduce air pollution emissions and greenhouse gases.	<i>Section 4.4, Effects Found Not To Be Significant</i> , contains an evaluation of the Program's potential effects on air quality and greenhouse gas emissions.



**Table 1-1
 NOP Comments and EIR Response**

Commenter	Comment/Request	How and Where it was Addressed
Upper Salinas-Las Tablas Resources Conservation District (USLTRCD)	<p>Agricultural ponds and impacts related to their construction in LOS III basins should be evaluated.</p> <p>USLTRCD permitted activity should be incorporated into the EIR.</p> <p>Other alternatives than those listed in the NOP should be examined.</p> <p>Evaluation of impacts should be countywide.</p>	<p>Section 4.1, <i>Agricultural Resources</i>, addresses the potential impacts on agricultural resources from implementation of the proposed Program. The construction of agricultural ponds is not a foreseeable consequence of the proposed Program and therefore is not specifically addressed in this EIR.</p> <p>This EIR examines the potential impacts associated with implementation of the proposed Program.</p> <p>Additional alternatives beyond those identified in the NOP are examined in Section 6.0, <i>Alternatives</i>.</p> <p>Discussion and evaluation of countywide impacts, where applicable, has been addressed throughout the EIR.</p>
Dr. Serena Friedman and Dr. Michael Drucker	<p>Where is the documentation for the water depletion of the deep aquifers of greater than 700 feet?</p> <p>Identify new sources of water.</p> <p>A desalination plant should be included as an alternative.</p> <p>The ordinance should be limited to two years.</p>	<p>This EIR examines the potential impacts on the environment associated with implementation of the proposed Program. Therefore, the information requested in this comment is outside the scope of this EIR.</p> <p>This EIR examines the potential impacts on the environment associated with implementation of the proposed Program. Therefore, the information regarding new sources of water requested in this comment is outside the scope of this EIR. It should be noted that the County is currently undertaking Supply Options Study for the Paso Robles Groundwater Basin. Please see the following website for more information: http://www.slocountywater.org/site/Water%20Resources/Water%20Forum/SOS/index.htm</p> <p>The alternatives for the Program, including considered but rejected alternatives, are discussed in Section 6.0, <i>Alternatives</i>.</p> <p>See Section 2.0, <i>Project Description</i>, for a discussion on the timing of the Program and the length of time it would be applicable.</p>
Lisen Bonnier	The effects of leaving land fallow should be evaluated due to erosion and the potential for the land to become unusable.	Impacts related to potential for erosion of fallowed land are discussed in Section 4.1, <i>Agricultural Resources</i> .



1.5 AMENDMENTS TO THE PROJECT DESCRIPTION SINCE NOP PUBLICATION

Subsequent to closure of the NOP comment period, changes were made to the proposed Program based on Board of Supervisors direction and stakeholder input; these changes are reflected in Section 2.0, *Project Description*. Compared to the description in the NOP (as provided in Appendix A), the Program as described in Section 2.0 differs as follows:

- The proposed WNND requirements would require that new urban/rural development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at LOS III by the Board of Supervisors. The WNND also requires that, in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio. This differs from the NOP description in that the Agricultural Offset program component of the WNND requirements would no longer apply to other basins certified at LOS III (currently the Los Osos Groundwater Basin and Nipomo Mesa ~~Management~~ Water Conservation Area).
- The proposed Agricultural Offset program has been simplified. Unlike the Upper Salinas-Las Tablas Resource Conservation District developed agricultural water offset program for the Paso Robles Groundwater Basin (as referenced in the NOP), the proposed Agricultural Offset program would not require a proximity analysis, evaluation of drawdown impacts on neighboring irrigation and domestic wells, hydrogeological strata analysis or third party monitoring/annual inspections.
- The proposed Agricultural Offset program would have a sunset provision upon adoption of a Groundwater Sustainability Plan (GSP). The description in the NOP did not include a sunset provision.
- Additional detail regarding the reduction in outdoor water use as part of WNND requirements was added, including the description of a turf removal incentive program.
- The WWP program has been separated into two elements:
 - An ordinance prohibiting certain uses of water deemed to meet the definition of water wasting in urban and rural areas, where such an ordinance or other program are not already in place; and
 - Identification of a series of best management practices (BMPs) aimed at reducing water waste in agricultural practices. This differs from the NOP description in that agricultural water wasting would not be prohibited via an ordinance; the ordinance would apply to urban and rural developed areas only.

1.6 CONTENT OF THE EIR

This EIR addresses the issues referenced in Section 1.4 and identifies potentially significant environmental impacts of the proposed Program and cumulative development in the County in accordance with provisions set forth in the *State CEQA Guidelines*. The EIR also recommends feasible mitigation measures, where needed, that would reduce or eliminate adverse environmental effects. In preparing the EIR, pertinent County policies and guidelines, existing EIRs, and other background documents were used. A full reference list is contained in Section 7.0, *References and Preparers*.



The Alternatives section of the EIR was prepared in accordance with Section 15126.6 of the *State CEQA Guidelines* and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the proposed Program while feasibly attaining most of the basic Program objectives. In addition, the Alternatives section identifies the "environmentally superior" alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required "No Project" Alternative and alternatives to the proposed Program that would achieve most of the Program objectives.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *State CEQA Guidelines* provide the standard of adequacy on which this document is based. The *Guidelines* state:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but, the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.

1.7 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The *State CEQA Guidelines* define "lead," "responsible," and "trustee" agencies. The County of San Luis Obispo is the lead agency for the proposed Program because it has principal responsibility for approving the Program.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over a project, and a trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. There are no responsible or trustee agencies for the proposed Program.

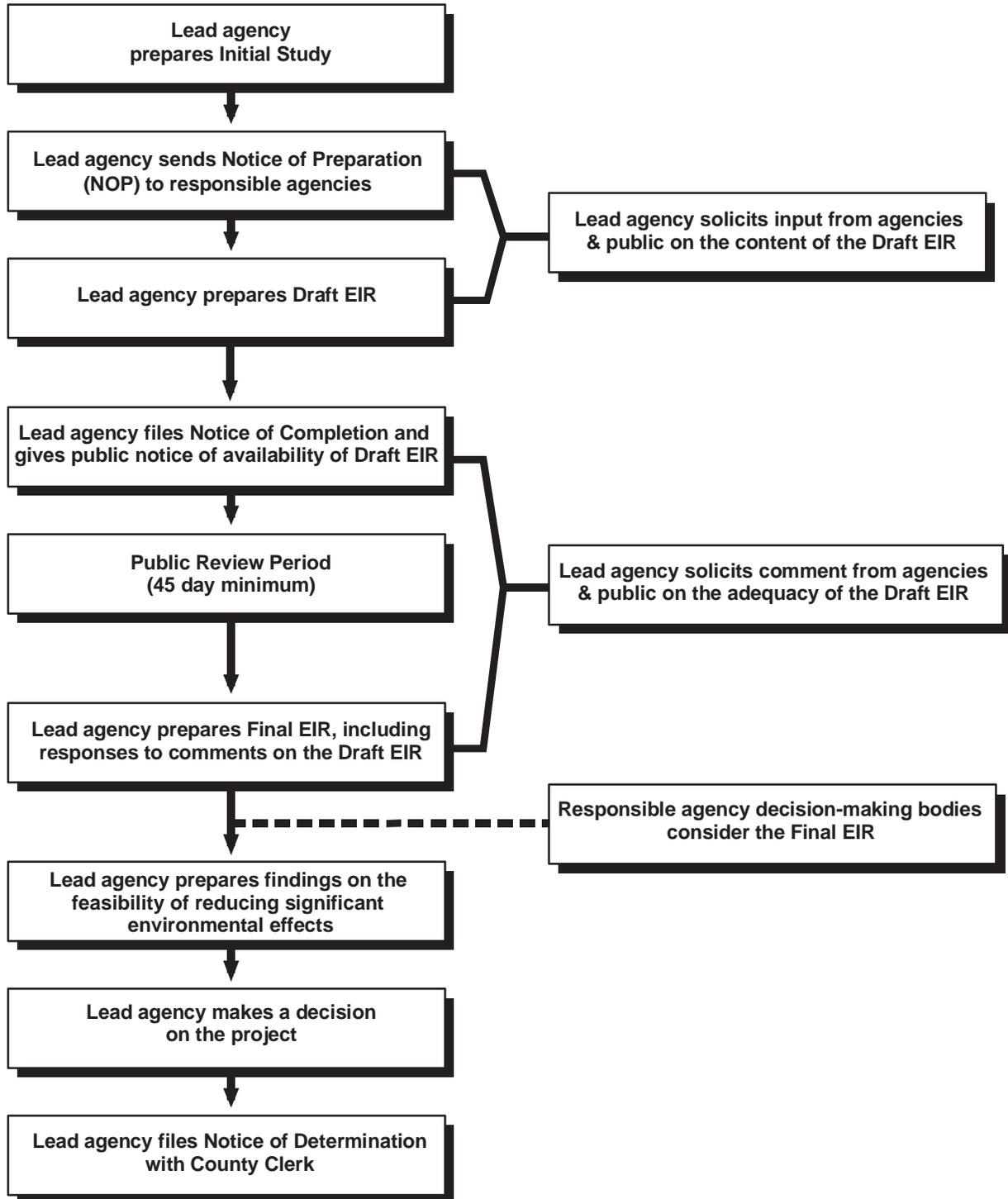
1.8 ENVIRONMENTAL REVIEW PROCESS

The environmental impact review process, as required under CEQA, is summarized below and illustrated on Figure 1-1. The steps are presented in sequential order.

1. **Notice of Preparation (NOP) Distributed.** Immediately after deciding that an EIR is required, the lead agency must file a NOP soliciting input on the EIR scope to "responsible," "trustee," and involved federal agencies; to the State Clearinghouse, if one or more state agencies is a responsible or trustee agency; and to parties previously requesting notice in writing. The NOP must be posted in the County Clerk's office for 30 days. A scoping meeting to solicit public input on the issues to be assessed in the EIR is not required, but may be conducted by the lead agency.



THE EIR PROCESS



2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) alternatives; g) mitigation measures; and h) irreversible changes.
3. **Public Notice and Review.** A lead agency must prepare a Public Notice of Availability of an EIR. The Notice must be placed in the County Clerk's office for 30 days (Public Resources Code Section 21092) and sent to anyone requesting it. Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must consult with and request comments on the Draft EIR from responsible and trustee agencies, and adjacent cities and counties. The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days, unless a shorter period is approved by the Clearinghouse (Public Resources Code 21091). Distribution of the Draft EIR may be required through the State Clearinghouse.
4. **Notice of Completion.** A lead agency must file a Notice of Completion with the State Clearinghouse as soon as it completes a Draft EIR.
5. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
6. **Certification of Final EIR.** The lead agency shall certify: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project.
7. **Lead Agency Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted.
8. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible. If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that set forth the specific social, economic or other reasons supporting the agency's decision.



9. **Mitigation Monitoring/Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.

10. **Notice of Determination.** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared. A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA challenges.



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2.0 PROJECT DESCRIPTION

2.1 PROJECT PROPONENT/LEAD AGENCY

County of San Luis Obispo
976 Osos Street
San Luis Obispo, California 93408

2.2 BACKGROUND

Water levels in groundwater basins and surface lakes and reservoirs throughout the County have been in decline for over a decade, and the current San Luis Obispo County is in the midst of an “exceptional drought” that has lowered water levels in groundwater basins and surface lakes and reservoirs throughout the County exacerbated this decline.¹ The Board of Supervisors has declared three groundwater basins, Nipomo Mesa (part of Santa Maria Groundwater Basin), the Los Osos Groundwater Basin, and the Paso Robles Groundwater Basin, at Level of Severity (LOS) III, which indicates that groundwater demand has met or exceeded the dependable supply. Further information on the LOS certification and how it is applied is explained below.

The Board of Supervisors authorized the Department of Planning and Building to propose several amendments to the County General Plan and County Codes with the objective of the development and implementation of a Countywide Water Conservation Program to substantially reduce increases in groundwater extraction in areas that have been certified LOS III; provide a mechanism to allow new development and new or altered irrigated agriculture to proceed in certified LOS III areas, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and to reduce the wasteful use of water in the county.

The programs under review within this document were authorized by the Board of Supervisors on March 4, 2014. The programs of Water Neutral New Development and Water Waste Prevention are meant to address issues not only related to groundwater basins certified at LOS III, but also continuing issues faced by the current drought. To implement these programs and achieve water savings as envisioned, a number of measures would enable the County to verify and track meaningful progress. These measures may include, but are not limited to, ordinances, voluntary programs, policies, and verified best management practices.

2.2.1 San Luis Obispo County Resource Management System and Level of Severity Certifications

The San Luis Obispo County Resource Management System (RMS) uses three alert levels to identify differing levels of resource deficiencies. The 2012-2014 Resource Summary Report defines the three levels of severity as follows:

¹ “Exceptional drought” is characterized by the United States Department of Agriculture (USDA) and the National Drought Mitigation center as having exceptional and widespread crop and pasture losses, shortages of water in reservoirs, streams and wells creating water emergencies.



- Level I is the first alert level and occurs when sufficient lead time exists either to expand the capacity of the resource, or to decrease the rate at which the resource is being depleted.
- Level II identifies the crucial point at which some moderation of the rate of resource use must occur to prevent exceeding the resource capacity.
- Level III occurs when the demand for the resource equals or exceeds its supply and is the most critical level of concern. LOS III is the highest level of severity that can be declared for a resource. In the case of water supply, Level III occurs when the demand for the resource equals or exceeds its supply in 15 years.

The RMS defines levels of severity for each resource. The criteria used to determine levels of severity for water supply are as follows:

- **LOS I.** When projected water demand projected over the next twenty years equals or exceeds the estimated dependable supply.
- **LOS II.** When projected water demand projected over the next fifteen to twenty years equals or exceeds the estimated dependable supply.
- **LOS III.** When projected water demand projected over the next fifteen years equals or exceeds the estimated dependable supply or the time required to correct the problem is longer than the time available before the dependable supply is reached.

When the Planning and Building Department determines that a level of severity should be established, or modified as a consequence of a Land Use Element update, the RMS monitoring program, a Water Resource Advisory Committee (WRAC) recommendation, or the Biennial Resource Summary Report, it sends a memorandum to the Board of Supervisors advising it of the need to establish or modify a level of severity.

The Board of Supervisors will conduct a public hearing to review the data received from the Department of Planning and Building. After the initial advisory memorandum, it may be necessary to continue to issue status reports to the Board in order to keep it advised of the situation. Implementation of a program (i.e., a public works project, management techniques, etc.) would then occur only after public hearings on the resource information being used, preparation of a resource capacity study, and action by the Board, including the possibility of adopting of ordinances to address specific community resource problems.

If an affected resource is not under County jurisdiction (e.g., a community service), the Department of Planning and Building sends a copy of the advisory memorandum to the responsible agency advising that a potential problem may exist, based upon data available to the County, and to urge that the agency prepare a resource capacity study. Staff contacts and recommendations to the agency should occur in advance of the agency's budget preparation process so the necessary work can be included in its financial considerations.

Levels of severity are recommended by the Planning and Building Department and certified by the Board of Supervisors through the procedures in Chapter 3 of the Framework for Planning. County staff may recommend to the Board of Supervisors or the Board may initiate specific



actions to respond to levels of severity, such as special water conservation ordinances and special land use and growth limitation measures. However, such measures can only be implemented following specific approval by the Board at a public hearing.

2.3 PROPOSED COUNTYWIDE WATER CONSERVATION PROGRAM

The Countywide Water Conservation Program (Program) includes amendments to the County General Plan and County Code that will affect water use in both new and existing development, as well as agricultural operations, and is comprised of two separate components.

The first major component of the Program is Water Neutral New Development (WNND). WNND would require that all new development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at LOS III by the Board of Supervisors. WNND also requires that, in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio. The proposed Agricultural Offset program is an implementation tool for the WNND irrigated agriculture offset requirement, and is intended to substantially reduce increases in groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) only. The proposed Agricultural Offset program would have a sunset provision upon adoption of a Groundwater Sustainability Plan prepared pursuant to the Sustainable Groundwater Management Act.

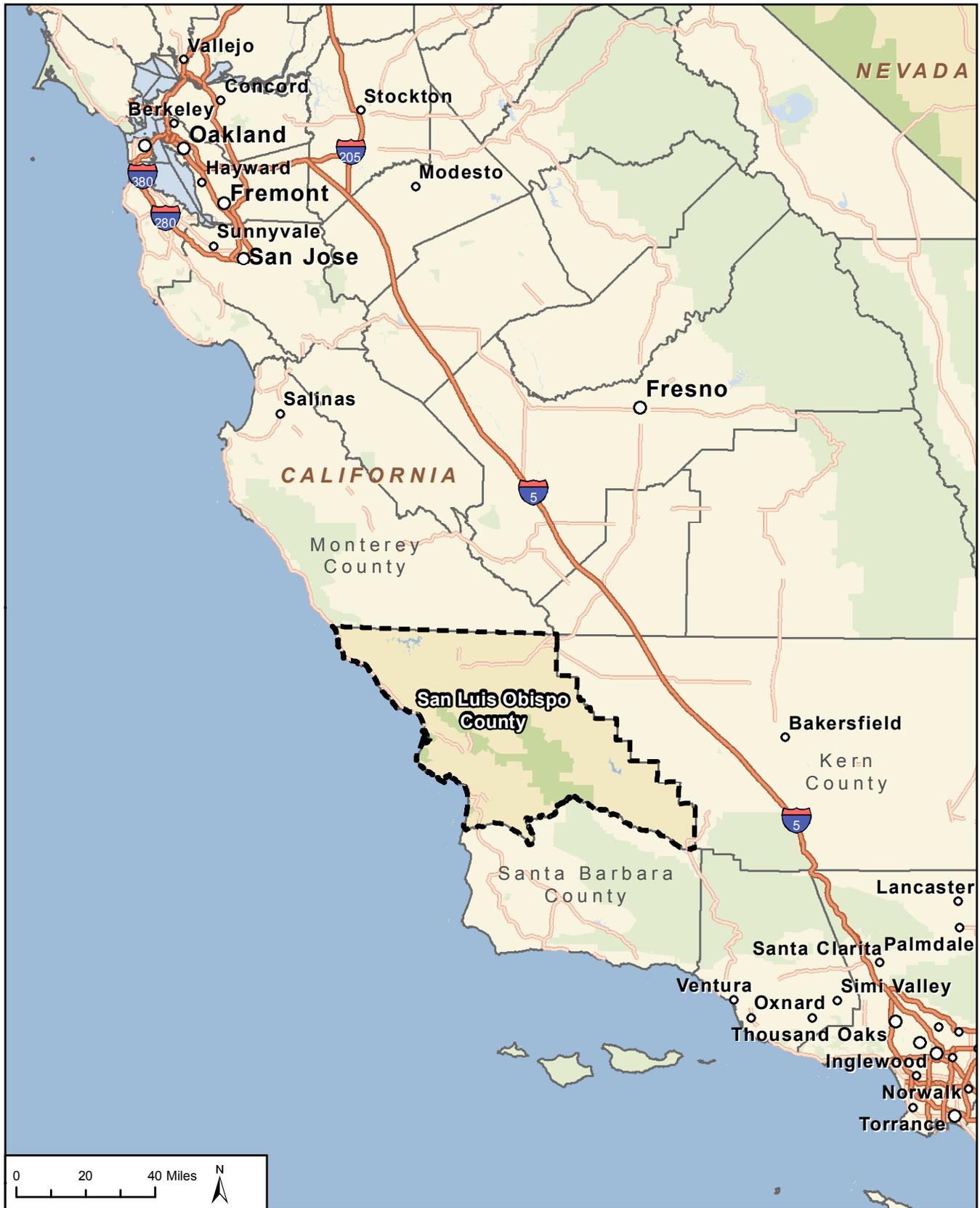
The second major component of the overall Program is the Water Waste Prevention (WWP) program. The WWP program would apply to all existing and proposed urban and rural development within the unincorporated areas of the county where a water purveyor does not already have a similar ordinance (or other comparable program) in place. Provisions to reduce agricultural water waste would be limited to clarifications of policies and implementation measures found in the Agriculture Element of the General Plan, which would include best management practices as well as implementation of an educational outreach program.

For more information about the individual Program components, as well as the locations where they would apply, see Sections 2.3.1 and 2.3.2, below. See Figure 2-1 for the location of the Program area within its regional context. See Figure 2-2 for the location of the current LOS III-designated areas within the county. Figure 2-3 shows the portion of the Paso Robles Groundwater Basin where the proposed Program would apply.

2.3.1 Water Neutral New Development

a. Current Requirements. Both the community of Los Osos and the area overlying the Paso Robles Groundwater Basin, excluding cities, currently have water neutral new development requirements in place for residential and commercial development. In Los Osos, a Retrofit-to-Build requirement in Title 19 of the County Code requires developers to retrofit plumbing fixtures in existing homes in order to save twice the amount of water that their proposed new development will use. Developers submit verification by licensed contractors to the County that the retrofits have been completed.





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Regional Location

Figure 2-1

County of San Luis Obispo



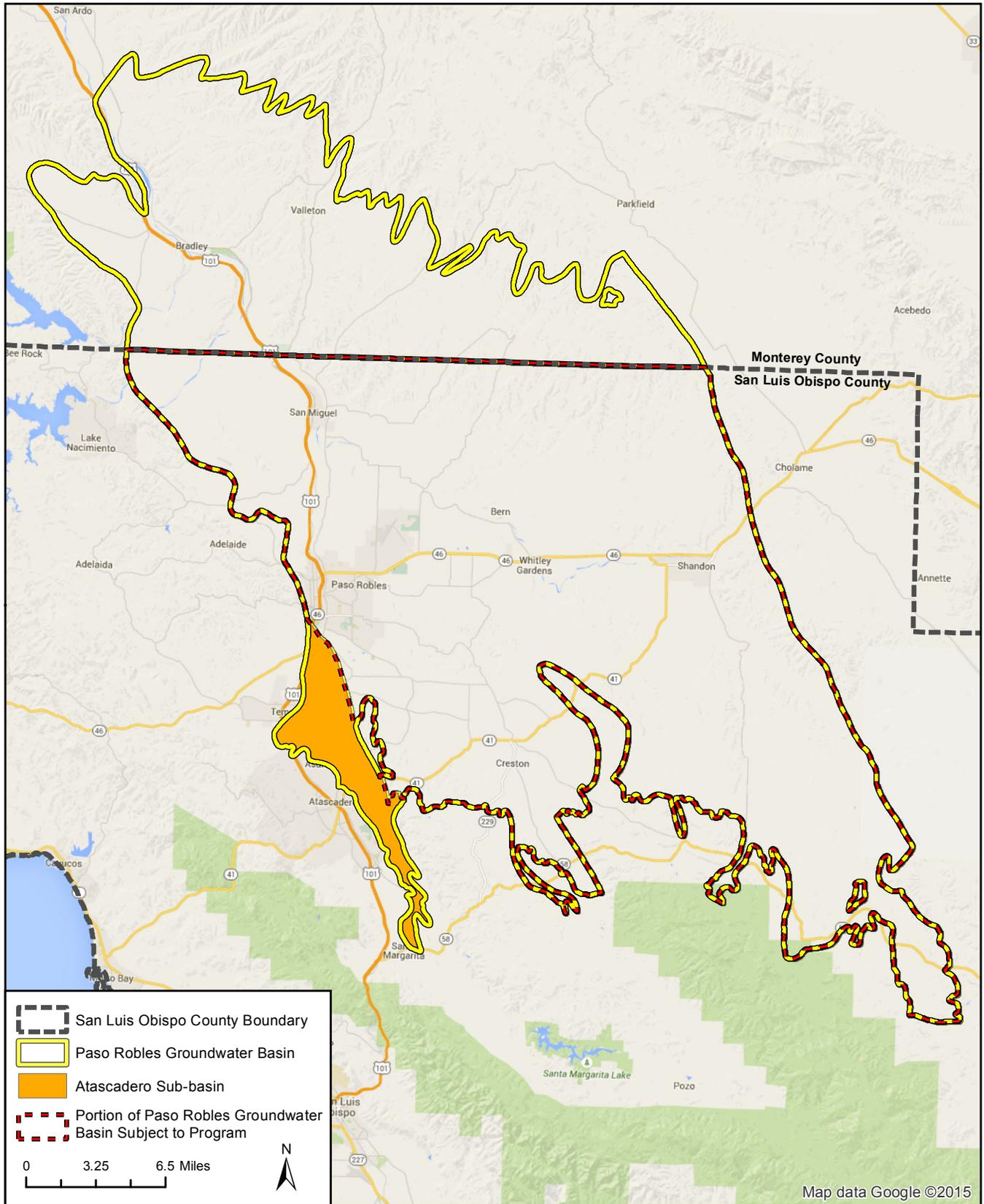
Source: County of San Luis Obispo, 2014.

Certified Level of Severity III Groundwater Basins

Figure 2-2

County of San Luis Obispo

Conservation and Open Space Element Supplemental EIR
Section 2.0 Project Description



Imagery provided by Google and its licensors © 2015.
 Basin data from County of San Luis Obispo, 2015.

Portion of Paso Robles Groundwater Basin
 Subject to Program

Figure 2-3

The Paso Robles Groundwater Basin Urgency Ordinance, adopted on August 27, 2013 and which expires on August 27, 2015, requires new development overlying the basin (excluding the Atascadero Sub-basin) to offset new water use at a 1:1 ratio. Applicants for new development comply with this requirement by purchasing offset credits from a County-run program, which retrofits plumbing fixtures in existing homes. Los Osos and the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), through the temporary Paso Robles Groundwater Basin Urgency Ordinance, have standard water offset amounts based on the type of development proposed, current Cal Green standards, and the average household size for the area. Retrofit requirements for existing plumbing fixtures in areas overlying the Paso Robles Groundwater Basin, as per Resolution No. 2014-56, are as follows:

- 1) All toilets greater than 1.6 gallons per flush (gpf) shall be replaced with toilets that use no more than 1.28 gpf;
- 2) Existing showerheads shall be replaced with showerheads that use no more than 1.5 gallons per minute (gpm);
- 3) Existing aerators shall be replaced with aerators that use no more than 1.0 gpm; and
- 4) Fixtures with lower flow rates will result in additional prorated water savings.

The Paso Robles Groundwater Basin Urgency Ordinance also requires new or more intensively irrigated agriculture in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) to offset water use at a 1:1 ratio. Currently, the County Planning Director is approving offset requests, by issuing Agricultural Offset Clearances, on a case-by-case basis as they are submitted. To date requests for offsets have primarily been limited to changes in irrigation on the same property or an immediately adjacent property where the source of water is the same well. For example, a farmer growing a high water-using crop such as alfalfa has requested receipt of an offset by replacing the high water using crop with a lower water-using crop such as vineyards on the same property.

In addition, the Nipomo Mesa portion of the Santa Maria Groundwater Basin (known as the Nipomo Mesa ~~Management~~ Water Conservation Area, ~~NMMA~~) is certified at LOS III and a retrofit-on-sale program is currently in place. If a structure was built before 1994 or if all toilets are rated more than 1.6 gpf, the property seller must remove older, high water-using toilets and showerheads in all of the property's structures and replace them with 1.28 gpf or less toilets and 2.5 or less gallons per minute showerheads. New development pays into a water conservation fund managed by the Nipomo Community Services District (NCSD) to conserve water within the ~~NMMA~~ Nipomo Mesa Water Conservation Area. A result of the adjudication of the larger Santa Maria Groundwater Basin, the Nipomo Community Services District (with some financial assistance from three other larger water providers) is required to bring 2,500 acre-feet of supplemental water into the ~~NMMA~~ Nipomo Mesa Water Conservation Area. That project is a pipeline from Santa Maria that is being developed in several phases; however, it is not anticipated to provide water for new development.

b. Proposed Water Neutral New Development.

i. Urban/Rural Water Offset. Proposed WNND requires that new development offset water use at a minimum 1:1 ratio in the three groundwater basins certified at LOS III. The



Urban/Rural Water Offset would be implemented through two primary methods to generate offset credits: plumbing retrofits and a turf removal incentive program. Retrofitting plumbing fixtures in existing buildings results in measurable water savings. Specifically, replacing older, higher water-using toilets and showerheads with more efficient fixtures will save specific amounts of water each day. For example, replacing a 3.5 gallon-per-flush (gpf) toilet with a 1.28 gpf toilet will save 2.22 gallons with every flush. Replacing toilets and showerheads is the most reliable way to achieve water savings. Additional measures, such as water pressure adjustments and installing hot water recirculation systems also save water, but savings from these measures are more difficult to quantify.

As described previously, plumbing retrofit requirements are currently in place for all three certified LOS III groundwater basins, though the requirements applicable in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) will expire on August 27, 2015. In effect, the proposed amendments would enhance, alter and extend the plumbing retrofit programs already in place as follows:

- No change will be made to the existing plumbing retrofit program in the area overlying the Los Osos Groundwater Basin;
- The retrofit-on-sale program would remain in effect in the ~~NMMA~~ Nipomo Mesa Water Conservation Area. ~~Since new development in the NMMA Nipomo Mesa Water Conservation Area will have to be water neutral, the requirement for new development to pay into a water conservation fund would become optional at the discretion of the NCSD, in addition to a requirement to verify~~ The existing Title 19 requirement to pay into a water conservation fund would be replaced by the new requirement for new development in the Nipomo Mesa Water Conservation Area to demonstrate that new water use has been offset at a 1:1 ratio, either through applicant-performed plumbing retrofits, participation in a turf removal incentive programs, or participation in an approved program or project administered by the NCSD.
- The existing residential plumbing retrofit program in the area subject to the Paso Robles Groundwater Basin Urgency Ordinance would be extended beyond the expiration date of the Urgency Ordinance, which is August 27, 2015. Water savings will also be able to be achieved through a turf removal incentive program.

The turf removal incentive program is another implementation tool included in the proposed Urban/Rural Water Offset component of WNNND requirements. In some areas of the county, such as in the Paso Robles Groundwater Basin and the ~~NMMA~~ Nipomo Mesa Water Conservation Area, outdoor water use accounts for the majority of residential water use. Removing turf or other water intensive landscaping can save water.

The proposed turf removal incentive program would offset the water use associated with urban/rural new development by offering cash incentives for property owners to replace existing turf with low-water demand landscaping. Although many water providers administer similar turf removal incentive programs throughout the state, this program would be unique in that the County would use the generated water savings as an offset credit that could be purchased by developers to comply with offset requirements associated with their proposed new development within specific urban/rural areas. Verifying that water savings are achieved



would be accomplished through use of standard water savings calculations for landscaping and by inspections at the time of new landscaping installation to verify turf removal and replacement with low-water use landscaping. The turf removal incentive program component of WNND would apply in the ~~NMMA Nipomo Mesa Water Conservation Area, Los Osos Groundwater Basin~~ and Paso Robles Groundwater Basin, ~~i.e. all basins currently certified at LOS III for water supply.~~

As stated above, the three groundwater basins within the county that are currently certified at LOS III are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin and the ~~NMMA Nipomo Mesa Water Conservation Area~~. Also as noted previously, if WNND requirements are approved, the new development offset provisions could also apply to any areas certified as being at LOS III for water supply in the future. However, any changes to implement the WNND in other areas of the County would need to go through a new public vetting and hearing process. Currently, the Cuyama Valley, Morro-Chorro, and North Coast groundwater basins are all recommended in the 2010-2012 Resource Summary Report as LOS III but have not been certified by the Board of Supervisors.

Figure 2-34 shows the individual components of the WNND in relation to the rest of the Program.

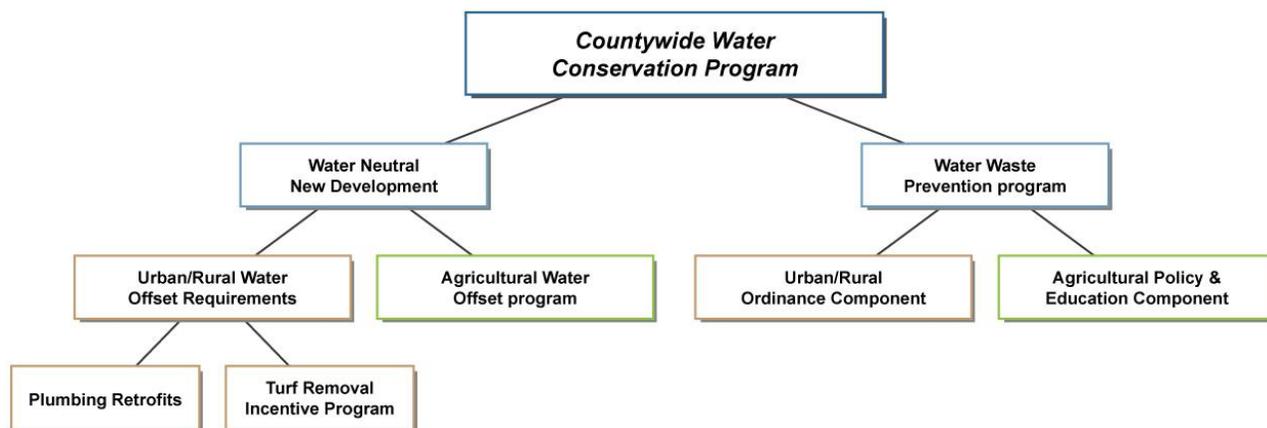


Figure 2-34 Illustration of Countywide Water Conservation Program

ii. Agricultural Offset program. As described below, the County worked with the Upper Salinas – Las Tablas Resource Conservation District to develop an agricultural water offset program for the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin, which is not experiencing the same groundwater depletion as the rest of the basin). The proposed Agricultural Offset program is a simplified version of the originally proposed program and would provide a formal framework for the transfer of offset credits to/from agricultural operations within the basin. See Figure 2-34 for the Agricultural Offset program’s context with in the WNND and the wider Program.

The ~~Final Report on the Agricultural Water Offset Program, Paso Robles Groundwater Basin~~ was published in October 2014 and is included as Appendix B of this document. As noted above, the



proposed Agricultural Offset program is a simplified version of the program originally considered in that document and is described below.

Credits for the Agricultural Offset program may come from the following potential sources available from current documented practices:

- Fallowing of irrigated land resulting in less pumping; and
- Crop conversion(s) to less water intensive crops as designated by the adopted program water use charts (e.g. alfalfa to olives, irrigated pasture to dryland range, water intensive deciduous crops to less intensive deciduous, grain or vegetable crops, etc.).

This program applies to new or expanded irrigated agricultural development overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) only.² New or expanded irrigated agricultural development is defined as including the following:

- a. Irrigated agricultural crop conversions;
- b. New irrigated agricultural development on previously un-irrigated land; and
- c. Replanting of existing irrigated crops (of the same crop type) where the replanting results in an increase of crop density or other modification that leads to increased water use (e.g. change in irrigation system or cropping patterns); ~~and~~
- d. ~~Hobby agriculture for rural residential users.~~

Categories of Agricultural Offset Clearances. Both on-site modifications to existing agricultural operations that increase water use along with new irrigated agriculture and/or crop conversions on different properties would be able to take advantage of the Agricultural Offset program to allow new agricultural plantings. Agricultural Offset Clearance applications for new irrigated agriculture are divided into two categories based on the characteristics of the application. A brief definition of what would be included in the two categories is provided below.

- **Category I - On-site Offset.** This type of Agricultural Offset Clearance includes the following operational changes on a single site:
 - a. A crop conversion from a higher water using crop to a lower water using crop.
 - ~~b. Increased density of existing crop type with no net increase in water use per acre.~~
 - b. Operational changes with no net increase in applied water such as modifications to irrigation techniques (e.g. sprinkler to drip).
- **Category II - Off-site Offset.** This type of Agricultural Offset Clearance includes the following operational changes:
 - a. A crop conversion from a higher water using crop to a lower water using crop on a sending site to provide credits for agricultural plantings on a receiving site.
 - b. Fallowing of a sending site to provide credits for plantings on a receiving site.
 - c. Operational changes that may result in a decrease in applied water on a sending site to provide credits for agricultural plantings on a receiving site.

²The Program allows for a de minimus exemption for new crop production on previously unplanted sites, limited to no more than 2.5 AF per year.



A site is defined under the County’s Land Use Ordinance as any single or adjoining legal parcel(s) under the same ownership or operated as such (see County Code 22.80.030.S.). For Off-site Offsets, a sending site would be decreasing agricultural water use, while a receiving site would show an increase in agricultural water use not to be exceeded by the amount conserved from the sending site as specified within each application. Each Agricultural Offset Clearance application would be reviewed for compliance with the requirements of the Agricultural Offset program.

Offset Approval Criteria. Program requirements for each category regarding offset approval differ between these two categories. The individual offset requirements for each category are shown in Table 2-1. Each of these criteria is defined in the following sections.

**Table 2-1
 Agricultural Offset Clearance Approval Criteria**

	Category I On-site Offsets	Category II Off-site Offsets
Determination of Maximum Net Acreage	✓	✓
Determination of Applied Agricultural Water	✓	✓
Landowner Agreements	✓	✓
Deed Covenants ⁴	✓	✓
Installation of Well Meter(s)	✓	✓

1. The necessity of deed covenants for on-site offsets will be determined on a case-by-case basis.

In addition to the basic program standards listed in Table 2-1, all applications for an Agricultural Offset Clearance shall include verification that the proposed crop, irrigation, and/or management modifications can stay within the maximum applied water amount as calculated per the Agricultural Offset program.

Determination of maximum net acreage and applied agricultural water. For the purposes of the Agricultural Offset program, the crop categories and water use values presented in Tables 2-2 and 2-3 would be used to determine the potential credit and/or amount of credit needed to satisfy the requirements of the offset program. Water credits for new agricultural uses are calculated by taking the total net acres of previously irrigated crops and multiplying it by the medium applied water value listed in Table 2-3. The total acres of new irrigated crop(s) is calculated by taking the water credit amount and dividing it by the medium applied water value for the new crop as listed in Table 2-3. Likewise, this calculation can be done in reverse to determine the amount of water credits needed for a particular proposal for new irrigated crops.

This section also applies to On-Site Offset applications where acreage is not increased but modifications to on-site crop patterns or management strategies that increase overall applied water use are proposed. For these types of applications, the maximum applied water amount rather than acreage becomes the qualifying factor for issuance of an offset.



**Table 2-2
 Crop Group and Commodities Used for the Agricultural Demand Analysis**

Crop Group	Primary Commodities
Alfalfa	Alfalfa
Nursery	Christmas trees, miscellaneous nursery plants, flowers
Pasture	Miscellaneous grasses, mixed pastures, sod/turf, sudangrass
Small Grains	Oats, barley, wheat
Citrus	Avocados, grapefruits, lemons, oranges, olives, kiwis, pomegranates (non-deciduous)
Deciduous	Apples, apricots, berries, peaches, nectarines, plums, figs, pistachios, persimmons, pears, quinces, strawberries
Strawberries	Strawberries
Vegetables	Artichokes, beans, miscellaneous vegetables, mushrooms, onions, peas, peppers, tomatoes
Vineyard	Wine grapes, table grapes

Source: Table 3.4 of the Final Report on the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.

**Table 2-3
 Crop-Specific Applied Water (af/ac/yr) by Crop Type and Water Planning Area**

Crop	Applied Water Ranges Salinas/Estrella WPA		
	Low	Medium	High
Alfalfa	3.8	4.5	5.2
Citrus	1.9	2.3	2.7
Deciduous ²	3.0	3.5	4.1
Strawberries ³	2.0	2.3	2.6
Small Grains ³	1.0	1.2	1.4
Nursery	2.0	2.5	2.9
Pasture ²	4.2	4.8	5.5
Vegetables ¹	1.6	1.9	2.2
Vineyard	1.4	1.7 ₂₅	2.1

Source: Table 2.9 of the Final Report on the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.

1 Assumes two vegetable crops planted per acre per year.

2 Values for Deciduous crops and Pasture are modified from the values presented in the County's Master Water Report and are calculated based on original data used to prepare the County's Master Water Report.

3 Information obtained from Current Cost and Return Studies, UCCE, UC Davis (Small grains 2013 data; Strawberries 2011 data)

Off-Site Offset Landowner agreements. Submittal to the County of a notarized signed copy of the agreement for transfer of offset credits between participating private landowners would be required. The County would then ensure that participating landowners list the credit amount and agree to supply the credits in perpetuity, or until the Agricultural Offset program sunsets.

Deed Covenants. All properties included in an Agricultural Offset Clearance application for either sending sites or receiving sites shall include a deed covenant recorded against the



properties, regardless of whether or not the properties are owned by the same entity or person. Deed covenants would be required to be in a form approved by the County and the County would be entitled to enforce the agreement. The Covenants would automatically expire upon the sunset date of the Agricultural Offset program.

Installation of well meters. All ~~approved Agricultural Offset Clearance applications would require that a well meter be installed on all sending and receiving wells~~ associated with an Agricultural Offset Clearance application would require a well meter be installed and verified before final issuance.

Timeframe for Agricultural Offset program. The Agricultural Offset program would expire upon the adoption of a Groundwater Sustainability Plan (GSP) pursuant to the Sustainable Groundwater Management Act. It is currently estimated that the timeframe for development and adoption of a GSP could be 5 to 7 years, and implementation of a GSP could take 20 years.

c. Ordinance and Policy Document Revisions. Implementation of WNND consists of revisions to Title 19 of the County Code for new structural development and Title 22 of the County Code for new irrigated agriculture. The Program also proposes revisions to the Agriculture Element and the Conservation and Open Space Element (COSE) of the General Plan. These will include revisions to Ag Goal 1d, Ag policies 10 and 11 and COSE policies WR 1.7 and WR 1.14.

2.3.2 Water Waste Prevention Program

a. Overview. The Water Waste Prevention (WWP) program would be comprised of two elements; an ordinance prohibiting certain uses of water deemed to meet the definition of water wasting in urban and rural areas, as well as identification of a series of best management practices (BMPs) aimed at reducing water waste and increasing water use efficiency in agricultural operations. The County-proposed WWP program would be applicable within all areas of the unincorporated county, except where a water provider has already established an equivalent program.

b. Proposed Requirements. The proposed ordinance component of the WWP program would prohibit certain activities defined as water wasting. These activities, in urban and rural areas, include:

- Application of water to outdoor landscapes in a manner that causes runoff such that water flows off the site, into non-irrigated areas, public and private walkways, roadways, parking lots, structures or other hardscaped areas.
- Use of a hose to wash an automobile or other vehicle except where the hose is fitted with an automatic shut off nozzle or device attached to it that causes it to cease dispensing water when not in use.
- Application of water to hard surfaces, including but not limited to, driveways, sidewalks, unpaved walkways and any other hardscaped area.
- Use of potable water in a fountain or other decorative water feature.
- Application of water to outdoor landscape more than 3 times per week.



Property owners violating the terms of the ordinance would be subject to enforcement actions outlined in section 1.04.010 (Penalties for violation) of the County Code. The ordinance would include a provision for a system to report violations and to gain compliance when property owners are found to be in violation. This may include a warning system followed by fines for ongoing offenses.

The element of the WWP program aimed at reducing water waste in agricultural areas would include two parts: expansion/clarification of existing policy regarding increased water efficiency efforts, and an expanded educational outreach effort. Measures would be implemented which would describe best management practices and provide better resources for education of agricultural water application to both the agriculture industry and the public that recognizes the progress made over the decades in agricultural water use efficiency, while also encouraging continued innovation, and is described further below.

- 1) **Best Management Practices.** Identify BMPs for efficient agricultural water use in different types of agricultural operations. BMPs would include the following:
 - a. Increased adoption of crop water status monitoring, such as soil moisture monitoring technology;
 - b. More precise irrigation scheduling;
 - c. Enhanced irrigation monitoring practices;
 - d. Use of tailwater return systems for any surface water application;
 - e. Use of covers or other evaporation reducing systems for agricultural irrigation ponds; and
 - f. Use of wind machines for frost protection, rather than overhead sprinklers, where feasible.

To encourage application of these measures, the County proposes to establish new, and amend existing, policies in the Agriculture Element that incorporate these and other BMPs that reduce water use in agricultural practices.

- 2) **Education Program.** The County would institute an education program for interested parties on how agriculture uses water and the purpose behind certain practices. As an example, a website would be developed to educate the public on agricultural water use as well as to provide industry a clearinghouse of the newest water-efficient practices. Information on best management practices would also be provided to agriculturalists during the pesticide permit and operator identification number issuance process.

c. County Ordinances and Policy Documents. Title 8 of the County Code would be revised to include the proposed ordinance. Portions of the County General Plan including the Agriculture Element and COSE would be revised to reflect the policies for agriculture, rural and urban area water waste.

2.4 PROJECT OBJECTIVES

The following are the project objectives, as required by Section 15124(b) of the *CEQA Guidelines*:



- *Substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III;*
- *Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use;*
- *Provide a mechanism to allow new or expanded irrigated agriculture to proceed in the Paso Robles Groundwater Basin, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and*
- *Reduce the wasteful use of water in the county.*

2.5 REQUIRED APPROVALS

The Program will require the discretionary approval of the County of San Luis Obispo. It will be reviewed by the Planning Commission, which will make a recommendation to the Board of Supervisors. The Board of Supervisors will make decisions related to certification of the EIR and approval of the Program.

The approvals required from the County include:

- *Ordinance changes, including revisions of Titles 8, 19, and 22 of the County Code; and*
- *General Plan Amendments including the Agriculture Element and the Conservation and Open Space Element. These elements would be revised to reflect the policy basis for agricultural, rural, and urban area water waste and water neutral new development.*



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3.0 ENVIRONMENTAL SETTING

This section provides a general overview of the environmental setting for the proposed Program. More detailed descriptions of the environmental setting germane to each environmental issue can be found in Section 4.0, *Environmental Impact Analysis*.

3.1 REGIONAL SETTING

San Luis Obispo County is located along California's Central Coast. The county is bounded by the Pacific Ocean to the west, Monterey County to the north, Kern County to the east, and San Barbara County to the south. The region is known predominately for agriculture and tourism.

San Luis Obispo County was established in 1850 and the county seat is the City of San Luis Obispo. There are seven incorporated cities within the county: Paso Robles, Atascadero, Morro Bay, San Luis Obispo, Pismo Beach, Grover Beach, , and Arroyo Grande. Urban concentrations and communities in the unincorporated portions of the county include San Miguel, Shandon, Cambria, Templeton, Cayucos, Santa Margarita, Los Osos, Avila Beach, Oceano, and Nipomo. The urban areas within the county are linked to the primary transportation corridors serving the region: Interstate Highways 1 and 101 and State Highway 46. The city of San Luis Obispo is the employment, entertainment, education, and shopping center of the region both geographically and economically. The county's urban and populated areas are concentrated near cities such as San Luis Obispo, Atascadero, and Paso Robles, and in rural communities such as Shandon and Nacimiento.

a. Physical Features. According the U.S. Census Bureau, San Luis Obispo County has a total area of 3,616 square miles. Of this total area, 3,304 square miles are land and 311 square miles are water. The county's coastline spans 96 miles. San Luis Obispo County has a temperate climate. On average, the warmest month is August, with temperatures ranging from 53 to 82 degrees, and the coolest month is December, with temperatures ranging from 42 to 66 degrees. The maximum average precipitation in San Luis Obispo County occurs in February (5.41 inches on average). However, microclimates within the county differ in temperature and rainfall. Areas near the coast remain cooler and more temperate overall, while areas inland are hot in the summer and cool in the winter. Coastal areas have a higher rate of precipitation than inland areas. The county's microclimates affect the diversity and range of plant and animal species within the county. The county includes a wide variety of habitats and ecosystems due to the weather differences. The topography is diverse but generally consists of rolling hills.

b. Land Uses. San Luis Obispo County is physically diverse, ranging from beaches to mountains and valleys. The majority of land in San Luis Obispo County is used for agriculture (more than 60 percent). Of this acreage, approximately 85 percent is used for livestock grazing (primarily cattle) and 8 percent is actively farmed and harvested. Most of the county's remaining land is used for rural land uses and open space. Rural land uses are distributed throughout the county. Open space comprises large areas that extend northwest-southeast in the southern portion of the county's central area.



Less than 10 percent of the county's land is identified as incorporated city or designated for urban land use. Current development patterns are often dominated by low density automobile oriented development outside of the urbanized areas.

3.2 PROGRAM AREA SETTING

In response to the water scarcity concerns throughout San Luis Obispo County, the Board of Supervisors declared three groundwater basins, Nipomo Mesa (part of Santa Maria Groundwater Basin), the Los Osos Groundwater Basin, and the Paso Robles Groundwater Basin, at Level of Severity (LOS) III, which indicates that groundwater demand has met or exceeded the dependable supply.

In addition, the Board of Supervisors authorized the Department of Planning and Building to propose several amendments to the County General Plan and County Codes with the objective of the development and implementation of a Countywide Water Conservation Program to substantially reduce increases in groundwater extraction in areas that have been certified LOS III; provide a mechanism to allow new development and new or altered irrigated agriculture to proceed in certified LOS III areas, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and to reduce the wasteful use of water in the county.

As stated in Section 2.0, *Project Description*, the Water Neutral New Development (WNND) requirements of the overall Program would require that all new development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at Level of Severity (LOS) III by the Board of Supervisors. WNND also requires that, in the Paso Robles Groundwater Basin, all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio.

There are three areas of the county that are currently certified at LOS III for water supply. These areas are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin (Los Osos Basin), and the Nipomo Mesa portion of the Santa Maria Groundwater Basin (known as the Nipomo Mesa Water Conservation Area). These basins were certified at LOS III for water supply in February 2011, February 2007, and November 2004, respectively. If the WNND is approved, the new development offset provisions could also apply to any areas certified at LOS III for water supply in the future. However, any changes to implement the WNND in other areas of the County would need to go through a new public vetting and hearing process. Currently, the Cuyama Valley, Morro-Chorro and North Coast groundwater basins are all recommended in the 2010-2012 Resource Summary Report at LOS III but have not yet been certified by the Board of Supervisors.

The Water Waste Prevention (WWP) program component of the overall Program would apply throughout the unincorporated areas of the county wherever a similar program is not already in place.

Water levels in groundwater basins, including the three groundwater basins currently certified at LOS III for water supply, and surface lakes and reservoirs throughout the County have been in decline for over a decade. These issues have been exacerbated by the current "exceptional drought" situation.



On January 15, 2014, the United States Department of Agriculture designated San Luis Obispo County, along with 26 other counties in California, as a primary natural disaster area due to a recent drought. Subsequently, on January 17, 2014, California Governor Edmund G. Brown, Jr. declared a drought state of emergency and directed state officials to take all necessary actions to prepare for drought conditions. In response to the Governor's declaration, the California Department of Water Resources (DWR) reported on January 31, 2014 that customers of the State Water Project (SWP) would receive no deliveries in 2014, with the exception of a small amount of carryover water from 2013. The DWR noted that areas served by the SWP would have to rely on other sources of water, such such as groundwater, local reservoirs, and other supplies (DWR, January 2014).

In response to the exceptional drought conditions, the County of San Luis Obispo Board of Supervisors adopted Resolution No. 2014-64 on March 19, 2014, proclaiming a local emergency in the entire County. According to the U.S. Drought Monitor report released on March 19, 2015, the County of San Luis Obispo is experiencing an "exceptional drought" (D4), the the worst federal drought rating (U.S. Drought Monitor, March 2015).

~~As stated in Section 2.0, *Project Description*, the Water Neutral New Development (WNND) requirements of the overall Program would require that all new development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at Level of Severity (LOS) III by the Board of Supervisors. WNND also requires that, in the Paso Robles Groundwater Basin, all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio.~~

~~As stated previously, there are three areas of the county that are currently certified at LOS III for water supply. These areas are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin (Los Osos Basin), and the Nipomo Mesa portion of the Santa Maria Groundwater Basin (known as the Nipomo Mesa Management Area; NMMA). If the WNND is approved, the new development offset provisions could also apply to any areas certified at LOS III for water supply in the future. Currently, the Cuyama Valley, Morro Chorro and North Coast groundwater basins are all recommended in the 2010-2012 Resource Summary Report at LOS III but have not yet been certified by the Board of Supervisors.~~

~~The Water Waste Prevention (WWP) program component of the overall Program would apply throughout the unincorporated areas of the county wherever a similar program is not already in place.~~

3.2.1 Paso Robles Groundwater Basin

The Paso Robles Groundwater Basin encompasses an area of approximately 790 square miles and ranges from the Garden Farms area south of Atascadero in San Luis Obispo County to San Ardo in Monterey County, and from the Highway 101 corridor east to Shandon. The Atascadero Sub-basin is located in the western portion of the Paso Robles Groundwater Basin and has an area of approximately 0.02 square miles, which makes up about three percent of the area of the Paso Robles Groundwater Basin. The Atascadero Sub-basin is a hydrologically distinct Sub-basin within the Basin, and encompasses the Salinas River corridor area south of Paso Robles and includes the communities of Garden Farms, Atascadero, and Templeton.



The Atascadero Sub-basin has not experienced the same groundwater depletion as the rest of the basin, and is therefore excluded from the proposed Program. The Paso Robles Groundwater Basin (including the Atascadero Sub-basin) supplies water for 29 percent of San Luis Obispo County's population and an estimated 40 percent of its agricultural production. The municipal and industrial water demands on the portion of the Paso Robles Groundwater Basin covered by the Program include the ~~cities~~ City of Paso Robles and Atascadero, the communities of ~~Templeton~~, Shandon, Creston, and San Miguel, Bradley, Camp Roberts, and the small community systems in Whitley Gardens ~~and Garden Farms~~ (City of Paso Robles, February 2011).

The LOS III designation for water supply was certified by the Board of Supervisors based on a Resource Capacity Study prepared by the County in February 2011. The Resource Capacity Study confirmed that, for the Paso Robles Groundwater Basin, demand had met or exceeded perennial yield. Therefore, LOS III was recommended, and certified by the Board of Supervisors, for the water resources of the Paso Robles Groundwater Basin.¹ According to the Draft 2012-2014 Resource Summary Report (January 2015a), portions of the Paso Robles Groundwater Basin have experienced significant water level declines over the past 15 to 20 years.

On August 27, 2013, the Paso Robles Groundwater Basin Urgency Ordinance was adopted by the County Board of Supervisors, establishing a moratorium on new or expanded irrigated crop production, conversion of dry farm or grazing land to new or expanded irrigated crop production, as well as new development dependent upon a well in the Paso Robles Groundwater Basin unless such uses offset their total projected water use by a ratio of 1:1. The Paso Robles Groundwater Basin Urgency Ordinance does not cover the Atascadero Sub-basin.

The County Board of Supervisors established the Paso Robles Groundwater Basin Advisory Committee (PBAC) to advise policy decisions related to implementation of the Basin Groundwater Management Plan, development of an "enhanced" Groundwater Management Plan for the Basin, formation of a new water district, the Computer Modal Update, and other policies and ordinances. The PBAC also serves as a public forum to discuss and collect comments on Paso Robles Groundwater Basin issues. A Draft Final Report for the Paso Robles Groundwater Basin Computer Model Update, distributed for public review and comment on November 13, 2014, reported updated outcomes of the Paso Robles Groundwater Basin's perennial yield estimate and future year simulations based on "no-growth" and "growth" scenarios (San Luis Obispo County, January 2015). In summary, the period of 1982 to 2010 is representative of the historical average rainfall over the Paso Robles Groundwater Basin. The updated estimate for the perennial yield based on that period is 89,648 acre-feet per year (AFY). For the period of 1981 to 2011, outflows exceeded inflows to the Paso Robles Groundwater Basin by 2,473 AF on an average annual basis (i.e. more water left the Paso Robles Groundwater Basin than was replenished). Future year simulations project that the "no-growth" scenario projects would exceed inflows on an average annual basis over the thirty year period by 5,592 AFY. The "growth" scenario projects have projected outflows to exceed inflows on an average annual basis over the thirty year period by ~~20,900~~ 26,159 AFY (Geoscience and Todd Groundwater, December 2014).

¹ The 2011 RCS recommended a separate LOS I for the Atascadero Sub-basin.



3.2.2 Los Osos Groundwater Basin

The Los Osos Basin underlies the unincorporated communities of Los Osos, Baywood Park and Cuesta-by-the-Sea in San Luis Obispo County. The onshore portion of the Los Osos Basin covers approximately 12 square miles, of which approximately four square miles underlie the bay (Morro Bay) and sand spit, and eight square miles underlie the Los Osos communities. The majority of groundwater (52 percent) is extracted for residential, commercial and community uses by the three water purveyors within Los Osos, although the basin also supports agriculture (24 percent), private domestic wells (22 percent), and community facilities (2 percent) (County of San Luis Obispo, 2013).

The LOS III designation for water supply was certified by the Board of Supervisors based on a Resource Capacity Study prepared by the County in February 2007. The Resource Capacity Study confirmed that, for the Los Osos area water demand exceeds sustainable yield and that the lower aquifer system in the Los Osos Basin was experiencing sea water intrusion.

The primary constraint on water availability in the Los Osos Groundwater Basin is deteriorating water quality due to sea water intrusion in the lower aquifer and nitrate contamination in the upper aquifer (San Luis Obispo County, January 2015b). A wastewater collection, treatment, and disposal system is currently under construction to address nitrate contamination in the upper aquifer. The three local water purveyors (Golden State Water Company, S&T Mutual, the Los Osos Community Services District), along with the County of San Luis Obispo, prepared a Basin Management Plan (BMP) under a court-approved Interlocutory Stipulated Judgment (ISJ Working Group). The Basin Plan (County of San Luis Obispo, January 2015b) indicates that seawater intrusion has the potential to irreparably damage the lower aquifer as a source of water supplies for Los Osos. To halt seawater intrusion, the purveyors must largely discontinue production of groundwater from the lower aquifer. According to the Basin Plan, to stop producing groundwater from that portion of the basin, the Los Osos community will need to decrease its water demands (County of San Luis Obispo, January 2015b).

3.2.3 Nipomo Mesa portion of the Santa Maria Groundwater Basin

The ~~NMMA~~ Nipomo Mesa Water Conservation Area is located completely within San Luis Obispo County and encompasses an area of approximately 27.5 square miles. The Basin contains Black Lake Canyon and Black Lake (California Department of Water Resources, 2002).

The LOS III designation for water supply was certified by the Board of Supervisors based on a Resource Capacity Study prepared by the County in November 2004. The Resource Capacity Study confirmed that, for the Nipomo Mesa Water Conservation Area, demand equaled or exceeded the dependable yield. Therefore, LOS III was recommended for the water resources of the Nipomo Mesa Water Conservation Area.

According to the Nipomo Mesa Management Area Annual Report (April 2014), potentially severe water shortage conditions continue to exist in the Nipomo Mesa Management Area. Potentially severe water shortage conditions reflect that water levels beneath the Nipomo Mesa Management Area as a whole are at a point at which voluntary conservation measures, augmentation of supply, or other steps may be desirable or necessary to avoid further declines



in water levels (Nipomo Mesa Management Area Technical Group, April 2014). In addition, the Key Wells Index, which indicates trends in groundwater elevations within inland areas of the Nipomo Mesa Management Area, reached the Severe Water Shortage Condition criterion in 2014. At the Severe Water Shortage Condition, water levels are at a point where programs to increase the supply or implementation of other measures to reduce Groundwater use may be warranted (Nipomo Mesa Management Area Technical Group, April 2014). It is important to note that the Nipomo Mesa Management Area is slightly larger than the Nipomo Mesa Water Conservation area, extending slightly more to the west. Therefore the information provided in the Nipomo Mesa Management Area Annual Report (April 2014) regarding water shortage conditions also applies to the area covered by the Nipomo Mesa Water Conservation Area.

3.3 CUMULATIVE DEVELOPMENT

CEQA defines “cumulative impacts” as two or more individual events that, when considered together, are considerable or will compound other environmental impacts. Cumulative impacts are the changes in the environment that result from the incremental impact of implementation of the proposed Program and other nearby projects. For example, traffic impacts of two nearby projects may be insignificant when analyzed separately, but could have a significant impact when analyzed together. Cumulative impact analysis allows the EIR to provide a reasonable forecast of future environmental conditions and can more accurately gauge the effects of a series of projects.

For this analysis the cumulative projects are assumed to be the buildout of the County of San Luis Obispo General Plan. The Land Use Element of the County of San Luis Obispo General Plan projects that implementation of the General Plan would result in a buildout capacity population of 238,000 persons outside Urban Reserve Lines (URL). Current population in the county as a whole is 272,357 (California Department of Finance, 2014).

The Paso Robles Groundwater Basin is located within multiple area plans including Adelaida, El Pomar-Estrella, Los Padres, Salinas River, and Shandon-Carrizo. The Los Osos Basin is located within the Estero Area Plan. The ~~NMMA~~ Nipomo Mesa Water Conservation Area is located within the South County Area Plan. The baseline populations of these areas from the General Plan and the buildout populations are shown in Table 3-1.



**Table 3-1
Area Plan Buildout Populations**

Plan Area	2000 Population	Buildout Population	Projected Buildout Year
Paso Robles Groundwater Basin			
Adelaida	3,114	3,136	1990
El Pomar-Estrella	7,294	7,603	2010
Los Padres	319	1,191	2020+
Salinas River	61,906	95,166	1990 to 2020+
Shandon Carrizo	2,476	53,691	2020+
Los Osos Basin			
Estero	28,626	53,691	2020+
Nipomo Mesa Management Area			
South County	21,464	37,323	1995 to 2020+

Source: San Luis Obispo County General Plan Land Use Element, 2014

**Table 3-1
Community Buildout Populations**

Community	2010 Population	General Plan Buildout Population	Projected Buildout Year
Paso Robles Groundwater Basin			
Creston Village	94	336	2040+
San Miguel	2,337	6,829	2040+
Shandon	1,295	5,259	2040+
Urban Paso Robles: Unincorporated	2,054	3,904	2040+
Whitley Gardens Village	274	392	2040+
Rural ¹	18,094	38,679	2040+
Los Osos Groundwater Basin			
Los Osos ²	13,908	21,304	2040+
Nipomo Mesa Water Conservation Area			
Black Lake Village	867	867	Built out
Callender-Garrett Village	1,192	2,440	2040+
Los Berros Village	213	213	Built out
Nipomo	15,267	23,462	2040+
Palos Mesa Village	2,341	2,908	2040+
Woodlands Village	576	2,812	2040+
Rural ³	11,192	20,291	2040+

Source: San Luis Obispo County Department of Planning and Building, 2014, based on 2010 US Census, and San Luis Obispo County 2040 Population, Housing and Economic Forecast prepared for San Luis



Obispo Council of Governments, by AECOM, August 2011

Notes:

1) Population figures for rural area in the North County Planning Area include those that overlie the Paso Robles Groundwater Basin and those that do not

2) Population figures for Los Osos include only those within the URL and does not include those that overlie the Los Osos Groundwater Basin, but outside the URL

3) Population figures for rural area in the South County Planning Area include those that overlie the Nipomo Mesa Water Conservation Area and those that do not



4.0 ENVIRONMENTAL IMPACT ANALYSIS

The analyses included in the following sections were completed based on the information provided in Section 2.0, *Project Description*, as well as comments received during the Notice of Preparation period, and addresses all environmental issues from Appendix G of the *State CEQA Guidelines*, including the issues determined to be potentially significant in the 2009 Final EIR.

“Significant effect” is defined by *State CEQA Guidelines* Section 15382 as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment, but may be considered in determining whether the physical change is significant.”

The assessment of each issue area in Sections 4.1 and 4.2 begins with a discussion of the setting relevant to that issue. Following the setting is a discussion of the project’s impacts relative to the issue. Within the impact analysis, the first subsection identifies the methodologies used and the “significance thresholds,” which are those criteria adopted by the County, other agencies, universally recognized, or developed specifically for this analysis to determine whether potential impacts are significant. The next subsection describes each impact of the proposed project, mitigation measures for significant impacts, and the level of significance after mitigation. Each impact is listed in bold text, with the discussion of the impact and its significance immediately following. Each bolded impact listing also contains a statement of the significance determination for the environmental impact as follows:

Class I, Significant and Unavoidable: An impact that cannot be reduced to below the threshold level given all reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the Project is approved.

Class II, Significant but Mitigable: An impact that can be reduced to below the threshold level given all reasonably available and feasible mitigation measures. Such an impact requires findings to be made.

Class III, Not Significant: An impact that may be adverse, but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.

Class IV, Beneficial: An impact that would reduce existing environmental problems or hazards.

Following each environmental impact discussion is a listing of recommended mitigation measures (if required) and the residual effects or level of significance remaining after the implementation of the measures. In those cases where the mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is discussed as a residual effect.



The impact analysis concludes with a discussion of cumulative effects, which evaluates the impacts associated with the proposed Program in conjunction with the buildout of the adopted General Plan, as described in Section 3.0, *Environmental Setting*.

Section 4.3, *Impacts Found to be Less than Significant*, provides a less detailed analysis for those impact areas where the SEIR does not identify any impacts that are new or more severe than previously disclosed.



4.1 AGRICULTURAL RESOURCES

4.1.1 Setting

a. Agricultural Setting. Fertile soils and ground water resources, combined with moderate climate, form the essential ingredients for agriculture. Areas within San Luis Obispo County that possess valuable agricultural resources include the rich irrigated croplands of the Arroyo Grande and Cienega Valleys, the vineyards of the Edna Valley and the Paso Robles area which produce award winning wines, the orchards in the Nipomo Valley, the extensive dry land farming of the north county, and the cattle grazing lands in the coastal hills and interior valleys (County of San Luis Obispo, 2010).

Agriculture makes a substantial contribution to the county's economy and accounts for approximately 80 percent of the privately owned land in the county (County of San Luis Obispo, 2009). In 2013, San Luis Obispo County agricultural production totaled \$960,710,000. The top five crops by value in San Luis Obispo County in 2013 included: wine grapes (\$220,355,000), strawberries (\$210,579,000), cattle and calves (\$96,390,000), broccoli (\$64,135,000) and avocados \$44,299,000) (County of San Luis Obispo, 2013).

In 2013, wine grape total production increased 10 percent compared to the prior year, while drought conditions led to decreases in other agricultural sectors. The number of cattle grazing the hillsides was dramatically reduced due to excessive drought conditions, lack of available grass for grazing and the high cost of supplemental feed. Drought conditions negatively affected field crops such as barley and grain hay resulting in fewer acres planted, decreased yields and planted fields left unharvested due to lack of growth. Overall the combined value of field crops was 34 percent below 2012 levels (County of San Luis Obispo, 2013).

The County of San Luis Obispo Agriculture Element (2010) contains the general description of the main types and uses of agricultural land in the San Luis Obispo County. These were developed in consultation with the County Agricultural Commissioner and the Agricultural Liaison Advisory Board and are described below.

Agricultural Soils. The San Luis Obispo County Agriculture Element utilizes the soil classifications as determined by the Natural Resources Conservation Services (NRCS) in Agricultural Handbook No. 210 (1961). Soils are classified into capability classes which range from Class I soils to Class VIII soils. Irrigation capability is required for a soil to be designated as Class I or II soil in the following descriptions. These irrigated soils are commonly referred to as "prime soils". Each soil class is described below.

- **Class I** soils have few limitations that restrict their use. These soils are typically used for vegetables, seedcrops, orchards, and other irrigated specialty crops and irrigated field crops.
- **Class II** soils have minor to moderate limitations that reduce the choice of plants or that require moderate conservation practices. Uses are very similar to those found on Class I soils.



- **Class III and IV** soils have moderate to severe limitations that reduce the choice of plants, or that require special conservation practices, or both. In some situations, the Class III soils may be used for some of the crop types that are typically found on Class I and II soils, but are more typically used for specialty crops, forage lands, mixed croplands, and dryland field crops. Irrigated Class IV soils are commonly used for vineyards.
- **Class V** soils are not likely to erode but have other limitations, impractical to remove, that limit their use.
- **Class VI** soils have severe limitations that make them generally unsuitable for cultivation. These soils have commonly been used for rangeland and dryland grain production.
- **Class VII** soils have very severe limitations that make them unsuitable for cultivation. These lands are primarily used as rangelands for grazing.
- **Class VIII** soils and landforms have limitations that nearly preclude their use for commercial crop production. However, some grazing occurs on these lands.

Irrigated Lands.

Row Crops Terrain and Soils. These lands are characterized by various types of vegetables, seed crops, orchards, and other irrigated specialty crops. In valley bottom lands, uses included irrigated field crops and other irrigated specialty crops. Property sizes generally range from 10 acres to hundreds of acres. The topography of these areas consists of nearly level valley bottom lands. Soils are mainly in land capability Classes I and II, but may include some Class III land that has been traditionally or is currently used for row crop production.

These areas support the most intensive farming. Farming operations often involve labor-intensive use of equipment and chemicals. They are often close to populated areas because these lands have historically been the easiest to develop.

Specialty Crops and Forage Lands. These areas are characterized by irrigated orchards and vineyards such as wine grapes, avocados, citrus, and apples. Irrigated uses such as alfalfa and pasture may also be found in these areas. The topography is gently rolling and on slopes between five and 30 percent. The soils consist mainly of Land Capability Classes III and IV. Property sizes generally range from 20 to a few hundred acres.

Dry Farm Lands. Dry land farming covers a broad range of properties that are primarily cultivated for an annual crop, but also may include some orchard operations. Parcels are normally large in order to be productive units. Farming activities are seasonal. Dry farm lands are divided into two types of croplands, as described below.

Mixed Cropland. Mixed croplands consist of two different types of terrain and crops. One type of mixed cropland is found in valleys with good soils but insufficient water for major irrigated uses. These areas are characterized by mixed agricultural uses, such as dry farm grain



and hay and scattered irrigated crops. The other type of mixed cropland is found in areas of higher than average rainfall, such as the easterly slopes of the Santa Lucia Range where dry farm orchards and some vineyards occur. The topography of these cropland areas typically ranges from flat to rolling on slopes between zero and 30 percent. The soils consist mainly of Land Capability Classes III and IV. Property sizes generally range from 40 acres to several hundred acres.

Dry Croplands. These areas are characterized by grain and hay production and are widespread in the northeastern part of the county. Barley, wheat and oat hay are the principal crops. Other crops include dry beans and safflower. Dry croplands may also include grain stubble fields and intervening non-cultivated areas that provide seasonal forage for livestock. The topography of these areas is generally flat to rolling on slopes between zero and 30 percent. The soils consist mainly of Land Capability Classes III and IV. Class VI land has also been commonly used for grain production. Property sizes generally range from 80 to several thousand acres.

Rangelands for Grazing. Grazing lands account for a large percentage of privately owned land in the county. Cattle ranching is the predominant use on these lands. The topography is mainly rolling and on steep slopes between 30 and 75 percent. Rangelands may also include small intervening valleys and ridgetops that have limited use or potential as farmland. The soils consist mainly of Land Capability Classes IV, VI and VII, but may also contain small intervening areas of other land capability classes. Property sizes generally range from 100 acres to thousands of acres, depending on the carrying capacity of the rangelands.

Farmland Mapping and Monitoring Program. The Farmland Mapping and Monitoring Program (FMMP) administered by the California Department of Conservation produces maps of important farmland throughout California, which is determined both by soil quality and irrigation status. There are established criteria for each category of land in the FMMP which are summarized as follows (Department of Conservation, 2013b):

- **Prime Farmland** – Must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last 4 years, prior to the mapping date and meet specific requirements related to water availability, soil temperature, acid-alkali balance, water table, soil sodium content, flooding, erodibility, permeability, rock fragment content, and rooting depth.
- **Farmland of Statewide Importance** - Must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last 4 years, prior to the mapping date and meet specific requirements related to water availability, soil temperature, acid-alkali balance, water table, soil sodium content, flooding, erodibility, and rock fragment content.
- **Unique Farmland** – Land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, that has been used for the production of specific high economic value crops at some time during the two update cycles, or the last 4 years, prior to the mapping date. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality and/or

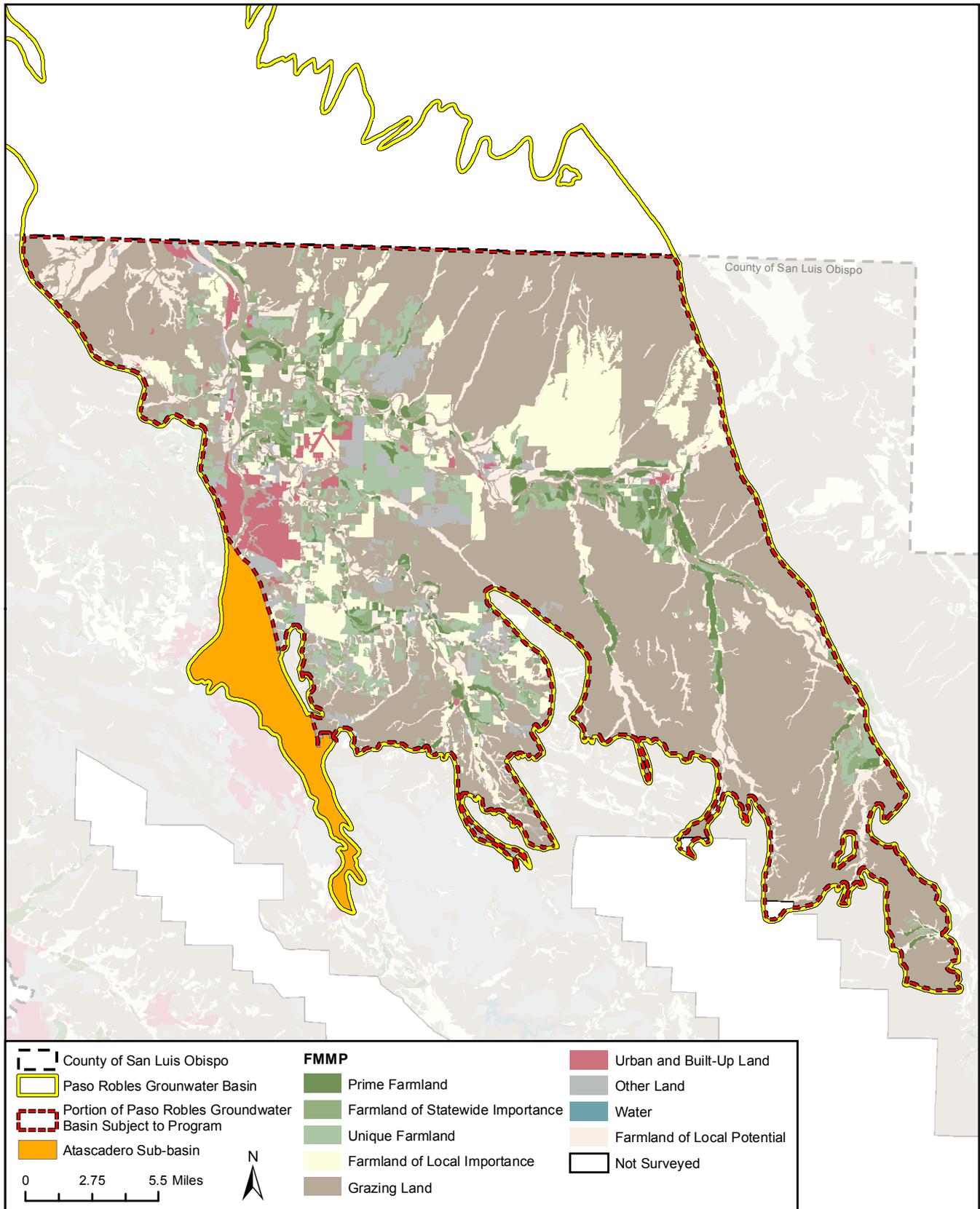


high yields of a specific crop when treated and managed according to current farming methods.

- **Farmland of Local Importance** - Farmland of Local Importance is either currently producing crops, has the capability of production, or is used for the production of confined livestock. In San Luis Obispo County this is further defined as:
 - Local Importance (L): areas of soils that meet all the characteristics of Prime or Statewide, with the exception of irrigation. Additional farmlands include dryland field crops of wheat, barley, oats, and safflower.
 - Local Potential (LP): lands having the potential for farmland, which have Prime or Statewide characteristics and are not cultivated.
- **Grazing Land** - Grazing Land is defined in Government Code §65570(b)(3) as land on which the existing vegetation, whether grown naturally or through management, is suitable for grazing or browsing of livestock.
The minimum mapping unit for Grazing Land is 40 acres.
- **Urban and Built-up Land** - Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- **Other Land** - Land not included in any other mapping category.
- **Water** - Perennial water bodies with an extent of at least 40 acres ((Department of Conservation, 2013b).

Figure 4.1-1 illustrates the location of the various FMMP categories (Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land) in the Paso Robles Groundwater Basin. Table 4.1-1 provides the most current data on acres and percentages of land area by FMMP category in all of San Luis Obispo County and for the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin).





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 Department of Conservation, 2010.

**Important Farmland:
 Paso Robles Groundwater Basin**

Figure 4.1-1

**Table 4.1-1
 FMMP Important Farmland Statistics for San Luis Obispo County**

FMMP Land Use Category	San Luis Obispo County		<u>Portion of the Paso Robles Groundwater Basin Subject to Program¹</u>	
	Acres	Percent of Land Area	Acres	Percent of Land Area
Prime Farmland	41,319	2 %	40,473 <u>10,017</u>	2.9%
Farmland of Statewide Importance	21,132	1 %	41,827 <u>11,517</u>	3.3%
Unique Farmland	39,950	2 %	20,290 <u>20,243</u>	5.69%
Farmland of Local Importance	307,325	16 %	38,980 <u>36,043</u>	10.84%
Farmland of Local Potential	Included in Farmland of Local Importance	N/A	36,363 <u>34,097</u>	10.1 <u>9.9</u> %
Grazing Land	1,181,015	63 %	218,102 <u>212,223</u>	619.4%
Urban and Built-Up Land	45,017	2 %	8,624 <u>7,179</u>	2.41%
Other Land	242,998	13 %	45,797 <u>13,664</u>	4.40%
Water Area	8,780	<1 %	--	--
Not Surveyed	--	--	900	0.23%
Total Area Inventoried	1,887,536	100 %	<u>345,885</u>	<u>100</u> %

Source: California Department of Conservation, 2010; County of San Luis Obispo 2005 & 2006.

1. Excluding the Atascadero Sub-basin; refer to Figure 4.1-1.

b. Regulatory setting.

California Land Conservation Act. The California Land Conservation Act (LCA) of 1965, also known as the Williamson Act, offers financial incentives for landowners to maintain their properties in agricultural production to encourage the preservation of the state’s agricultural lands and prevent their premature conversion to urban uses. Under provisions of the Williamson Act, private landowners may voluntarily enter into a long-term contract (minimum of 10 years) with cities and counties to form agricultural preserves and maintain their property in agricultural or open space uses in return for a reduced property tax assessment based on the agricultural value of the property. Local governments receive a subsidy for forgone property tax revenues from the state via the Open Space Subvention Act of 1971. The term of an LCA contract is generally ten years and the contract automatically renews itself each year for another ten-year period, unless a Notice of Non-Renewal is filed or the contract is cancelled. State Government Code Section 51282 provides specific findings that must be made for the approval of LCA contract cancellations. In 2010, San Luis Obispo County had 792,577 acres under LCA (10-year) contract (California Department of Conservation, 2013).



Right-to-Farm Ordinance. Chapter 5.16 of the San Luis Obispo County Code is a “Right-to-Farm Ordinance”, which supports, encourages, and protects agricultural operations and agricultural processing within the county and gives recognition to an operation’s right to farm within the limits of the law. Paragraph ‘b’ of Section 5.16.020 (Findings and Policy) states:

Where non-agricultural land uses occur near agricultural areas, agricultural operations frequently become the subjects of nuisance complaints due to lack of information about such operations. As a result, agricultural operators may be forced to cease or curtail their operations. Such actions discourage investments in farm improvements to the detriment of agricultural uses and the viability of the County’s agricultural industry as a whole.

The “Right-to-Farm” Ordinance advises purchasers of residential and other property types adjacent to existing agricultural operations of the inherent potential problems associated with the purchase of such property. Such concerns may include, but are not limited to, noise, odors, dust, chemicals, smoke, and hours of operation that may accompany agricultural operations.

San Luis Obispo County Agricultural Preserve Program. San Luis Obispo County has established an Agricultural Preserve Program, consistent with the Williamson Act discussed above. The objectives of the program are to protect agricultural lands for continued production of food and fiber and limited types of land devoted to open-space and recreational uses.

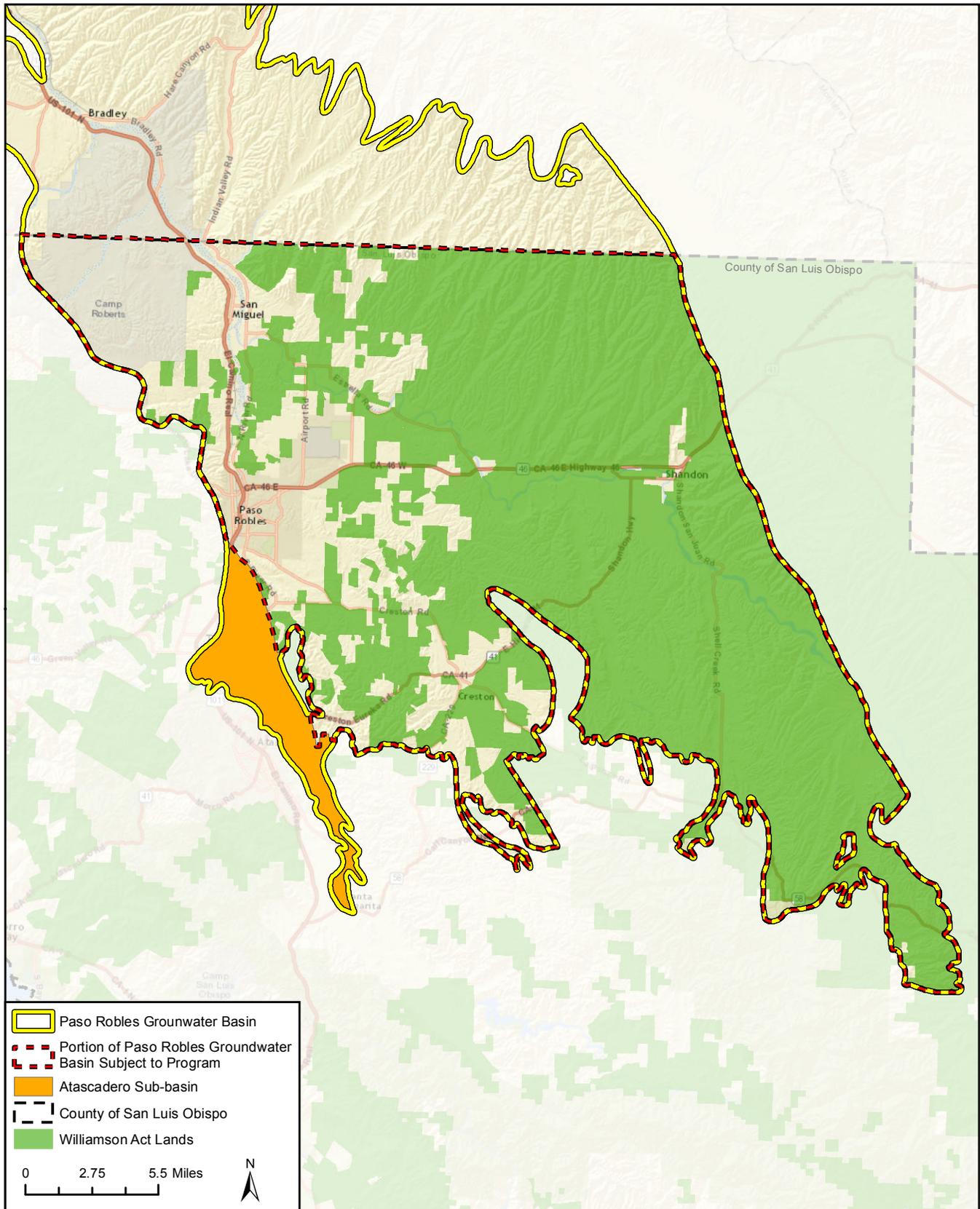
An agricultural preserve is established by landowner request in an area devoted to an agricultural use, recreational use, and/or an open-space use as defined in and established in accordance with the Williamson Act. Establishment of an agricultural preserve is a prerequisite for landowners to enter into land conservation contracts with the County. A land conservation contract is a contract entered into by and between the property owner and lien holders (if any) and the County to restrict the use of the land for agricultural and compatible uses for a minimum term of 10 years or more. Agricultural lands under Williamson Act contract in the Paso Robles Groundwater Basin are illustrated on Figure 4.1-2.

San Luis Obispo County General Plan Agriculture Element. The Agriculture Element focuses on wisely managing and protecting agriculture in San Luis Obispo County. The Agriculture Element identifies areas of the county with productive farms, ranches and soils, and establishes goals, policies and implementation measures that will enable their long-term stability and productivity. The Agriculture Element contains goals, policies, implementation measures and programs to implement the Agriculture Element mission statement to “identify those areas of the county with productive farms, ranches and soils, and establish goals, policies and implementation measures that will enable their long-term stability and productivity.”

Additionally, the Agriculture Element discusses hydrology and the balance between water supply and water demand and encourages the County to ensure actions by individuals or agencies are consistent with maintaining this balance. The Agriculture Element offers the following policy direction:

1. Storage of water in or under the watershed should be maximized, thereby minimizing discharges that are lost out of the watershed.





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Department of Conservation, 2005.

Williamson Act Lands:
Paso Robles Groundwater Basin

Figure 4.1-2

2. Recharge of groundwater basins should be preserved and enhanced by protecting stream bed gravels that are a major source of recharge from sediment deposition. Other alluvial areas should be protected from impervious surfaces or compaction.
 3. Water that is extracted from storage should be properly used in a manner that maximizes its beneficial use and that minimizes evaporative losses.
- ~~1. Storage of water in or under the watershed should be maximized, thereby minimizing discharges that are lost out of the watershed.~~
- ~~2. Recharge of groundwater basins should be preserved and enhanced by protecting stream bed gravels that are a major source of recharge from sediment deposition. Other alluvial areas should be protected from impervious surfaces or compaction.~~
 - ~~3. Water that is extracted from storage should be properly used in a manner that maximizes its beneficial use and that minimizes evaporative losses.~~

4.12.2 Impact Analysis

a. Methodology and Significance Thresholds. Evaluation of the potential agricultural impacts from the Program was conducted by considering whether any component of the Program would result in the direct or indirect conversion of important farmland to nonagricultural uses, agricultural compatibility impacts, or otherwise substantially affect the ability of the land to be farmed.

An agricultural resources impact is considered significant if implementation of the Program would result in any of the following:

1. *Direct conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency and defined by Public Resources Code Section 21061.1, to non-agricultural use;*
2. *Indirect conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance, resulting from a net decrease in the amount of designated agricultural land in the county, as represented by the Agricultural Resource and Agriculture, Watershed, and Open Space designations on the current San Luis Obispo County General Plan Land Use Map;*
3. *Conflict with existing zoning for agricultural use, or a Williamson Act contract; and/or*
4. *Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use or conflicts with agricultural use or agricultural operations (e.g. placement of urban and other uses adjacent to agricultural uses resulting in potential conflicts).*

b. Project Impacts and Mitigation Measures.

Impact AG-1 ~~The Agricultural Offset program component of the Countywide Water Conservation Program would~~ could result in the fallowing of agricultural fields, but would not convert crop conversion, or conversion of irrigation systems as a means of



~~reducing water consumption which could result in direct conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Impacts would be Class III, *less than significant but mitigable.*~~

The Water Neutral New Development (WNND) requirements would require that new or expanded irrigated agricultural development overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) offset water use at a minimum 1:1 ratio. This would be accomplished through the Agricultural Offset program, which as described in Section 2.0, *Project Description*, would allow for creation of water credits to be transferred within and between agricultural properties. Water offsets could be granted under this program by allowing a potential grower on currently vacant land to purchase water credits from a grower willing to reduce or eliminate existing crops, switch to a less water intensive crop, or change to a more efficient irrigation system. If an existing grower eliminates existing crops as a means to provide the water credit, existing agricultural fields could go fallow, including land currently designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, as shown in Figure 4.1-1. However, fallowing of agricultural land is a common occurrence, and would not be considered a change in land use. Further, the proposed Agricultural Offset program would not alter existing land use or zoning designations, nor facilitate development on agricultural land. Thus, the Agricultural Offset program would not convert agriculture (including Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) to non-agricultural use, and impacts would be less than significant.

~~In order to meet the definition of Prime Farmland and Farmland of Statewide Importance, agricultural land must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date, which equates to every four years. Thus, any water conservation method which results in the loss of irrigation (crop conversion to non-irrigated crops or fallowing) of Prime Farmland or Farmland of Statewide Importance for a duration of four years or more, would lead to a loss of a property's designation as Prime Farmland or Farmland of Statewide Importance.~~

~~Similarly, if Unique Farmland were to stop producing high value crops or began producing excluded crops (such as grains) and this change lasted four years or more, it would lose its designation as such. Similar rules would also apply to Farmland of Local Importance. Unique Farmland and Farmland of Local Importance do not have irrigation requirements and would likely only be impacted through Agricultural Offset program through crop conversion or fallowing of fields. As defined in San Luis Obispo County, land can remain designated as Farmland of Local Potential, which is a sub-category of Farmland of Local Importance, without any active agriculture as long as it has characteristics of Prime or Statewide Farmland and is not cultivated.~~

~~Figure 4.1-1 illustrates the prevalence of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland in the Paso Robles Groundwater Basin.~~

~~Table 4.1-1 identifies the total quantity and percent of Prime Farmland and Farmland of Statewide Importance in the Paso Robles Groundwater Basin that could potentially be converted under Agricultural Offset program if they are used to provide water credits using~~



~~following or conversion to non-irrigated crops. As shown in Table 4.1-1, there is the potential for the conversion of up to 10,473 acres (2.9 percent of the area) of Prime Farmland and 11,827 acres (3.3 percent of the area) of Farmland of Statewide Importance. While in reality it is unlikely that all Prime Farmland and Farmland of Statewide Importance in this area would participate in the Agricultural Offset program, due to the importance of these resources as well as the small percentages of both Prime Farmland and Farmland of Statewide Importance in the Paso Robles Groundwater Basin, any conversion of these lands to a different FMMP designation or non-agricultural uses would be a potentially significant impact.~~

~~While irrigation is not required to meet the definition of Unique Farmland, land under this category is usually irrigated though it may include non-irrigated orchards or vineyards. There are 20,290 acres (2.9 percent of the area) of Unique Farmland in the Paso Robles Groundwater Basin. Unique Farmland in this area could be impacted due to crop conversion from a high-water usage crop to a crop that does not require irrigation, or is low water usage and therefore no longer meets the definition of a high economic value crop. Examples of high economic value crops include oranges, olives, avocados, rice, grapes, and cut flowers. Because irrigation is not required to meet the definition of Unique Farmland, changes in crop type (less water intensive) or changes in irrigation do not necessarily result in a loss of the Unique Farmland designation. For this reason not all crop conversions would result in a conversion of Unique Farmland. However, because conversion of Unique Farmland could potentially occur as a result of crop conversion or fallowing, impacts would be considered potentially significant.~~

Amendments to the policies and goals proposed under the proposed Program would not have an adverse effect on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as the policies and goals are intended to protect these same resources. In addition, because the Agricultural Offset program also allows for planting credits to be obtained through a shift to less water intensive crops (rather than fallowing), the Agricultural Offset program may result in a net increase in agricultural acreage in agricultural areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). The transfer of planting credits and conversion of high water use crops (e.g. alfalfa) to low water use crops (e.g. vineyards) could yield potential new irrigated agriculture acreage – all while maintaining current water demand.

Additionally, the Water Waste Prevention (WWP) program would identify a series of best management practices (BMPs) aimed at increasing water use efficiency in agricultural practices. This includes expansion/clarification of existing policy regarding increased water efficiency efforts and increased educational outreach. However, the WWP program would not alter existing land uses, including agriculture, and would therefore have no influence on the conversion of Prime Farmland, Farmland of Statewide Importance or Unique Farmland. In addition, the WWP program would serve to conserve water, which is a vital component necessary for a successful agricultural industry.

~~In summary, potentially significant impacts would include the following types of FMMP classification changes resulting from changes in irrigation regime or crop types:~~

- ~~• Prime Farmland converted to Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, or non-agricultural uses.~~



- ~~Farmland of Statewide Importance converted to Unique Farmland, Farmland of Local Importance, Grazing Land, or non-agricultural uses.~~
- ~~Unique Farmland converted to Farmland of Local Importance, Grazing Land, or non-agricultural uses.~~

Mitigation Measures. ~~No mitigation is required. The following mitigation would reduce potentially significant impacts to Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to a less than significant level.~~

- ~~AG-1~~ ~~—~~ ~~Sending sites participating in the Agricultural Offset program shall be consistent with the following:~~
- ~~a. Prime Farmland, Farmland of Statewide Importance, and Unique Farmland shall not be followed as a means of providing water offset credits.~~
 - ~~b. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Prime Farmland must remain consistent with criteria for Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Prime Farmland, land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years prior to the mapping date.~~
 - ~~c. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Farmland of Statewide Importance must remain consistent with criteria for Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Farmland of Statewide Importance, land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years, prior to the mapping date.~~
 - ~~d. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Unique Farmland must remain consistent with criteria for Unique Farmland, Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Unique Farmland, land must have been used for the production of specific high economic value crops at some time during the two update cycles, or the last four years, prior to the mapping date.~~

Significance After Mitigation. ~~With the implementation of Mitigation Measure AG-1, i Impacts would be less than significant.~~



Impact AG-2 Implementation of the proposed Countywide Water Conservation Program would not result in a net decrease in the amount of designated agricultural land in the county, as represented by the Agricultural Resource and Agriculture, Watershed, and Open Space designations on the current San Luis Obispo County General Plan Land Use Map or conflict with existing zoning for agricultural use. Impacts would be considered Class III, *less than significant*.

As discussed in Section 4.3, *Land Use*, neither component of the Countywide Water Conservation Program would alter existing land use or zoning designations. Thus, while WNND requirements would facilitate new urban and rural development in certified LOS III groundwater basins, and new irrigated agricultural development overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), they would do so consistent with existing San Luis Obispo County General Plan land use designations and Zoning Ordinance. The WWP program would promote agricultural water conservation through a series of BMPs aimed at increasing water use efficiency in agricultural practices, including policy modifications and educational outreach. However, the WWP program and associated policy modifications would not alter existing land uses, including agriculture. As such, there would be no decrease in the amount of designated agricultural land use in the county, as represented by Agricultural Resource and Agriculture, Watershed, and Open Space designations on the current San Luis Obispo County General Plan Land Use Map. Although some development may be facilitated by WNND requirements, any development would be required to offset its water demand, and would occur in accordance with existing land use and zoning designations. Additionally, the Agricultural Offset program allows for the creation of water credits to be transferred between only agricultural properties and no other forms of development (residential, commercial, etc.). Therefore, there would be no change in land use designations or conflicts with current agricultural zoning and impacts would be less than significant.

Mitigation Measures. No mitigation measures are necessary.

Significance After Mitigation. Impacts would be less than significant without mitigation.

Impact AG-3 Implementation of the Countywide Water Conservation Program could result in the fallowing of lands under Williamson Act contract and conflict with the provisions of Williamson Act contracts. Impacts are Class II, *significant but mitigable*.

Implementation of the Agricultural Offset program in agricultural areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) could result in the fallowing of agricultural fields as a means of offsetting water consumption in new agricultural uses. It is possible that some of these lands would include lands currently under Williamson Act contract. Agricultural lands currently under Williamson Act contract in the Paso Robles Groundwater Basin are illustrated on Figure 4.1-2. San Luis Obispo County has established the San Luis Obispo County Agricultural Preserve Program, as provided by the Williamson Act and described under *Regulatory Setting*, above. The purpose of the program is to protect agricultural



lands for continued production of food and fiber and limited types of land devoted to open-space and recreational uses. The County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act of 1965 (Rules) as amended in January 2012 establish the criteria for agricultural land to be eligible as an agricultural preserve. The Rules have criteria for: 1) Dry Farm Preserves and Rangeland Preserves, 2) Prime Land Preserves, and 3) High Productivity Prime Land (Small Specialized Farms). Dry Farm Preserve and Rangeland Preserve does not allow for irrigation and would not be affected by the proposed Agricultural Offset program. The criteria for Prime Land Preserves and High Productivity Prime Land includes irrigation, soil, and in some instances crop type requirements.

Areas identified as being under Williamson Act contract and designated as Farmland of Local Importance, Farmland of Local Potential or Grazing Land could potentially be fallowed under the Agricultural Offset program if they are currently irrigated (see Figure 4.1-3). This could result in conflicts with existing Williamson Act contracts resulting in a potentially significant impact.

Mitigation Measures. ~~Mitigation Measure AG-1 would prevent the fallowing of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. Each of these categories of farmland could be under Williamson Act contract; therefore, implementation of Mitigation Measure AG-1 would partially address this impact. However, because other categories of potentially irrigated farmland subject to Williamson Act could be fallowed, the~~ The following mitigation measure would be required.

AG-3 The following provision shall be added to the proposed Agricultural Offset program:

Sending sites providing planting credits shall remain consistent with the provisions of any existing Williamson Act contract for the property and County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act Of 1965.

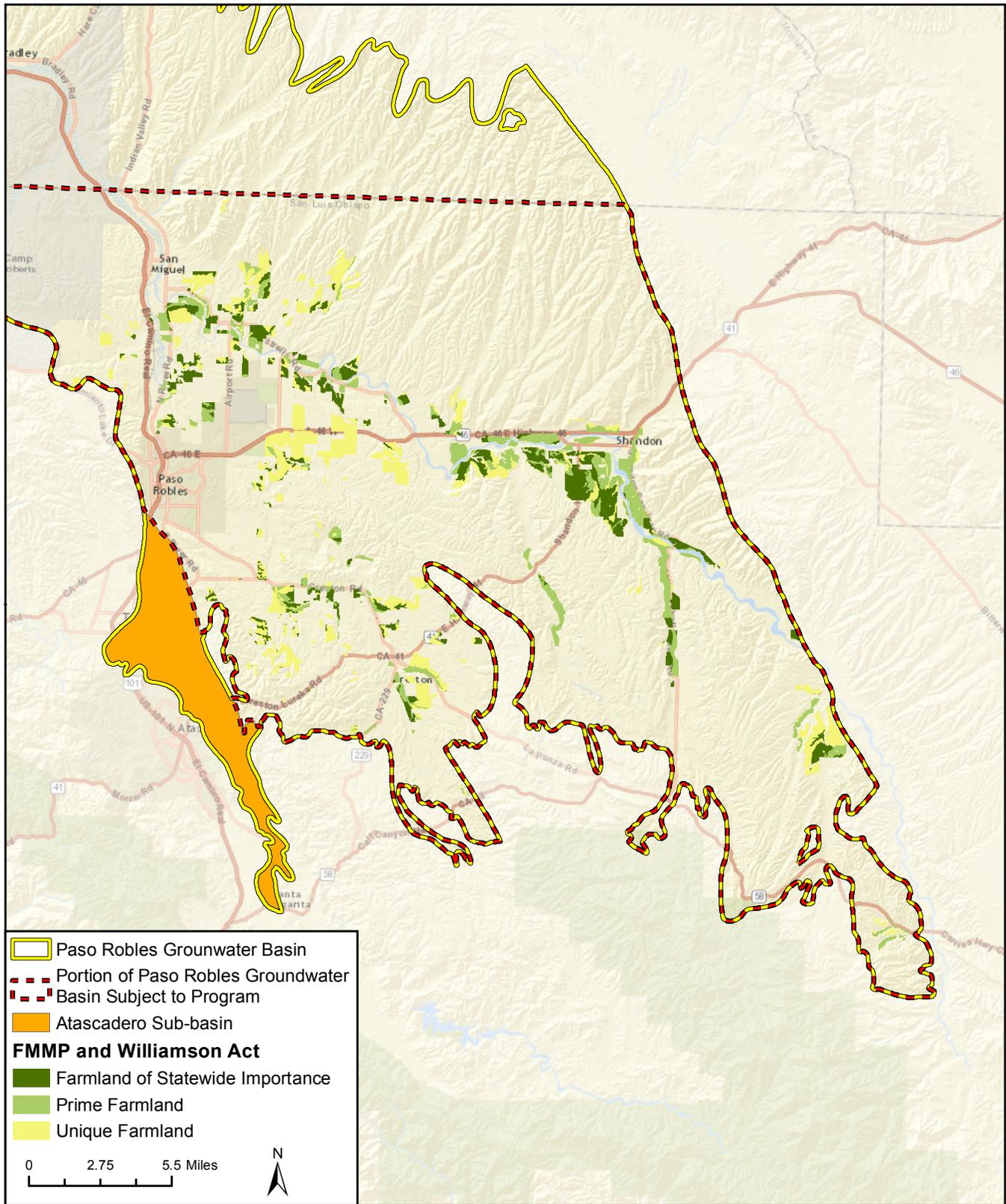
Significance After Mitigation. ~~Implementation of Mitigation Measure AG-3 as well as Mitigation Measure AG-1 would reduce potential impacts associated with conflicts with the Williamson Act to a less than significant level.~~

c. Cumulative Impacts. Cumulative impacts would not occur as a result of conversion of agriculture under the proposed Program beyond those considered in the San Luis Obispo County General Plan. As discussed above and in Section 4.3, *Land Use*, the proposed Program would facilitate new urban and rural development in certified LOS III groundwater basins and new irrigated agricultural development in agricultural areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), however it would do so consistent with existing San Luis Obispo County General Plan and Zoning Ordinance land use designations. The Agricultural Offset program could result in the fallowing of agricultural land, including land designated as Prime Farmland, Unique Farmland, and/or Farmland of Statewide Importance. However, as discussed under Impact AG-1, the fallowing of agricultural land is a common occurrence, and does not constitute conversion to non-agricultural use. The Program does not involve any amendments to land use designations or zoning, and therefore



would not generate development that would convert these areas to non-agricultural use. ~~Implementation of Mitigation Measure AG-1 would prevent downgrades of FMMP classifications for Prime Farmland, Farmland of Statewide Importance, and Unique Farmland; however, there~~ There is the potential for some irrigated Farmland of Local Importance, Farmland of Local Potential or Grazing Land to also be fallowed as a result of the proposed Program, unless it would conflict with an existing Williamson Act contract (per Mitigation Measure AG-3). Agricultural lands would only be fallowed under the proposed Program as a means of water offset to allow other agriculture uses to be developed or intensified and water offsets generated through fallowing of agricultural would not be used to facilitate non-agricultural development types. Therefore, the contribution of the proposed Program to cumulative impacts related to the conversion of agriculture would be less than significant.





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 County of San Luis Obispo, 2005, 2006.

Prime Farmland, Farmland of Statewide Importance, and
 Unique Farmland in Williamson Act Lands:
 Paso Robles Groundwater Basin

Figure 4.1-3

4.2 LAND USE

4.2.1 Setting

a. Countywide Land Use. San Luis Obispo County is located on the California Central Coast between Monterey County to the north and Santa Barbara County to the south. The county's coastline spans 96 miles and the land area encompasses over two million acres of mostly agricultural, rural, and open space land. Incorporated cities within the county include Paso Robles, Atascadero, Morro Bay, San Luis Obispo, Pismo Beach, Grover Beach, and Arroyo Grande. Unincorporated communities include San Miguel, Shandon, Cambria, Templeton, Cayucos, Santa Margarita, Los Osos, Avila Beach, Oceano, and Nipomo. Urban areas are connected to U.S. Highways 1 and 101, which are the primary transportation corridors serving the Central Coast. There are also 13 villages located throughout the county.

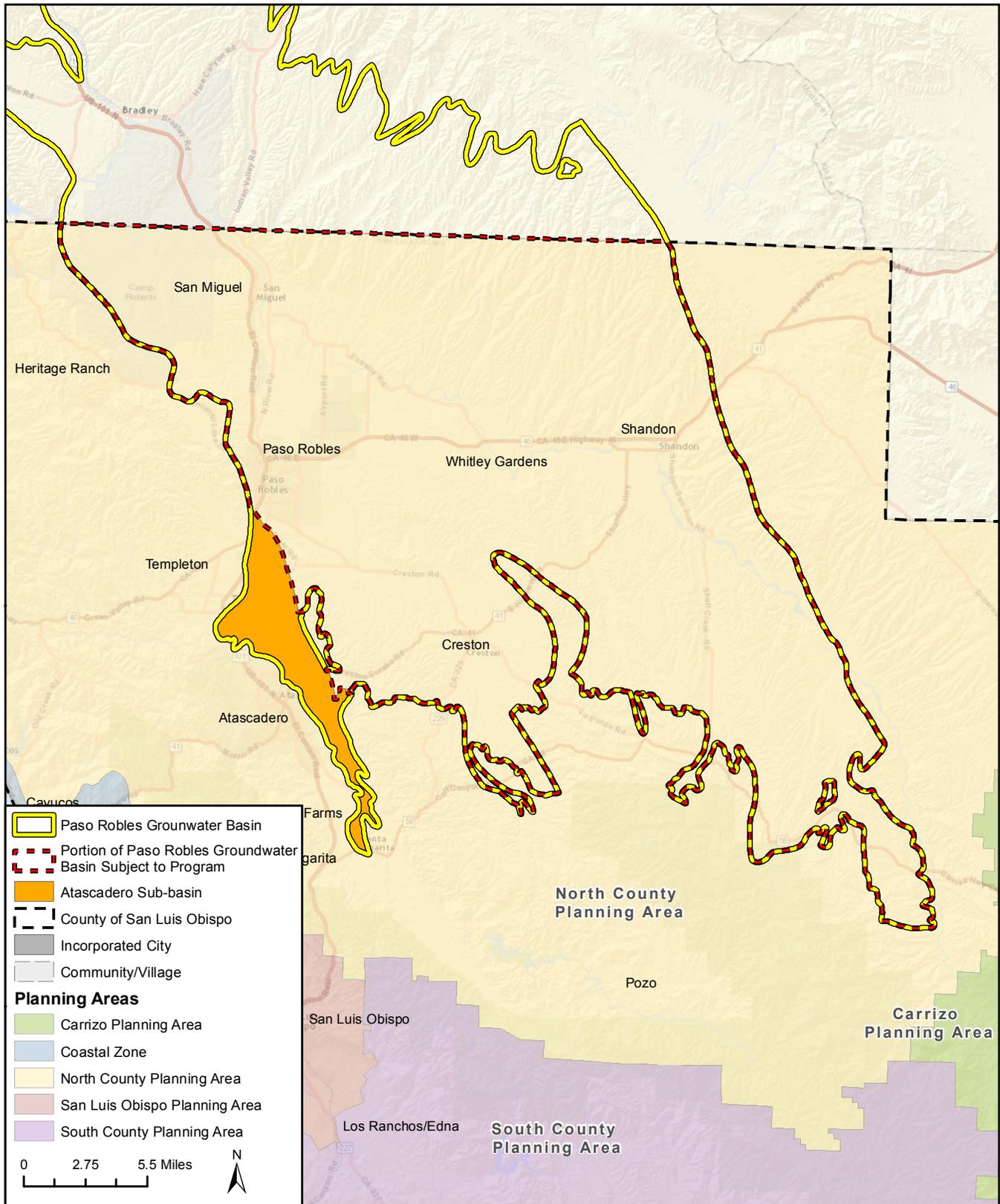
The majority of land in San Luis Obispo County is used for agriculture (66 percent) (County of San Luis Obispo, 2009). The Agriculture Element of the County's General Plan identifies those areas of the region with productive farms, ranches and soils, and establishes goals, policies, and implementation measures to enable their long-term stability and productivity. Agricultural resources in the county are further described in Section 4.1, *Agricultural Resources*.

Most of the remaining land in the unincorporated county is used for rural land uses (14 percent) and open space (10 percent) (County of San Luis Obispo, 2009). Approximately 9 percent of the county's land is designated as incorporated city, residential, public facility, recreation, industrial, commercial, office, or multi-use (County of San Luis Obispo, 2009).

The Water Waste Prevention (WPP) program would apply to all unincorporated areas of San Luis Obispo County where the existing purveyor does not already have an existing ordinance (or other similar program) in place. See Section 2.0, *Project Description*, for further detail about where these areas are located.

b. Level of Severity III Area Land Use. The Water Neutral New Development (WNND) requirements would include Urban/Rural Offset requirements and an Agricultural Offset program. The Urban/Rural Offset requirements would require that new urban and rural development in all certified LOS III groundwater basins offset new water use at a minimum 1:1 ratio. Groundwater basins which have been certified by the Board of Supervisors at LOS III include: the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin, and the Nipomo Mesa portion of the Santa Maria Groundwater Basin (known as the Nipomo Mesa ~~Management Water Conservation Area; NMMA~~). The Agricultural Offset program would require new or more intensively irrigated agriculture in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) to offset new water use at a minimum 1:1 ratio. If approved, the Urban/Rural Offset requirements could also apply to any areas certified at LOS III for water supply in the future. Currently, the Cuyama Valley, Morro-Chorro and North Coast groundwater basins are all recommended in the 2010-2012 Resource Summary Report for LOS III but have not yet been certified by the Board of Supervisors (County of San Luis Obispo, 2013). Groundwater basins certified at LOS III- are shown in Figures 4.2-1a through 4.2-1c.

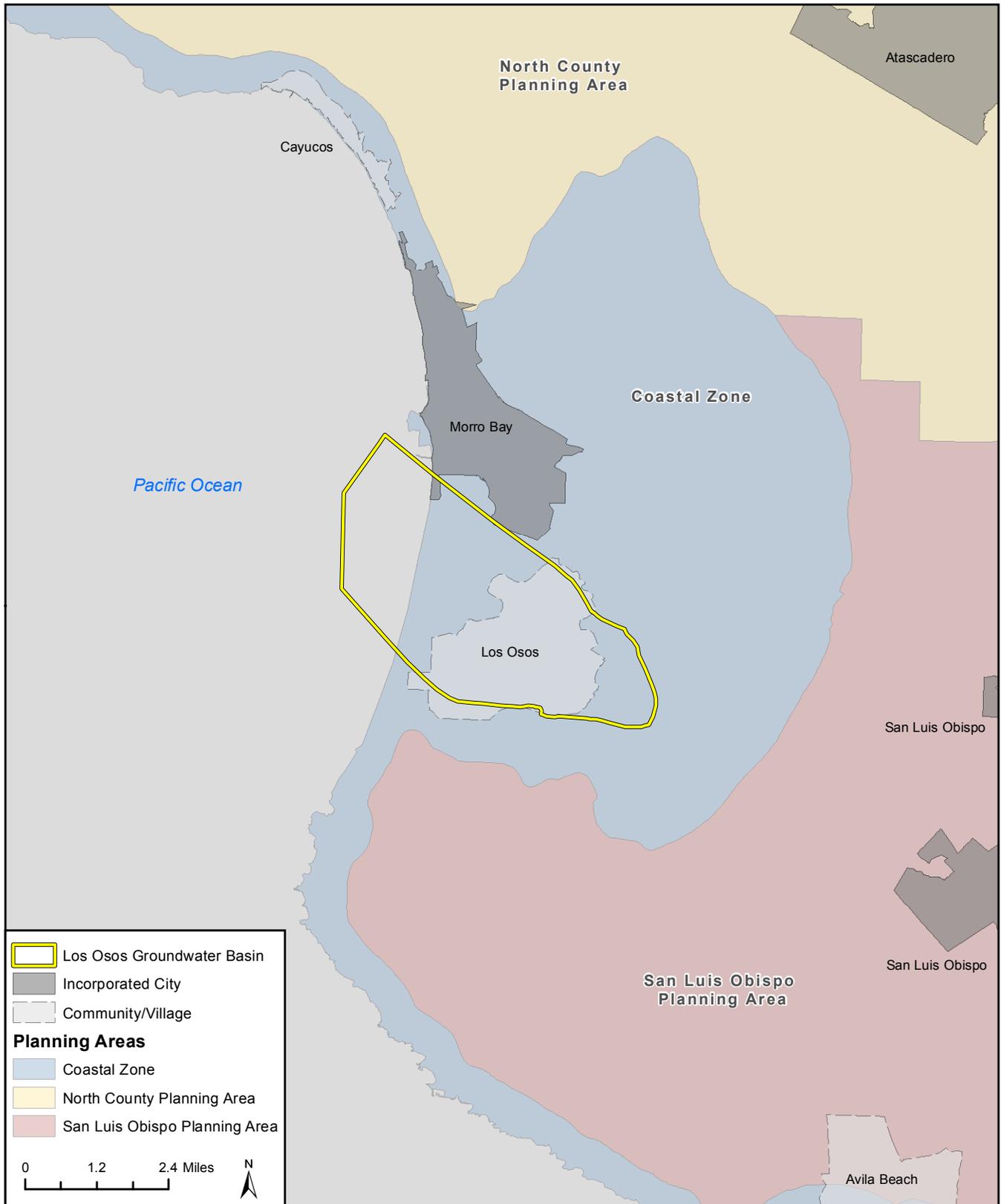




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 Department of Conservation, 2005.

Level of Severity III Areas and San Luis Obispo County
 Planning Areas and Community/Village Plans:
 Paso Robles Groundwater Basin

Figure 4.2-1a



Level of Severity III Areas and San Luis Obispo County
Planning Areas and Community/Village Plans:
Los Osos Groundwater Basin

Figure 4.2-1b



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 Department of Conservation, 2005.

Level of Severity III Areas and San Luis Obispo County
 Planning Areas and Community/Village Plans:
 Nipomo Mesa Water Conservation Area

Figure 4.2-1c

As shown in Figure 4.2-1a, the Paso Robles Groundwater Basin is located entirely within the North County planning area. The North County planning area is the largest planning area in the county, encompassing 1,035,714 acres. It includes the unincorporated areas north of the Cuesta Ridge to Monterey County, and is bounded by the Coastal Zone to the west and Kern County to the east. It contains three unincorporated urban areas located along U.S. Highway 101 (San Miguel, Templeton, and Santa Margarita), the Shandon urban area located 18 miles east of U.S. Highway 101, and six village areas (Creston, Heritage Ranch, Oak Shores, Garden Farms, Whitley Gardens, and Pozo). The communities of San Miguel, Shandon, and Templeton, and the villages of Creston and Whitley Gardens overlie portions of this basin, as does the city of Paso Robles and a portion of the city of Atascadero.

The North County planning area is experiencing diverse economic growth in all sectors, including agriculture. Agriculture traditionally has been the principal industry and the foundation of the rural lifestyle and image of the North County. Much of the new development is increasingly oriented to commuter and retirement living, light industry, service businesses and tourism. The cities of Atascadero and Paso Robles generate growth in these sectors as the two regional population centers with full urban services. The unincorporated towns provide various local services and some specialized regional facilities, such as the Twin Cities Hospital in Templeton. The planning area has been influenced economically by the city of San Luis Obispo in terms of regional shopping and employment, as well as the housing shortage that "spills over" into the North County (County of San Luis Obispo, 2014).

As shown in Figure 4.2-1b, the Los Osos Basin is located in the Estero planning area (Coastal Zone). The community of Los Osos and a small portion of the city of Morro Bay overlie this basin. The Estero planning area occupies a narrow strip along the coast north of the city of Morro Bay and south of the unincorporated community of Los Osos. The Los Osos urban area encompasses approximately 2,590 acres (four square miles) at the westerly end of the picturesque and agriculturally productive Los Osos Valley. Los Osos is bounded by the environmentally important Los Osos Creek and riparian corridor to the east and southeast, and the older coastal dunes to the north, south, and southwest. The creek and dune-covered hills form a natural edge to and greenbelt for the community. Morro Bay and its tidelands, and estuary of national importance, lie to the north. The scenic Irish Hills on the south, rugged Montana de Oro State Park on the southwest, and popular Morro Bay State Park on the northwest form natural, scenic backdrops (County of San Luis Obispo, 2009).

As shown in Figure 4.2-1c, the ~~NMMA~~ Nipomo Mesa Water Conservation Area is located within both the South County Coastal Planning Area and the South County (Inland) Planning Area. In addition, the community of Nipomo and the village areas of Black Lake, Callender-Garrett, Los Berros, Palo Mesa, and Woodlands overlie this area. Urban services are available in Nipomo community and various services can be found in the South County villages. The dominant land use on the Nipomo Mesa outside of these areas is rural residences at a one unit per five-acre density. There are also a wide range of agricultural uses on the Nipomo Mesa including avocado and citrus orchards, nursery specialties, tree farms, and fruit and vegetable crops. The Nipomo Mesa and its environs are also an appealing destination for recreation. The rural landscape has attracted recreational development associated with destination resorts and rural residential living (County of San Luis Obispo, 2014).



c. Regulatory Setting. Applicable plans, regulations, and policies relevant to the Program are described below.

California Sustainable Groundwater Management Act of 2014. The Sustainable Groundwater Management Act of 2014 requires the designation of groundwater sustainability agencies (GSA) and the adoption of Groundwater Sustainability Plans (GSP) for basins designated as medium- or high-priority by the Department of Water Resources (DWR). GSPs must be developed to eliminate overdraft conditions in aquifers and to return them to a condition that assures long-term sustainability within 20 years of plan implementation. The Act requires that a GSA be identified for all medium- and high-priority groundwater basins by June 30, 2017, and that GSPs for these basins be adopted by January 31, 2022. For basins subject to critical overdraft conditions, a GSP must be adopted by January 31, 2020. The proposed Agricultural Offset program would have a sunset provision upon adoption of a GSP for the Paso Robles Groundwater Basin.

General Plan. The San Luis Obispo County General Plan guides development within the county. The General Plan expresses the County's development goals, embodies public policy relative to the distribution of future land uses, provides a basis for local government decision making, and informs citizens, developers, and decision-makers of the ground rules pertaining to new development. The County's General Plan consists of the following elements:

- *Land Use.* The Land Use Element, which includes a Framework for Planning, 13 Area Plans, a Local Coastal Program, and Coastal Plan Policies, provides designations and descriptions of types of land use and density of dwellings-per-acre that are allowed in mapped districts or land use categories. Areas subject to flooding are included in the LUE as part of the Local Coastal Program, which implements the California Coastal Act within the Coastal Zone and is certified by the California Coastal Commission.
- *Circulation.* The Circulation Element contains maps and policies for transportation routes and modes such as vehicles and transit, correlated with the Land Use Element.
- *Housing.* The Housing Element, adopted June 17, 2014, describes existing and projected housing needs, and goals, policies and programs for the preservation, improvement and development of housing.
- *Agriculture.* Separated from the Open Space Element in May, 2010, this Element focuses on wisely managing and protecting agricultural resources in San Luis Obispo County.
- *Conservation and Open Space.* Adopted May 11, 2010, this Element consolidates and revises five previous elements including the Conservation Element, Historic Element, Aesthetics Element, Energy Element, and Open Space Element. This element addresses planning issues regarding:
 - *Air quality;*
 - *Biological resources;*
 - *Cultural resources;*
 - *Energy;*



- *Mineral resources;*
 - *Open space;*
 - *Soil resources;*
 - *Visual resources; and*
 - *Water resources.*¹
- *Noise.* The Noise Element describes existing noise problems and projected noise levels, with policies and implementation measures to minimize exposure of receptors to excessive noise.
 - *Safety.* The Safety Element is intended to protect the community from unreasonable risks associated with earthquakes, geologic hazards, flooding and fires.
 - *Offshore Energy.* The Offshore Energy Element plans for the location and extent of on-shore resources and facilities that would be appropriate for addressing off-shore oil development and production.
 - *Economic.* The Economic Element contains policies to establish a context and priorities for economic development.
 - *Parks and Recreation.* The Parks and Recreation Element provides policy guidance regarding the provision of park and recreation services, documents the County's existing park and recreation resources, and evaluates park and recreation needs.

Individual policies within each of these elements that are applicable to the Program are identified in Table 4.2-1, provided as part of the discussion under Impact LU-1 in Section 4.2.2.b.

Area Plans. San Luis Obispo County is physically diverse and is spread over beaches, mountains, and valleys. In recognition of the specific land use concerns of individual areas throughout the county, the unincorporated county is divided into two major planning areas: Coastal Zone and the Inland Area. The Coastal Zone is further divided into four planning areas: Estero, North Coast, San Luis Bay Coastal, and South County Coastal. The Inland Area is also further divided into four planning areas: Carrizo, North County, San Luis Obispo, and South County. In the Coastal Zone, each area (Estero, North Coast, San Luis Bay Coastal, and South County Coastal) has its own adopted Area Plan. In the Inland area, the four Inland Area Plans are consolidated into a single document called *The Area Plans*, which describes where land use categories are applied. *The Area Plans* also establishes policies and programs for land use, circulation, public facilities, services, and resources that apply 1) "area-wide" (throughout the entire planning area), 2) in rural areas, and 3) in unincorporated urban areas adjacent to cities.

The Area Plans consolidates and reorganizes the content of 11 former area plans into four new regional planning areas. The geographic boundaries of the 11 former planning areas have been preserved as "sub-areas" of the four new regional planning areas. These sub-areas include: Adelaida, El Pomar-Estrella, Las Pilitas, Los Padres (North and South), Nacimiento, Salinas River, Shandon-Carrizo (North and South), San Luis Obispo (North and South), San Luis Bay Inland (North and South), South County Inland, and Huasna-Lopez.

¹ The Conservation and Open Space Element (COSE) Environmental Impact Report is being used as the basis for this Supplemental EIR.



Area Plans (for both the Coastal Zone and Inland Area) are adopted as part of the Land Use and Circulation Element, and all Area Plan Standards are adopted as part of the applicable Land Use Ordinance for that area (Title 22 - Inland or Title 23 - Coastal). Area Plans include detailed descriptions of the county's planning areas, specific programs and associated Planning Area Standards intended to address local planning issues. *The Area Plans* also provides maps showing detailed overlays of environmental concern, called "Combining Designations." This overlay distinction requires special design and/or development considerations to provide for more detailed review when necessary for environmental issues such as sensitive habitats, flood hazards, etc.

Land Use Ordinance. The Land Use Ordinance implements the County's General Plan. The County's land use designations are divided into two Land Use Ordinances – Inland and Coastal. Inland uses are governed by Inland Land Use Ordinance (Title 22). Coastal uses are governed by the Coastal Land Use Ordinance (Title 23) in compliance with the California Coastal Act. Both land use ordinances provide specific land use definition, standards, and thresholds consistent with the goals and policies of the adopted General Plan, including land use standards from the applicable area plans.

Strategic Growth Principles. Overall planning guidelines on how growth should occur in a more sustainable manner are provided by the Strategic Growth Principles, which the County adopted in 2005. The principles seek to achieve the County's vision and mission, "to enhance the economic, environmental, and social quality of life in San Luis Obispo County." The Guiding Principles for Strategic Growth are as follows:

1. *Strengthen Regional Cooperation*
2. *Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas*
3. *Strengthen and Direct Development Towards Existing Communities*
4. *Foster Distinctive, Attractive Communities with a Strong Sense of Place*
5. *Provide a Variety of Transportation and Land Use Choices*
6. *Create a Range of Housing Opportunities and Choices*
7. *Encourage Mixed Land Uses*
8. *Create Walkable Neighborhoods and Towns*
9. *Take Advantage of Compact Building Design*
10. *Make Development Decisions Predictable, Fair and Cost Effective*
11. *Encourage Community and Stakeholder Collaboration*

Existing Water Neutral New Development Requirements. As outlined in Section 2.0, *Project Description*, the area overlying the Paso Robles Groundwater Basin (excluding cities), the community of Los Osos, and the ~~NMMA~~ Nipomo Mesa Water Conservation Area currently have water neutral new development requirements in place. These requirements include the following:

- The Paso Robles Groundwater Basin Urgency Ordinance (Ordinance No. 3246), which includes a requirement to offset new on-site agricultural irrigation needs and plumbing retrofits to offset new non-agricultural development. Both agricultural and non-agricultural offsets are required at a 1:1 ratio.
- The Los Osos Groundwater Basin Retrofit Ordinances (Title 19), which require that all new development in Los Osos retrofit enough existing homes and business to save twice



the amount of water the new development would use (2:1 ratio). Remodels and additions to existing homes also require that the structure be retrofitted with new toilets and showerheads.

- The Nipomo Mesa Water Conservation Program (Title 8), which requires that homes built before 1994 be retrofitted with new toilets and showerheads prior to sale.

As described in Section 2.0, *Project Description*, the proposed Program would require that new urban and rural development offset water use in all certified LOS III groundwater basins, current and future, and would further require that new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) only. The Urban/Rural Water Offset requirements (which would apply to all currently certified LOS III groundwater basins) would be implemented through two primary methods to generate offset credits: plumbing retrofits and a turf removal incentive program. Credits for the Agricultural Offset program (which would apply to the Paso Robles Groundwater Basin [excluding the Atascadero Sub-basin] only) may come from fallowing of irrigated lands resulting in less pumping, and/or crop conversion(s) to less water intensive crops.

4.2.2 Impact Analysis

a. Methodology and Significance Thresholds. An evaluation of the potential land use impacts associated with implementation of the Countywide Water Conservation Program was based on a review of planning documents, including the various components and policies of the County General Plan and other County regulations affecting planning and implementation of the proposed Program.

A land use impact is considered significant if implementation of the Program would result in any of the following (based on the environmental checklist included in Appendix G of the *State CEQA Guidelines*):

1. *Physically divide an established community;*
2. *Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the program (including, but not limited to, the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; and/or*
3. *Conflict with an adopted conservation plan or natural community conservation plan.*

The proposed Program would not facilitate development beyond what was considered in the existing General Plan. Because the General Plan directs development toward existing and strategically planned communities, this development would not physically divide an established community. In addition, the Program would not generate impacts to biological resources, and would not, therefore, conflict with an adopted conservation plan or natural community conservation plan. Therefore, these issues (criteria 1 and 3) will not be discussed in the following section. For further detail see Section 4.4 4.3, *Effects Found not to be Significant*.



b. Project Impacts.

Impact LU-1 The proposed Countywide Water Conservation Program would be potentially consistent with applicable policies of the County of San Luis Obispo General Plan or other applicable planning documents. Though potential minor inconsistencies with aspects of some policies could occur, feasible mitigation measures to address these impacts have been required and are detailed in Section 4.1 of this SEIR.

WNND requirements would ensure that new urban and rural development within certified LOS III groundwater basins, and new or more intensely irrigated agriculture within the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) offset new water use at a minimum 1:1 ratio. The Urban/Rural Water Offset requirements include a variety of techniques for offsetting water use in new development, including plumbing retrofits, reducing outdoor water use (e.g. replacing turf with water efficient landscaping via a turf removal incentive program), and improving irrigation efficiencies. For agricultural planting within the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), the Agricultural Offset program would facilitate the planting of new agriculture on currently uncultivated land and/or the intensification of irrigation of existing agriculture on currently cultivated land by offsetting any additional new water use. Any property owner of a sending site entering an agreement to transfer planting credits would be required to reduce or eliminate crops on their property to account for the offset.

Because WNND requirements are focused on offsetting future demand, they would neither increase nor decrease water use over current levels. Rather, they would maintain current water use while allowing both development and agricultural planting to occur consistent with the adopted General Plan and Land Use Ordinance. In this way, WNND requirements provide a pathway for urban and rural development in groundwater basins certified at LOS III and new irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) without provision of a new water supply source.

Some of this facilitated development may be in the form of new irrigated agriculture, such as row crops or wine grapes. However, in order for new or more intensively irrigated agriculture to be planted, existing agricultural land would be replanted in less water intensive crops, or allowed to go partially or completely fallow. As described in Sections 4.1, *Agricultural Resources*, this may result in impacts to Prime Farmland, Farmland of Statewide Importance, and Unique Farmland (a Class II, *significant but mitigable*, impact).

The second component of the proposed Program is the Water Waste Prevention (WWP) program. The WWP program would prohibit certain uses of water deemed to meet the definition of water wasting in urban and rural areas (e.g. hosing down hardscapes, failure to repair leaks) and identification of a series of best management practices (BMPs) aimed at reducing water waste in agricultural practices. The WWP program would apply to all unincorporated areas of San Luis Obispo County where the existing purveyor does not already have an existing ordinance (or other similar program) in place. See Section 2.0, *Project Description*, for more detail on where this would apply. In contrast to WNND requirements, which would allow development to proceed while maintaining current water use, the WWP



program is expected to result in a net decrease in water use countywide, but would not alter development potential. The extent of this decreased demand would depend on the extent to which county residents change their water-use practices, as well as the effectiveness of violation reporting and enforcement within urban and rural areas.

It should be noted that neither component of the Countywide Water Conservation Program would alter existing land use or zoning designations. Thus, while WNND requirements would facilitate new urban and rural development in certified LOS III groundwater basins and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), it would do so consistent with existing San Luis Obispo County General Plan, land use designations, and Land Use Ordinance. The Program would, however, revise several components of the General Plan, including:

- *Agriculture Element (AG1, AGP10, AGP11)*
- *Conservation and Open Space Element (Policy WR 1.7, Policy WR 1.14)*

To determine potential consistency of these proposed revisions with the San Luis Obispo County General Plan and other applicable planning documents, the Countywide Water Conservation Program was evaluated with respect to applicable goals and policies of the County of San Luis Obispo General Plan, as well as the San Luis Obispo County Air Pollution Control District (SLOAPCD) Clean Air Plan and the Central Coast Regional Water Quality Control Board (CCRWQCB) Water Quality Control Plan for the Central Coast Basin (Basin Plan) (refer to Tables 4.2-1 and 4.2-2, below). Consistent with the scope and purpose of this EIR, the analysis in Tables 4.2-1 and 4.2-2 primarily focuses on those goals, policies, and regulations that relate to avoiding or mitigating environmental impacts, and an assessment of whether any potential inconsistency with these standards creates a significant physical impact on the environment. Only policies relevant and applicable to the Program are included.



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
Land Use Element – Framework for Planning (Inland)	
<p><u>Principle 1.</u> Preserve open space, scenic natural beauty and natural resources. Conserve energy resources. Protect agricultural land and resources.</p>	<p><u>Potentially Consistent.</u> The WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and BMPs in agricultural areas, with potential fines for non-compliance in non-agricultural areas. Although WNND requirements may facilitate new urban and rural development in groundwater basins certified at LOS III for water supply, and new irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), it would do so only if that development could offset its water use at a 1:1 ratio. This may occur by allowing some agricultural lands to go fallow. As noted in Section 4.1, <i>Agricultural Resources</i>, fallowing of agricultural fields as a means of reducing water consumption within the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>) <u>would not be considered a conversion to non-agricultural use, and impacts would be could result in direct conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. However, Mitigation Measure AG-1 prohibits the fallowing of these lands, thus reducing the impact to a less than significant level.</u> Some development facilitated by the ordinance could occur in open space or scenic areas. However, this development would be subject to existing land use regulations.</p>
<p><u>Policy 2.</u> Keep the amount, location and rate of growth allowed by the Land Use Element within the sustainable capacity of resources, public services and facilities.</p>	<p><u>Potentially Consistent.</u> WNND requirements may facilitate new urban and rural development in groundwater basins certified at LOS III for water supply, and new irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). However, it would do so only if that development could offset its water use at a 1:1 ratio. While it is not yet determined if current water use in certified LOS III groundwater basins (including the Paso Robles Groundwater Basin) is sustainable, WNND requirements would not increase water demand. Further, this Program would not alter existing land use designations of the San Luis Obispo County General Plan and Zoning Ordinance.</p>
<p><u>Policy 3.</u> Preserve and sustain important water resources, watersheds and riparian habitats.</p>	<p><u>Potentially Consistent.</u> The WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and application of BMPs in agricultural areas, with potential fines for non-compliance in non-agricultural areas. WNND requirements would facilitate urban and rural development within certified LOS III groundwater basins and irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>) while maintaining current water demand. In combination, the Countywide Water Conservation Program would therefore preserve and sustain important water resources, which is potentially consistent with this policy.</p>
<p><u>Policy 6.</u> Encourage the protection and use of agricultural land for the production of food, fiber and other agricultural commodities, and support the rural economy and locally-based commercial agriculture.</p>	<p><u>Potentially Consistent.</u> The Agricultural Offset program, as part of WNND requirements, would allow new irrigated agriculture which overlies the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). The goal is to maintain current water demand which could strengthen the rural economy and locally-based commercial agriculture. However, new irrigated lands would be planted at the expense</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
	<p>of other, existing agricultural areas, which would either be planted with less water intensive crops, or left fallow in order to offset the new water demand. If the new agricultural development is offset with less water-intensive crops, the net impact to agricultural production would be positive because more acres would be used for agriculture. If offset with fallowing of land, however, the net result could be negative. However, Mitigation Measure AG-1 in Section 4.1, <i>Agricultural Resources</i>, prohibits the fallowing of lands designated as <u>impacts would be less than significant, as fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be considered a conversion to non-agricultural use.</u> This mitigation would reduce potential impacts to a less than significant level, and would similarly serve to protect agricultural land, which is Because the Program would either result in a net benefit or less than significant impacts to agriculture, the Program would be potentially consistent with this policy.</p>
<p><u>Principle 2.</u> Strengthen and direct development toward existing and strategically planned communities.</p>	<p><u>Potentially Consistent.</u> The WWP program would not alter the existing development pattern of the county, and would therefore have no influence on consistency with this policy. WNNND requirements may facilitate new urban and rural development in certified LOS III groundwater basins, and new irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), but would do so in line with existing land use and zoning designations. Therefore, new development facilitated by the Program would generally be directed toward existing and strategically planned communities, in line with the General Plan.</p>
<p><u>Resource Management System Objective 1.</u> To minimize impacts of future development on the long-term availability of essential natural resources, and to identify the limits or "carrying capacities" of those resources by studying the relationship between development impacts and resource capacities.</p>	<p><u>Potentially Consistent.</u> The WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and BMPs in agricultural areas, with potential fines for non-compliance in non-agricultural areas. These regulations would apply to both existing and future development. WNNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply, and new irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), but would do so only if that development could offset its water use at a 1:1 ratio. Thus, the Program would serve to minimize impacts of future development on the long-term availability of water resources.</p>
<p><u>Public Service Considerations Policy 1.</u> Keep the amount, location and rate of growth allowed by the Land Use Element within the sustainable capacity of resources, public services and facilities.</p>	<p><u>Potentially Consistent.</u> WNNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply, and new irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). However, it would do so only if that development could offset its water use at a 1:1 ratio. While it is not yet determined if current water use in LOS III groundwater basins (including the Paso Robles Groundwater Basin) is sustainable, WNNND requirements would not increase water demand beyond current levels. Further, WNNND requirements would not alter existing land use designations of the San Luis Obispo County General Plan and Zoning Ordinance.</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
<i>Land Use Element – Framework for Planning (Coastal)</i>	
<u>Goal 1.</u> Preserve open space, scenic natural beauty and natural resources. Conserve energy resources. Protect agricultural land and resources.	<u>Potentially Consistent.</u> Refer to the consistency discussion of <i>Land Use Element – Framework For Planning (Inland)</i> Principle 1, above.
<u>Objective 1.c.</u> Maintain and protect a living environment that is safe, healthful and pleasant for all residents by: Preserving and sustaining important water resources, watersheds and riparian habitats.	<u>Potentially Consistent.</u> Refer to the consistency discussion of <i>Land Use Element – Framework For Planning (Inland)</i> Policy 3, above.
<u>Objective 3.d.</u> Preserve urban and rural open space as an irreplaceable resource for future generations by: Protecting agricultural, natural and other rural areas between communities, and working with landowners and these communities to maintain rural character and land uses.	<u>Potentially Consistent.</u> The WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and application of BMPs in agricultural areas, with a threat of fines for non-compliance in non-agricultural areas. Although WNNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply, and new irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), it would do so only if that development could offset its water use at a 1:1 ratio. In the Paso Robles Groundwater Basin, this may occur by allowing some agricultural lands to go fallow. As noted in Section 4.1, <i>Agricultural Resources</i> , fallowing of agricultural fields as a means of reducing water consumption could <u>would not</u> result in direct conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural use. Thus, impacts related to conversion of important farmland would be less than significant. However, Mitigation Measure AG-1 prohibits the fallowing of these lands, thus reducing the impact to a less than significant level. Some development facilitated by the ordinance could occur in open space or scenic areas. However, this development would be subject to existing land use designations.
<u>Objective 4.</u> Encourage the protection and use of agricultural land for the production of food, fiber and other agricultural commodities, and support the rural economy and locally-based commercial agriculture.	<u>Potentially Consistent.</u> Refer to the consistency discussion of <i>Land Use Element – Framework For Planning (Inland)</i> Policy 6, above.
<u>Goal 2.</u> Strengthen and direct development toward existing and strategically planned communities.	<u>Potentially Consistent.</u> Refer to the consistency discussion of <i>Land Use Element – Framework For Planning (Inland)</i> Principle 2, above.
<u>Resource Management System (RMS) Objective 1.</u> To minimize impacts of future development on the long-term availability of essential natural resources, and to identify the limits or "carrying capacities" of those resources by studying the relationship between development impacts and resource capacities.	<u>Potentially Consistent.</u> Refer to the consistency discussion of <i>Land Use Element – Framework for Planning (Inland)</i> Resource Management System Objective 1, above.
<u>Public Service Considerations Objective 1.</u> Keep the amount, location and rate of growth allowed by the Land Use Element within the sustainable capacity of resources, public services and facilities	<u>Potentially Consistent.</u> Refer to the consistency discussion of <i>Land Use Element – Framework for Planning (Inland)</i> Public Service Considerations Objective 1, above.
<i>Circulation Element</i>	
<u>Goal 1.</u> Provide for a land use pattern and rate of population growth that will not exceed the financial ability of the county and its residents to expand and maintain the circulation system.	<u>Potentially Consistent.</u> The WWP program would not alter the existing land use pattern or rate of population growth in the county, and would therefore have no influence on consistency with this policy. WNNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III-and new irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding</u>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
	<p><u>the Atascadero Sub-basin</u>), but would do so in line with existing land use and zoning designations. Therefore, new development facilitated by the Program would be potentially consistent with the land use pattern and rate of population growth accounted for in the General Plan.</p>
Housing Element	
<p><u>Overall Goal</u>. Achieve an adequate supply of safe and decent housing that is affordable to all residents of San Luis Obispo County.</p>	<p><u>Potentially Consistent</u>. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III-, including housing.</p>
Agriculture Element	
<p><u>Goal AG1</u>. Support County Agricultural Production.</p> <ul style="list-style-type: none"> a. Support and promote a healthy and competitive agricultural industry whose products are recognized in national and international markets as being produced in San Luis Obispo County. b. Facilitate agricultural production by allowing a broad range of uses and agricultural support services to be consistently and accessibly located in areas of prime agricultural activity. c. Support ongoing efforts by the agricultural community to develop new techniques and new practices. d. Develop agricultural permit processing procedures that are rapid and efficient. Do not require permits for agricultural practices and improvements that are currently exempt. Keep the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources and sensitive habitats. 	<p><u>Potentially Consistent</u>. WNND requirements include an Agricultural Offset program, which would facilitate the planting of new or more intensively irrigated agriculture in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>) by allowing the potential grower to purchase water credits from an existing grower, thereby maintaining current water demands. As noted in Section 4.1, <i>Agricultural Resources</i>, fallowing of although agricultural fields (including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) may be fallowed as a means of reducing water consumption, this would not be considered a conversion to non-agricultural use. could result in direct conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. However, Mitigation Measure AG-4 prohibits the fallowing of these lands, thus reducing the impact to a less than significant level. In addition, because the Agricultural Offset program also allows for water credits to be obtained through a shift to less water intensive crops (rather than fallowing), the program may result in a net increase in agricultural acreage overlying the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). In this way, the WNND requirements could help to implement this policy.</p> <p>WNND requirements may also allow planting credits to be obtained by improving irrigation efficiency, which may support ongoing efforts by the agricultural community to develop new techniques and practices (of conserving water). In addition, the element of the WWP program aimed at reducing water waste in agricultural areas would include two parts: a) expansion/clarification of existing policy regarding increased water efficiency efforts and b) educational outreach. Measures would be implemented which would identify wasteful practices, describe BMPs, and provide better resources for education of agricultural water application to both the agriculture industry and public, potentially consistent with this policy.</p>
<p><u>Goal AG2</u>. Conserve Agricultural Resources.</p> <ul style="list-style-type: none"> a. Maintain the agricultural land base of the county by clearly defining and identifying productive agricultural lands for long-term protection. b. Conserve the soil and water that are the vital components necessary for a successful agricultural industry in this county. c. Establish land-use policies in this element that support the needs of agriculture 	<p><u>Potentially Consistent</u>. Refer to the consistency discussion of Goal AG1, above. As noted therein, the Agricultural Offset program may result in fallowing of existing agricultural land or result in a net increase in agricultural acreage in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), depending on whether water credits under the Agricultural Offset program are obtained via fallowing or transfer to less water intensive crops, respectively.</p>



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without impeding its long-term viability.	The WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and application of voluntary BMPs in agricultural areas, with a threat of fines for non-compliance in non-agricultural areas. This component of the Program therefore serves to conserve water, which is a vital component necessary for a successful agricultural industry.
<p><u>Goal AG3. Protect Agricultural Lands.</u></p> <ul style="list-style-type: none"> a. Establish criteria in this element for agricultural land divisions that will promote the long-term viability of agriculture. b. Maintain and protect agricultural lands from inappropriate conversion to non-agricultural uses. Establish criteria in this element and corresponding changes in the Land Use Element and Land Use Ordinance for when it is appropriate to convert land from agricultural to non-agricultural designations. c. Maintain and strengthen the county's agricultural preserve program (Williamson Act) as an effective means for long-term agricultural land preservation. d. Provide incentives for landowners to maintain land in productive agricultural uses. 	<p><u>Potentially Consistent.</u> The Countywide Water Conservation Program would not result in agricultural land divisions. Thus, Goal AG3(a) is not applicable to the Program. Although the Agricultural Offset program could result in the following of some existing agricultural land, following of agricultural lands is a common occurrence. Mitigation Measure AG-1 in Section 4.1, Agricultural Resources, would prohibit the following of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. Thus, the Program would not convert these areas to non-agricultural use or change any existing agricultural land use designations, and would provide an incentive for maintaining land in productive agriculture. Thus, the Program would be potentially consistent with Goals AG3(b) and AG3(d). Mitigation Measure AG-3 would also ensure that implementation of the Program would not result in conflicts with existing Williamson Act contracts, potentially consistent with Goal AG3(c).</p>
<p><u>Policy AGP10. Water Conservation.</u></p> <ul style="list-style-type: none"> a. Encourage water conservation through feasible and appropriate "best management practices." Emphasize efficient water application techniques; the use of properly designed irrigation systems; and the control of runoff from croplands, rangelands, and agricultural roads. b. Encourage the U.C. Cooperative Extension to continue its public information and research program describing water conservation techniques that may be appropriate for agricultural practices in this county. Encourage landowners to participate in programs that conserve water. 	<p><u>Potentially Consistent.</u> The Countywide Water Conservation Program would include modifications to this existing Agriculture Element Policy. However, the Program would be consistent with the original intent of this policy. For example, the WWP program would promote water conservation in agricultural areas through identification of a series of BMPs aimed at reducing water waste in agricultural practices. BMPs for efficient agricultural water use could include increased adoption of crop water status monitoring, more precise irrigation scheduling, and other measures. This element of the WWP program recognizes the progress made over the decade in agricultural water use efficiency, while also encouraging continued innovation. In addition, WNNR requirements include several offset mechanisms, including more efficient agricultural irrigation. In combination, these programs would encourage water conservation, consistent with Policy AGP10(a).</p> <p>The Program would not influence existing public information and research programs maintained by the U.C. Cooperative Extension, but would include an education program on how agriculture uses water and purpose behind certain practices. Therefore, the proposed Program would also be consistent with Policy AGP10(b).</p>
<p><u>Policy AGP11. Agricultural Water Supplies.</u></p> <ul style="list-style-type: none"> a. Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development. b. Do not approve proposed general plan amendments or rezonings that result in 	<p><u>Potentially Consistent.</u> The Countywide Water Conservation Program would include modifications to this existing Agriculture Element Policy. However, the Program would be consistent with the original intent of this policy, which is to "strongly promote agricultural uses" (Agriculture Element, p. 2-23). Currently, due to groundwater overdraft conditions, no new or intensified agricultural development (i.e. planting of</p>



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<p>increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.</p> <p>c. Do not approve facilities to move groundwater from areas of overdraft to any other area, as determined by the Resource Management System in the Land Use Element.</p>	<p>new crops or replacement of low water use crops with high water use crops) may occur in areas overlying the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>) without receipt of an Agricultural Offset Clearance, which are currently being issued under authority of the Paso Robles Groundwater Basin Urgency Ordinance. In accordance with WNNND requirements, the planting of more intensively irrigated crops on existing sites or new agriculture on uncultivated land overlying the Paso Robles Groundwater Basin would be facilitated by a property owner of a sending site entering into an agreement to transfer the planting credits to a receiving site that is proposed for new or expanded irrigated agriculture under the more formal Agricultural Offset program being proposed as part of the overall Program. Water credits could be obtained by allowing existing lands to go fallow, or by converting existing lands to less water intensive crops. The transfer of planting credits and conversion of higher water use crops (e.g. alfalfa) to lower water use crops (e.g. vineyards) could potentially yield increases in acreage dedicated to irrigated agriculture – all while maintaining current demand for groundwater resources.</p> <p>The Program would not modify existing general plan land use designations or zoning designations, and would therefore not increase potential residential density or urban expansion. Any non-agricultural development facilitated by WNNND requirements in LOS III groundwater basins would only be permitted if the water demand from the new development is offset at a minimum 1:1 ratio. Further, the Program would not move groundwater from areas of overdraft to any other area, which is potentially consistent with this policy.</p>
<p><u>Policy AGP24. Conversion of Agricultural Land.</u></p> <p>a. Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:</p> <ol style="list-style-type: none"> 1. Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Advisory Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe. 2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations. 3. Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines. 4. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines. 	<p><u>Potentially Consistent.</u> The Countywide Water Conservation Program would not expand urban service, urban reserve, or village reserve lines, nor would it change land use or zoning designations. Further, the Program would not result in the location of public facilities outside urban and village reserve lines. The Program would not redesignate agricultural lands to create new rural residential development. Although the Agricultural Offset program may result in fallowing of some existing agricultural lands in areas overlying the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), <u>this would not be considered a conversion to non-agricultural use.</u> Mitigation Measure AG-1 in Section 4.1, <u>Agricultural Resources</u>, would prohibit the fallowing of land designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Thus, the Program would not convert important farmland to a non-agricultural use, and may allow more intensive agriculture in some areas.</p>



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<p><i>Conservation and Open Space Element</i></p> <p><u>Goal AQ 3.</u> State and federal ambient air quality standards will, at a minimum, be attained and maintained.</p>	<p><u>Potentially Consistent.</u> As discussed in Section 4.4, <i>Effects Found not to be Significant</i>, prohibiting the application of water to exposed hard surfaces and unpaved roadways in urban and rural areas may inhibit the ability to mitigate for fugitive dust. However, multiple alternate strategies exist for the reduction of fugitive dust emissions (e.g. chemical stabilizers/dust suppressants, track-out devices, and enclosures/wind fencing for stockpiles). Thus, prohibiting the application of water in these instances would not increase fugitive dust.</p> <p>In addition, while reduced irrigation and/or fallowing of agricultural lands may incrementally increase the amount of exposed land susceptible to wind-blown fugitive dust within areas of the county overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), it would represent a small portion of the county’s overall fugitive dust emissions and would not contribute substantially to an existing or projected violation of state and federal ambient air quality standards. Mitigation Measure AG-1 would preclude the fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. While the Agricultural Offset program may result in an increase in the fallowing of some classes of agricultural land, fallowing of fields is a typical agricultural practice and occurs regularly throughout the county. Therefore, while reduced irrigation and/or fallowing of agricultural lands may temporarily increase the amount of exposed land susceptible to wind-blown fugitive dust within the Paso Robles Groundwater Basin, it would not contribute substantially to an existing or projected air quality violation.</p>
<p><u>Goal AQ 4.</u> Greenhouse gas emissions from County operations and communitywide sources will be reduced from baseline levels by a minimum of 15% by 2020.</p>	<p><u>Potentially Consistent.</u> As discussed in Section 4.4, <i>Effects Found not to be Significant</i>, the WWP program would result in a net decrease in water use countywide, but would not alter development potential. The extent of this decreased demand would depend on the extent to which county residents change their behaviors, as well as the effectiveness of violation reporting and enforcement in urban and rural areas. A net decrease in water use would result in decreased energy use, and therefore decreased GHG emissions. In addition, water conservation is consistent with the goals of the San Luis Obispo County EnergyWise Plan.</p> <p>The proposed Program would not alter existing land use or zoning designations nor would it facilitate development beyond that envisioned in the County of San Luis Obispo General Plan and Zoning Ordinance. As such, the proposed Program would not result in an increase in GHGs beyond those that would be expected as a result of General Plan buildout, nor would it conflict with the San Luis Obispo County EnergyWise Plan.</p>
<p><u>Goal AQ 5.</u> The County will adapt to adverse climate change.</p>	<p><u>Potentially Consistent.</u> The Program has been proposed in response to severe drought conditions in San Luis Obispo County and the State of California. According</p>



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	to the California Environmental Protection Agency's (CalEPA) 2010 <i>Climate Action Team Biennial Report</i> , potential impacts of climate change in California may include more drought years (CalEPA, April 2010). Because drought conditions may be a consequence of climate change and the proposed Program is a response to drought conditions, the Program may be viewed as an adaptation to adverse climate change.
<u>Goal BR 1.</u> Native habitat and biodiversity will be protected, restored, and enhanced.	<u>Potentially Consistent.</u> The proposed Program may result in changes to existing agricultural lands including planting of new crops, reduced irrigation, and/or the fallowing of agricultural fields in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). As described in Section 4.4, <i>Effects Found not to be Significant</i> , these activities would not result in direct impacts to or loss of habitat for special status animals. In addition, although WNND requirements could facilitate urban and rural development in certified LOS III-groundwater basins and new or expanded irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), such development would occur in accordance with existing land use and zoning designations. The impacts to native habitat and biodiversity would therefore not increase beyond what would be anticipated as a result of General Plan buildout.
<u>Goal BR 2.</u> Threatened, rare, endangered, and sensitive species will be protected.	<u>Potentially Consistent.</u> Refer to the consistency discussion for Goal BR 1, above.
<u>Goal BR 3.</u> Maintain the acreage of native woodlands, forests, and trees at 2008 levels.	<u>Potentially Consistent.</u> Refer to the consistency discussion for Goal BR 1, above. The proposed Program would not remove native woodlands, forests, or trees.
<u>Goal BR 4.</u> The natural structure and function of streams and riparian habitat will be protected and restored.	<u>Potentially Consistent.</u> Refer to the consistency discussion for Goal BR 1, above. In addition, maintaining groundwater levels may slow the rate at which streams and riparian areas desiccate, thus helping to protect these habitats.
<u>Goal OS 1.</u> Important open space areas will be identified, protected, sustained, and where necessary, restored and reclaimed.	<u>Potentially Consistent.</u> WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply, and new or expanded irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), some of which could occur in open space areas. However, this development would be consistent with existing land use designations, which consider the location of important open spaces.
<u>Goal OS 4.</u> Urban sprawl and inappropriate development of rural areas will be prevented.	<u>Potentially Consistent.</u> WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply, and new or expanded irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). However, this development would be consistent with existing land use designations. As existing land use designations direct development toward existing communities and within existing urban reserve lines, such development would not result in urban sprawl or inappropriate development of rural areas.
<u>Goal SL 3.</u> Important Agricultural Soils will be conserved.	<u>Potentially Consistent.</u> As discussed in Section 4.1, <i>Agricultural Resources</i> , the Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption within the



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	<p>Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). However, this would not which could result in direct conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. However, Mitigation Measure AG-1 prohibits the following of these areas, Impacts would be less than significant and the Program would protect this protecting Important Agricultural Soils consistent with this policy.</p>
<p><u>Goal VR 1.</u> The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.</p>	<p><u>Potentially Consistent.</u> The WWP program would not alter the existing development pattern of the county, and would therefore have no influence on consistency with this policy. In addition, while WNND requirements may result in the fallowing of some agricultural properties in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), the fallowing of fields is a normal aspect of a pastoral landscape. WNND requirements may also facilitate new urban and rural development in groundwater basins certified at LOS III, but would do so consistent with existing land use and zoning designations. Therefore, any new development facilitated by the Program would be directed toward existing and strategically planned communities, consistent with the General Plan. Because limited development outside of these existing communities would occur, the natural and agricultural landscape would continue to be the dominant view in rural parts of the county, which is potentially consistent with this policy.</p>
<p><u>Goal WR 1.</u> The County will have a reliable and secure regional water supply (IRWM).</p>	<p><u>Potentially Consistent.</u> The WWP program would prohibit water wasting in urban and rural areas and would identify BMPs for agricultural operations, with potential fines for non-compliance in non-agricultural areas. WNND requirements include several offset mechanisms, including more efficient agricultural irrigation. In combination, these programs would encourage water conservation throughout the county, which would contribute to providing a reliable and secure regional water supply.</p>
<p><u>Goal WR 2.</u> The County will collaboratively manage groundwater resources to ensure sustainable supplies for all beneficial uses.</p>	<p><u>Potentially Consistent.</u> The Countywide Water Conservation Program contains several mechanisms to conserve water and facilitate development while maintaining current water demand. The overall intent of the Program is to manage groundwater resources throughout the county, particularly within those groundwater basins certified at LOS III for water supply. The proposed Program is therefore potentially consistent with this policy.</p>
<p><u>Goal WR 4.</u> Per capita potable water use in the county will decline by 20 percent by 2020.</p>	<p><u>Potentially Consistent.</u> The WPP program would encourage water conservation through the prohibition of water wasting in urban and rural areas and BMPs for agricultural operations, with potential fines for non-compliance in non-agricultural areas. This component of the Program would result in a net decrease in water use countywide. Because the Program would not facilitate new development (beyond what was anticipated in the current General Plan, in the case of WNND requirements), it would not increase the population of the county. Thus, the net result would be a decrease in per capita water use. The extent of this decrease would depend on the extent to which county residents change their behaviors, as well as the effectiveness</p>



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<p><u>Goal WR 5.</u> The best possible tools and methods available will be used to manage water resources.</p>	<p>of violation reporting and enforcement in urban and rural areas.</p> <p><u>Potentially Consistent.</u> The Countywide Water Conservation Program utilizes and builds upon existing water programs, as described in Section 2.0, <i>Project Description</i>. This includes the Paso Robles Groundwater Basin Urgency Ordinance. This Program requires that new urban and rural development offset water demand at a ratio of 1:1 within the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). In addition, the County currently provides oversight of Agricultural Offset Clearances in the area overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) under the authority of the Paso Robles Groundwater Basin Urgency Ordinance. These existing programs serve as a model for the proposed WWP program, WNN requirements, including both the Urban/Rural Water Offset requirements and Agricultural Offset program. In this way, the Countywide Water Conservation Program utilizes the best possible tools and methods available to manage water resources. It should be noted that the Agricultural Offset program component of the proposed Program, which is a land use program, has a sunset provision upon adoption of a GSP prepared pursuant to the Sustainable Groundwater Act. Therefore, the proposed Agricultural Offset program is considered an interim measure to address demand for groundwater resources within the Paso Robles Groundwater Basin.</p>
<p><u>Policy WR 1.1.</u> Protect water supplies. Continue to coordinate with water suppliers and managers to identify water management strategies to protect existing and secure new water supplies.</p>	<p><u>Potentially Consistent.</u> Refer to the consistency discussion of Goal WR 1, above. The proposed Program would encourage water conservation throughout the county, and would substantially reduce increases in groundwater extraction in groundwater basins certified at LOS III for water supply. In addition, as described under the consistency discussion of Goal WR 5, above, the proposed Program utilizes and builds upon existing programs, including water conservation programs initiated by water purveyors. Further, the County, has developed an Agricultural Offset program (as described in Section 2.0, <i>Project Description</i>) which will be implemented in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin).</p>
<p><u>Policy WR 1.2.</u> Conserve Water Resources. Water conservation is acknowledged to be the primary method to serve the county's increasing population. Water conservation programs should be implemented countywide before more expensive and environmentally costly forms of new water are secured.</p>	<p><u>Potentially Consistent.</u> Refer to the consistency discussion of Goal WR 1, above. The proposed Program encourages water conservation throughout the county.</p>
<p><u>Policy WR 1.3.</u> New Water Supply. Development of new water supplies should focus on efficient use of our existing resources. Use of reclaimed water, interagency cooperative projects, desalination of contaminated groundwater supplies, and groundwater recharge projects should be considered prior to using imported sources of water or seawater desalination, or dams and on-stream reservoirs.</p>	<p><u>Potentially Consistent.</u> WNN requirements facilitate new urban and rural development in groundwater basins certified at LOS III for water supply, and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), but only if the development can offset its water demand at a 1:1 ratio. Water offsets in urban and rural areas may occur through plumbing retrofits and/or participation in a landscaping turf removal incentive program. Credits for the Agricultural Offset program may come from the fallowing of irrigated land, crop conversions to less water intensive crops, and/or improving</p>



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	irrigation efficiency. All of these methods involve efficient use of existing resources, potentially consistent with this policy. The WWP program similarly promotes water conservation by prohibiting wasteful uses of water (e.g. watering hardscaping) in urban and rural areas and through the identification of BMPs for agricultural operations, and thus also encourages a more efficient use of water resources.
<p><u>Policy WR 1.6.</u> Water dependent species. Protect water sources for water-dependent species and the continuity of riparian communities.</p>	<p><u>Potentially Consistent.</u> Refer to the consistency discussion of Goal WR 1, above. Because the Program protects groundwater resources, it secondarily protects these resources for water-dependent species and riparian communities.</p>
<p><u>Policy WR 1.7.</u> Agricultural operations. Groundwater management strategies will give priority to agricultural operations. Protect agricultural water supplies from competition by incompatible development through land use controls.</p>	<p><u>Potentially Consistent.</u> Refer to the consistency discussion of Policy AGP11, above. As noted therein, due to the groundwater overdraft conditions, no new or intensified agricultural development (i.e. planting of new crops or replacement of low water use crops with higher water use crops) may occur in areas overlying the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>) under the Paso Robles Groundwater Basin Urgency Ordinance, without receipt of an Agricultural Offset Clearance from the County. In accordance with WNND requirements, the planting of more intensively irrigated crops on existing sites or new agriculture on uncultivated land would be facilitated by allowing a property owner of a sending site entering an agreement to transfer planting credits be required to reduce or eliminate crops on their property to a receiving site that is proposed for new or expanded irrigated agriculture. Water credits could be obtained by allowing existing lands to go fallow, or by converting existing lands to less water intensive crops. The transfer of water credits and conversion of high water use crops (e.g. alfalfa) to low water use crops (e.g. vineyards) could yield potential new irrigated agriculture acreage – all while maintaining current water demand. As a result, the proposed Program manages current groundwater supplies in the Paso Robles Groundwater Basin while continuing to encourage agricultural production. In addition, although the Program does not limit non-agricultural development, it does prohibit any urban or rural development in certified LOS III groundwater basins unless the water use of such development is offset through plumbing retrofits, reducing outdoor water use, or other techniques – though non-agricultural development could not be offset by participating in the Agricultural Offset program. In this way, the Program does not allow non-agricultural development to compete for water with agricultural uses.</p>
<p><u>Implementation Strategy WR 1.7.1.</u> Protect agricultural water supplies. Consider adopting land use standards, such as growth management ordinance limits for non-agriculturally-related development on certain rural areas, larger minimum parcel sizes in certain rural areas, and merger of substandard rural parcels, in order to protect agricultural water supplies from competing land uses.</p>	<p><u>Potentially Consistent.</u> Although the proposed Program does not limit non-agricultural development or modify existing parcels, the Program does protect water supplies for a variety of land uses, including agriculture. Further, as noted under the consistency discussion of Policy WR7, above, although the Program does not limit non-agricultural development, it does prohibit any urban or rural development in LOS III groundwater basins unless the water use of such development could be offset through plumbing retrofits, reducing outdoor water use, or other techniques. In this way, the Program does not allow non-agricultural development to compete for water with agricultural</p>



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<p><u>Policy WR 1.12.</u> Impacts of new development. Accurately assess and mitigate the impacts of new development on water supply. At a minimum, comply with the provisions of Senate Bills 610 and 221.</p>	<p>uses. <u>Potentially Consistent.</u> WNND requirements would facilitate new urban and rural development within groundwater basins certified at LOS III for water supply, and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). However, it would do so only if that development could offset its water use at a 1:1 ratio. By requiring an offset for future development, the Program halts the increase in water demand resulting from new development.</p>
<p><u>Policy WR 1.13.</u> Density increases in rural areas. Do not approve General Plan amendments or land divisions that increase the density or intensity of non-agricultural uses in rural areas that have a recommended or certified Level of Severity II or III for water supply until a Level of Severity I or better is reached, unless there is an overriding public need.</p>	<p><u>Potentially Consistent.</u> The Countywide Water Conservation Program would not modify allowed densities in rural areas. Although WNND requirements may facilitate urban and rural development in LOS III groundwater basins, it would do so consistent with existing General Plan and zoning designations (and only if the development can offset its water demand).</p>
<p><u>Policy WR 1.14.</u> Avoid net increase in water use. Avoid a net increase in non-agricultural water use in groundwater basins that are recommended or certified as Level of Severity II or III for water supply. Place limitations on further land divisions in these areas until plans are in place and funded to ensure that the safe yield will not be exceeded.</p>	<p><u>Potentially Consistent.</u> WNND requirements directly implement this policy by allowing new urban and rural development within groundwater basins certified at LOS III for water supply, and new irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), but only if the proposed development can offset its water demand, thus facilitating development while avoiding a net increase in water use. Further, the WWP program would reduce non-agricultural water use countywide by prohibiting water wasting in urban and rural areas and by implementing BMPs for agricultural operations, with potential fines for non-compliance in non-agricultural areas.</p>
<p><u>Policy WR 4.1.</u> Reduce water use. Employ water conservation programs to achieve an overall 20% reduction in per capita residential and commercial water use in the unincorporated area by 2020. Continue to improve agricultural water use efficiency consistent with Policy AGP 10 in the Agricultural Element.</p>	<p><u>Potentially Consistent.</u> Refer to the consistency discussion of Policy AGP10, above. As noted therein, the WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and by implementing BMPs for agricultural operations, with potential fines for non-compliance in non-agricultural areas. The WWP program would encourage water conservation, consistent with this policy.</p>
<p><u>Implementation Strategy WR 4.1.2.</u> Adopt countywide water conservation ordinance. Develop and adopt a countywide water conservation ordinance that includes water efficiency and conservation standards for new development and the retrofit-upon-sale of existing residential and commercial properties. Prepare a public review draft Land Use Ordinance amendment by the end of 2011.</p>	<p><u>Potentially Consistent.</u> The proposed Program includes the WWP program, which would promote water conservation countywide. In addition, the Program includes WNND requirements, which would require new urban and rural development within certified LOS III groundwater basins and irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) to offset its water at a 1:1 ratio. The Program therefore directly executes this implementation strategy.</p>
<p><u>Policy WR 4.3.</u> Water conservation. The County will be a leader in water conservation efforts.</p>	<p><u>Potentially Consistent.</u> Refer to the consistency discussion of Policy AGP10, above. The proposed Program would encourage water conservation.</p>
<p><u>Policy WR 4.8.</u> Efficient irrigation. Support efforts of the resource conservation districts, California Polytechnic State University (Cal Poly), the University of California Cooperative Extension, and others to research, develop, and implement more efficient irrigation techniques.</p>	<p><u>Potentially Consistent.</u> WNND requirements would allow water credits to be obtained by improving irrigation efficiency, which may support ongoing efforts by resource conservation districts, Cal Poly, the U.C. Cooperative Extension, and others to research, develop, and implement more efficient irrigation techniques. In addition, the</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
	WWP program includes an expanded educational outreach effort aimed at reducing water waste in agricultural areas. This element of the WWP program would recognize the progress made over the decades in agricultural water use efficiency, while also encouraging continued innovation. These efforts may involve educational organizations external to the County, and will serve both industry and the general public.
<p><u>Policy WR 5.1.</u> Watershed approach. The County will consider watersheds and groundwater basins in its approach to managing water resources in order to include ecological values and economic factors in water resources development.</p>	<p><u>Potentially Consistent.</u> The Urban/Rural Water Offset requirements would apply to groundwater basins certified at LOS III for water supply. As described in Section 2.0, <i>Project Description</i>, there are three areas of the county that are currently certified at LOS III. These areas are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin, and the NMMA Nipomo Mesa Water Conservation Area. If approved, the Urban/Rural Water Offset requirements could also apply to any areas certified at LOS III for water supply in the future. Currently, the Cuyama Valley, Morro-Chorro and North Coast groundwater basins are all recommended in the 2010-2012 Resource Summary Report for LOS III but have not yet been certified by the Board of Supervisors. Because this component of the project (WNND requirements) would apply to areas based on their LOS ranking, and because LOS is applied by groundwater basin, the Program would be potentially consistent with the policy of considering groundwater basins in water resource management.</p>
<p><u>Policy WR 5.2.</u> Climate change. The County will consider ongoing research on long-term changes in climate and precipitation patterns in the county and region and incorporate relevant data in its approach to managing water resources.</p>	<p><u>Potentially Consistent.</u> The Program has been proposed in response to severe drought conditions in San Luis Obispo County and the State of California. According to CalEPA's <i>2010 Climate Action Team Biennial Report</i>, potential impacts of climate change in California may include more drought years (CalEPA, April 2010). Because drought conditions may be a consequence of climate change and the proposed Program is a response to drought conditions, the Program may be viewed as an approach to managing water resources that accounts for relevant climate change data.</p>
<u>Safety Element</u>	
<p><u>Goal S-4.</u> Reduce the threat to life, structures and the environment caused by fire.</p>	<p><u>Potentially Consistent.</u> Where currently irrigated, properties overlying the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>) in the high and very high fire hazard zones could be eligible to act as creditor sites under the Agricultural Offset program. Fire hazard severity zones are dependent upon the historical climate, fuel conditions (vegetation), and topography. Depending on the management regime in place, fallowed fields that are bare or contain a low fuel load could provide a buffer between adjacent wildlands and urban development, and as such would reduce risk of wildland fire to existing adjacent urban development. As a result, the overall threat to life, structures and the environment caused by fire would be reduced as a result of this Program, which would be potentially consistent with this goal.</p>
<p><u>Policy S-13.</u> Pre-Fire Management. New development should be carefully located, with special attention given to fuel management in higher fire risk areas. Large,</p>	<p><u>Potentially Consistent.</u> As described previously, WNND requirements may facilitate new urban and rural development within certified LOS III-groundwater basins and new</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
undeveloped areas should be preserved so they can be fuel-managed. New development in fire hazard areas should be configured to minimize the potential for added danger	or expanded irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). However, this would occur consistent with existing land use and zoning designations. In addition, as discussed under the consistency discussion for Goal S-4, above, the Program would reduce risk of wildland fire to existing adjacent urban development. Therefore, the Program would not expose new development to an increased risk of fire hazard.
Economic Element	
<u>Goal EE 1</u> . Promote a strong and viable local economy by pursuing policies that balance economic, environmental, and social needs of the county.	<u>Potentially Consistent</u> . The WWP program would reduce water use by prohibiting wasteful uses of water in urban and rural areas and promoting BMPs for agricultural operations and WNNND requirements would facilitate new development while halting increases in groundwater extraction. In this way, the Program promotes economic development while managing water resources, thus balancing economic and environmental needs of the county.
<u>Policy EE 1.3</u> . Balance the capacity for growth with the efficient use or reuse of available resources (energy, land, water, infrastructure) and reasonable acquisition of new resources.	<u>Potentially Consistent</u> . Refer to the consistency discussion of Goal EE 1, above. The Program would facilitate urban and rural development within certified LOS III-groundwater basins and new or expanded irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), but only if said development could offset its water use at a 1:1 ratio. Thus, the Program substantially reduces increases in groundwater extraction, but maintains some of the capacity for growth in areas where projected water demand equals or exceeds the estimated dependable supply.
Strategic Growth Principles	
<u>Principle 2</u> . Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas	<u>Potentially Consistent</u> . The WWP program would not alter the existing development pattern of the county. WNNND requirements may facilitate new urban and rural development within certified LOS III-groundwater basins and new irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), but would do so consistent with existing land use and zoning designations. Refer also to the consistency discussion of Goal AG1. As noted therein, the Program may result in fallowing of existing agricultural land or result in a net increase in agricultural acreage overlying the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), depending on whether water credits under the Agricultural Offset program are obtained via fallowing or transfer to less water intensive crops, respectively.
<u>Principle 3</u> . Strengthen and Direct Development Towards Existing Communities	<u>Potentially Consistent</u> . Refer to the consistency discussion of Land Use Element – Framework for Planning (Inland) Principle 2. As noted therein, any new development facilitated by the Program would be directed toward existing and strategically planned communities, consistent with the General Plan.
North County Area Plan	
<u>Goal 2</u> . Agriculture as a primary focus of economic activity, with agricultural land uses	<u>Potentially Consistent</u> . The Agricultural Offset program, as part of WNNND



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
maintained and protected. (Applies to the El Pomar-Estrella sub-area)	requirements, would allow new or expanded irrigated agriculture within the Paso Robles Groundwater Basin, which underlies the El Pomar-Estrella sub-area. However, new irrigated lands would be planted at the expense of other, existing agricultural areas, which would either be planted with less water intensive crops, or left fallow in order to offset the new water demand. If the new agricultural development is offset with less water-intensive crops, the net impact to agricultural production would be positive because more acres would be used for agriculture. If offset with fallowing of land, however, the net result could be reduction in farmed land. However, Mitigation Measure AG 1 in Section 4.1, Agricultural Resources, prohibits the fallowing of lands designated as impacts would be less than significant, as fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be considered conversion to non-agricultural use. This mitigation would reduce potential impacts to a less than significant level, and Because the Program would not convert agriculture to non-agricultural uses, would similarly serve to maintain agriculture would remain as a primary focus of economic activity, potentially consistent with this policy.
<u>Goal 5.</u> Natural resources that are protected and preserved. (Applies to the El Pomar-Estrella sub-area)	<u>Potentially Consistent.</u> The Program would protect and preserve existing groundwater resources within the Paso Robles Groundwater Basin, including the El Pomar-Estrella sub-area of the North County Area Plan.
San Luis Obispo Area Plan	
Land use and circulation planning efforts in the inland area of the county are guided by general goals which have been adopted by the Board of Supervisors and incorporated into Framework for Planning (Inland). The consistency with applicable goals and policies of the Framework for Planning is discussed earlier in Table 4.3-1. In addition to the countywide goals in Framework for Planning, the North County Area Plan contains specific goals that apply to the San Luis Obispo North sub-area. The Los Osos community, to which the Urban/Rural Water Offset requirements would immediately apply, is not located within this sub-area. Therefore, there are no supplemental policies contained in the San Luis Obispo Area Plan that directly apply to the proposed Program.	
South County Area Plan	
<u>Primary Goal 6.</u> The long-term sustainability of natural resources as growth occurs with sensitivity to the natural and built environment. (Applies to South County South sub-area)	<u>Potentially Consistent.</u> WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply. However, it would do so only if that development could offset its water use at a 1:1 ratio. While it is not yet determined if current water use in certified LOS III groundwater basins is sustainable, WNND requirements would not increase water demand. Further, WNND requirements would not alter existing land use designations of the San Luis Obispo County General Plan and Zoning Ordinance.
<u>Community Planning Goal 1.</u> Retain the open, low-density character around and between population centers. (Applies to South County South sub-area)	<u>Potentially Consistent.</u> WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply. Some development facilitated by the ordinance could occur in open space, low-density areas between population centers. However, this development would be consistent with existing land use designations.
<u>Community Planning Goal 2.</u> Plan rural areas for agriculture, low-density residential and recreational development. (Applies to South County South sub-area)	<u>Potentially Consistent.</u> Refer to the consistency discussion of Community Planning Goal 1, above. Development facilitated by WNND requirements would be consistent



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
<p><u>Environment Goal 1(b)</u>. Promote the protection of natural resources and encourage the following in new development proposals: Conservation of water (Applies to South County South sub-area)</p>	<p>with existing land use designations <u>Potentially Consistent</u>. The WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and through promotion of BMPs for agricultural operations, with potential fines for non-compliance in non-agricultural areas. Although WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply, it would do so only if that development could offset its water use at a 1:1 ratio. The Urban/Rural Water Offset requirements include several offset mechanisms, including plumbing retrofits and a turf removal incentive program. In combination, these programs would encourage water conservation, consistent with this goal.</p>
<p><u>Environmental Goal 2</u>. Review and balance economic and environmental impacts in making future planning decisions. (Applies to South County South sub-area)</p>	<p><u>Potentially Consistent</u>. The WWP program would promote water conservation through the prohibition of water wasting and potential fines for non-compliance in urban and rural areas. These regulations would apply to both existing and future development. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply, but would do so only if that development could offset its water use at a 1:1 ratio. Thus, the Program would balance economic development with environmental impacts (water use).</p>
<p><i>Estero Area Plan (Coastal)</i></p>	
<p><u>Economy Goal 1</u>. Encourage economic development that will generate local employment for residents, create an adequate supply of goods and services locally, help generate revenues to fund needed public services and facilities, and make the area more economically self-sufficient.</p>	<p><u>Potentially Consistent</u>. The WWP program would reduce water use by prohibiting wasteful uses of water in urban and rural areas and through promotion of BMPs for agricultural operations, and the Urban/Rural Water Offset requirements would facilitate new urban and rural development in certified LOS III groundwater basins while substantially decreasing groundwater extraction. In this way, the Program promotes economic development while managing water resources.</p>
<p><u>Areawide Water Supply Policy</u>. Monitor water demand through the Resource Management System to assure that new development can be supported by available water supplies without depleting groundwater supplies and/or degrading water quality.</p>	<p><u>Potentially Consistent</u>. The Los Osos Groundwater Basin is certified at LOS III for water supply, in accordance with the Resource Management System (refer to Section 2.2 of Section 2.0, <i>Project Description</i>, for a description of the Resource Management System and level of severity designations). As described in Section 2.0, <i>Project Description</i>, a Retrofit-to-Build requirement in Title 19 requires that developers in the community of Los Osos (within the Estero Area Plan) must retrofit plumbing fixtures in existing homes in order to save twice the amount of water that their proposed new development will use. The proposed WNND requirements would essentially extend the program already in place in Los Osos to other certified LOS III groundwater basins, though the specific requirements in each of the areas would depend on the language in the individual ordinances. In combination, these programs help to substantially reduce increases in demand for groundwater resources.</p>
<p><u>Los Osos Water Program 1. Water Management</u>. Based on community initiation, the County Public Works Department should work with communities, property owners and the Regional Water Quality Control Board to develop and implement a basin-wide water management program for Los Osos which addresses population levels in</p>	<p><u>Potentially Consistent</u>. Refer to the consistency discussion of the Estero Area Plan Areawide Water Supply Policy, above.</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
relation to water availability, groundwater quality, and the need for alternative liquid waste disposal plans.	

**Table 4.2-2
 Policy Consistency: Other Relevant Planning Programs**

County of San Luis Obispo General Plan Policy	Consistency Discussion
<p><i>San Luis Obispo Air Pollution Control District Clean Air Plan</i></p> <p>Under state law, the APCD is required to prepare an overall plan for air quality improvement for the SCCAB, known as the Clean Air Plan (CAP). The most recent CAP was prepared in 2001. The 2001 CAP is the third update to the original 1991 CAP, adopted in 1992. The CAP is intended to bring the county into attainment of the State ozone standard within a three year timeframe through a comprehensive set of control measures designed to reduce ozone precursor emissions from a wide variety of stationary and mobile sources.</p> <p>CAP consistency impacts are determined based on evaluation of the following questions:</p> <ul style="list-style-type: none"> • <i>Are the population projections used in the plan or project equal to or less than those used in the most recent CAP for the same area?</i> • <i>Is rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?</i> • <i>Have all applicable land use and transportation control measures from the CAP been included in the plan or project to the maximum extent feasible?</i> <p>If the answer to all of the above questions is yes, then the proposed project or plan is consistent with the CAP. If the answer to any one of the questions is no, then the emissions reductions projected in the CAP may not be achieved, which could delay or preclude attainment of the state ozone standard. This would be inconsistent with the Clean Air Plan.</p>	<p>Potentially Consistent. WNND requirements may facilitate new urban and rural development within certified LOS III-groundwater basins and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), but would do so consistent with existing land use and zoning designations. Therefore, any new development facilitated by WNND requirements would be consistent with the General Plan and consistent with the population projections used in the CAP.</p> <p>This new development would generate additional vehicle trips and resulting vehicle-miles-traveled in these portions of the county. However, any development facilitated by the Program would be subject to current General Plan and zoning designations. Thus, the vehicle-miles-traveled have been accounted for.</p> <p>Because the Program would not generate development beyond facilitating what was envisioned in the General Plan, there are no applicable land use or transportation control measures from the CAP to be incorporated into the Program.</p> <p>Compared to development potential under the existing Conservation and Open Space Element, the proposed Countywide Water Conservation Program would be potentially consistent with the 2001 CAP.</p>



**Table 4.2-2
 Policy Consistency: Other Relevant Planning Programs**

County of San Luis Obispo General Plan Policy	Consistency Discussion
<p><i>Central Coast Regional Water Quality Control Board Water Quality Control Plan for the Central Coast Basin</i></p> <p>The objective of this Water Quality Control Plan for the Central Coastal Basin, or Basin Plan, is to show how the quality of the surface and ground waters in the Central Coast Region should be managed to provide the highest water quality reasonably possible. This Basin Plan lists the various water uses (Beneficial Uses). Second, it describes the water quality which must be maintained to allow those uses (Water Quality Objectives). The Implementation Plan describes the programs, projects, and other actions which are necessary to achieve the standards established in this plan. The plan then summarizes State Water Resources Control Board (State Board) and Regional Water Quality Control Board (Regional Board) plans and policies to protect water quality. Finally, the plan describes statewide surveillance and monitoring programs as well as regional surveillance and monitoring programs.</p>	<p><u>Potentially Consistent.</u> As described in Section 4.4, <i>Effects Found not to be Significant</i>, the proposed Program does not include any specific development nor would it add or enable any new development that would violate water quality standards or waste discharge requirements or otherwise degrade water quality. No impacts would occur, and the Program would be potentially generally consistent with the Basin Plan.</p>



As shown in Tables 4.2-1 and 4.2-2, the proposed Program would be potentially generally consistent with policies included in the Land Use Element (Framework for Planning [Inland] and Framework for Planning [Coastal]), Circulation Element, Housing Element, Agriculture Element, Conservation and Open Space Element, Safety Element, and Economic Element of the San Luis Obispo County General Plan; applicable Countywide Strategic Growth Principles; goals and policies of the Area Plans applicable to currently-certified LOS III groundwater basins; the SLOAPCD Clean Air Plan; and the CCRWQCB Basin Plan. As detailed in the tables, the proposed Program would conserve water resources and facilitate new urban and rural development within certified LOS III-groundwater basins, and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), while substantially reducing increases in groundwater extraction. Although some development may be facilitated by WNND requirements, any development would be required to offset its water demand at a minimum 1:1 ratio, and would occur in accordance with existing land use and zoning designations.

Implementation of the proposed Countywide Water Conservation Program would be potentially consistent with the adopted General Plan, Area Plans, and other applicable planning documents. Though potential minor inconsistencies with aspects of some policies could occur, feasible mitigation measures to address these impacts have been required and are detailed in Section 4.1, *Agricultural Resources*, of this EIR.

Mitigation Measures. Mitigation measures outlined in Section 4.1 would potentially achieve consistency with applicable policies included in the adopted General Plan. No further mitigation measures would be required.

Significance After Mitigation. Impacts would be less than significant.

c. Cumulative Impacts. As described under Impact LU-1, the Countywide Water Conservation Program would be potentially consistent with the existing land use and policy framework. While some development may be facilitated by WNND requirements, such development must be found consistent with adopted County policies and current ordinances and development standards in order to be approved. Considered together within the context of the greater San Luis Obispo County area, the implementation of the proposed Program would not contribute to cumulative land use impacts.



4.3 EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 15128 of the *State CEQA Guidelines* requires an EIR to briefly describe any possible significant effects that were determined not to be significant and were, therefore, not discussed in detail. This section addresses the potential environmental effects of the proposed Program that would not be significant.

4.3.1 Aesthetics

a. Setting. Visual resources are easily viewed landscape scenes that are valued for their natural or agricultural features and vegetation, including hills, mountains and rock outcrops. Visual resources are also defined by the view opportunities that people enjoy from a variety of locations, such as but not limited to: viewpoints (parks, plazas, beaches, streets, trails, private property), vista points (specialized viewing areas near roads and highways), and scenic roads and highways (corridors that provide viewing opportunities) (County of San Luis Obispo, 2010).

San Luis Obispo County's visual resources consist of open areas (agricultural and natural, undeveloped land), scenic corridors (areas that have scenic or historic qualities that are visible from recognized roadways), and the built environment (urban landscape). Mountains and ridgelines, unique geological forms, bays and coastal views are among these natural features and scenic areas. The county also includes many other visual resources such as open meadows, riparian corridors, wetland areas, forested areas, and open spaces. Traditional rural development and agricultural areas also contribute to the county's visual quality as they present a "working landscape" that maintains rural character. Scenic views of these resources enhance the travel experience on rural roads and highways (County of San Luis Obispo, 2010).

The California Department of Transportation (Caltrans) State Scenic Highway System includes a list of highways eligible to become, or designated as, official scenic highways. The intent of the California Scenic Highway System (as stated in Streets and Highways Code Section 260) is to protect and enhance California's natural scenic beauty and to protect the social and economic values provided by the state's scenic resources. Within San Luis Obispo County, State Highway 1 is a designated State Scenic Highway and All American Road from its intersection with U.S. 101 north to the Monterey County border. County Road G14 (Nacimiento Lake Drive) is also a designated County Scenic Highway. In addition, U.S. 101, State Highway 46, State Highway 41, and State Highway 166 are eligible State Scenic Highways within San Luis Obispo County (Caltrans, 2014).

b. Thresholds of Significance. The assessment of aesthetic impacts involves qualitative analysis that is inherently subjective in nature. Different individuals react to aesthetic changes differently. This analysis evaluates the existing visual resources against the proposed Program, analyzing the nature of the anticipated change and its compatibility with the visual character of the area.

As identified in the 2009 COSE EIR, an aesthetic or visual resources impact is considered significant if implementation of the Countywide Water Conservation Program would result in any of the following (based on *State CEQA Guidelines*, Appendix G):



- a) *Have a substantial adverse effect on a scenic vista;*
- b) *Substantially affect scenic resources, including trees, rock outcroppings or historic buildings within a State Scenic Highway, designated County Scenic Roadway, Scenic River Corridor, roadway eligible for listing as a scenic roadway/highway or other public vantage point or scenic vista locally known for its scenic qualities;*
- c) *Substantially degrade the existing visual character or quality of the county; or*
- d) *Create a new source of substantial light or glare which would adversely affect daytime or nighttime views within the county.*

c. **2009 COSE EIR.** The 2009 COSE EIR determined that implementation of the COSE Consolidation and Update would have a beneficial impact on scenic and visual resources as implementation would add greater protection and preservation of San Luis Obispo County's scenic resources by requiring land use restrictions, design guidelines, and discretionary project review consistent with, and more stringent than, plans programs and policies currently adopted by the County.

d. Assessment of Impacts.

a-c) San Luis Obispo County's visual character consists of open areas (agricultural and natural, undeveloped land), scenic corridors (areas that have scenic or historic qualities that are visible from recognized roadways), and the built environment (urban landscape). Traditional rural development and agricultural areas also contribute to the county's visual quality.

The Water Neutral New Development (WNND) requirements would include Urban/Rural Water Offset requirements and an Agricultural Offset program. The Urban/Rural Water Offset requirements would ensure that new urban and rural development within certified LOS III-designated groundwater basins offset new water use at a minimum 1:1 ratio. The Agricultural Offset program would require new or more intensively irrigated agriculture in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) to offset new water use at a minimum 1:1 ratio. The Agricultural Offset program would facilitate the planting of new agriculture on currently uncultivated land and/or the intensification of irrigation on currently cultivated land by allowing the potential grower to purchase water credits from an existing grower. The grower selling the credits would replace, reduce or eliminate crops on their property to account for the offset. The proposed Agricultural Offset program could result in the partial or complete fallowing of some agricultural lands. However, the presence of fallowed land is a regular part of the pastoral landscape and would therefore not represent a substantial change in the visual character of the county.

Furthermore, the proposed Program would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance. Future development within the county would be subject to individual project review and approval by the County, wherein any project-specific aesthetic impacts would be addressed. Impacts of General Plan buildout were previously addressed in the 2009 COSE EIR and therefore would not require additional environmental review. Impacts would be less than significant.



d) The proposed Program would not directly result in new sources of light and glare. WNND requirements may facilitate new urban and rural development with new sources of light in areas of the county certified at LOS III for water supply, if that development could offset its water use by a minimum ratio of 1:1. However, any development facilitated by this component of the Program would be subject to existing land use and zoning designations. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

e. Findings. No potentially significant impacts related to aesthetics would occur with Program implementation.

4.3.2 Air Quality

a. Setting. Federal and state ambient air quality standards for certain criteria pollutants have been established to protect human health. San Luis Obispo County is located within the South Central Coast Air Basin (SCCAB), which includes all of San Luis Obispo, Santa Barbara, and Ventura counties. The portion of the SCCAB in San Luis Obispo County is within the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). Pollution sources in the county vary widely from large power plants to small household painting projects. Motor vehicles are the largest contributor to air pollution in the county. Inefficient land use patterns, specifically the separation of housing from employment and commercial centers, greatly contribute to air pollution (County of San Luis Obispo, 2010).

In May 2012, the U.S. EPA designated the eastern portion of San Luis Obispo County as marginally nonattainment for the 8-hour ozone standard based on enhanced monitoring over the last decade that revealed previously unrecognized elevated ozone levels in that region; the western portion of the county retained its federal ozone attainment status. San Luis Obispo County is currently designated attainment for all of the other National Ambient Air Quality Standards (NAAQS); however, the county does exceed the federal 24-hour standard for particulate matter 10 microns or less in diameter (PM₁₀) on the Nipomo Mesa and could be designated nonattainment for that pollutant if exceedances continue. The California Ambient Air Quality Standards are generally more restrictive (i.e. lower) than the NAAQS, and typically are specified as not to be exceeded. San Luis Obispo County is designated as a non-attainment area for the state one-hour and 8-hour ozone standards, as well as the state 24-hour and annual PM₁₀ standards. The county is currently designated as attaining the state annual standard for particulate matter 2.5 microns or less in diameter (PM_{2.5}), but is expected to be designated as non-attainment when the California Air Resources Board finalizes area designations, which will likely occur in mid-2015 (SLOAPCD, 2014).

b. Thresholds of Significance. As identified in the 2009 COSE EIR, potentially significant impacts would occur if the proposed Program would result in any of the following (based on *State CEQA Guidelines*, Appendix G):

- a) *Conflict with or obstruct implementation of the applicable air quality plan;*
- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation;*



- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard;*
- d) *Expose sensitive receptors to substantial pollutant concentrations; or*
- e) *Create objectionable odors affecting a substantial number of people.*

The *State CEQA Guidelines* state that, where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations. The SLOAPCD has developed guidelines and thresholds of significance for local plans. Inconsistency with the most recently adopted 2001 Clean Air Plan (CAP) and Particulate Matter Report (2005) is considered a significant impact. According to the APCD, the following criteria must be satisfied for a local plan (or in this case a program) to be determined to be consistent with the CAP and not have a significant air quality impact:

- 1) *The local plan should be consistent with the CAP population and Vehicle Miles Traveled (VMT) assumptions. This is demonstrated if the population growth over the planning period will not exceed the values included in the current CAP, and*
- 2) *The local plan demonstrates reasonable efforts to implement the Transportation Control Measures (TCMs) included in the CAP that identify cities as implementing agencies.*
- 3) *For local plans to have a less than significant impact with respect to potential odors and/or toxic air contaminants, buffer zones should be established around existing and proposed land uses that would emit these air pollutants.*

In addition, plans should not lead to development that would lead to violations of ambient air quality standards.

c. 2009 COSE EIR. The 2009 COSE EIR determined that implementation of the COSE Consolidation and Update would have a beneficial impact on air quality as implementation would formalize new policies that would help reduce projected emissions of ozone precursors ROG and NO_x that were addressed in the 2001 CAP, would help reduce the potential for future exceedances of state and federal standards for regional and localized pollutants, help reduce ROG and NO_x emissions, particularly from motor vehicles, actually reduce emissions assumed from the current General Plan Land Use and Circulation Element, and promote land use strategies that reduce the potential to expose sensitive receptors to unhealthy concentrations of localized pollutants, such as carbon monoxide, PM₁₀, and PM_{2.5}.

d. Assessment of Impacts.

a-d) The proposed Water Waste Prevention (WWP) program would prohibit certain uses of water deemed to meet the definition of water wasting in urban and rural areas. Prohibited uses may include the application of water to hard surfaces, including but not limited to, driveways, sidewalks, unpaved walkways and any other hardscaped area. The application of water to exposed hard surfaces and unpaved roadways is a technique frequently employed to reduce fugitive dust during earth moving and grading operations, on inactive disturbed land and open areas, unpaved parking lots and staging areas, bulk material storage piles, and track-out from construction activities.



The county is currently designated as a non-attainment area for the state 24-hour and annual PM₁₀ standards, and while the county is currently designated as attaining the state annual PM_{2.5} standard, it is expected to be designated as non-attainment when the California Air Resources Board finalizes area designations, which will likely occur in mid-2015 (SLOAPCD, 2014). In addition, the county exceeds the federal 24-hour standard for PM₁₀ on the Nipomo Mesa and could be designated nonattainment for that pollutant if exceedances continue.

SLOAPCD adopted the PM Report and associated control measures in July 2005 in compliance with Senate Bill 656 which was enacted to reduce public exposure to particulate matter (PM₁₀ and PM_{2.5}). The PM Report identifies watering, among other strategies, as a particulate matter control strategy for both fugitive dust and unpaved and paved roads. SLOAPCD identifies several other fugitive dust control strategies including chemical stabilizers / dust suppressants (control efficiencies range from 60 to 84 percent depending on the product used and application rate), and track-out devices (control efficiencies 46 to 80 percent) and enclosures/wind fencing for stockpiles (60 to 80 percent control). SLOAPCD also identifies the application of gravel, speed limit reductions, or paving of roadways to reduce fugitive dust emissions from unpaved roadways (SLOAPCD, 2005). Since multiple strategies exist for the reduction of fugitive dust emissions, prohibiting the application of water to hard surfaces would not prohibit compliance with PM control strategies. As such, the proposed Program would not conflict with or obstruct implementation of the applicable air quality plan or its associated control strategies.

The proposed Program would also limit the application of water to outdoor landscapes and would require new urban and rural development within certified LOS III groundwater basins and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) to offset new water use at a minimum 1:1 ratio. The Agricultural Offset program would facilitate the planting of new agriculture on currently uncultivated land and/or the intensification of irrigation on currently cultivated land in areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) by allowing the potential grower to purchase water credits from an existing grower. The grower selling the credits would replace, reduce or eliminate crops on their property to account for the offset. Therefore, the proposed Program could result in reduced irrigation and/or the partial or complete fallowing of some agricultural lands. ~~Land designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed Program as required by Mitigation Measure AG-1.~~

According to the SLOAPCD Emissions Inventory, farming operations (including farm equipment) and fugitive windblown dust make up approximately 16 percent of the county's fugitive dust emissions, while paved and unpaved road dust and construction and demolition activities make up over 60 percent of the county's fugitive dust emissions (SLOAPCD, 2005). ~~As noted above, Mitigation Measure AG-1 would preclude the fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland.~~ While the Agricultural Offset program may result in an increase in the fallowing of some classes of agricultural land, fallowing of fields is a typical agricultural practice and occurs regularly throughout the county. Therefore, while reduced irrigation and/or fallowing of agricultural lands may temporarily increase the amount of exposed land susceptible to wind-blown fugitive dust within the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), it would not contribute substantially to an existing or projected air quality violation, result in a cumulatively considerable net increase in



particulate matter emissions, or expose sensitive receptors to substantial pollutant concentrations. In addition, as noted previously, PM control strategies identified in the San Luis Obispo APCD PM Report would continue to reduce PM emissions within the county.

The proposed Program would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance. As such, the proposed Program would not result in population growth or contribute to an increase in VMT within the county beyond that accommodated under the existing planning framework. Therefore, the proposed Program would be consistent with the CAP population and VMT assumptions. As such, impacts would be less than significant.

e) The proposed Program would not directly create objectionable odors. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), which may create objectionable odors in these areas of the county. However, any development facilitated by this component of the Program would be subject to existing land use and zoning designations. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

d. Findings. No potentially significant impacts related to air quality would occur with Program implementation.

4.3.3 Biological Resources

a. Setting. San Luis Obispo County has many biological features including several distinct vegetation and wildlife habitat communities, plant and animal species of rare and/or endangered status, depleted or declining species, and species or habitat types of limited distribution, such as wetlands. The county is home to a number of diverse and important natural communities, from coastal marine environments to riparian habitats, and a mosaic of forests, woodlands, grasslands, and chaparral (County of San Luis Obispo, 2010).

The unincorporated county area supports a wide range of sensitive species and habitat types. Over 50 species listed under the federal or state Endangered Species Acts are known to occur or have the potential to occur in the county. The California Natural Diversity Database (CNDDDB) lists five special status amphibians, 26 special status birds, four special status crustaceans, four special status fish, 14 special status insects, 21 special status mammals, three special status mollusks, seven special status reptiles, and 132 special status plants¹. Examples include the Morro shoulderband snail, vernal pool fairy shrimp, San Joaquin kit fox, Nelson's antelope

¹ *Special status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the United States Fish and Wildlife Service (USFWS) under the federal Endangered Species Act; those listed or proposed for listing as rare, threatened, or endangered by the California Department of Fish and Wildlife (CDFW) [formerly the California Department of Fish and Game] under the state Endangered Species Act; animals designated as "Fully Protected," "Species of Special Concern," or "Rare," by the CDFW; and those species on the Special Vascular Plants, Bryophytes, and Lichens List. This latter document includes the CNPS Inventory of Rare and Endangered Vascular Plants of California, Sixth Edition as updated online. Those plants contained on the California Native Plant Society (CNPS) Lists 1 and 2 are considered special status species in this EIR.*



squirrel, giant kangaroo rat, blunt-nosed leopard lizard, California tiger salamander, California condor, and several plants. CNDDDB also lists 13 sensitive natural communities including Northern Claypan Vernal Pools, Serpentine Bunchgrass, Valley Needlegrass Grassland, Coastal and Valley Freshwater Marsh, Coastal Brackish Marsh, Northern Coastal Brackish Marsh, Central Dune Scrub, Central Foredunes, Monterey Pine Forest, Northern Interior Cypress Forest, Central Maritime Chaparral, Valley Sink Scrub, and Valley Oak Woodland (CNDDDB, 2014).

b. Thresholds of Significance. As identified in the 2009 COSE EIR, potentially significant impacts would occur if the proposed Program would result in any of the following (based on *State CEQA Guidelines*, Appendix G):

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS);*
- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS;*
- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;*
- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;*
- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or*
- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

c. 2009 COSE EIR. The 2009 COSE EIR determined that implementation of the COSE Consolidation and Update would have a beneficial impact on biological resources as implementation would add greater protection and preservation of San Luis Obispo County's species and habitat by requiring land use restrictions, design guidelines, and discretionary project review consistent with, and more stringent than, prior plans programs and policies adopted by the County.

d. Assessment of Impacts.

a) The proposed Program would prohibit certain uses of water in urban and rural areas deemed to meet the definition of water wasting and identification of a series of BMPs aimed at reducing water waste in agricultural practices. The Program would further require new urban and rural development within certified LOS III groundwater basins and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) to offset new water use at a minimum 1:1 ratio. The Agricultural Offset program



would facilitate the planting of new agriculture on currently uncultivated land and/or the intensification of irrigation on currently cultivated land overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) by allowing the potential grower to purchase water credits from an existing grower. The grower selling the credits would replace, reduce or eliminate crops on their property to account for the offset. The Agricultural Offset program may result in changes to activities on existing agricultural lands including planting of new crop types, reduced irrigation and/or the partial or complete fallowing of agricultural fields. While some special status animal species may travel through or utilize agricultural fields when moving between habitats or foraging, agricultural lands are not likely to support special status animal species, as they are frequently disturbed by agricultural operations. As such, fallowing of agricultural fields would not result in direct impacts to or loss of habitat for special status animals.

Fallowing of agricultural fields overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) may also result in the incidental increase in non-native weeds or invasive plants in areas that were previously covered by active agricultural. While non-native weeds and invasive plants may sometimes compete with and/or displace native and/or sensitive plant species, agricultural fields are not likely to support special status plants, as they are frequently disturbed by agricultural operations. As such, fallowing of agricultural fields would not result in direct impacts to or loss of habitat for special status plants.

The proposed Program would provide a pathway for future urban and rural development to occur within groundwater basins certified at LOS III for water supply and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), but would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance. Future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

b, c) Implementation of the proposed Program would not affect riparian habitat, sensitive natural communities, federally protected wetlands, or other natural areas within the county. While the proposed Program would require new urban and rural development within certified LOS III groundwater basins and new or more intensively irrigated agriculture within the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) to offset new water use at a minimum 1:1 ratio, it would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance. Future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

d) The proposed Program may result in changes to agricultural irrigation patterns and/or the fallowing of agricultural fields overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), which may alter the suitability of the land for wildlife travelling through agricultural fields. While some wildlife may utilize agricultural fields as movement corridors, the fallowing of these fields would not impede or substantially interfere with such movement. As noted in Section 4.3.1, *Aesthetics*, fallowed fields are common aspects of the pastoral



landscape and are already present throughout the agricultural areas of the county, including the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). As such, fallowing of agricultural fields would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Impacts would be less than significant.

e) The San Luis Obispo County COSE includes goals, policies, and implementation strategies to identify and protect the county's biological resources. Specifically goals aim to protect threatened, rare, endangered, and sensitive species, and preserve, enhance, and restore native habitat and biodiversity including native woodlands, forests and trees, the natural structure and function of streams and riparian habitat, wetlands, fisheries and aquatic habitat, and marine resources. The proposed Program has been developed as a result of the implementation strategies included in the COSE, including WR 2.1.2 and WR 4.1.2. In addition, the proposed Program would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance. Future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

f) The County of San Luis Obispo is currently preparing, but has not yet adopted, a Communitywide Habitat Conservation Plan (HCP) for the community of Los Osos (the area covered by the HCP is approximately 3,560 acres). The primary intent of the HCP is the long-term protection of at least four threatened or endangered species found within the Los Osos area including Morro shoulderband snail, Morro manzanita, Morro Bay kangaroo rat, and Indian Knob mountain balm. The proposed Program does not include any specific development that would conflict with the provisions of an adopted HCP, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan either in Los Osos or in any other area of the County. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III (including the Los Osos Groundwater Basin), if that development could offset its water use by a minimum ratio of 1:1. However, any development facilitated by this component of the Program would be subject to existing land use and zoning designations. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

e. Findings. No potentially significant impacts related to biological resources would occur with Program implementation.

4.3.4 Cultural Resources

a. Setting. San Luis Obispo County possesses a rich and diverse cultural heritage. Throughout the county, there are sites and buildings associated with Native Americans, Spanish missionaries, immigrant settlers, and military branches of the United States as well as archaeological and sacred sites, paleontological sites, historic structures, streetscapes and landscapes, which have special cultural significance. Native American peoples are known to



have occupied the county dating back at least 9,000 years and the Chumash, Salinan, and Yokut are known to have lived in the area (County of San Luis Obispo, 2010).

The Office of Historic Preservation lists 35 historically recognized places within San Luis Obispo County, and 12 of those landmarks are located in the unincorporated county (refer to Table 4.3-1 below). Listed resources include nine properties listed on the National Register of Historic Places, two properties listed as California Historical Landmarks, and one property listed as a California Points of Historical Interest. There are no properties listed on the California Register of Historical Resources located within San Luis Obispo County.

**Table 4.3-1
 Federal and State Landmarks Within Unincorporated
 San Luis Obispo County**

Resource Name	Location
<i>National Register of Historic Places</i>	
Caledonia Adobe (N101)	San Miguel
Carrizo Plain Rock Art Discontiguous District (N2133)	California Valley
Dana Adobe (N91)	Nipomo
Eight Mile House (N1905)	Santa Margarita
Guthrie House (N853)	Cambria
Hearst San Simeon Estate (N182)	San Simeon
Mission San Miguel (N102)	San Miguel
Old Santa Rosa Catholic Church and Cemetery (N1154)	Cambria
Piedras Blancas Light Station (N1726)	San Simeon
<i>California Historical Landmarks</i>	
Hearst San Simeon State Historical Monument (640)	San Simeon
Rios-Caledonia Adobe (936)	San Miguel
<i>California Points of Interest</i>	
Oceano Depot (P739)	Oceano

Source: California Office of Historic Preservation, 2014.

State planning law requires cities and counties to consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Places. SB 18 (Chapter 905, Statutes of 2004) requires cities and counties to contact, and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space. As the proposed Program includes revisions to the Agriculture Element and Conservation and Open Space Element of the San Luis Obispo County General Plan, consultation in compliance with SB 18 is required. The Notice of Preparation for the proposed Program was sent to the Native American Heritage Commission (NAHC), and a letter was received on August 21, 2014 documenting the NAHC's recommendations and the details of tribes that should be contacted for consultation. Letters were sent to each of the tribes in November 2014. No tribes sought consultation within the 90-day consultation period which closed on March 2, 2015. During the public review period for the



Draft SEIR, the County will request consultation and comments on the proposed program from Native American tribes and organizations in compliance with the requirements of SB 18.

b. Thresholds of Significance. As identified in the 2009 COSE EIR, pursuant to Public Resources Code Sections 21083.2 and 21084.1, and Section 15064.5 and Appendix G of the *State CEQA Guidelines*, the County considers cultural resource impacts to be significant if the proposed Program would:

- a) *Cause a substantial adverse change in the significance of an archaeological resource or an historical resource as defined in Public Resources Code section 21083.2 and CEQA Guidelines section 15064.5, respectively;*
- b) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or*
- c) *Disturb any human remains, including those interred outside of formal cemeteries.*

c. 2009 COSE EIR. The 2009 COSE EIR determined that implementation of the COSE Consolidation and Update would have a beneficial impact on cultural resources as implementation would add greater protection and preservation of San Luis Obispo County's cultural and historic resources by requiring cultural education, outreach, acquisition, preservation and protection measures consistent with, and more stringent than, plans programs and policies currently adopted by the County.

d. Assessment of Impacts.

a-c) The proposed Program does not propose any specific development that would cause a substantial adverse change in the significance of a historical, archaeological, or paleontological resource. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use by a minimum 1:1 ratio; however, any development facilitated by these components of the WNND requirements would be subject to existing land use and zoning designations and other County policies related to identification and preservation of archaeological and historic resources. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

e. Findings. No potentially significant impacts related to cultural resources would occur with Program implementation.

4.3.5 Geology/Soils

a. Setting. San Luis Obispo County is located within the Coast Range physiographic province. The county is generally divided into three geologic provinces that are separated by two major northwest-trending faults. The northeast province is bounded on the southwest by the San Andreas fault zone, the central province is bounded on the northeast by the San Andreas fault zone and on the southwest by three segments of the Rinconada Fault System, and



the southwest province is bounded on the northeast by the Rinconada Fault System (County of San Luis Obispo, 2010).

The San Andreas Fault, located along the easterly edge of the county, is classified as active and is capable of producing a maximum credible earthquake of 8.0 to 8.5 magnitude, with ground displacement as great as 20 to 30 feet. The Nacimiento Fault, Rinconada Fault, and offshore Hosgri Fault are also considered seismically active. The Los Osos Fault has potential for seismic events as high as 6.75 on the Richter Scale. A number of lesser faults are likely inactive and are considered to pose little or not likely threat to the county (County of San Luis Obispo, 2010).

Landslides generally occur on steep slopes that have been undercut by erosion or on slopes where the bedding planes of the bedrock are inclined down the slope. The prevalence of rolling or mountainous terrain places approximately 60 percent of the county into the slope range of 30 percent or greater. Another 23 percent occupies slopes ranging from 10 to 30 percent, leaving only about 17 percent of the total county land area with level to gently sloping terrain on slopes of less than 10 percent (County of San Luis Obispo, 2010).

Other geologic hazards include subsidence, liquefaction, tsunamis, and seiches (seismically induced waves in a closed body of water such as a reservoir). Ground subsidence has been identified in areas of recent stream alluvium and bay muds. These types of areas also have other associated hazards such as storm surge and flooding. The potential for a seiche to occur is low in San Luis Obispo County. Along the coast, a potential tsunami (tidal wave) would not be expected to exceed the tidal range. However, a hazard could occur if a tsunami occurred at the same time as a high tide (County of San Luis Obispo, 2010).

b. Thresholds of Significance. As identified in the 2009 COSE EIR, potentially significant impacts would occur if the proposed Program would result in any of the following (based on *State CEQA Guidelines*, Appendix G):

- a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i. *rupture of a known earthquake fault,*
 - ii. *strong seismic ground shaking,*
 - iii. *seismic-related ground failure, including liquefaction, or*
 - iv. *landslides.*
- b) *Result in substantial soil erosion or the loss of topsoil;*
- c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;*
- d) *Be located on expansive soil, as defined in Table 18-1-b of the Uniform Building Code (1994), creating substantial risks to life or property; or*
- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.*



c. **2009 COSE EIR.** The 2009 COSE EIR did not identify any impacts related to geology/soils as potentially significant and no mitigation measures were required.

d. Assessment of Impacts.

a) The proposed Program does not propose any specific development that would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use at a minimum 1:1 ratio. However, any development facilitated by this component of the Program would be subject to existing land use and zoning designations as well as other County policies addressing geologic/soils hazard and the seismic requirements of the Uniform Building Code. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

b) The proposed Program would limit the application of water to outdoor landscapes and require new urban and rural development within certified LOS III groundwater basins and new or more intensively irrigated agricultural development to offset new water use at a minimum 1:1 ratio. The Agricultural Offset program would facilitate the planting of new agriculture on currently uncultivated land and/or the intensification of irrigation on currently cultivated land overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) by allowing the potential grower to purchase water credits from an existing grower. The grower selling the credits would replace, reduce or eliminate crops on their property to account for the offset. As such, the proposed Program could result in reduced irrigation and/or the partial or complete fallowing of some agricultural lands overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), which could result in increased exposure of topsoil to erosion. ~~However, land designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed program as required under Mitigation Measure AG-1, which would limit the potential loss of topsoil from fallowed fields.~~ While the Agricultural Offset program may result in an increase in the fallowing of some agricultural areas, fallowing of fields is a typical agricultural practice and occurs regularly throughout the county. The Program would not substantially increase this practice countywide. Therefore, impacts would be less than significant.

c-e) The proposed Program does not propose any specific development that would be located on a geologic unit or soil that is unstable, expansive soil, or soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. As discussed above, ground subsidence has been identified in some areas of the county. Groundwater extraction can increase subsidence potential. Because an objective of the proposed Program is to substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III, it would decrease potential for ground subsidence in some areas. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III and new or more intensively irrigated agricultural development in the Paso



Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use at a minimum 1:1 ratio. However, any development facilitated by this component of the Program would be subject to existing land use and zoning designations as well as other County policies related geologic and soil hazards. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed.

e. Findings. No potentially significant impacts related to geology and soils would occur with Program implementation.

4.3.6 Greenhouse Gas Emissions

a. Setting. Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period of time. Gases that absorb and re-emit infrared radiation in the atmosphere are called greenhouse gases (GHGs). GHGs are emitted by both natural processes and human activities. Of these gases, carbon dioxide (CO₂) and methane (CH₄) are emitted in the greatest quantities from human activities. The accumulation of GHGs in the atmosphere regulates the Earth's temperature. However, it is believed that emissions from human activities, particularly fossil fuel combustion for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level that occurs naturally.

Globally, climate change has the potential to affect numerous environmental resources through potential impacts related to future air temperatures and precipitation patterns. According to the California Environmental Protection Agency's (CalEPA) *2010 Climate Action Team Biennial Report*, potential impacts of climate change in California may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years (CalEPA, 2010).

In 2006, the County conducted a baseline inventory of GHG emissions from county operations and communitywide activities. The 2006 Greenhouse Gas Emissions Baseline Inventory found that, in the baseline year 2006, the community (unincorporated San Luis Obispo County) emitted approximately 1,506,163 metric tons of carbon dioxide equivalents (CO₂e). The transportation sector was by far the largest emitter (64.8 percent), producing approximately 976,585 metric tons of CO₂e in 2006. Emissions from the residential, commercial, and industrial sectors accounted for a combined 23.4 percent of the total while emissions from livestock and agricultural equipment comprised 9.7 percent of the total (County of San Luis Obispo, 2010).

In 2011, the County adopted an EnergyWise Plan which outlined the County's approach to reducing GHG emissions through a number of goals, measures, and actions that provide a road map to achieving the County's GHG reduction target of 15 percent below baseline levels by 2020. The EnergyWise Plan builds upon the goals and strategies of the COSE to reduce local GHG emissions resulting from buildout forecasted in the San Luis Obispo County General Plan.

b. Thresholds of Significance. At the time the 2009 COSE EIR was prepared, no air district in California, including SLOAPCD, had identified a significance threshold for GHG



emissions or a methodology for analyzing air quality impacts related to GHG emissions. The state had identified achievement of 1990 GHG emission levels as a goal through adoption of AB 32. Therefore, the 2009 COSE EIR based its determination of GHG impact significance on the whether the COSE update's contribution to global climate change would be inconsistent with AB 32's goal of reducing 2020 GHG emissions to 1990 levels from sources associated with projected growth (i.e., motor vehicles, direct energy use, waste-related activities). In addition, the 2009 COSE EIR examined whether the COSE update would expose persons to significant risks associated with the effects of global climate change.

In March 2012, SLOAPCD adopted GHG thresholds in order to help lead agencies assess the significance of GHG impacts of new projects subject to CEQA SLOAPCD's CEQA guidance identifies three different types of GHG thresholds designed to accommodate various development types and patterns:

- 1) *Qualitative Reduction Strategies (e.g., Climate Action Plans): a qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals;*
- 2) *Bright-Line Threshold: numerical value to determine the significance of a project's annual GHG emissions;*
- 3) *Efficiency-Based Threshold: assesses the GHG efficiency of a project on a per capita basis.*

SLOAPCD recommends that lead agencies within the county use the adopted GHG thresholds of significance when considering the significance of GHG impacts of new projects subject to CEQA. Further, projects with GHG emissions that exceed the thresholds will need to implement mitigation to reduce the impacts to a less than significant level.

For the purposes of this analysis, the more recent thresholds adopted and recommended for use by SLOAPCD, rather than those listed in the 2009 COSE EIR, were used to determine whether GHG impacts associated with implementation of the proposed Program would be potentially significant. Specifically, threshold 1) would be most relevant to the proposed Program and has been used as the basis for this analysis, with the County EnergyWise Plan being used as the Qualitative Reduction Strategy against which the proposed Program is being compared for consistency.

c. 2009 COSE EIR. The 2009 COSE EIR determined that implementation of the COSE Consolidation and Update would have a beneficial impact on GHG emissions as the COSE would help implement the County's Strategic Growth Principles, energy efficiency measures, and other strategies that would help reduce GHG emissions from transportation, energy, and other source categories over time.

d. Assessment of Impacts.

1) The proposed WWP program would result in a net decrease in water use countywide, but would not alter development potential. The extent of this decreased demand would depend on the extent to which county residents change their behaviors, as well as the effectiveness of violation reporting and enforcement for the ordinance component of the WWP program. A net decrease in water use would result in decreased energy use, and therefore decreased GHG



emissions. In addition, water conservation is consistent with the following goals of the San Luis Obispo County EnergyWise Plan:

- *Energy Conservation: Address future energy needs through increased conservation and efficiency in all sectors*
- *Water Conservation: Reduce emissions from potable water use by 20% from per capita baseline levels by 2020 by prioritizing water conservation before development of new water resources*

WNND requirements would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance. As such, the proposed Program would not result in an increase in GHG emissions nor would it conflict with the San Luis Obispo County EnergyWise Plan. Impacts would be less than significant.

e. Findings. No potentially significant impacts related to GHG emissions would occur with Program implementation.

4.3.7 Hazards and Hazardous Materials

a. Setting.

Hazardous Materials. Due to the quantity and frequency with which hazardous materials are shipped throughout San Luis Obispo County, transportation-related accidents pose the most significant hazardous material risk to the residents of the county. Major modes of hazardous material transportation include the use of U.S. Highway 101, various state highways, the Union Pacific Railroad tracks, and numerous underground pipelines. In addition to the potential for transportation-related releases of hazardous materials, potential exposure of the public to hazardous materials can result from their use by industry, agriculture, commercial, and service establishments. Household use of hazardous materials also has the potential to result in their release into the environment (County of San Luis Obispo, 1999).

The transportation, storage and use of pesticides in home, agricultural and commercial settings in San Luis Obispo County also pose potential hazards to the public. The transportation, storage and use of pesticides applied by agricultural and structural pest control businesses is governed by comprehensive regulations. The County Agricultural Commissioner's office is the enforcement agency for these regulations and a resource for information about pesticide identification; labeling; storage; transportation and disposal; use; application methods and equipment; and knowledge about local pesticide use practices (County of San Luis Obispo, 1999).

Wildland Fire Hazards. Wildfires usually result from the ignition of dry grass, brush or timber and commonly occur in areas that are characterized by steep, heavily vegetated hillsides. Most wildfires are ignited by human action, and may result from direct acts of arson, carelessness, or accidents. Many fires originate adjacent to roads and highways, often as a result of the disposal of cigarettes or other burning objects from passing automobiles. As urban development moves into areas susceptible to wildfire hazards, risks to human safety and property increase.



Wildland areas are defined as areas where urban development has been located in proximity to open space. San Luis Obispo County is exposed to a variety of wildfire hazard conditions ranging from very low levels of risk along the coastal portions of the county, to extreme hazards in the inland and chaparral covered hillsides of the Santa Lucia Mountains.

Within San Luis Obispo County, wildfires are addressed at the state and local level. These agencies work together to develop and implement fire and resource management programs that promote safety and retain resources. The California Department of Forestry and Fire Protection (CAL FIRE) is responsible for fire protection for over 31 million acres of California's privately owned wildlands. CAL FIRE has mapped the relative wildfire risk in state responsibility areas (SRAs).² The fire hazard severity zones assigned to SRAs for fire protection are dependent upon the historic climate, fuel conditions (vegetation), and topography. The Fire Hazard Severity Zone map for SRAs in San Luis Obispo County shows three risk levels: moderate, high, and very high (CAL FIRE, 2007). Classification of a zone as moderate, high or very high fire hazard is based on a combination of how a fire will behave and the probability of flames and embers threatening buildings.

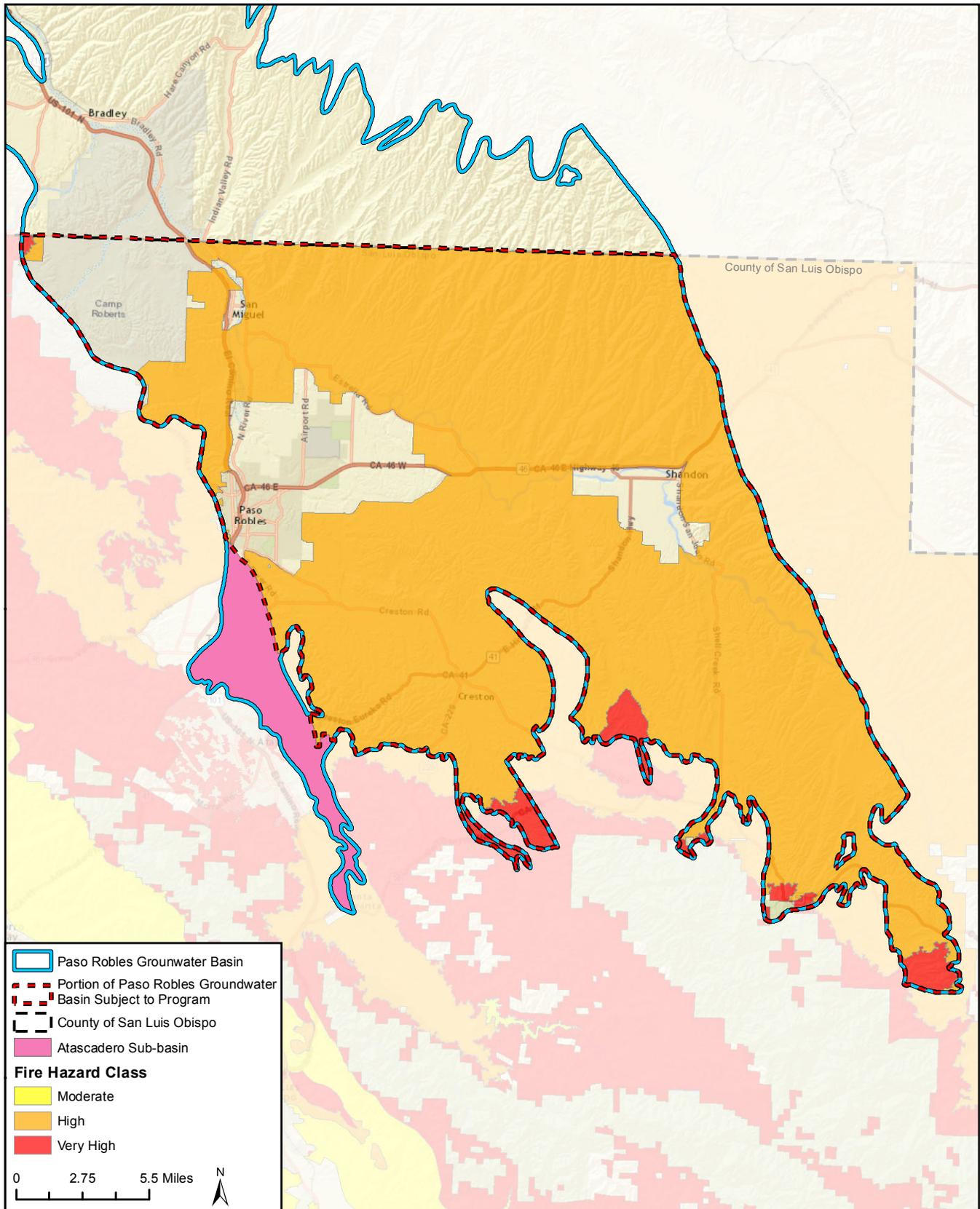
Figure 4.3-1 shows the Fire Hazard Severity Zones overlain by the boundary of the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). The majority of land overlying the Paso Robles Groundwater Basin that is given a fire hazard designation is designated as a high risk level. Only a very small portion of land is designated as a very high risk level. These areas are concentrated on the southern tips of the basin, with one area on the eastern border just south of the San Luis Obispo County line.

b. Thresholds of Significance. As identified in the 2009 COSE EIR, potentially significant impacts would occur if the proposed program would result in any of the following (based on *State CEQA Guidelines*, Appendix G):

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;*
- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;*
- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school;*
- d) *Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;*
- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area; or*
- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.*

² To qualify as an SRA, the area typically has the following elements: lands covered by vegetation (e.g., trees, brush, grass); lands are used for forage, range, or wildlife habitat; non-federal; and unincorporated.





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 Hazard Zones by CALFIRE, 2014.

**Fire Hazard Severity Zones:
 Paso Robles Groundwater Basin**

Figure 4.3-1

The following two thresholds, which are also included in Appendix G of the 2014 *State CEQA Guidelines*, were not specifically addressed in the 2009 COSE EIR:

- g) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area; or*
- h) *Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.*

c. 2009 COSE EIR. The 2009 COSE EIR did not identify any impacts related to hazards/hazardous materials as potentially significant and no mitigation measures were required. The 2009 COSE EIR did not specifically address the potential for the COSE Consolidation and Update to expose people or structures to a significant risk of loss, injury or death involving wildland fires. As noted in the 2009 COSE EIR, public services such as fire protection, police protection, schools, parks, and/or other public facilities are addressed in other elements of the General Plan (Parks and Recreation, Safety et. al). The implementing policies and programs outlined in these elements provide a number of methods by which these service providers will continue to maintain acceptable service levels and therefore no discussion of fire protection services or hazards was included in the 2009 COSE EIR.

d. Assessment of Impacts.

a-g) The proposed Program does not propose any specific development that would include sites contained on the state's "Cortese" list, or other lists of hazardous waste sites maintained by CalEPA as enumerated under Section 65962.5 of the Government Code. Implementation of the proposed Program would not involve the routine transport, use, or disposal of hazardous materials, and would not create reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment. Therefore, no impact with regard to hazards to the public or environment, hazardous materials with ¼ mile of a school, development on a hazardous material site, or development near an airport or airstrip would occur. WNND requirements may facilitate new urban and rural development in areas of the county certified at LOS III for water supply and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use at a 1:1 ratio. However, any development facilitated by WNND requirements would be subject to existing land use and zoning designations. Any future development within the county would be subject to subsequent environmental review wherein any site-specific impacts related to hazards and hazardous materials would be addressed accordingly. No impacts would occur.

h) The proposed Program would not directly place any new habitable structures in high or very high fire risk zones. As discussed in Section 2.0, *Project Description*, the proposed Program would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance or beyond that which may occur absent of the proposed Program. Any new development on future sites would be subject to the County of San Luis Obispo and California fire codes and regulations to reduce the risk of building and wildland fire. Furthermore, future



development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed.

Where currently irrigated, properties overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) in the high and very high fire hazard zones could be eligible to act as creditor sites under the Agricultural Offset program. Fire hazard severity zones are dependent upon the historical climate, fuel conditions (vegetation), and topography. Depending on the management regime in place, fallowed fields that are bare or contain a low fuel load could provide a buffer between adjacent wildlands and urban development, and as such would reduce risk of wildland fire to existing adjacent urban development. As a result, the proposed Program would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires and impacts would be less than significant.

e. Findings. No potentially significant impacts related to hazard and hazardous materials significance thresholds “a-h” would occur with Program implementation.

4.3.8 Hydrology/Water Quality

a. Setting. San Luis Obispo County obtains nearly 80 percent of its water supply from groundwater. Only two percent of the county’s supply comes from imported water and the remaining 17 percent of water supply is surface waters. Most of San Luis Obispo County’s water quality is greater than many other areas of the state. However, the region also faces water quality challenges, such as wastewater compliance, groundwater pollution, salinity, hardness, and seawater intrusion. Flood control is also a critical issue for several communities in the county due to a lack of infrastructure, such as inadequate channel and culvert capacities and the loss and restriction of floodplain due to development and high peak runoff (County of San Luis Obispo, 2009).

As described in Section 2.0, *Project Description*, San Luis Obispo County is in the midst of an “exceptional drought” that has lowered water levels in surface lakes and reservoirs, and in groundwater basins. The Board of Supervisors has certified three groundwater basins [Nipomo Mesa (part of Santa Maria Groundwater Basin), the Los Osos Groundwater Basin (Los Osos Basin), and the Paso Robles Groundwater Basin] at LOS III for water, which indicates that groundwater demand has met or exceeded the dependable supply. LOS III is the highest level of severity that can be certified for a resource.

b. Thresholds of Significance. As identified in the 2009 COSE EIR, a hydrologic or water quality impact associated with the implementation of the proposed Program would be considered significant if it would result in any of the following actions (based on Appendix G of the *State CEQA Guidelines*):

Water Quality

- a) *Violate any water quality standards or waste discharge requirements;*
- b) *Cause a substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation, and/or environmental harm on- or off- site.*



- c) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
- d) *Otherwise substantially degrade water quality.*

Groundwater Resources

- a) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted); or*
- b) *Create future groundwater production impacts to surface water conditions would be considered to be substantial if it is demonstrated that groundwater extraction would result in a loss of flow to surface waters (i.e., circumstances where a waterway is currently receiving flows from groundwater discharge) to the extent that it adversely effects existing biological resources (e.g., fisheries and riparian habitat) that are supported by such flows.*

Drainage and Flooding

- a) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;*
- b) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;*
- c) *Expose people or structures to flood hazards as a result of development within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or place within a 100-year flood hazard area structures which would impede or redirect flood flows;*
- d) *Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or*
- e) *Be subject to inundation by seiche, tsunami, or mudflow.*

c. 2009 COSE EIR. The 2009 COSE EIR determined that implementation of the COSE Consolidation and Update would have a beneficial impact on water quality, groundwater resources, and drainage and flooding as implementation would require land use restrictions, design guidelines and discretionary project review consistent with, and more stringent than, plans programs and policies currently adopted by the County.

d. Assessment of Impacts.

Water Quality.

a, d) The proposed Program does not propose any specific development that would violate water quality standards or waste discharge requirements or otherwise degrade water quality. WNND requirements may facilitate new urban and rural development within groundwater



basins certified at LOS III for water supply and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use at a minimum 1:1 ratio. However, any development facilitated by this component of the Program would be subject to existing land use and zoning regulations. Furthermore, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. No impacts would occur.

b, c) The proposed Program does not propose any specific development that would alter existing drainage patterns or create or contribute runoff water. However, the proposed Urban/Rural Water Offset requirements would limit the application of water to outdoor landscapes and require new urban and rural development within LOS III groundwater basins to offset new water use at a minimum 1:1 ratio. The Agricultural Offset program would facilitate the planting of new agriculture on currently uncultivated land and/or the intensification of irrigation on currently cultivated land overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) by allowing the potential grower to purchase water credits at a 1:1 ratio from an existing grower. The grower selling the credits would replace, reduce or eliminate crops on their property to account for the offset. As such, the proposed Program could result in reduced irrigation and/or fallowing of agricultural lands, which may result in minor changes to drainage and runoff patterns in localized areas, but these would not differ substantially from existing conditions. In addition, the Program does not propose any specific development that would alter existing drainage patterns or create or contribute runoff water. Impacts would be less than significant.

Groundwater Resources.

a-b) The WWP program would prohibit certain uses of water deemed to meet the definition of water wasting in urban and rural areas and would identify a series of BMPs aimed at reducing water waste in agricultural practices. WNND requirements would require new urban and rural development within certified LOS III groundwater basins and new or more intensively irrigated agriculture within the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) to offset new water use at a minimum 1:1 ratio. Because WNND requirements are focused on offsetting future demand, they would neither increase nor decrease water use over current levels. Rather, they would maintain current water use while allowing for development to occur consistent with the adopted General Plan and Zoning Ordinance. In contrast to WNND requirements, which would allow development to proceed while maintaining current water use, the WWP program would result in a net decrease in water use countywide but would not alter development potential. As such, overall the Program would result in water conservation and would help to reduce the existing strain on the county's groundwater resources. The proposed Program would have a beneficial impact on groundwater resources over the term it is implemented; however, it should be noted that the Agricultural Offset program for the Paso Robles Groundwater Basin would expire upon adoption of a Groundwater Sustainability Plan (GSP) for the Basin. As noted in Section 2.0, *Project Description*, it is currently estimated that the timeframe for development and adoption of a GSP could be 5 to 7 years, and implementation of a GSP could take 20 years. Therefore, the beneficial impacts from maintenance of current water use under the Agricultural Offset Program would end upon adoption of the GSP, and there could be a substantial lag time between adoption and implementation of the GSP. It is also



unclear whether the GSP would include components to assure the same level of water neutrality as the Agricultural Offset program. But because expiration of the Agricultural Offset program would not create the potential for new or increased impacts above the current baseline, no significant impacts are likely. None of the other components of the Program are subject to a sunset clause and as such the beneficial impacts associated with their implementation would continue indefinitely.

Drainage and Flooding.

a-b) As described above, the proposed Program could result in reduced irrigation and/or fallowing of agricultural lands in areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), which may result in minor changes to drainage and runoff patterns in localized areas. ~~Land designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed Program as required by Mitigation Measure AG-1. However, reducing irrigation and fallowing of fields are typical agricultural practices and occur regularly throughout the county. The Program would not substantially increase these practices countywide. Therefore, drainage patterns and runoff patterns in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would not differ substantially from existing conditions. Impacts would be less than significant.~~

c-d) The proposed Program does not include any proposed development that would directly or indirectly expose people or structures to potential flood hazards or impede or redirect flood flows. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use at a minimum 1:1 ratio. Any development facilitated by the WNND requirements would be subject to existing land use and zoning designations and County policies related to placement of structures in areas subject to flood hazards. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. No impacts would occur.

e) The proposed Program does not include any proposed development that would be subject to inundation by seiche, tsunami, or mudflow. WNND requirements may facilitate new urban and rural development in areas of the County certified at LOS III for water supply and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use at a minimum 1:1 ratio. Any development facilitated by this component of the Program would be subject to existing land use and zoning designations as well as County policies related to placement of structures in areas subject to risks from inundation by seiche, mudflow or tsunami. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. No impacts would occur.



e. Findings. The proposed Program would have a beneficial impact on groundwater resources and would not result in potentially significant impacts related to water quality or drainage and flooding.

4.3.9 Land Use and Planning

a. Setting. San Luis Obispo County is located on the California Central Coast between Monterey County to the north and Santa Barbara County to the south. The county's coastline spans 96 miles and the land area encompasses over two million acres of mostly agricultural and open space land. The remaining land in the unincorporated county (approximately 9.28 percent) is designated as incorporated city, residential, public facility, recreation, industrial, commercial, office, or multi-use.

b. Thresholds of Significance. As identified in the 2009 COSE EIR, the Program would result in potentially significant land use impacts if it would (based on *State CEQA Guidelines*, Appendix G):

- a) *Physically divide an established community;*
- b) *Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the program (including, but not limited to, the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or*
- c) *Conflict with an adopted conservation plan or natural community conservation plan.*

c. 2009 COSE EIR. The 2009 COSE EIR determined that implementation of the COSE Consolidation and Update would have a beneficial impact on land use and planning as implementation would result in better organization, identification and implementation of relevant conservation and open space policies consistent with, and inclusive of, the General Plan, individual Area Plans, Strategic Growth Principles, and new (or anticipated) state requirements.

d. Assessment of Impacts.

a) In urban and rural areas, the WWP program would promote water conservation through the prohibition of water wasting and the threat of fines for non-compliance. This component of the Program would not, however, alter development potential. In contrast, WNND requirements would facilitate new development within groundwater basins certified at LOS III for water supply, while maintaining current water demand. Any development facilitated by this component of the Program would be subject to existing land use and zoning designations. Because the San Luis Obispo County General Plan directs development toward existing and strategically planned communities, this development would not physically divide an established community. No impacts would occur.

b) Impacts related to this threshold are addressed in Section 4.3, *Land Use*, of this SEIR.

c) As described in Section 4.3.3, *Biological Resources*, the Program would not conflict with an adopted conservation plan or natural community conservation plan. No impacts would occur.



e. Findings. No potentially significant impacts related to land use and planning significance thresholds “a” and “c” would occur with Program implementation. Refer to Section 4.3, *Land Use*, for a discussion of significance threshold “b.”

4.3.10 Mineral Resources

a. Setting. There are a wide variety of mineral resources found in San Luis Obispo County, although only a few minerals are presently being extracted commercially. Mining has played an important role in the county’s history, including a brief gold rush at Pozo in the 1870’s and the later discoveries of mercury in the Santa Lucia Range. In recent years, the mineral products of the county have included petroleum, natural gas, mercury, gypsum, sand and gravel, construction stone, and clay. In addition, local mines provide a significant contribution to the county’s economy (County of San Luis Obispo, 2010).

b. Thresholds of Significance. As identified in the 2009 COSE EIR, potentially significant impacts would occur if the proposed program would result in any of the following (based on *State CEQA Guidelines*, Appendix G):

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or*
- b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.*

c. 2009 COSE EIR. The 2009 COSE EIR did not identify any impacts related to mineral resources as potentially significant and no mitigation measures were required.

d. Assessment of Impacts.

a, b) The proposed Program does not propose any specific development projects that could result in the loss of mineral resources. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use at a minimum 1:1 ratio. Any development facilitated by this component of the Program would be subject to existing land use and zoning designations as well as County policies related to protection of mineral resource deposits. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. No impacts would occur.

e. Findings. No potentially significant impacts related to mineral resources would occur with Program implementation.

4.3.11 Noise

a. Setting. Noise is generally defined as unwanted sound. Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-



weighting scale is an adjustment to the actual sound pressure levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz). One of the most frequently used noise metrics that considers both duration and sound power level is the equivalent noise level (Leq). The Leq is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time. Typically, Leq is summed over a one-hour period. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, and consists of a weighted average of the hourly Leqs over a 24-hour period. The weighting includes a 5 dB penalty added to evening (7 p.m. to 10 p.m.) and a 10 dB addition to nocturnal (10 p.m. to 7 a.m.) noise levels to account for the greater disturbance associated with noise during these periods. The Day-Night Average Sound Level, LDN, is essentially the same as CNEL, with the exception that all occurrences during the 3-hour evening time period are grouped into the day-time period with no dB penalty.

Because of the nature of the human ear, a sound must be about 10 dB greater than the reference sound to be judged as twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1-2 dBA changes generally are not perceived. Quiet suburban areas typically have noise levels in the range of 40 to 50 dBA, while those along arterial streets are in the 50 to 60+ dBA range. Normal conversational levels are in the 60-65 dBA range and ambient noise levels greater than that can interrupt conversations. Noise levels typically attenuate at a rate of 6 dBA per doubling of distance from point sources such as industrial machinery.

Major sources of community noise within San Luis Obispo County include traffic on state highways and other major roadways, railroad operations, airport operations, military training activities at Camp Roberts, and industrial, commercial and agricultural activities (County of San Luis Obispo, 1992).

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Noise sensitive land uses that have been identified by the County of San Luis Obispo include: residential development, except temporary dwellings; schools-preschool to secondary, college and university, specialized education and training; health care services (hospitals); nursing and personal care; churches; public assembly and entertainment; libraries and museums; hotels and motels; bed and breakfast facilities; outdoor sports and recreation; and offices (County of San Luis Obispo, 1992).

b. Thresholds of Significance. As identified in the 2009 COSE EIR, potentially significant impacts would occur if the proposed program would result in any of the following (based on *State CEQA Guidelines*, Appendix G):

- a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;*
- b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels;*
- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;*



- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;*
- e) *For a project located with an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, exposure, by the project, of people residing or working in the project area to excessive noise levels; or*
- f) *For a project within the vicinity of a private airstrip, exposure, by the project, of people residing or working in the project area to excessive noise levels.*

c. 2009 COSE EIR. The 2009 COSE EIR did not identify any impacts related to noise as potentially significant and no mitigation measures were required.

d. Assessment of Impacts.

a-f) The proposed Program does not propose any specific development that would result in exposure of persons to noise in excess of established standards or groundborne vibration or noise, nor would it result in a temporary, periodic, or permanent increase in ambient noise levels above existing levels. WNN requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use at a minimum 1:1 ratio. Depending on the nature of the development, it may result in excess noise exposure or increases in ambient noise levels. However, any development facilitated by this component of the program would be subject to existing land use and zoning designations and County policies related to creation of noise. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. No impacts would occur.

e. Findings. No potentially significant impacts related to noise would occur with Program implementation.

4.3.12 Population and Housing

a. Setting. The unincorporated portion of San Luis Obispo County is currently home to 105,869 residents (excluding group quarters) and contains 49,119 housing units (California Department of Finance, 2014). Based on the average household size of 2.58 persons/household (California Department of Finance, 2014), 41,035 housing units would be required to house the current population. As such, there is currently an excess of 8,084 housing units. According to the Housing Element 2014-2019 of the County of San Luis Obispo General Plan, the county population is expected to grow between 0.44-1 percent per year from 2013 through 2018 (an increase of approximately 12,000 persons over the five year period) and countywide residential development is projected to average 1,050 units per year for the next several years (County of San Luis Obispo, 2014).

Vacancy rates are indicators of housing availability. When vacancy rates are high, there is an adequate supply of housing; consequently prospective owners and renters have a wider variety of choice. With fewer vacancies, the choice of housing is conversely limited; demand for housing exceeds supply and contributes to increases in cost. In order to assure adequate choice and availability of housing, while balancing the market for landlords and sellers, the



“desirable” rates of vacancy would range between 4 to 6 percent for rental units and 1 to 3 percent for owner occupied units (according to Federal Housing Administration standards). The current vacancy rate for the unincorporated portion of the county is 16.8 percent (California Department of Finance, 2014), which demonstrates a high degree of housing availability.

The San Luis Obispo County Housing Needs Assessment states that regional shortages of available water, among other factors (e.g., need for key infrastructure development, abundance of protected natural resource areas, and high land costs, etc.), continue to impact housing development and where it may be located. Development in Cambria, Los Osos, Shandon, and Nipomo is currently constrained by a limited water supply, with a LOS III designation in place. The Cambria Community Services District and Nipomo Community Services District are actively pursuing new water sources. In addition, the County is working on improving water supply and has adopted water neutral general plan amendments, mitigation fees for new development to help a supplemental water project, and a communitywide water conservation program.

b. Thresholds of Significance. As identified in the 2009 COSE EIR, potentially significant impacts would occur if the proposed program would result in any of the following (based on *State CEQA Guidelines*, Appendix G):

- a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure);*
- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; or*
- c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.*

c. 2009 COSE EIR. The 2009 COSE EIR did not identify any impacts related to population and housing as potentially significant and no mitigation measures were required.

d. Assessment of Impacts.

a) Impacts related to this threshold are addressed in Section 6.1, *Growth Inducement*.

b-c) The WWP program would promote water conservation through the prohibition of water wasting and the threat of fines for non-compliance in urban and rural areas, and through identification of a series of BMPs aimed at reducing water waste in agricultural practices. The WWP program would not, however, increase development potential. In contrast, WNND requirements would maintain current water use while allowing for development to occur consistent with the adopted General Plan and Zoning Ordinance. As such, the proposed Program would not displace existing housing or people. No impacts related to population and housing would occur.

e. Findings. No potentially significant impacts related to population and housing would occur with Program implementation.



4.3.13 Public Services and Utilities

a. Setting.

Fire Protection. The California Department of Forestry and Fire Protection (CAL FIRE) provides fire protection for the County of San Luis Obispo, the City of Pismo Beach, the Avila Beach CSD, and the Los Osos CSD by cooperative agreements. There are 21 County Cal Fire Stations within the county (County of San Luis Obispo, 2009).

Police Services. The San Luis Obispo County Sheriff's Department is the law enforcement agency responsible for protecting life and property as well as providing service, security and safety to the unincorporated areas of the county. The Department's current staff includes 159 sworn personnel, 121 correctional staff, and 121 civilian personnel in addition to approximately 400 volunteers (County of San Luis Obispo, 2009).

Emergency Medical Response. The San Luis Obispo County Office of Emergency Services works with state agencies, County departments, and various community groups to coordinate and handle major disasters affecting county residents (County of San Luis Obispo, 2009).

Schools. San Luis Obispo County has over 34,000 students enrolled in over 75 schools in 10 school districts in the county. County schools stretch from Nipomo to Parkfield and from the Lucia Mar Unified School District with over 10,000 students to the Pleasant Valley Joint Union Elementary School District with 125 students. The County Office of Education provides academic and financial support and assistance to all 10 districts (County of San Luis Obispo, 2009).

Parks. San Luis Obispo County currently operates approximately 23 parks, 3 golf courses, and 8 Special Places. Urban Regional Parks account for 644 acres, Rural Regional Parks account for 11,398 acres, and mini, neighborhood and community parks account for 214 acres (County of San Luis Obispo, 2009).

Water. San Luis Obispo County obtains nearly 80 percent of its water supply from groundwater. Only two percent of the county's supply comes from imported water and the remaining 17 percent of water supply is surface waters (County of San Luis Obispo, 2009). As described in Section 2.0, *Project Description*, San Luis Obispo County is in the midst of an "exceptional drought" that has lowered water levels in surface lakes and reservoirs, and in groundwater basins. The Board of Supervisors has certified the NMMA Nipomo Mesa Water Conservation Area, the Los Osos Basin, and the Paso Robles Groundwater Basin, at LOS III, which indicates that groundwater demand has met or exceeded the dependable supply.

Non-local water resources are transmitted to San Luis Obispo County via the Coastal Branch of the State Water Project. The transmission infrastructure is owned by the Department of Water Resources and is operated and maintained by the Central Coast Water Authority. Once inside the county, the water is distributed via County-operated infrastructure. The County-operated water delivery system is overseen by County Public Works and is funded in part by various



county service areas. Other water delivery operators include community service districts or private water companies (County of San Luis Obispo, 2010).

Wastewater. Most of the county's larger unincorporated communities have formed community service districts or sanitary districts to operate and maintain their sewage collection and treatment systems. There are 15 wastewater treatment facilities that accept wastewater from unincorporated communities within the county. Those areas that are not connected to the treatment facilities rely on septic tanks and leachfields, or other acceptable methods to dispose of wastewater (County of San Luis Obispo, 2009).

Solid Waste. Solid waste is accepted at the three landfills in the county: Cold Canyon Landfill in San Luis Obispo, Chicago Grade Landfill north east of Atascadero, and the City of Paso Robles Landfill east of the City of Paso Robles, and in south county at the Nipomo Transfer Station. Curbside recycling is offered in almost all communities throughout the county and several facilities also provide recycling or the ability for reuse of construction material (County of San Luis Obispo, 2009).

b. Thresholds of Significance. As identified in the 2009 COSE EIR, a significant impact to fire protection and emergency services, schools, or social services would occur if implementation of the proposed Program would result in any of the following (based on *State CEQA Guidelines*, Appendix G):

Public Services:

- a) *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection, Police protection, Schools, Parks and/or other public facilities.*

Utilities and Service Systems:

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;*
- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;*
- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;*
- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed;*
- e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;*



- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; or*
- g) *Comply with federal, state, and local statutes and regulations related to solid waste.*

c. 2009 COSE EIR. The 2009 COSE EIR determined that implementation of the COSE Consolidation and Update would have a beneficial impact on water supply and demand and solid waste service and disposal and did not identify any impacts related to public services and utilities as potentially significant and no mitigation measures were required.

d. Assessment of Impacts.

Public Services.

a) The proposed Program would not accommodate additional growth beyond that anticipated by the General Plan and, therefore, would not increase demand for public services or facilities. Implementation of the proposed Program would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. Impacts would be less than significant.

Utilities and Service Systems.

a- e) The proposed Program would not accommodate growth beyond that anticipated by the General Plan nor does it propose any specific development projects that would increase wastewater generation, water demand, or stormwater runoff. WNND requirements would require new urban and rural development within certified LOS III groundwater basins and new or more intensively irrigated agriculture within the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) to offset new water use at a minimum 1:1 ratio. The proposed Program does not propose any specific development; however, the Program may facilitate new growth anticipated by the General Plan in areas of the County designated at LOS III, if that development could offset its water use. New urban and rural development would continue to be required to demonstrate the availability of sufficient water supplies to serve the project, and would additionally be required to demonstrate compliance with the minimum 1:1 offset ratio. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

f-g) The proposed Program would not accommodate growth beyond that anticipated by the General Plan nor does it propose any specific development projects that would increase solid waste generation. No impacts would occur.

e. Findings. No potentially significant impacts related to public services and utilities would occur with Program implementation.



4.3.14 Recreation

a. Setting. Outdoor recreational opportunities range from minimal passive activities such as hiking, to more active local and state parks, recreation facilities such as golf courses, and areas of outstanding scenic, historic and cultural value such as found in the Carrizo Plains Reserve administered by the Bureau of Land Management. The County of San Luis Obispo currently operates approximately 23 parks, 3 golf courses, and 8 Special Places. Urban Regional Parks account for 644 acres, Rural Regional Parks account for 11,398 acres, and mini, neighborhood and community parks account for 214 acres. Within the county's unincorporated areas there are very few neighborhood parks. Many of the county's community parks, such as Los Osos Community Park and San Miguel Park, are below ten acres in size and provide the only park facilities in that community (County of San Luis Obispo, 2006). California Department of Parks and Recreation ("State Parks"), also provides outdoor recreational facilities in the county which include items such as trails, camping, access to historic facilities, and/or nature appreciation throughout California as well as San Luis Obispo County. Examples of State Parks facilities within San Luis Obispo County include Hearst San Simeon State Historical Monument, Montaña de Oro State Park, Oceano Dunes State Vehicular Recreational Area, and Morro Bay State Park (County of San Luis Obispo, 2006).

The federal government also provides access to passive parkland. Agencies such as the Bureau of Land Management and the United States Forest Services often provide trail corridors, camping, nature appreciation and in some cases preservation of historic facilities. Examples of federal parks in this area include the Piedras Blancas Light House (near San Simeon), the Carrizo Plains, and the Los Padres National Forest (County of San Luis Obispo, 2006).

b. Thresholds of Significance. The following two thresholds, which are also included in Appendix G of the 2014 *State CEQA Guidelines*, were not specifically addressed in the 2009 COSE EIR Potentially significant impacts to recreation would occur if the proposed Program would result in any of the following:

- a) *Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or*
- b) *Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

c. 2009 COSE EIR. The 2009 COSE EIR did not specifically address impacts related to recreation, however, the EIR did not identify any impacts related to public services, including parks.

d. Assessment of Impacts.

a-b) The proposed Program would not directly generate additional population; therefore, it would not increase the use of neighborhood or regional parks such that substantial deterioration would occur, or such that new or expanded recreational facilities would be needed. The WWP program may limit the application of water to outdoor landscapes in urban and rural areas, which may result in the browning of lawns and other vegetated areas at



recreational facilities within the county. However, this would not affect the availability or use of recreational facilities. As such, impacts would be less than significant.

e. Findings. No potentially significant impacts related to recreation would occur with Program implementation.

4.15 Transportation/Traffic

a. Setting. Transportation and circulation in the county is provided through a variety of choices for residents and visitors depending on their destinations and reasons for transport. According to research by SLOAPCD, short trips (five miles or less) account for over half of all trips in the county. Existing transportation opportunities offer different travel times and levels of safety such as motorized transportation on the county's roadway network and non-motorized transportation on bicycle and pedestrian networks. Rail transportation in the county includes commuter and recreational rail transportation to areas north and south in the state.

b. Thresholds of Significance. For purposes of this program-level SEIR, a transportation impact would be considered significant if it would:

- a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;*
- b) *Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads and highways;*
- c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;*
- d) *Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);*
- e) *Result in inadequate emergency access; or*
- f) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).*

The 2009 COSE EIR included standards of significance pertaining to increasing traffic in relation to the existing traffic load and capacity of the street system, and exceeding a level of service standard. Since preparation of the 2009 COSE EIR, these thresholds have been replaced with thresholds a and b above. The 2009 COSE EIR also included a standard of significance in which a transportation impact would be considered significant if it would result in inadequate parking capacity. Since preparation of the 2009 COSE EIR, the associated significance threshold was removed from the *State CEQA Guidelines*. As such, this threshold is not analyzed herein.

c. 2009 COSE EIR. The 2009 COSE EIR determined that implementation of the COSE Consolidation and Update would have a beneficial impact on traffic, level of service, and



alternative transportation and did not identify any impacts related to transportation/traffic as potentially significant and no mitigation measures were required.

d. Assessment of Impacts.

a-c) The proposed Program would not alter existing land use or zoning designations nor would it result in a change to the circulation system or congestion management plan, levels of service on county roads, or air traffic patterns. Future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. No impacts would occur.

d-e) The proposed Program does not propose any development projects that would increase hazards or result in inadequate emergency access. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III and new irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use. However, any development facilitated by this component of the proposed Program would be subject to existing land use and zoning designations and County policies related to provision of emergency access. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. No impact would occur.

f) The proposed Program would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance. As such, the proposed Program would not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks). No impacts would occur.

e. Findings. No potentially significant impacts related to transportation/traffic would occur with Program implementation.

4.3.16 Cumulative Impacts

As discussed above, the WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and identification of a series of best management practices (BMPs) aimed at reducing water waste in agricultural practices, with a threat of fines for non-compliance in non-agricultural areas. This component of the Program would not, however, generate new development. In contrast, WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply and new irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use at a minimum 1:1 ratio. As discussed above, neither component of the Countywide Water Conservation Program would alter existing land use or zoning designations. Thus, while WNND requirements would facilitate new development in some areas of the county, it would do so subject to existing San Luis Obispo County General Plan and Zoning Ordinance land use designations and thus would not contribute to cumulative impacts from buildout beyond those



already addressed during the environmental review process for the various General Plan Elements.

While the proposed Agricultural Offset program could result in the partial or complete fallowing of agricultural lands in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), this would not be considered a conversion to non-agricultural use and land designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed Program (Mitigation Measure AG-1). While the fallowing of some properties could represent a change in visual character for individual properties it would not result in cumulative impacts to the aesthetic character of the county given that fallowed lands are a common feature in the pastoral landscape. In addition, the fallowing of lands is a typical practice for agricultural areas in the Paso Robles Groundwater Basin. Fallowed land would not substantially increase PM₁₀ emissions, result in the loss of topsoil, or result in substantial changes to drainage and runoff patterns.

The WWP program would result in a net decrease in water use countywide, but would not alter development potential. The extent of this decreased demand would depend on the extent to which county residents change their behaviors, as well as the effectiveness of violation reporting and enforcement in urban and rural areas. A net decrease in water use would result in water conservation and would help to reduce the existing strain on the county's groundwater resources as well as result in decreased energy use, and therefore decreases in GHG emissions.

The Program's contribution to cumulative impacts would not be considerable since impacts would be less than significant without mitigation for all of the above addressed issue areas. Therefore, cumulative impacts related to the above addressed issue areas would be less than significant. Cumulative impacts related the program's consistency with existing land use and policy framework, the conversion of agriculture, and risk of wildland fires are addressed in Sections 4.1, *Agricultural Resources*, and 4.2, *Land Use and Planning*, of this SEIR.



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5.0 ALTERNATIVES

As required by Section 15126.6(c) of the *State CEQA Guidelines*, this EIR examines a range of reasonable alternatives to the proposed project, in this case the proposed Countywide Water Conservation Program, which could feasibly achieve similar objectives. Included in this analysis are the CEQA-required “no project” alternative and three program modification alternatives. This section also describes five additional alternatives that were considered for inclusion but ultimately rejected.

As described in Section 2.0, *Project Description*, the objectives for the proposed Countywide Water Conservation Program (Program) include the following:

- *Substantially reduce increases in groundwater extraction in areas that have been certified at Level of Severity (LOS) III;*
- *Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use;*
- *Provide a mechanism to allow new or altered irrigated agriculture to proceed in the Paso Robles Groundwater Basin, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and*
- *Reduce the wasteful use of water in the county.*

Based on the potentially significant impacts that could result from implementation of the Program, as identified in Section 4.0, *Environmental Impact Analysis*, of this SEIR, and the objectives identified above, four alternatives were chosen for analysis in this section. The four alternatives evaluated are as follows:

- *Alternative 1: No Project*
- *Alternative 2: Larger Offset Requirement*
- *Alternative 3: Expanded Agricultural Offset Program*
- *Alternative 4: Altered Sunset Provisions*

As required by CEQA, this section also includes a discussion of the “environmentally superior alternative” among those studied.

5.1 ALTERNATIVES CONSIDERED BUT REJECTED

State CEQA Guidelines Section 15126.6(c) states that an EIR should “identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination.” Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts. The following alternatives to the proposed Program were considered but rejected from further consideration because they were either determined to be infeasible or would fail to meet most of the basic Program objectives. These alternatives are described in the sections that follow.



5.1.1 Extension of Water Neutral New Development Program to LOS I and LOS II Basins

In its comment letter on the Notice of Preparation (NOP), the California Coastal Commission suggested that the Water Neutral New Development (WNND) requirements may be more effective in groundwater basins with LOS I and LOS II designations, where stringent requirements on water use may help to institute efficient water practices and prolong available supply (letter dated September 12, 2014; refer to Appendix A). In response to this suggestion, an alternative that would expand the scope of WNND requirements to groundwater basins certified at LOS I and LOS II for water supply (in both Inland and Coastal Zones) was considered.

As defined by the San Luis Obispo County Resource Management System (RMS), the criteria used to determine levels of severity for water supply are as follows:

- **LOS I.** When projected water demand projected over the next twenty years equals or exceeds the estimated dependable supply.
- **LOS II.** When projected water demand projected over the next fifteen to twenty years equals or exceeds the estimated dependable supply.
- **LOS III.** When projected water demand projected over the next fifteen years equals or exceeds the estimated dependable supply or the time required to correct the problem is longer than the time available before the dependable supply is reached.

Policies WR 1.13 and WR 1.14 in the San Luis Obispo County Conservation and Open Space Element (COSE) restrict density increases in rural areas that have a recommended or certified LOS II or III for water supply (WR 1.13) and restrict net increases in non-agricultural water use in groundwater basins that are recommended or certified as Level of Severity II or III for water supply (WR 1.14). The COSE does not contain policies restricting development or otherwise limiting water use in areas designated as LOS I for water supply. Because LOS I basins are not projected to exceed their dependable water supplies, there appears to be no need at this time to alter current County policy to limit such activities in LOS I groundwater basins. In addition, according to the *2010-2012 Resource Summary Report* (2013), there are no areas of the county currently designated or recommended as LOS II for water supply. Expanding WNND requirements to apply to LOS II areas would not, therefore, result in WNND requirements applying to additional areas at this time and therefore it is not proposed as part of the Program.

Given that expanding WNND requirements to LOS I groundwater basins would not be necessary and that there are no LOS II groundwater basins to which WNND requirements could be expanded, this alternative is considered infeasible, and was rejected from further consideration.

5.1.2 Elimination of the Program's Water Neutral New Development Requirements

This alternative would involve implementing the Water Waste Prevention (WWP) program but eliminating WNND requirements from the Program. As described in Section 4.1, *Agricultural Resources*, WNND requirements could result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption



within the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). These activities would result in potentially significant impacts to Prime Farmland, Unique Farmland, and Farmland of Statewide Importance and Williamson Act lands, resulting in conversion of Farmland. However, mitigation is provided that would address these impacts and reduce them to a less than significant level. In addition, because the WWP program would still be implemented, this alternative would decrease water use throughout the county.

Although this alternative would reduce or eliminate potentially significant environmental impacts to agricultural resources, it would not specifically address groundwater extraction or increases in demand for groundwater supply in areas that have been certified at LOS III for water supply, although the WWP program requirements would partially reduce groundwater extraction in these areas through elimination of water wasting. This alternative would not meet the project objective of providing a mechanism to allow new development to proceed in certified LOS III groundwater basins in a manner that fully offsets projected water use. Nor would the project require Agricultural Offset Clearances be obtained for new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin beyond the expiration of the PRGWB Urgency Ordinance on August 27, 2015.

Section 15126.6(c) of the *State CEQA Guidelines* requires that the alternatives to a proposed project “include those that could feasibly accomplish most of the basic objectives of the project.” Because this alternative would not meet most of the project objectives, it was rejected from further consideration.

5.1.3 Desalination Plant

Desalination refers to the process of removing salts and other minerals from saline water to produce potable water for human consumption or irrigation. While a desalination plant may provide a source of new water for San Luis Obispo County, a desalination plant is not considered a viable alternative to the proposed Countywide Water Conservation Program (Program). The primary objectives of the Program are to substantially reduce increases in groundwater extraction in groundwater basins certified at LOS III for water supply. A desalination plant, while providing a new water source, would not directly address these issues. Furthermore, a desalination plant would not address wasteful use of water in San Luis Obispo County, which is another key objective of the overall Program. Finally, planning, design, permitting, and construction of a desalination plant would require a much longer time frame than adoption of the proposed Program, which, if adopted, would immediately address the existing groundwater issues in the LOS III groundwater basins. The Agricultural Offset program for the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would have a sunset provision upon adoption of a Groundwater Sustainability Plan prepared pursuant to the Sustainable Groundwater Act, which may include provision of alternate supplies including desalination. Because this alternative would not meet project objectives and would require an extensive and time consuming approval process, a desalination plant was rejected from further consideration.



5.1.4 Development Moratorium

Rather than requiring an offset of new water demand, this alternative would place a moratorium on any development that would increase water demand in groundwater basins certified at LOS III for water supply, including (but not limited to): new residential, commercial, office, or public facilities development; addition or expansion of existing structures; new or intensified irrigated agriculture; and/or other changes in land use which may result in an increased water demand. No development could occur in LOS III groundwater basins under this alternative, until such time as the LOS III designation is downgraded by the Board of Supervisors.

This alternative is not considered a viable alternative to the proposed Program, in part, because it would not meet most of the basic project objectives. Although this alternative would substantially reduce increases in groundwater extraction in basins that have been certified at LOS III for water supply, it would not meet the project objective of providing a mechanism to allow new development to proceed in certified LOS III groundwater basins and to allow new or altered irrigated agriculture to proceed in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use. It would also not meet the project objective of reducing the wasteful use of water in the county, as no such activities would be prohibited.

5.1.5 Water Waste Prevention Ordinance for Agricultural Users

Under this alternative, an ordinance would replace the integration of best management practices (BMPs) into existing policy language and implementation of an educational outreach program. The primary objective of this alternative would be to develop and implement a permanent water-waste ordinance that addresses behavioral measures to improve agricultural water conservation.

Through consultation and coordination with the Agriculture Department, agricultural industry stakeholders, and small agriculturalist groups; and education and information obtained through round table discussions, field visits and research, perceived issues with the effectiveness of an ordinance and feasibility of enforcement of an agricultural water waste prevention ordinance were identified. These issues included:

- 1) The efficiency of agricultural water use in the County is already much greater than in the rest of the state due to the predominant use of groundwater and precision micro-irrigation with high-value crops, and this shift towards such crops is increasing;
- 2) Certain irrigation practices may be perceived by the public as wasteful, but are a normal and necessary part of agricultural operations;
- 3) Agriculturalists have an economic incentive to use water efficiently and not waste it because pumping costs are one of the largest single farming expenses, and;
- 4) Agriculturalists fix broken irrigation equipment promptly when discovered and notify fellow agriculturalists if they discover such equipment.



Based on this additional information, it was determined that this alternative could be difficult to implement without the support of key stakeholders and potentially duplicative of existing conservation efforts. In addition, it would not meet three of the primary project objectives (*substantially reduce increases in groundwater extraction in groundwater basins that have been certified at LOS III, providing a mechanism to allow new or irrigated agriculture to proceed in the Paso Robles Groundwater Basin, and reducing the wasteful use of water in the county*), therefore, this alternative was rejected from further consideration.

5.2 ALTERNATIVE 1: NO PROJECT

5.2.1 Description

Under the No Project Alternative, no amendments to the Agriculture Element, COSE, or County Code would be made and implementation of the Countywide Water Conservation Program would not occur. Because WNND requirements would not be implemented, water offset requirements for new urban and rural development overlying groundwater basins certified at LOS III for water supply or new or more intensively irrigated agriculture overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would be subject to existing requirements, as described in Section 2.0, *Project Description*. As previously described, the area overlying the Paso Robles Groundwater Basin (excluding cities), the community of Los Osos, and the community of Nipomo currently have a range of water neutral new development requirements in place. These requirements, which would continue to apply under the No Project Alternative, include the following:

- *The Paso Robles Groundwater Basin Urgency Ordinance (Ordinance No. 3246), which includes a requirement to offset increases in agricultural irrigation and plumbing retrofits to offset new non-agricultural development. Both agricultural and non-agricultural offsets are required at a 1:1 ratio. Absent a formal program, the approval of water offsets for new or more intensive agricultural activities are currently being approved on an individual basis at the discretion of the Planning Director. The Paso Robles Groundwater Basin Urgency Ordinance will expire on August 27, 2015, and under the No Project Alternative, the offset requirements in the Paso Robles Groundwater Basin will cease.*
- *The Los Osos Groundwater Basin Retrofit Ordinances, where two programs are currently in place. Title 8 requires that homes built before 1994 need to be retrofitted with new toilets and showerheads prior to sale. Title 19 requires that all new development in Los Osos retrofit enough existing homes and business to save twice the amount of water the new development would use (2:1 ratio). Remodels and additions to existing homes also require that the structure be retrofitted with new toilets and showerheads.*
- *The Nipomo Mesa Water Conservation Area Retrofit on Sale Requirement (Title 8), which requires that homes built before 1994 be retrofitted with new toilets and showerheads prior to sale. The Nipomo Mesa Water Conservation Provisions (Title 19) require that new development pays into a water conservation fund, managed by the Nipomo Community Services District, to conserve water within the ~~NMMA~~ Nipomo Mesa Water Conservation Area.*

Under the No Project Alternative, these existing programs would continue to be implemented, with the exception of the Paso Robles Groundwater Basin Urgency Ordinance after its expiration on August 27, 2015. What would not occur is a possible extension of the proposed



Urban/Rural Water Offset requirements to any groundwater basin that may be certified at LOS III or establishment of a formal program for agricultural water offsets in the Paso Robles Groundwater Basin. It is possible that a GSP, prepared pursuant to the Sustainable Groundwater Management Act, would be adopted and require offsetting, but it is unclear at this time whether a GSP would address the same concerns that the proposed Program would address.

As described in Section 4.2, *Land Use*, WNND requirements would maintain current water demand while allowing for development to occur consistent with the adopted General Plan and Land Use Ordinance. In this way, it provides a pathway for development in groundwater basins certified at LOS III for water supply without provision of a new water supply source. Under the No Project Alternative, development could still occur in groundwater basins certified at LOS III consistent with existing requirements. In areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), this would include a 1:1 offset for both agricultural and non-agricultural development, similar to the proposed Program, but only through August 27, 2015. Upon expiration, offset requirements for all future development (agricultural and non-agricultural) over the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would be removed and increases in demand for groundwater would resume. In Los Osos, existing requirements include a 2:1 offset requirement for non-agricultural development; similar to the proposed Program, these requirements would remain the same under the No Project Alternative. Finally, in Nipomo, existing water neutral new development requirements are limited to fees for new development to conserve water within the ~~NMMA~~ Nipomo Mesa Water Conservation Area and the requirement to retrofit existing homes for sale. Again, under the No Project Alternative, these requirements would remain in place. Overall, the No Project Alternative would allow the same amount of development as the proposed Program, as neither would result in changes to land use designations or zoning; however, the No Project Alternative would not result in the accompanying limitation on increases in demand for groundwater in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) once the Paso Robles Groundwater Basin Urgency Ordinance expires or provide for a turf removal program to provide offsets for new development.

Because the WWP program would not be implemented under this alternative, water wasting would not be prohibited within unincorporated areas of the county where such an ordinance (or other comparable program) is not already in place. Therefore, in areas where the WWP program would apply, residents may continue to perform activities defined as water wasting, as outlined in Section 2.0, *Project Description*. It is worth noting, however, that consistent with State Water Resource Control Board (SWRCB) Resolution No. 2014-0038, the following conservation measures would continue to be required countywide until such time as the Governor's drought declaration is rescinded:

- *No watering of outdoor landscapes that cause runoff;*
- *No using hoses without shut-off nozzles;*
- *No using water in a fountain or decorative water feature, unless the water is recirculated; and*
- *No washing of driveways and sidewalks.*

The above prohibitions are generally consistent with the WWP program, with the exception of the application of water to outdoor landscapes more than three times per week, which would be



banned under the proposed Program, but not under the No Project Alternative. The above prohibitions would also be implemented at the state level, and would only be in effect during the Governor's drought declaration. In comparison, local oversight of the proposed Program would be anticipated to generate a higher degree of compliance, and the proposed Program would be a longer-term solution. As a result, the No Project Alternative would be expected to result in more wasteful water practices than the proposed Program.

5.2.2 Impact Analysis

Agricultural Resources. The Los Osos Basin and ~~NMMA~~ Nipomo Mesa Water Conservation Area do not have existing Agricultural Water Offset programs. In areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), the existing Agricultural Water Offset program [as described in Section 2.3.1(a) of Section 2.0, *Project Description*] would continue to apply through August 27, 2015. During this time, similar to the proposed Program, water offsets could be granted by fallowing an existing agricultural property. This could result in impacts to fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, and may also conflict with existing Williamson Act contracts. ~~Mitigation Measure AG-1 in Section 4.1, *Agricultural Resources*, would prohibit the fallowing of these important farmlands, and would restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands. This measure would reduce impacts of the Program to important farmlands and Williamson Act contracts to a less than significant level.~~ The No Project Alternative would allow potential fallowing of agricultural land in areas overlying the Paso Robles Groundwater Basin through August 27, 2015, ~~without the benefit this mitigation measure. Thus, the impacts of this alternative would be unmitigated, and therefore greater than the proposed Program.~~⁴ Similar to the proposed Program, the fallowing of these lands would not constitute a significant impact; therefore, impacts related to conversion of Important Farmland under this alternative would be less than significant, similar to the proposed Program.

The No Project Alternative would not alter existing land use or zoning designations. Similar to the proposed Program, new development would be subject to the requirements of the County General Plan and County Code and thus it would not conflict with agricultural operations. Impacts related to conflicts with existing zoning for agricultural use would be similar to those of the proposed Program, which are less than significant.

Land Use and Planning. Because this alternative would not amend the Agriculture Element, COSE, or County Code, there would be no direct impact related to potential consistency with applicable land use plans, policies, or regulations. Similar to the proposed Program, the No Project Alternative would not alter existing zoning or land use designations and therefore would not affect development potential in the county. It should be noted, however, that the proposed Program is intended to substantially reduce increases in groundwater extraction in areas certified at LOS III for water supply. Several county policies are intended to protect groundwater resources, including specifically for continued agricultural production (including Policy AGP10, Policy AGP11, and Goal WR 2, see Section 4.2, *Land Use*).

⁴ *It should be noted that the existing requirement for agricultural water offsets in the Paso Basin would expire on August 27, 2015. Therefore, the No Project Alternative would not result in the fallowing of agricultural land after that time. However, because conversion of important farmland may be permanent, the fallowing of agricultural land prior to this date would still be considered potentially significant.*



Because the No Project Alternative would do nothing additional to curb continued increases in groundwater demand, it would be potentially inconsistent with the intent of certain County policies.

5.3 ALTERNATIVE 2: LARGER OFFSET REQUIREMENT

5.3.1 Description

This alternative would modify the proposed WNND requirements for new urban and rural development in groundwater basins certified at LOS III for water supply to offset water use at a ratio of 2:1 rather than 1:1. In addition, new or more intensively irrigated agriculture in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would be required to offset water use at a ratio of 2:1 rather than 1:1 as currently proposed. This alternative would also require that, in order to calculate the 2:1 ratio requirements for agricultural irrigation water, the low end of the range for water use by crop provided in the proposed Agricultural Offset program (see Table 2-3 in Section 2.0, *Project Description*) be used to calculate water use on the sending site (i.e. the location providing the offset) and the high end of the range for water use be used for the crop on the receiving site. In this way, the Larger Offset Requirement Alternative would further serve to limit depletion of groundwater in the Paso Robles Groundwater Basin.

Similar to the proposed Program, the agricultural water offset requirement in the Paso Robles Groundwater Basin would be extended beyond the expiration date of the Paso Robles Groundwater Basin Urgency Ordinance. This alternative would also extend the requirement to offset non-agricultural water use in all three currently certified LOS III groundwater basins. The methods of offsetting water use would be the same as the proposed Program, including: plumbing retrofits, turf removal, and transferring water credits between landowners. However, the amount of the offset required under this alternative would be increased compared to the proposed Program.

The WWP program would not be modified under this alternative, and would be implemented similar to the proposed Program.

5.3.2 Impact Analysis

Agricultural Resources. As described in Section 4.1, *Agricultural Resources*, the proposed Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption. These activities would result in ~~potentially significant impacts to the fallowing of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; Williamson Act lands; resulting in conversion of Farmland. These potentially significant impacts would occur as a result of the Agricultural Offset program.~~ Because this alternative would increase the offset requirement from a 1:1 ratio to a 2:1 ratio, this alternative would double the amount of water required to be offset for new agricultural uses. These water offsets could be granted through the elimination of existing crops, which could result in a larger amount of agricultural land fallowed under the Program. Impacts associated with this alternative would therefore be greater than for the proposed Program. However, as with the proposed Program, ~~Mitigation Measure AG-1 would prohibit the fallowing of~~



important farmlands ~~would not be considered a conversion to non-agricultural use, and would not constitute a significant impact~~~~restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands.~~ Application of this measure to Therefore, the Larger Offset Requirement Alternative would result in less than significant impacts, similar to the proposed Program.

The Larger Offset Requirement Alternative would not alter existing land use or zoning designations. Similar to the proposed Program, new development would be subject to the requirements of the County General Plan and County Code and thus it would not conflict with agricultural operations. Impacts related to conflicts with existing zoning for agricultural use would be similar to those of the proposed Program, which are less than significant.

Land Use and Planning. The Larger Offset Requirement Alternative would be similar to the proposed Program, in that similar modifications to the Agriculture Element, COSE, and County Code would be made. This alternative would simply double the offset requirement associated with the WNND component of the proposed Program. In this way, the alternative would be similar to the proposed Program but would result in a net water savings from new urban and rural development in all LOS III certified areas and from new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (whereas the proposed Program would remain water neutral).

As described in Section 4.2, *Land Use*, the proposed Program would be potentially consistent with applicable policies of the County of San Luis Obispo General Plan and other applicable planning documents, pursuant to implementation of mitigation measures identified in the SEIR. Several county policies are intended to protect groundwater resources, including specifically for continued agricultural production (including Policy AGP10, Policy AGP11, and Goal WR 2, see Section 4.2, *Land Use*). Because the Larger Offset Requirement Alternative would result in a net water savings, it would be potentially more consistent with the intent of these policies than the proposed Program.

5.4 ALTERNATIVE 3: EXPANDED AGRICULTURAL OFFSET PROGRAM

5.4.1 Description

This agricultural water offset component of this alternative is based on the offset program originally proposed by the Upper Salinas – Las Tablas Resource Conservation District (RCD) for the Paso Robles Groundwater Basin as described in the document *Agricultural Water Offset Program, Paso Robles Groundwater Basin* (October 2014)(included as Appendix B in this SEIR). Under this alternative, all of the original provisions of that program, as described below and in Section 3 of the RCD document, would be applied rather than the simplified version included in the proposed WNND requirements. The Agricultural Offset program would be applied in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), as well as in the ~~NMMA~~ Nipomo Mesa Water Conservation Area and Los Osos Groundwater Basin under this alternative. Under this alternative credits would not be able to be used to increase pumping within severe groundwater level decline areas as defined by the County. Also, unlike the proposed Program, all agricultural water credit transactions would be evaluated to ensure the



water credit is hydrogeologically connected to the new water use and would require a well interference analysis.

Similar to the proposed Program, credits for the Expanded Agricultural Offset program may come from the following potential sources available from current documented practices:

- Fallowing of irrigated land resulting in less pumping;
- Crop conversion(s) to less water intensive crops as designated by the adopted program water use charts (e.g. alfalfa to olives, irrigated pasture to dryland range, water intensive deciduous crops to less intensive deciduous, grain or vegetable crops, etc.).

This program would apply to new irrigated agricultural development overlying all groundwater basins certified at LOS III, rather than just the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). Similar to the proposed Program, new irrigated agricultural development includes the following:

- a. Irrigated agricultural crop conversions;
- b. New irrigated agricultural development on previously un-irrigated land; and
- c. Replanting of existing irrigated crops (of the same crop type) where the replanting results in an increase of crop density or other modification that leads to increased water use (e.g. change in irrigation system or cropping patterns); ~~and~~
- d. ~~Hobby agriculture for rural residential users.~~

Similar to the proposed Program, both on-site modifications to existing agricultural activities that increase water use along with new irrigated agriculture and/or crop conversions would be able to take advantage of the offset program to allow increased water use on-site. Unlike the proposed Program, offset applications for new irrigated agriculture would be divided into five categories based on the characteristics of the application, and the complexity of review necessary for Offset Clearance approval would vary between categories. As with the proposed Program, each offset application would be reviewed for compliance with the requirements of the program. Unlike the proposed Program, applicants would be required to enter into an agreement with the County for continued annual verification of water use.

The most stringent information requirements would be applied to Category IV. The individual offset requirements for each category are shown in Table 5-1. Each of these criteria is defined in the following sections, several of which are similar to the proposed Program.

**Table 5-1
 Alternative 3 Offset Approval Criteria**

	On-Site Modifications	Category I	Category II	Category III	Category IV
Determination of Maximum Net Acreage	✓	✓	✓	✓	✓
Hydrogeological Strata Analysis			✓	✓	✓
Neighboring Well Impact Analysis			✓	✓	✓
Landowner Agreements	✓	✓	✓	✓	✓
Proximity Analysis					✓



**Table 5-1
Alternative 3 Offset Approval Criteria**

	On-Site Modifications	Category I	Category II	Category III	Category IV
Deed Covenants	✓	✓	✓	✓	✓
Installation of Well Meter(s)	✓	✓	✓	✓	✓

Source: Sections 3.4 and 3.5 of the Final Report on the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.

Similar to the proposed Program, applications shall include verification that the proposed crop, irrigation, and/or management modifications can stay within the maximum applied water amount as calculated per the Agricultural Offset program.

Determination of maximum net acreage and applied water allotment. For the purposes of the Agricultural Offset program, the crop categories and water use values presented in Tables 2-2 and 2-3 in Section 2.0, *Project Description*, would be used to determine the potential credit and/or amount of credit needed to satisfy the requirements of the offset program. Water credits for new agricultural uses would be calculated in the same manner as for the proposed Program.

Hydrologic strata analysis. Unlike the proposed Program, the proposed offset credit source for Categories II, III and IV would be derived from a well that is open to similar hydrogeological strata as the receiving well.

Neighboring well impact analysis. Unlike the proposed Program, applicants for Categories II, III and IV offsets would be required to demonstrate that active wells (irrigation and domestic) located near the receiving well would not be significantly impacted by the additional water level drawdown caused by the receiving well.

Landowner agreements. Similar to the proposed Program, a notarized signed copy of the agreement for transfer of offset credits between participating private landowners is required to be submitted to the County. The County would then ensure that participating landowners list the credit amount and agree to supply the credits in perpetuity, or until the basin reaches a LOS I or better ranking.

Proximity analysis. Under this alternative, the proposed offset well location(s) for Category IV applications must be within the cone of depression formed by the well serving the new use based on the parameters defined in the program. If the resulting water level recovery at the credit well location falls within the cone of depression of the pumping well serving the new use, the proposed offset credit is assumed to benefit the aquifer and offset the new use.

Deed Covenants. Similar to the proposed Program, all properties included in an Agricultural Offset Clearance request for either sending sites or receiving sites shall include a deed covenant recorded against the properties, regardless of whether or not the properties are owned by the same entity or person. Deed covenants will be required to be in a form approved by the County and the County would be entitled to enforce the agreement.



Installation of flow meters. Similar to the proposed Program, all approved Agricultural Offset Clearance applications will require that a meter be installed on all sending and receiving wells prior issuance of a clearance.

No sunset clause is included for the agricultural offset program as part of this alternative.

The Urban/Rural Water Offset program and WWP program would not be modified under this alternative, and would be implemented similar to the proposed Program.

5.4.2 Impact Analysis

Agricultural Resources. As described in Section 4.1, *Agricultural Resources*, the proposed Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption. These activities would result in ~~potentially significant impacts to the fallowing of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; Williamson Act lands; resulting in conversion of Farmland.~~ These potentially significant impacts would occur as a result of the Agricultural Offset program. Because the Expanded Agricultural Offset Program Alternative would extend the Agricultural Offset program to new irrigated agricultural development overlying all LOS III groundwater basins (rather than the Paso Robles Groundwater Basin only), this alternative would increase the amount of agricultural water offsets in the county. These water offsets could be granted through the elimination of existing crops, which could result in a larger amount of agricultural land fallowed under the Program. Impacts to agricultural resources would therefore be slightly greater under this alternative. However, as with the proposed Program, the fallowing of important farmlands would not be considered a conversion to non-agricultural use, and would not constitute a significant impact. ~~Mitigation Measure AG-1 would prohibit the fallowing of important farmlands, and would restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands. Application of this measure to~~ Therefore, Alternative 3 would result in less than significant impacts related to important farmland conversion after application of the required mitigation, similar to the proposed Program.

The Expanded Agricultural Offset Program Alternative would not alter existing land use or zoning designations. Similar to the proposed Program, new development would be subject to the requirements of the County General Plan and County Code and thus it would not conflict with agricultural operations. Impacts related to conflicts with existing zoning for agricultural use would be similar to those of the proposed Program, which are less than significant.

Land Use and Planning. This alternative would be similar to the proposed Program, in that similar modifications to the Agriculture Element, COSE, and County Code would be made. Because the offset requirement would be a 1:1 ratio, similar to the proposed Program, this alternative would neither increase nor decrease water use over current levels. Rather, it would maintain current water use while allowing new agricultural development to occur consistent with the adopted General Plan and Zoning Ordinance.

As described in Section 4.2, *Land Use*, the proposed Program would be potentially consistent with applicable policies of the County of San Luis Obispo General Plan and other applicable



planning documents, pursuant to implementation of mitigation measures identified in the SEIR. Several county policies are intended to protect groundwater resources, including specifically for continued agricultural production (including Policy AGP10, Policy AGP11, and Goal WR 2, see Section 4.2, *Land Use*). Because this alternative would similarly maintain current water use while allowing new agricultural development in LOS III groundwater basins, it would be similarly potentially consistent with these and other General Plan policies.

5.5 ALTERNATIVE 4: ALTERED SUNSET PROVISIONS

5.5.1 Description

This alternative would include the same Urban/Rural Water Offset requirements and WWP program as included in the proposed Program. In addition, this alternative would also include a simplified version of the Agricultural Offset program that applies only to the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). No Agricultural Offset program would be implemented in the ~~NMMA~~ Nipomo Mesa Water Conservation Area or Los Osos Groundwater Basin under this alternative.

The only variation between this alternative and the proposed Program would be in the form of the sunset provision for both the Urban/Rural Water Offset requirements and the Agricultural Offset program. In the proposed Program, the Agricultural Offset program in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would sunset upon the adoption of a Groundwater Sustainability Plan (GSP) by a Groundwater Sustainability Agency (GSA). No sunset provision is currently envisioned in the proposed Program for the Urban/Rural Water Offset requirements.

Under this alternative, both the Urban/Rural Water Offset requirements and Agricultural Offset program could sunset under any one of the following conditions:

1. Upon implementation of a GSP that assures water neutrality, prohibits waste, and addresses irrigation BMPs (this differs from the proposed sunset provision of *adoption of a GSP for the proposed Program*);
2. Board of Supervisors declaration of an end to emergency drought conditions; or
3. Board of Supervisors downgrading a LOS III certified basin to LOS I or LOS II.

5.5.2 Impact Analysis

Agricultural Resources. This alternative would modify the sunset provision for the proposed Program and would extend the sunset provisions to the Urban/Rural Water Offset requirement (in addition to the Agricultural Offset program, which has a sunset provision under the proposed Program). Because there would be multiple scenarios under which the Program could sunset, this alternative could potentially be in effect for a shorter period of time than the proposed Program. For example, if emergency drought conditions end (condition 2) or the Paso Robles Groundwater Basin is downgraded to LOS II (condition 3), the Program would no longer apply, even if a GSP is not yet adopted.



If emergency drought conditions continue or if LOS III-certified groundwater basins maintain their current LOS certifications (i.e. if conditions 2 or 3 are not met), then this alternative would apply for a longer period of time than the proposed Program. This is because condition 1 in the Altered Sunset Provisions Alternative would allow the Program to sunset only after implementation of a GSP, rather than at the time of adoption (as with the proposed Program). Under condition 1, the alternative would potentially be in effect for a longer period of time than the proposed Program.

As described in Section 4.1, *Agricultural Resources*, the proposed Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption. These activities would result in ~~potentially significant impacts to the fallowing of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; Williamson Act lands; resulting in conversion of Farmland. These potentially significant impacts would occur as a result of the Agricultural Offset program.~~ Because this alternative could potentially allow the Agricultural Offset program to sunset earlier than the proposed Program (under condition 2 and condition 3), this alternative may decrease the amount of agricultural water offsets in the county over time, thus resulting in fewer impacts to agricultural resources. On the other hand, this alternative would potentially allow the Agricultural Offset program to continue longer than the proposed Program (if condition 1 is selected), and may therefore increase the amount of agricultural offsets (and associated impacts) over time. As with the proposed Program, the fallowing of important farmlands would not be considered a conversion to non-agricultural use, and would not constitute a significant impact. ~~Mitigation Measure AG-1 would be required. This measure would prohibit the fallowing of important farmlands, and would restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands. Application of this measure to~~ Therefore, Alternative 4 would result in less than significant impacts whether the alternative results in a longer-term or shorter-term Program depending on the condition under which the alternative sunsets, similar to the proposed Program.

The Altered Sunset Provisions Alternative would not alter existing land use or zoning designations. Similar to the proposed Program, new development would be subject to the requirements of the County General Plan and County Code and thus it would not conflict with agricultural operations. Impacts related to conflicts with existing zoning for agricultural use would be similar to those of the proposed Program, which are less than significant.

Land Use and Planning. This alternative would be similar to the proposed Program, in that similar modifications to the Agriculture Element, COSE, and County Code would be made. This alternative would simply add three new conditions under which WNNND requirements could sunset, and would extend these sunset provisions to the Urban/Rural Water Offset requirements. Because the offset requirements would be a 1:1 ratio, similar to the proposed Program, this alternative would neither increase nor decrease water use over current levels while the Program is in place. Rather, it would maintain current water use while allowing new urban, rural and agricultural (in the Paso Robles Groundwater Basin and excluding the Atascadero Sub-basin only) development to occur consistent with the adopted General Plan and Zoning Ordinance. As described in Section 4.2, *Land Use*, the proposed Program would be potentially consistent with applicable policies of the County of San Luis Obispo General Plan and other applicable planning documents. Minor potential inconsistencies would be addressed



by implementation of mitigation measures identified in the SEIR. Several county policies are intended to protect groundwater resources, including specifically for continued agricultural production (Policy AGP10, Policy AGP11, and Goal WR 2, see Section 4.2, *Land Use*). Because this alternative would similarly maintain current water use while allowing new urban and rural development in LOS III groundwater basins, and new irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), it would be similarly potentially consistent with these and other General Plan policies.

Because there are differences in when the individual sunset conditions would occur, some of the sunset condition alternatives would be better than the proposed Program at achieving the project objective of substantially reducing increases in groundwater extraction in certified LOS III groundwater basins. For example, declaration of the end of emergency drought conditions would cause the Program to sunset (condition 2). Even though offset requirements for all future development and restriction on wasteful uses of water would be removed and increases in demand for groundwater could resume, one or more of the groundwater basins may still be certified LOS III at that time. Therefore, this sunset condition would be worse than the proposed Program at substantially reducing increases in groundwater extraction from LOS III groundwater basins.

Sunset at a decrease from LOS III to LOS II (condition 3) would use a metric to ensure that the basin as a whole is close to equilibrium and capable of sustaining at least moderate growth without WNND requirements. Under the proposed Program, the Urban/Rural Water Offset requirements would not be subject to a sunset clause. *Adoption* of a GSP, which is the sunset condition included in the proposed Program for the Agricultural Offset program in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), could allow increases in agricultural groundwater extraction without requirements to fully offset water use. Sunset condition 3 would be better than the proposed Program at reducing net increases in groundwater demand in the Paso Robles Groundwater Basin.

Sunset upon implementation of a GSP that assures water neutrality, prohibits waste, and addresses irrigation BMPs (condition 1) would be better than the proposed Program at reducing net increases in groundwater demand in all certified LOS III groundwater basins. As noted above, the sunset condition included in the proposed Program is upon adoption of a GSP; note that this only applies to the Agricultural Offset program in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). It is estimated that the period between adoption and implementation of a GSP could be up to 15 years. Therefore, during that period of time there would be no requirement to fully offset new agricultural water use in the Paso Robles Groundwater Basin.

5.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

This section evaluates the impact conclusions for the proposed Program and the four alternatives under consideration. It then identifies the environmentally superior alternative. In accordance with the *State CEQA Guidelines*, if the No Project Alternative is identified as the environmentally superior alternative, the alternative among the remaining scenario(s) that is environmentally superior must also be identified.



Table 5-2 shows whether each alternative’s environmental impact is greater, lesser, or similar to the proposed Program for each issue area.

**Table 5-2
 Impact Comparison Summary**

Issue	Proposed Program	No Project Alternative	Larger Offset Requirement Alternative	Expanded Agricultural Offset Program Alternative	Altered Sunset Provisions
Agricultural Resources	=	- ≡	-	-	+/-
Land Use and Planning	=	-	+	=	+/=
OVERALL	=	-	+/-	=/-	+/-

+ Environmentally superior to the proposed Program
 - Environmentally inferior to the proposed Program
 = No better or worse than the proposed Program

Based on the comparison provided in Table 5-2 and the discussion above, the Altered Sunset Provisions Alternative is potentially the most environmentally superior alternative, depending on the sunset condition selected. This alternative would modify the sunset provision for the proposed Program and would extend all possible sunset provisions to the Urban/Rural Water Offset requirement. In particular, a sunset provision under condition 1 of Alternative 4 would ensure that water neutrality and savings would occur regardless of the LOS of the groundwater basin. Condition 3 would ensure that water neutrality and savings occur until a LOS III groundwater basin has recovered to LOS II, at a minimum. Under the proposed Program, the Agricultural Offset requirement would sunset upon adoption of a GSP; it is unknown whether adoption of a GSP would accomplish the same water neutrality as under Conditions 1 and 3, particularly given the time anticipated to elapse between adoption and implementation.

The Larger Offset Requirement Alternative is also considered environmentally superior for one issue area. Because this alternative would reduce water demand in the certified LOS III groundwater basins (rather than being water demand neutral, as with the proposed Program), and would be potentially more consistent with the County’s land use policy framework that promotes water conservation. However, because more agricultural land could be fallowed as a result of this alternative, adverse impacts related to agricultural resources would be greater than for the proposed Program (though they would continue to be less than significant). ~~Implementation of mitigation identified in this SEIR would reduce these impacts to a less than significant level.~~

The Expanded Agricultural Offset Program Alternative would result in greater impacts to agricultural resources than the proposed Program. This is because this alternative would extend the Agricultural Offset program to all certified LOS III groundwater basins, and would therefore increase the amount of agricultural water offsets in the county. These water offsets could be granted through the elimination of existing crops, which could result in a larger amount of agricultural land fallowed under the Program. Therefore, adverse impacts related to agricultural resources would be greater than for the proposed Program, although they would remain less than significant. ~~Implementation of mitigation identified in this SEIR would reduce these impacts to a less than significant level.~~ Alternative 3 would be potentially consistent with County’s land use policy framework, similar to the proposed Program.



Because the No Project Alternative would continue to implement the current agricultural water offset requirements in the Paso Robles Groundwater Basin, without the requirement to implement the mitigation measures identified in this SEIR, during its remaining life, it would create a greater environmental impact than the proposed Program. In addition, this alternative would not accomplish the objectives of the proposed Program, including substantially reducing increases in groundwater extraction in certified LOS III groundwater basins, reducing the wasteful use of water in the County and providing a mechanism for new urban and rural development to proceed in certified LOS III groundwater basins and new or expanded agriculture to proceed in the Paso Robles Groundwater Basin in a manner that fully offsets projected water use.



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6.0 OTHER CEQA SECTIONS

This section discusses additional topics statutorily required by CEQA, specifically: growth-inducing impacts and significant irreversible environmental changes/irretrievable commitment of resources.

6.1 GROWTH INDUCEMENT

California Environmental Quality Act (CEQA) Guidelines Section 15126(d) specifies that the growth-inducing impacts of a project must be addressed in an environmental impact report (EIR) and states that a proposed project is growth-inducing if it could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

A project can have the potential to induce direct and/or indirect growth. A project would directly induce growth by resulting in construction of new housing. It is important to note that direct forms of growth have indirect effects of expanding the size of local markets and attracting additional economic activity to the area. A project would indirectly induce growth by resulting in:

- Substantial new permanent employment opportunities (e.g., commercial or industrial);
- A construction effort with substantial short-term employment opportunities that indirectly stimulates the need for additional housing and services to support the new temporary employment demand; and/or
- Removal of an obstacle to additional growth and development, such as removing a constraint on a required public utility or service (e.g., construction of a major sewer line with excess capacity through an undeveloped area).

Growth inducement itself is not an environmental effect but has the potential to lead to environmental effects. These environmental effects may include increased demand on other community and public services and infrastructure. Depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. A project's growth-inducing potential is therefore considered significant if it could result in significant physical effects in one or more environmental issue areas.

Typically, the growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population above what is assumed in local and regional land use plans, or in projections made by regional planning authorities. Significant growth impacts could also occur if a project provides infrastructure or service capacity to accommodate growth levels beyond those projected to occur by local or regional plans and policies.

6.1.1 Summary of Proposed Program

The proposed Program includes two major components: Water Neutral New Development (WNND) and a Water Waste Prevention (WWP) program. WNND requirements would include



an Urban/Rural Water Offset program, which would require that new urban and rural development in all certified LOS III- groundwater basins offset new water use at a minimum 1:1 ratio; and an Agricultural Offset program, which would require that new or expanded irrigated agriculture in areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) offset new water use at a minimum 1:1 ratio. The WNND requirements were designed to substantially decrease increases in groundwater extraction in groundwater basins certified at LOS III for water management.

The proposed WWP program would include two components: an ordinance applicable to urban and rural areas; and identification of a series of best management practices (BMPs) aimed at reducing water waste in agricultural practices. The proposed ordinance component of the WWP program would prohibit certain activities defined as water wasting (e.g. application of water to hardscaped areas) in urban and rural areas, where such controls are not already in place. The second component of the WWP program would apply to agricultural areas and include two parts: expansion/clarification of existing policy regarding increased water efficiency efforts, and an expanded educational outreach effort. See Section 2.0, *Project Description*, for further detail about the various components of the proposed Program.

6.1.2 Direct Inducement of Growth

Construction of new residences is not proposed as part of the Program; therefore, the proposed Program would not directly induce growth.

6.1.3 Indirect Inducement of Growth - Removal of Obstacles to Growth

A physical obstacle to growth typically involves the lack of public service infrastructure, i.e. roads or water pipelines. However, construction of new or expanded public infrastructure which would facilitate residential development is not proposed as part of the Program. The proposed Program also does not propose construction of new employment centers that would facilitate growth inducement or the intensification of existing land uses. Therefore, the proposed Program would not indirectly induce growth through removal of these obstacles resulting in a physical impact on the environment.

In addition to physical obstacles to growth, the elimination or change in a regulatory obstacle, including existing growth and development policies, can result in new population growth. Water supply is a limiting factor for urban development and agricultural activities in areas currently certified at LOS III for water supply. As described in Section 2.0, *Project Description*, residential and other types of development in all of the certified LOS III-groundwater basins are already governed by a variety of regulations that monitor and restrict water use. As such, the existing regulatory setting and the existing groundwater conditions in the Program area limit the type, amount, and timing of new development and new or more water-intensive agricultural activities. The effects of these conditions depend on the location of a proposed improvement (i.e. which certified LOS III- groundwater basin the project overlies), as each basin is currently subject to a slightly different regulatory framework.

The proposed Program would allow planned urban and rural development and changes in agricultural irrigation regimes to proceed in certified LOS III groundwater basins and in the



Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), respectively, pending compliance with the proposed Program. However, the proposed Program would not modify existing growth boundaries or development policies in the Program area. Nor would the proposed Program result in a change to existing land use or zoning designations on any property. Therefore, while the proposed Program would provide a pathway for new development to proceed, it would not indirectly allow for construction of new residential development beyond that already planned for or allowed in the local land use framework. As such, implementation of the proposed Program would indirectly induce growth in these areas; however, the impact associated with this growth would be less than significant as it would not foster growth or a concentration of population above what has been assumed to occur in the County General Plan and other regional planning documents that rely on current land use designations for population growth projections.

6.1.3 Economic and Population Growth

By creating new options to regulate water use, the proposed Program would support existing development plans and policies. As described above in Section 6.1.2, the proposed Program would not result in direct or indirect growth inducing impacts that result in significant physical effects on the environment because the Program would not create new homes or public infrastructure, nor would the Program remove regulatory barriers to growth in a manner that would result in exceedances of regional growth projections.

While it is possible that the Agricultural Offset program could allow for an increase in agricultural activities to proceed in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) without an increase in water supply (i.e. through more efficient irrigation practices on existing farms allowing transfer of the conserved water elsewhere for additional agricultural production), these activities would occur on lands designated and zoned for agricultural use under the General Plan and Zoning Ordinance. As such, while implementation of the proposed Program could result in economic and population growth, the fact that it would not alter existing land use or zoning designations and it is potentially consistent with the County's existing policy framework, means that the associated physical impacts of the economic and population growth would be less than significant.

6.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The environmental effects of the proposed Program are discussed in Section 4.0, *Environmental Impact Analysis*, of this SEIR and are summarized in the executive summary. Section 15126.2(c) of the *State CEQA Guidelines* requires a discussion of "significant irreversible environmental changes which would be caused by the proposed project should it be implemented. Uses of nonrenewable resources during the initial and continued phases of a project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (e.g. a highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with a project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."



As described in Section 6.1.1, Summary of Proposed Program, and Section 2.0, *Project Description*, this SEIR analyzes a proposed Program comprised of various components including amendments to policy language in the County General Plan, including the Agriculture Element and the Conservation and Open Space Element (COSE), as well as revisions to Titles 8, 19 and 22 of the County Code, rather than a specific project. Therefore, implementation of the proposed Program would not result in a direct commitment of resources. As described in Sections 6.1.2, Removal of Obstacles to Growth, and 6.1.3, Economic and Population Growth, implementation of the proposed Program would support existing growth plans and development policies but would not result in commitment of resources beyond that already envisioned in the local planning framework.

Construction and use of new residential and commercial development in the Program area would irreversibly commit construction materials and non-renewable energy resources. These energy resource demands would be used for construction, heating and cooling of buildings, transportation of people and goods, as well as lighting and other associated energy needs. Non-renewable and slowly renewable resources used by new development would include, but are not limited to, lumber and other forest products; sand and gravel; asphalt; petrochemical construction materials; steel; copper; lead and other metals, water; etc. However, implementation of the Program would not modify or intensify the use of resources for previously planned or approved projects in the Program area and all future proposed development would be subject to the requirements of the Area Plans that apply to the areas overlying the groundwater basins that are certified at LOS III for water supply.

Implementation of the proposed Agricultural Offset program would provide flexibility for growers in the Paso Robles Groundwater Basin regarding changes in crop type and irrigation regimes. While some agricultural land could be fallowed under this Program, the land use designation and zoning of these properties would not change. In addition, Mitigation Measure AG-1 prevents changes in crop types and/or irrigation regimes on Prime, Statewide Important and Unique farmlands that could result in a downgrading of the FMMP classification. Therefore, no significant irreversible changes to the County's farmland inventory would occur.



7.0 REFERENCES AND PREPARERS

7.1 REFERENCES

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7.2 LIST OF PREPARERS

This SEIR was prepared by Rincon Consultants, Inc. under contract to the County of San Luis Obispo. Ms. Xzandrea Fowler served as project manager for the County of San Luis Obispo. Persons involved in data gathering analysis, project management, and quality control include:

Richard Daulton, Principal-in-Charge

Jennifer Haddow, Project Manager

Megan Jones, Senior Program Manager

Nisha Been, Senior Planner

Heather Imgrund, Senior Planner

Christina McAdams, Environmental Scientist

Sara Kopp, Associate Planner

Mr. Craig Huff, Program Manager - Information Technology and Graphics Services

Mr. Kevin Howen, GIS Analyst

Ms. Stephanie Goff, Administrative Assistant



8.0 RESPONSES to COMMENTS

This section includes the comments received during circulation of the Draft Supplemental Environmental Impact Report (SEIR) for the Countywide Water Conservation Program (Program) and responses to those comments. Where a comment resulted in a change to the Draft SEIR text, a notation is made in the response indicating that the text is revised. Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (underline font) where text is added. In addition, new appendices added for informational purposes are included in this Final EIR as Appendix C and minor revisions to Section 2.0, *Project Description*, have been added for clarification. The information and appendices added to the SEIR clarifies or amplifies the analysis and conclusions of the Draft SEIR. These changes do not introduce significant new information or otherwise affect the analysis or conclusions of the SEIR and thus do not require recirculation under State CEQA Guidelines § 15088.5.

The Draft SEIR was circulated for a 45-day public review period that began on April 1, 2015 and ended on May 15, 2015 and a second 45-day public review period that began on May 22, 2015 and ended on July 6, 2015. The County of San Luis Obispo (County) received 22 written comment letters on the Draft SEIR. In addition, the County held public hearings to obtain comments on the Draft SEIR on May 14, 2015, May 29, 2015, and June 4, 2015. Verbal comments received at the public hearings were summarized by County staff and are included in this Final SEIR as letter 14. The commenters and the page numbers on which each commenter's letters appear (as applicable) are listed below.

Letter No.	Commenter	Agency/Organization	Date	Page No.
1.	Michael S. LeBrun, General Manager	Nipomo Community Services District	May 12, 2015	8-3
2.	Devin Best, Executive Director	Upper Salinas-Las Tablas Resource Conservation District	May 13, 2015	8-7
3.	Willy Cunha, Member	Paso Robles Ground Water Basin advisory Committee	May 13, 2015	8-11
4.	Patricia Wilmore, Government Affairs Coordinator	Paso Robles Wine Country Alliance	May 13, 2015	8-13
5.	Jordan Blasingame, Chairperson	Santa Margarita County Service Area No. 23 Advisory Board	May 14, 2015	8-16
6.	Daniel Heimel, Water Systems Consulting, Inc.	Northern Cities Management Area (NCMA) Technical Group	May 15, 2015	8-25
7.	Sue Luft, President; Laurie Gage, Vice President; Jan Seals, Treasurer; and Cheryl Coats, Secretary	PRO Water Equity	May 15, 2015	8-27
8.	Bettina L. Mayer, District Engineer	Templeton Community Services District	May 15, 2015	8-29
9.	Joe Patterson, SMAAC Chariman	Santa Margarita Area Advisory Council	May 15, 2015	8-31
10.	Sophie Treder, Treder Land Law	Paso Robles Water Integrity Network	May 15, 2015	8-54
11.	Unknown	North Coast Advisory Council	No Date	8-64
12.	Mike Broadhurst, Chair; George Kendall, Lowell Zelinski, Sue Luft	WRAC Ad Hoc Subcommittee to Review Agricultural portions of Countywide Water Conservation Program	No Date	8-68
13.	Joy Fitzhugh, Legislative Analyst	San Luis Obispo County Farm Bureau	No Date	8-79



Letter No.	Commenter	Agency/Organization	Date	Page No.
14.	Multiple	Verbal Comments Received at Public Hearings	May 14, 2015	8-81
15.	Richard Wright, Correspondence Secretary	South County Advisory Council	May 27, 2015	8-94
16.	Claire Wineman, President	Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties	May 28, 2015	8-100
17.		San Luis Obispo County Farm Bureau	May 29, 2015	8-105
18.	Sheila Lyons	Private Citizen	June 9, 2015	8-109
19.	Sheila Lyons, Chairperson	Creston Advisory Board	June 30, 2015	8-112
20.	Diane Jackson	Private Citizen	June 30, 2015	8-122
21.	Maria Lorca	Creston Citizens for Agricultural Land Preservation	July 3, 2015	8-126
22.	Susan Harvey, President	North County Watch	July 6, 2015	8-134
23.	Andrew Christie, Chapter Director	Sierra Club Santa Lucia Chapter	July 6, 2015	8-142

The comment letters and the County's responses follow. Each comment letter has been numbered sequentially and each separate issue raised by the commenter, if more than one, has also been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 2.1, for example, indicates that the response is for the first issue raised in Comment Letter 2).



NIPOMO COMMUNITY

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MICHAEL W. SEITZ, GENERAL COUNSEL

Celebrating 50 Years of Service to the Community, 1965 - 2015

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

Letter 1

May 12, 2015

Xzandrea Fowler
San Luis Obispo County
Department of Planning & Building
976 Osos Street
Room 200
San Luis Obispo, CA 93408
efowler@co.slo.ca.us

Dear Ms. Fowler:

**SUBJECT: PROPOSED COUNTYWIDE WATER CONSERVATION PROGRAM DRAFT
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

On May 12, 2015, the Nipomo Community Services District Board of Directors reviewed the draft Supplemental Environmental Impact Report (SEIR) which supports the proposed Countywide Water Conservation Program (Conservation Program). The District appreciates the opportunity to review and comment on the draft SEIR and proposed Conservation Program prior to consideration by the Planning Commission and Board of Supervisors.

The District offers the following comments and suggestions:

In general, we are concerned that by developing the Conservation Program and drafting the SEIR concurrently, the impact of the final Conservation Program cannot be adequately addressed. As the Program's Project Description and Objectives are still being developed, it is difficult to accurately assess the environmental impacts of the Program.

1.1

One of the four Project Objectives is to "Substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III." Not only is this objective unclear and unmeasurable, it does not address depletion of a basin that, by the County's criteria, is at the highest level of concern with demand equal to or in excess of available supply. The objective should be revised to adhere to the County's Resource Management System recommended actions for addressing Level of Severity III resources, namely; to reduce the level of severity with a goal of achieving LOS I.

1.2

A second Project Objective is to "Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins ... in a manner that fully offsets projected water use." At best, this Objective would maintain status quo in a basin that is at LOS III with demand equal to

1.3

supply. In basins where demand already exceeds supply, failure to achieve and maintain offsets would result in new permanent demand and further exacerbate the level of severity in the basin.

Offsets result in theoretical water savings – we know a new fixture saves a set amount of water per use or per minute relative to the old fixture, but we don't know how much the device (e.g. sink, toilet, shower) is or will be used, how long it will be in service, and we don't know that it will be used as designed. The value of landscape related offsets are even more problematic to define and rely on over time. For this reason, it is appropriate to use offsets as a means to lessen resource demands of current basin users in LOS III settings, but it is ill advised and inappropriate to use an offset program as the basis for allowing new development with its potential for permanent new resource demands.

1.3

A third Project Objective is to "Reduce the wasteful use of water in the County". The objective needs to be strengthened and better defined. Consideration should be given to revising the goal to 'eliminating water waste in the County' and including measurable goals based on reasonable estimates of current levels of water waste in the County.

1.4

In 2005, the County Board of Supervisors certified water resources underlying the Nipomo Mesa Water Conservation Area (NMWCA) as LOS III and subsequently adopted Ordinance 3090. The Ordinance requires development and land divisions to pay a water development fee to offset new urban water demand that will result from the development. The land division can then proceed while the development fee is directed to obtain water resources to meet the proposed project's needs. As it is currently unclear how the proposed Conservation Program would affect Ordinance 3090, this interrelationship needs to be discussed in the draft SEIR.

1.5

Finally, the draft SEIR must specifically evaluate the water resource impacts of the proposed Conservation Program. As outlined above, we do not believe this impact can be presumed to be positive.

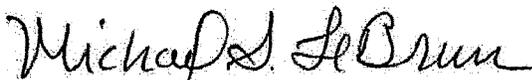
1.6

We strongly encourage the County to improve the Project Description and define measurable and meaningful Project Objectives that will serve to address the critical level of severity in the NMWCA. The District Board and staff are committed to assisting in this effort in every way possible.

1.7

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael S. LeBrun
General Manager

Cc (by email): 4th District Supervisor Lynn Compton
4th District Planning Commissioner Jim Harrison
4th District Legislative Assistant Jocelyn Brennan
Director of Planning and Building James A. Bergman

Letter 1

COMMENTER: Michael LeBrun, General Manager, Nipomo Community Services District

DATE: May 12, 2015

Response 1.1

The commenter expresses concern over developing the Conservation Program and drafting the SEIR concurrently. It is typical for Programs (such as General Plans or the Countywide Water Conservation Program) to be prepared concurrent with environmental review under CEQA. The Program as described in Section 2.0, *Project Description*, is what was considered in the Draft SEIR. Any future substantive changes to the proposed Program would be subject to subsequent CEQA review.

Response 1.2

The commenter makes a recommendation regarding the project objective to “substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III.” The commenter recommends that this be revised to adhere to the County’s Resource Management System (RMS) recommended actions for addressing Level of Severity (LOS) III resources. While adherence to the County’s RMS is a worthwhile goal, this is not the specific goal or objective of the proposed Program. Therefore, no revisions have been made in response to this comment.

Response 1.3

The commenter expresses disagreement over the project objective to “Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins...in a manner that fully offsets projected water use,” suggesting that offsets are inappropriate for use to allow new development. As analyzed in the Draft SEIR, one of the project objectives is to “Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins to the requirements of the County General Plan and County Code, in a manner that fully offset projected water use.” Offsets are a common practice used for water conservation efforts and have been implemented in other certified LOS III groundwater basins within the County (i.e. Los Osos). In absence of this offset program, new development would substantially increase the cumulative demand on groundwater resources in certified LOS III groundwater basins.

Response 1.4

The commenter suggests that the third project objective (to “Reduce the wasteful use of water in the County”) should be strengthened. The referenced project objective is further defined within the proposed revisions to Title 8 (Health and Sanitation) of the County Code. Although specific quantitative water conservation figures have not been defined in the proposed Program, the County is currently undergoing efforts to determine the quantity of groundwater that needs to be supplied (methods include conservation, supplemental water, etc.) to bring the County’s groundwater basins to a sustainable yield.



Response 1.5

The commenter suggests that the SEIR consider how the proposed Program might affect Ordinance 3090. Ordinance 3090 was adopted by the San Luis Obispo County Board of Supervisors in May 2006, and requires new subdivisions within Nipomo Mesa Water Conservation Area to pay a supplemental water fee toward the cost of providing supplemental water in the Nipomo community (via the Nipomo/CSM intertie). This ordinance would remain in effect upon implementation of the proposed Program, and the proposed Program would serve as additional regulation over and above Ordinance 3090. Thus, the proposed Program would not affect Ordinance 3090.

Response 1.6

The commenter suggests that the SEIR evaluate the water resource impacts of the proposed Program. Impacts to water resources are addressed in Section 4.3.8 (Hydrology/Water Quality) in Section 4.3, *Effects Found not to be Significant*. As noted therein, because WNND requirements are focused on offsetting future demand, they would neither increase nor decrease water use over current levels. Rather, they would maintain current water use while allowing for development to occur consistent with the adopted General Plan and Zoning Ordinance. In contrast to WNND requirements, which would allow development to proceed while maintaining current water use, the WWP program would result in a net decrease in water use countywide but would not alter development potential. As such, overall the Program would result in water conservation and would help to reduce the existing strain on the county's groundwater resources.

It should also be noted that the No Project Alternative, under which no amendments to the Agriculture Element, COSE, or County Code would be made but under which existing programs would continue to be implemented, would be expected to result in more wasteful water practices than the proposed Program (refer to Section 5.0, *Alternatives*). In addition, the requirement to offset water use in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would cease with the expiration of the Paso Robles Groundwater Basin Urgency Ordinance after its expiration on August 27, 2015.

Response 1.7

The commenter recommends that the County modify project objectives. Refer to responses to comments 1.2 through 1.4 above.



Upper Salinas-Las Tablas Resource Conservation District

65 S. Main St. Ste. 107 Templeton, CA 93465 | 805.434.0396 x 5 | www.us-ltrcd.org

May 13, 2015

Letter 2

Xzandrea Fowler
Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Dear Ms. Fowler,

Thank you for this opportunity to comment on the San Luis Obispo Countywide Water Conservation Program Draft Environmental Impact Report (DEIR). The proposed project is two-fold consisting of a Water Neutral New Development (WNND) and Water Waste Prevention Program. These two programs will be amended into the County General Plan and County Code. The WNND program is for Level of Severity (LOS) III, which are basins that meet or exceed dependable supply due to current demand. The three LOS III groundwater basins in San Luis Obispo County are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin, and the Nipomo Mesa Management Area. The Upper Salinas – Las Tablas Resource Conservation District (RCD) has reviewed the EIR and has the following comments and recommendations to make to San Luis Obispo County Planning Department (hereafter referred to as “County”) for the Agricultural Water Offset program.

2.1

Proposed Preferred Agricultural Water Offset Program

In the proposed project for Agricultural Water Offset program, the County proposes a simplified version. The RCD’s Agricultural Offset Program for the Paso Robles Groundwater Basin provided a framework for the County to adopt and implement for a 1:1 offset program. The program proposed by the County is an overly simplified version of the Agricultural Offset Program. For instance, the proposed project by the County eliminates much of the technical level of analysis and assessment needed to verify a 1:1 offset for irrigated agriculture. Although this may be in an effort to simplify the process for applying and receiving offset credits, it does not take into account the hydrologic connection between sending and receiving sites nor does it provide for accountability between sites, especially in Category II: Off-site Offsets. Furthermore, the proposed project by the County lacks the mechanism to quantify and verify offsets credits. Without a monitoring component, it is nearly impossible to verify compliance a 1:1 offset is achieved. The one requirement in the County’s proposed project for monitoring is installation of a well meter. This is an important first step, yet the programs fails to ensure a 1:1 Agricultural Water Offset is maintained throughout the program without verification (e.g. annual reporting).

2.2

If the County proceeds with a simplified version of the Agricultural Water Offset Program, it should continue to include the essential elements of the Paso Robles Agricultural Water Offset

Upper Salinas-Las Tablas Resource Conservation District

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Program developed by the RCD. The RCD would strongly encourage the County to incorporate more components of the RCD's Agricultural Offset Program into their proposed program for two reasons. First, the RCD provided varied levels of technical information necessary to apply for an agricultural offset. These were developed and designed with the understanding of the diversity of agricultural users and application types (*i.e.* Categories). Removing these components from a permit application process does not enable the County the ability to accurately quantify where groundwater is being offset and applied within the Paso Robles Groundwater Basin. This is likely to become an intrinsic component in a Groundwater Sustainability Plan (GSP) and feels shortsighted by the County to not incorporate those elements into the proposed project. Secondly, because the County's proposed program eliminates many of the technical aspects of the RCD's Agricultural Water Offset Program, impacts to shallow aquifer wells or to hydrogeologically connected sub-basins cannot be assessed and mitigated for. The proposed program should envelop some of this analysis in the offset application process to avoid or minimize environmental and economic impacts to local stakeholders in the Paso Robles Groundwater Basin.

2.2

Summary of Significance of Impacts

The proposed project, and every alternative, have a multitude of potentially significant impacts. The DEIR states the only two significant impacts would be to *Agricultural Resources* and *Land Use*. The Countywide Water Conservation program should also evaluate impacts to hydrology, water quality, and biological resources in the final EIR. It is unclear how the DEIR can make the determination one alternative is environmentally preferred than another when environmental resources such as hydrology and biological resources were not evaluated. The County should, before proceeding with the proposed program, assess and evaluate the impacts to these resources to determine if the proposed program is the preferred alternative.

2.3

General Comments

The proposed Agricultural Water Offset component of the Countywide Water Conservation Program is not likely effective for providing a 1:1 offset that is protective of current water users in the Paso Groundwater Basin, nor does it resolve the issue of alleviating the severity of groundwater depletion. As an organization committed to natural resource conservation and management, the program, as currently proposed, does not meet the goals of providing a means to, "substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin," as stated in the Executive Summary (ES-2). Instead, the proposed program authorizes and permits new irrigated agriculture without assessment of impacts to neighboring wells, quantifying interactions between hydrogeologic strata, or verification the permitted new irrigated agriculture is achieving a 1:1 offset in the Paso Robles Groundwater Basin. Lastly, the DEIR is meager in its analysis of the summary of significant environmental impacts associated from the alternatives proposed. The additional environmental impacts listed above should also be analyzed and, if needed, mitigated for in the DEIR.

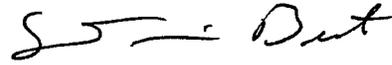
2.4

Upper Salinas-Las Tablas Resource Conservation District

65 S. Main St. Ste. 107 Templeton, CA 93465 | 805.434.0396 x 5 | www.us-ltrcd.org

The RCD would like to offer its services and expertise to the County. If you have any questions please feel free to contact Mr. Devin Best by phone at (805) 434-0396 ex. 5 or via email at devin@us-ltrcd.org.

Sincerely,



Devin Best
Executive Director

Letter 2

COMMENTER: Devin Best, Executive Director, Upper Salinas-Las Tablas Resource Conservation District

DATE: May 13, 2015

Response 2.1

The commenter summarizes the proposed Program. The comment is noted.

Response 2.2

The commenter suggests that the Agricultural Offset program is overly simplified, and should retain more of the elements of the Paso Robles Agricultural Water Offset Program developed by the Upper Salinas-Las Tablas Resource Conservation District (RCD). The Agricultural Offset program has been designed based on guidance from the County Board of Supervisors, and is intended to be a simplified version of the RCD's existing program. As noted in Section 1.0, *Introduction*, unlike the Upper Salinas-Las Tablas Resource Conservation District developed agricultural water offset program for the Paso Robles Groundwater Basin, the proposed Agricultural Offset program would not require a proximity analysis, evaluation of drawdown impacts on neighboring irrigation and domestic wells, hydrogeological strata analysis or third party monitoring/annual inspections. This is intentional; the scope of the proposed Agricultural Offset program is not intended to be as extensive as the RCD program. Therefore, no modifications to the program have been made in response to this comment.

Response 2.3

The commenter suggests that the SEIR should evaluate impacts to hydrology, water quality, and biological resources. Refer to Sections 4.3.8 (Hydrology/Water Quality) and 4.3.3 (Biological Resources) in Section 4.3, *Effects Found not to be Significant*, for a discussion of these impacts. As described therein, impacts to hydrology/water quality and biological resources would not be significant.

Response 2.4

The commenter suggests that the Agricultural Offset program would not provide a 1:1 offset that is protective of current water users in the Paso Robles Groundwater Basin, nor resolve the issue of alleviating the severity of groundwater depletion. According to the commenter, this is because the Agricultural Offset program does not contain some of the technical features of the RCD's program. Refer to response 2.2.

The commenter additionally suggests that hydrology, water quality, and biological resources impacts should be evaluated. Refer to response 2.3 above, and Section 4.3, *Effects Found not to be Significant*.



Letter 3



proposed Ag Offset ordinance language
Willy Cunha to: xfowler@co.slo.ca.us

05/13/2015 08:36 AM

History:

This message has been replied to.

Xzandrea,

I am Willy Cunha a member of the Paso Robles Ground Water Basin Advisory Committee . You spoke to our Management Subcommittee meeting on May 4th at the Paso Library and listened to some of our concerns regarding the proposed Ag Offset Ordinance. I wanted to reiterate my two main concerns regarding sending sites for Ag Offsets for reducing irrigation on one site in our Basin and moving it to another site within our Basin. Applications that move the location of use a short distance, a mile maybe half a mile, should have very little paperwork or review. If these two sites are within the same topographic area the effects should be relatively equivalent. They should not need to notice the neighbors. For those sending and receiving sites that are more discontinuous, more than a mile or in separate topographic areas, the level of scrutiny should be much higher. The cost of the requisite studies should be borne by the applicant. The neighbors of the receiving site should definitely be notified at the expense of the applicant. This should apply to any area of the Paso Basin. It should not be aimed only at "red zones". Increasing water use in any area will potentially lead to new local "red zones". Increased pumping in one part of the basin can cause impacts on nearby properties even if pumping is reduced elsewhere. Notice should be provided to surrounding landowners near a proposed discontinuous receiving site when the application is accepted for processing.

3.1

The idea of a one to one offset to allow for reasonable use of our existing water and agricultural resources is a good one. The Ag economy is at the very heart of our local economy , our State economy and our National economy. They are resources that we truly need and we truly need to manage in a responsible and long term sustainable fashion. To allow reasonable transfers of water use is a good thing. To allow one property owner to create a new use in a discontinuous area of the basin at the cost of his neighbors is not fair and that use is not mitigated by reducing use in another discontinuous part of the basin. The water in our groundwater basin is connected but does not slosh back in forth like the milk in a bowl of cheerios. Our use of water in the basin and the resulting uneven water levels have shown that quite clearly. While it may be convenient to declare that the water is connected, in reality the connections are tenuous and in many areas it may take from tens of years to hundreds of years for water levels to respond. There are areas where the connection is very strong and the response is very rapid. The applicant for a discontinuous transfer of water should bear the cost of demonstrating that.

Is there a place on your website where you have posted or will be posting the latest suggested language?

Thank you,

Willy Cunha

Letter 3

COMMENTER: Will Cunha, Member, Paso Robles Groundwater Basin Advisory Committee

DATE: May 13, 2015

Response 3.1

The commenter suggests that applications for the Agricultural Offset program that would move the location of use a short distance should not require extensive review or paperwork, whereas applications for two sites that are more discontinuous should require a higher level of scrutiny. Per Board of Supervisors direction, the proposed Agricultural Offset program has been designed to be ministerial so as to make it simple for people to apply. As proposed, the Agricultural Offset program would limit the available area for proposed plantings in off-site offset applications, but would process those applications at a ministerial level. One of the limitations includes prohibition of off-site offsets on sites overlying areas of severe groundwater decline, as defined by Figure XY in Title 22 of the County Code.





Letter 4

May 13, 2015

San Luis Obispo County Planning Commission
County Government Center
San Luis Obispo, CA

RE: Draft WNND Implementation Language for County Land Use Ordinance (Title 22)

Dear Chairperson Topping and Members of the Commission:

The Paso Robles Wine Country Alliance Government Affairs Committee has reviewed the above referenced draft and also had the opportunity to discuss it with County Planning Staff. We provide the specific comments below (in italics) for your consideration, followed by general comments.

22.30.204. A. "In no case shall a request for an agricultural offset clearance be granted for a site outside the PRGWB." *We request that the Bulletin 118 boundary be used to provide more options and consistency with the Sustainable Groundwater Management Act (SGMA).*

22.30.204. E1. "Eligible sites for participation. On-site offset. Conversion or intensification on the same site will require an offset clearance." *This was not understood as part of the Urgency Ordinance and should not apply to replanting on the same site if that activity does not intensify crop production resulting in increased water.*

22.30.204. E2. *The explanation of the requirements for contiguous property and same ownership for sender/receiver is acceptable; however, we do not want any proximity requirements attached to this. Under the same owner, an offset on another property within the PRGWB should be allowed. Since it is required to be the same landowner or contiguous parcels a proximity limiting factor is not needed.*

22.30.204. G2. "Proposed sending sites predominantly composed of soils designated as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland will remain in some form of crop production." *If you reduce or eliminate water use in the sending site, how can you meet the criteria to keep it in crop production?*

22.30.204. G5. "Sending sites will be determined by current demand of irrigated crop production on the sending site." *What historical data will be required to verify the current demand?*

22.30.204. G7. Deed restriction. *Add language that makes it clear that the deed restriction is lifted immediately upon sunset of the ordinance.*

22.30.204. H. Termination. "The provisions of this section shall expire upon the adoption of a Groundwater Sustainability Plan for the PRGWB." *This may be on or before 2020 so this language is too vague and creates undue difficulty for agriculturists who need to plan well in advance.*

4.1



We want to emphasize the need for a clear, ministerial process that will not require any public notice so that applicants may conduct business with a degree of assurance. It has been suggested by some that notification cards should be sent to neighbors; however, this may create undue controversy. How much detail would such a notification provide?

4.2

It is important that a sufficient number of years are allowed before planting when in receipt of an offset clearance to allow for such agricultural contingencies as the availability of disease free plants.

4.3

In conclusion, we want to thank Planning Staff members Xzandra Fowler, Cheryl Cochran and Michael Hanebutt for meeting with us to discuss and receive comments on the Draft. We look forward to your deliberations and will be in attendance to provide input and answer any questions that you may have.

Sincerely,
Patricia Wilmore
Government Affairs Coordinator
Paso Robles Wine Country Alliance
pwilmore@pasowine.com

Letter 4

COMMENTER: Patricia Wilmore, Government Affairs Coordinator, Paso Robles Wine Country Alliance

DATE: May 13, 2015

Response 4.1

The commenter provides comments on proposed revisions to the County Land Use Ordinance (Title 22). All of the recommended revisions were considered by the Planning Commission during a series of study sessions/public hearings. The Planning Commission directed staff to make revisions to the proposed amendment language that resulted in further clarification of the proposed Program language.

Response 4.2

The commenter expresses a preference for a ministerial process with no formal notification requirements. During a series of study sessions/public hearings, the Planning Commission considered alternatives to the ministerial process. As a result, the program implementation would be through the ministerial process; however, a courtesy notice would be sent to all CSDs which provide water service and have a site within their jurisdiction upon acceptance of an Agricultural Offset application.

Response 4.3

The commenter notes the importance of allowing a sufficient number of years before planting when in receipt of an offset clearance to allow for such agricultural contingencies as the availability of disease free plants. The proposed Agricultural Offset program would be subject to sections 22.64.060 (Land Use Permit Time Limits) and 22.64.070 (Land Use Permit Extensions of Time). This would allow flexibility in situations where planting cannot occur prior to the expiration date of the offset clearance.



SANTA MARGARITA COUNTY SERVICE AREA NO 23 ADVISORY BOARD
P.O. BOX 1056, Santa Margarita, CA 93453
Smcsa23@yahoo.com

May 14, 2015

To: Xzandrea Fowler, Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Subject: CSA 23 Advisory Group response to Draft Environmental Impact Report (EIR) for the Countywide Water Conservation Program.

The CSA Advisory Groups Preamble states: " ... to better serve the public, health, safety and welfare of the Santa Margarita Community by providing a conduit for public input to the San Luis Obispo County Board of Supervisors on topics such as:

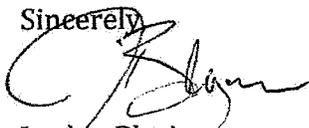
- Water supply quality, quantity and affordability.
- Certain planning topics pertaining to health, safety and public welfare.
- Development plans that affect drainage, water usage, water quality or public health and safety.

The Group's area of concern is within the urban reserve line. The Group may also consider topics from outside the urban reserve line that have a direct impact on the community's public health, safety and welfare."

The Santa Margarita CSA 23 Advisory Group is submitting the attached response to the Draft EIR of Countywide Water Conservation Program. In recognition of the current drought emergency and rapidly evolving water management planning affecting surrounding areas the Advisory Group has reviewed the Draft EIR and believes that portions of the document does not accurately represent conditions in CSA 23 and the surrounding area surrounding Santa Margarita.

Thank you for your consideration of our comments on this program.

Sincerely,



Jordan Blasingame
Chairperson

5.1

SANTA MARGARITA COUNTY SERVICE AREA NO 23 ADVISORY BOARD
P.O. BOX 1056, Santa Margarita, CA 93453
Smcsa23@yahoo.com

May 14, 2015

CSA 23 Review of Draft Environmental Impact Report (DEIR) for the Countywide Water Program

In the opinion of the CSA 23 Advisory Board, The County Wide Program DEIR falls short in providing accurate information and or identifying specific details in the Community of Santa Margarita.

General Concerns:

- The Atascadero Subbasin should remain excluded -from the Program and language should be added stating that the subbasin is not experiencing conditions seen in the Estrella area of concern. The Paso Robles Groundwater Basin is currently certified as Level of Severity III (LOS III). Well levels in the Atascadero Sub-basin have been stable during this “exceptional drought”, and the area is not experiencing the same groundwater depletion that is being experienced in areas near Paso Robles and the Estrella area of concern. The Atascadero Subbasin was not included in the Urgency Ordinance in recognition of this fact. In the opinion of our board, the DEIR is inconsistent in its characterization of the situation in the Atascadero Subbasin and that the unincorporated rural, urban and agricultural areas of the Atascadero Subbasin remain excluded from the Water Net Neutral Development program and that references to CSA 23 and surrounding areas such as Santa Margarita and Garden Farms be struck from the record. 5.2
- It is not clear how the system of water credits and urban/rural retrofits will be implemented by the program. Water credits for urban/rural should only fund urban/rural projects. Funds generated by the program should not be used to fund projects in unrelated areas, i.e. funds generated in Paso Robles Groundwater Basin should not be used in the Los Osos Groundwater Basin. It is not clear how these credits are to be distributed and divided to developers and landowners for new projects and remodels. Retrofitting programs could have negative impacts on property values for area landowners, and these should be addressed in the Final EIR 5.3
- **Section 4. Environmental Impact Review General:** The figures used in Section 4 to delineate the Paso Robles Groundwater Basin are not consistent with the boundaries established by the Urgency Ordinance. The Atascadero Subbasin has not been declared LOS III, and questions remain as to the interconnectivity between the Atascadero Subbasin and the Paso Robles Groundwater Basin. Our board feels that only areas with proven water supply issues, regions certified LOS III, should be subject to the WNND. Use maps consistent with the boundaries established by the 5.4

Urgency Ordinance or clearly delineate the Rinconada Fault and Atascadero Subbasin in published figures.

5.4

- **Section 5, Alternatives:** CSA 23 recognizes that San Luis Obispo County is currently experiencing a challenging drought. The “exceptional drought” has led to LOS III being declared in the 2014 RMS that were previously “none” or “I”. We also recognize that the Countywide Water Conservation Program is meant as a “stopgap” to dictate policy between the sunset of the Urgency Ordinance in August, 2015 until the formation of a Groundwater Sustainability Agency or implementation of a Groundwater Sustainability Plan, which could be up to 20 years. Alternative #5 should be included in the Final EIR to explore a program that is only in affect when the United States Drought Monitor declares “exceptional drought” conditions are present for the relevant LOS III basin.

5.5

2.3 Proposed Countywide Water Conservation Program Concerns

- **2.2.1. pg2-1:** San Luis Obispo County is the only county in the California that uses LOS classifications to determine policy. The 2014 update to the RMS attempted to place Santa Margarita into LOS III for water supply based on outdated data. Efforts by the Santa Margarita Area Advisory Council, CSA 23 and concerned citizens led to County staff revising from LOS III to “none”. Our board does not feel that the RMS should be used to dictate policy, but that regional differences need to be accounted for in management programs, rather than a “one size fits all” approach.
- **Figure 2.3.1. pg2-6:** The Urban/Rural Water Offset component of the WNND provides incentives for homeowners in affected areas to remove turf and install more water efficient fixtures. The DEIR acknowledges that agriculture implements Best Management Practices to conserve resources out of its own self-interest, but does not recognize this to be true for urban/rural landowners. CSA 23 listens to community input and monitors well levels, and believes that homeowners will conserve water resources out of their own self-interest. The Final EIR should target larger community goals that revenue from this program can finance after efficiency improvement targets are realized and groundwater basins become more sustainable.
- **Figure 2.3.1. pg2-8:** The WNND program states that “new or expanded irrigated agricultural development is defined as follows: ...d. Hobby agriculture for rural residential users” is vague. Define what constitutes hobby agriculture is in the Final EIR.
- **2.3.2. pg2-12:** The proposed requirements of the Waste Water Prevention (WWP) program defines water wasting activities. One such activity is “use of potable water in a fountain or other decorative water feature”. It is unclear what sources of water are to be used in outdoor water features and the Final EIR should clarify the County’s expectations for what this means.

5.6

5.7

5.8

5.9

3.2 Program Area Setting Concerns:

- **3.2.1. pg3-3:** Garden Farms should be struck from the document. CSA 23 and neighboring area wells have remained relatively stable during this most recent drought cycle, and the statement “...portions of the Paso Robles Groundwater Basin have experienced significant water level declines over the past 15 to 20 years” does not apply to the Atascadero Sub-basin. The Atascadero Subbasin was recommended for LOS I in 2011 Resource Capacity Study and was not subject to the Urgency Ordinance.
 - Recommendation: Add a statement about the Atascadero Subbasin not experiencing same significant water level declines over the past 15 to 20 years as the Estrella area of concern.

5.10

Letter 5

COMMENTER: Jordan Blasingame, Chairperson, CSA 23 Advisory Group

DATE: May 14, 2015

Response 5.1

The commenter summarizes the purpose and intent of the CSA 23 Advisory Group. The comment is noted. The commenter additionally references the attached comments on the Draft SEIR. Refer to responses 5.2 through 5.10 below for responses to specific comments on the Draft SEIR.

Response 5.2

The commenter suggests that the Atascadero Sub-basin should be excluded from the proposed Program. It should be clarified that the Atascadero Sub-basin is excluded from the Program. In response to this comment, this fact has been clarified in the Final SEIR via revisions to figures (as described in responses 5.4 and 9.2) and revision to the following text in Section 2.3.1(b) (Proposed Water Neutral New Development) in Section 2.0, *Project Description*:

- ii. Agricultural Offset program. As described below, the County worked with the Upper Salinas – Las Tablas Resource Conservation District to develop an agricultural water offset program for the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin, which is not experiencing the same groundwater depletion as the rest of the basin). The proposed Agricultural Offset program is a simplified version of the originally proposed Program and would provide a formal framework for the transfer of offset credits to/from agricultural operations within the basin.

Section 3.2.1 in Section 3.0, *Setting*, has also been revised as follows:

3.2.1 Paso Robles Groundwater Basin

The Paso Robles Groundwater Basin encompasses an area of approximately 790 square miles and ranges from the Garden Farms area south of Atascadero in San Luis Obispo County to San Ardo in Monterey County, and from the Highway 101 corridor east to Shandon. The Atascadero Sub-basin is located in the western portion of the Paso Robles Groundwater Basin and has an area of approximately 0.02 square miles, which makes up about three percent of the area of the Paso Robles Groundwater Basin. The Atascadero Sub-basin is a hydrologically distinct Sub-basin within the Basin, and encompasses the Salinas River corridor area south of Paso Robles and includes the communities of Garden Farms, Atascadero, and Templeton. The Atascadero Sub-basin has not experienced the same groundwater depletion as the rest of the basin, and is therefore excluded from the proposed Program. The Paso Robles Groundwater Basin (including the Atascadero Sub-basin) supplies water for 29 percent of San Luis Obispo County's population and an estimated 40 percent of its agricultural production. The municipal and industrial water demands on the portion of the Paso Robles Groundwater



Basin covered by the Program include the cities City of Paso Robles and Atascadero, the communities of Templeton, Shandon, Creston, and San Miguel, Bradley, Camp Roberts, and the small community systems in Whitley Gardens and Garden Farms (City of Paso Robles, February 2011).

...On August 27, 2013, the Paso Robles Groundwater Basin Urgency Ordinance was adopted by the County Board of Supervisors, establishing a moratorium on new or expanded irrigated crop production, conversion of dry farm or grazing land to new or expanded irrigated crop production, as well as new development dependent upon a well in the Paso Robles Groundwater Basin unless such uses offset their total projected water use by a ratio of 1:1. The Paso Robles Groundwater Basin Urgency Ordinance does not cover the Atascadero Sub-basin.

Table 4.1-1 in Section 4.1, *Agricultural Resources*, has also been revised as follows:

**Table 4.1-1
 FMMP Important Farmland Statistics for San Luis Obispo County**

FMMP Land Use Category	San Luis Obispo County		Portion of the Paso Robles Groundwater Basin <u>Subject to Program</u> ¹	
	Acres	Percent of Land Area	Acres	Percent of Land Area
Prime Farmland	41,319	2 %	40,473 <u>10,017</u>	2.9%
Farmland of Statewide Importance	21,132	1 %	41,827 <u>11,517</u>	3.3%
Unique Farmland	39,950	2 %	20,290 <u>20,243</u>	5.6 <u>9</u> %
Farmland of Local Importance	307,325	16 %	38,980 <u>36,043</u>	10.8 <u>4</u> %
Farmland of Local Potential	Included in Farmland of Local Importance	N/A	36,363 <u>34,097</u>	40.1 <u>9</u> .9%
Grazing Land	1,181,015	63 %	248,102 <u>212,223</u>	61 <u>0</u> .4%
Urban and Built-Up Land	45,017	2 %	8,624 <u>7,179</u>	2.41%
Other Land	242,998	13 %	45,797 <u>13,664</u>	4.4 <u>0</u> %
Water Area	8,780	<1 %	--	--
Not Surveyed	--	--	900	0.2 <u>3</u> %
Total Area Inventoried	1,887,536	100 %	<u>345,885</u>	<u>100</u> %

Source: California Department of Conservation, 2010; County of San Luis Obispo 2005 & 2006.

1. Excluding the Atascadero Sub-basin; refer to Figure 4.1-1.



In addition, throughout the Final SEIR, references to the Paso Robles Groundwater Basin in the context of either the proposed Agricultural Offset program or the existing Paso Robles Groundwater Basin Urgency Ordinance (which does not apply to the Atascadero Sub-basin) have been revised as follows. These revisions are shown in Sections 1.0, *Introduction*, 2.0, *Project Description*, 4.1, *Agricultural Resources*, 4.2, *Land Use*, 4.3, *Effects Found not to be Significant*, 5.0, *Alternatives*, and 6.0, *Other CEQA Sections*:

...the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin)...

Response 5.3

The commenter states that it is unclear how the system of water credits and urban/rural retrofits would be implemented by the proposed Program. The proposed Program specifies that credits must originate and be used from within the same groundwater basin. It further stipulates that credits obtained from agricultural uses must be used for new agricultural plantings only, and those generated from urban/rural sources must be used for new development.

The commenter additionally states that retrofitting programs can have a negative impact on property values, and suggests that this issue be addressed in the Final SEIR. The commenter does not provide evidence to support the statement that such programs can negatively impact property values. In addition, the EIR is not intended to account for economic effects of the proposed Program, in accordance with CEQA guidelines. As stated in CEQA Guidelines Section 15064(e) and 15131(a), economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, such effects are not considered in the Final SEIR.

Response 5.4

The commenter notes that figures in the Draft SEIR include the Atascadero Sub-basin portion of the Paso Robles Groundwater Basin, and suggest that these areas should be excluded, consistent with the Paso Robles Groundwater Basin Urgency Ordinance. In response to this comment, Figure 2-2 has been modified to clearly delineate the area of the Paso Robles Groundwater Basin that is subject to the proposed Program, which excludes the Atascadero Sub-basin. Refer to the revised Figure 2-2 in Section 2.0, *Project Description*. Refer also to response 5.2.

Response 5.5

The commenter suggests inclusion of a fifth alternative that includes a program that is only in affect when “exceptional drought” conditions are present for the relevant LOS III basins. Refer to Alternative 4 in Section 5.0, *Alternatives*. Under this alternative, both the Urban/Rural Water Offset requirements and Agricultural Offset program could sunset under any one of several conditions, including Board of Supervisors declaration of an end to emergency drought conditions.



Response 5.6

The commenter expresses the opinion that the County's Resource Management System (RMS) system should not be used to dictate policy, and that regional differences should be accounted for in management programs. Consideration of an alternative to the Resource Management System as a means to evaluate policy changes is outside the scope of this Draft SEIR.

Response 5.7

The commenter suggests that homeowners will conserve water resources out of their own self-interest, and that the Final SEIR should acknowledge this fact. While it is true that many homeowners already choose to conserve water, and more may choose to conserve water in the future, the proposed Program is intended to ensure that such conservation efforts are taking place consistently throughout the County to achieve the goal of reducing the wasteful use of water in the county.

The commenter additionally suggests that revenue from the Urban/Rural Offset component of WNND should target larger community goals after efficiency improvement targets are realized. Although property owners may already be engaged in similar conservation efforts, the proposed Program ensures greater participation in water conservation efforts. Any revenue generated from the proposed Program can only be used for its implementation.

Response 5.8

The commenter requests that hobby agriculture be defined in the Final SEIR. Reference to activities defined as hobby agriculture has been removed from the proposed Program. Section 2.3.1 in Section 2.0, *Project Description*, and Section 5.4.1 in Section 5.0, *Alternatives*, have also been revised as follows:

- a. Irrigated agricultural crop conversions;
- b. New irrigated agricultural development on previously un-irrigated land; and
- c. Replanting of existing irrigated crops (of the same crop type) where the replanting results in an increase of crop density or other modification that leads to increased water use (e.g. change in irrigation system or cropping patterns); ~~and~~
- d. ~~Hobby agriculture for rural residential users.~~

Response 5.9

The commenter requests clarification regarding the source of water to be used in outdoor water features. The Planning Commission directed staff to make revisions to the proposed amendment language that resulted in further clarification of the proposed Program language, regarding the source of water used for outdoor water features. This clarification has been added to the proposed Program language in Section 8.69.030 and Section 8.69.030, and does not affect the analysis contained in the SEIR.



Response 5.10

The commenter suggests that the community of Garden Farms be excluded from Section 3.2.1 (Program Area Setting, Paso Robles Groundwater Basin) and that the text acknowledge that the Atascadero Sub-basin is not experiencing the same water level declines as the remainder of the Paso Robles Groundwater Basin. Refer to response 5.2.



Letter 6



NCMA TG Comments _DSEIR Countywide Water Conservation Program

Daniel Heimel to: xfowler@co.slo.ca.us

05/15/2015 03:46 PM

Cc: Bob Perrault, "Erin Olsen (eolsen@pismobeach.org)", "Fine,
Benjamin", "Geoff English (genglish@arroyogrande.org)", "Gregory
Ray (gray@grover.org)", Jeffery Szytel, "Jim Garing

Hi Xzandrea

Thanks for the opportunity to comment on the DSEIR for the Countywide Water Conservation Program .
The following comments were provided by the Northern Cities Management Area (NCMA) Technical
Group. Please let me know if you have any questions on the comments provided .

- Reconsider Large Offset Requirement Alternative 2, which would require a 2:1 offset, rather than 1:1 for urban and rural development for the NMMA , as a greater than 1:1 offset is required to correct the loss in basin storage (i.e. cumulative overdraft) that has occurred as a result of pumping that exceeds recharge for over the last 10 years. (00 Executive Summary, page 3) 6.1
- Reconsider Expanded Agricultural Offset Program Alternative 3, which would apply the Agricultural Offset Program to NMMA and Los Osos in addition to just the Paso Basin to help prevent further overdraft or pumping that exceeds recharge in the NMMA. (00 Executive Summary, page 4) 6.2
- The proposed water waste measures listed in the Project Description should be revised to incorporate State Emergency Drought conservation regulations . (2.0 Project Description, page 12) 6.3

Daniel Heimel, M.S., P.E.

dheimel@wsc-inc.com
Phone: (805) 457-8833 ext. 104
Cell: (805) 459-8498
Fax: (805) 888-2764



Letter 6

COMMENTER: Daniel Heimel, Water systems Consulting, Inc., Northern Cities Management Area Technical Group

DATE: May 15, 2015

Response 6.1

The commenter suggests that Alternative 2 (Larger Offset Requirement) be reconsidered because a larger than 1:1 offset requirement is necessary to correct the loss in basin storage over the last 10 years. As noted in Section 5.0, *Alternatives*, the Larger Offset Requirement Alternative would reduce water demand in the certified LOS III groundwater basins (rather than being water demand neutral, as with the proposed Program). As a result, this alternative would be potentially more consistent with the County's land use policy framework that promotes water conservation. However, because more agricultural land could be fallowed as a result of this alternative, impacts related to agricultural resources would be greater than for the proposed Program (although they would remain less than significant). The commenter's preference for Alternative 2 over the proposed Program is noted.

Response 6.2

The commenter suggests that Alternative 3 (Expanded Agricultural Offset Program) be reconsidered because it would help prevent further overdraft or pumping that exceeds recharge in the Nipomo Mesa Water Conservation Area. As noted in Section 5.0, *Alternatives*, because the Expanded Agricultural Offset Program Alternative would extend the Agricultural Offset program to new irrigated agricultural development overlying all LOS III groundwater basins (rather than the Paso Robles Groundwater Basin only), this alternative would increase the amount of agricultural water offsets in the county. Because this alternative would increase the amount of agricultural water offsets, a larger amount of agricultural land could be fallowed under this alternative. Thus, Alternative 3 would have greater impacts to agricultural resources than the proposed Program (although they would remain less than significant). The commenter's preference for Alternative 3 over the proposed Program is noted.

Response 6.3

The commenter suggests that proposed water waste measures should incorporate State Emergency Drought conservation regulations. The Planning Commission directed staff to make revisions to the proposed amendment language that resulted in further clarification of the proposed Program language, regarding its relationship to statewide conservation regulations. This clarification has been added to the proposed Program language in Section 8.69.030 and does not affect the analysis contained in the SEIR.



Letter 7



comments on Draft SEIR for Countywide Water Conservation Programs

Karl and Laurie Gage to: xfowler

05/15/2015 03:47 PM

Dear Ms. Fowler,

One of the ideas presented during public comment at yesterday's Planning Commission study session was to consider a 20-acre and below exemption from the ordinance's requirements. While recognizing the needs of small family farms, PRO Water Equity is quite concerned this might lead to increased small vineyard plantings exempted from the proposed 1:1 offset.

7.1

Please consider a smaller acreage exemption such as 5 acres or less which would provide for most small family farms to be able to implement new plantings or expansion of existing production without undue burden on either them or the Basin.

Thank you.

PRO Water Equity
Sue Luft, President
Laurie Gage, Vice President
Jan Seals, Treasurer
Cheryl Coats, Secretary

Letter 7

COMMENTER: Sue Luft, President; Laurie Gage, Vice President; Jan Seals, Treasurer; and Cheryl Coats, Secretary, PRO Water Equity

DATE: May 15, 2015

Response 7.1

The commenter references an idea presented during public comment that the Program include a 20-acre and below exemption. The commenter expresses a preference for a smaller acreage exemption (such as 5 acres or less). The Planning Commission directed staff to make revisions to the proposed amendment language that resulted in further clarification of the proposed Program language to allow for a de minimus groundwater extraction exemption for new crop production on previously unplanted sites, limited to no more than 2.5 AF per year.



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Wayne Peterson
Director



STAFF

Jeff Britz
General Manager

Bettina L. Mayer, P.E.
District Engineer

Laurie A. Ion
*Assistant to the GM/
Board Secretary*

Jay Short
Utilities Supervisor

Natalie Klock
Finance Officer

Keith Aggson
Interim Fire Chief

Melissa Johnson
Recreation Supervisor

TEMPLETON COMMUNITY SERVICES DISTRICT

P.O. BOX 780 • 420 CROCKER STREET • TEMPLETON, CA 93465 • (805) 434-4900 • FAX: (805) 434-4820

May 5, 2015

Xzandrea Fowler
Mike Hannebutt
San Luis Obispo County Planning Dept
County Government Center,
San Luis Obispo, CA 93408

Subject: Proposed Water Neutral New Development (WNND) Ordinance and related proposed programs, policy and code changes.

Dear Xzandrea and Mike:

Thank you for the opportunity to review the draft proposed Countywide Water Neutral New Development Ordinance and related proposed programs, policy and code changes. Our comments are primarily focused on the Atascadero Sub-basin as it is an important water supply for the District. The Atascadero Sub-basin is treated separately from the Paso Robles Basin in all County actions specific to the Paso Robles Basin and was specifically excluded from the emergency ordinance. The recent County Resource Summary Report treats them separately and gives the Atascadero Sub-basin no level of severity, whereas the Paso Robles Basin is assigned an LOS III. The proposed ordinance does not make this distinction and we strongly feel that it should. We request that the Atascadero Sub-basin be specifically excluded in the proposed WNND Ordinance requirements and related regulations.

8.1

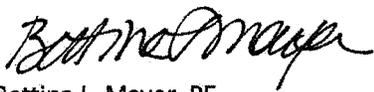
Our comments are as follows:

1. The Atascadero Sub-basin is being sustainably managed and has no level of severity assigned to it, whereas the Paso Robles Basin has a level of severity (LOS) III. For consistency and recognizing the distinction, the Atascadero Sub-basin should be specifically excluded wherever regulations for the Paso Robles Basin are stated. This comment applies to the new WNND ordinance as well as to the proposed changes to Titles 22, 19, 8, and the County General Plan and Conservation and Open Space Element.
2. The map Figure 7.2 does not clearly show boundaries of the Paso Robles Groundwater Basin and the Atascadero sub-basin should be added and shown here.

8.2

Please feel free to contact me at (805) 434-4915 should you have any questions.

Sincerely,


Bettina L. Mayer, PE
District Engineer

Letter 8

COMMENTER: Bettina Mayer, District Engineer, Templeton Community Services District

DATE: May 15, 2015

Response 8.1

The commenter suggests that the Atascadero Sub-basin be excluded from the proposed Program. Refer to response 5.2. The proposed Program does exclude the Atascadero Sub-basin, which has been clarified in the Final SEIR text and figures.

Response 8.2

The commenter suggests that the boundaries of the Paso Robles Groundwater Basin and Atascadero Sub-basin be clearly shown on Figure 7.2. It is assumed the commenter is referring to Figure 2-2 in Section 2.0, *Project Description*, which shows certified LOS III groundwater basins. Refer to response 5.5. As discussed therein, Figure 2-2 has been revised accordingly. Refer also to response 5.2.



Letter 9

Santa Margarita Area Advisory Council
 www.smaaonline.org
 PO Box 627
 Santa Margarita, CA 93453

Attn: Xzandrea Fowler
 SLO County Planning & Building Dept.
 County Government Center
 San Luis Obispo, CA 93408
 (805) 781-5600 phone
 (805) 781-1242 fax

Re: SMAAC Comments for the Draft SEIR – Countywide Water Conservation Program

Dear Xzandrea,

The Santa Margarita Area Advisory Council (SMAAC) has reviewed the Draft Supplemental Environmental Impact Report (SEIR) for the Countywide Water Conservation Program and has made a list of comments you may find below. We would appreciate these comments be addressed during planning commission hearings, board of supervisors meetings, and in the FEIR. The comments presented here are a compilation of questions, comments, or suggestions made by various members of SMAAC during our Special Meeting held on Monday, May 11, 2015 or through email correspondence with members of the council. Not all council members are in full agreement with each item listed, however, for the purposes of commenting on the SEIR we are including all comments for review. If you require further clarification or have questions please contact me.

Thank you,

Joe Patterson
 SMAAC Chairman

9.1

ITEM	SEIR Reference Section	Comment
A	Page 2-5, Figure 2-2, Map of LOS III Groundwater Basins	SMAAC agrees with the boundaries as shown in this map. This map was also used in the Urgency Ordinance. This map correctly identifies the basin as NOT extending into the area known as the Atascadero Sub-Basin (Templeton, City of Atascadero, Garden Farms, Santa Margarita, and Santa Margarita Ranch). The other maps within this SEIR conflict with this map.
B	Page 2-8, last line at bottom of the page, item D	Please provide clarification on the definition of "hobby agriculture for rural residential users".
C	Page 2-8, last line at bottom of the page, item D	Please remove the language "hobby agriculture for rural residential users" from this document.
D	Page 2-12, WWP, Subsection B, 4 th Bullet Point	Please provide clarification on what it means to prohibit the use of potable water in water fountains or other decorative water features. We suggest this proposed requirement be redefined to require recirculated water for such decorative water features.
E	Page 3-2, Last Paragraph and continuing on to Page 3-3	The written definition of the Paso Robles Groundwater Basin should specifically exclude "Garden Farms" in the first sentence. The last sentence of the paragraph should specifically exclude "The City of Atascadero", "The Community of Templeton", and "Garden Farms". The written description should be consistent with the boundaries as shown on Page 2-5 in Figure 2-2.

9.2

9.3

9.4

9.5

9.6

F	Page 4.1-5, Figure 4.1-1	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.7
G	Page 4.1-8, Figure 4.1-2	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.8
H	Page 4.1-9, Top of the Page	Numbered items 4, 5, and 6 at the top of the page appear to be redundant to numbered items 1, 2, and 3 on page 4.1-7 and should be removed from the document.	9.9
I	Page 4.1-9 through 4.1-12, Section "Impact AG-1"	<p>The SEIR in this section may produce unwanted results from this ordinance, which will have lasting negative effects to water usage and property values.</p> <ol style="list-style-type: none"> 1. The offset values of the Prime Farmland, Farmland of Statewide Importance, and Unique Farmland may be directly correlated to the current water usage of the land. If this SEIR is approved as written it may incentivize the current landowners to irrigate their farmland as much as possible if they desire to sell their land as an "offset" value to a developer who intends to develop on currently unfarmed land. This seems contrary to the intention of this SEIR. 2. As land value increases and decreases within the area, it is anticipated the potential buyers would consist of out-of-town, foreign, or large corporations who can afford to spend the amount of money required for the offset program. This may drive out local farmers, local produce, and the farm-to-table movement. 3. This section appears to require irrigation of crops on Prime Farmland, Farmland of Statewide Importance, and Unique Farmland every four years or else that piece of land loses the designation of farmland. This requirement appears to force landowners to use their land in a manner dictated by the government and may severely impact property rights. Please consider re-writing this section to honor property rights and not force use specified by the government. 	9.10
J	Page 4.1-15, Figure 4.1-3	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.11
K	Page 4.2-2, Figure 4.2-1a	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.12
L	Section 5.0 "Alternatives"	<p>Multiple commenters recommend the EIR consider a fifth alternative. This alternative should include both a "trigger" clause as well as a "sunset" clause. It is very important this ordinance has clear definitions of when the ordinance should be implemented and when it should end. The SLO County weather patterns consistently cycle between very dry years and very wet years. This cycle of droughts and floods will directly affect the water issues within the County. When the water levels are high an offset program is not necessary. Conversely, when the water levels are low an offset program is imperative. For this reason, we recommend a trigger clause in combination with a sunset clause.</p> <p>The commenter requests the Planning Staff and the EIR consultant review the potential "trigger" clauses for acceptance in the FEIR. The trigger clauses below are suggestions. We encourage the County and the FEIR consultant to consider additional potential trigger clauses as well. The trigger clause would enable the terms of the ordinance until a sunset clause removes the requirements of the ordinance.</p> <p>Another commenter stated the "trigger" clause should be decided when the basin is in decline or is recovering and not based on drought or flood. Please consider multiple approaches for a trigger and sunset clause combination.</p>	9.13

		<p>Suggestions for trigger clauses are listed below:</p> <ol style="list-style-type: none"> 1. Upon declaration of a Drought State of Emergency by the California Governor 2. Upon declaration of a Drought State of Emergency by the County Board of Supervisors 3. When documented well levels drop below 50% of the average monthly levels within a continuous twelve month period 4. When documented well levels run dry within a continuous 6 month period 5. When the basin is in decline 6. Other <p>Suggestions for sunset clauses are listed below:</p> <ol style="list-style-type: none"> 1. Upon declaration of an end to emergency drought conditions by the California Governor 2. Upon declaration of an end to emergency drought conditions by the Board of Supervisors 3. When documented well levels are within 20% of the average monthly levels within a continuous six month period 4. When the basin is in recovery 5. Other 	9.13
M	General Note	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.14
N	General Note	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.15
O - 1	General Note	<p>Multiple commenters recommend the removal of all uses of the terms "Level of Severity", "LOS", and "LOS III" from this SEIR. Levels of severity attempt to apply a "one size fits all" approach to managing the groundwater within our County. Every groundwater basin in our County is unique and presents different challenges. Even the subareas within each basin are unique. Applying a level of severity over a blanketed area impacts large and small property owners throughout the County even if their particular area does not have groundwater issues. By removing "levels of severity" from this document, reasonable judgments may be made by the Planning Commission and the Board of Supervisors on how to act within specific areas or regions within the County in regards to water shortage concerns. By allowing "levels of severity" to remain in this document, the document drives policy as opposed to allowing the Planning Commission and the Board of Supervisors to make informed decisions in regards to water shortage concerns. A "one size fits all" approach impacts reasonable mitigation measures for specific concerns and has the potential to negatively impact property values and property rights.</p> <p>Some commenters would prefer the continued use of Levels of Severity, however, the PRGWB LOS III is applied too broadly over the entire geographic areas within the Paso Robles Basin. Management by smaller geographic areas within the basin seem more appropriate.</p>	9.16
O - 2	General Note	Some commenters would prefer the continued use of Levels of Severity, however, the PRGWB LOS III is applied too broadly over the entire geographic areas within the Paso Robles Basin. Management by smaller geographic areas within the basin seem more appropriate.	9.17
P	General Note	Some commenters recommend the Planning Staff and the EIR Consultant consider an additional alternative for WNND requirements for residential and commercial development as listed in Section 2.3.1. It is understood the residential plumbing retro-fit and turf removal programs are limited. There are a limited number of homes with inefficient plumbing fixtures. There are more homes with turf landscape, however, at some future time that avenue for credits will be maximized.	9.18
		Please consider an alternative for credits that provides continual opportunities. The commenters propose the County consider the development of a program that involves removal of trees within the creek BEDS of overgrown creeks and streams within the County. The commenters DO NOT recommend removal of trees on the creek BANKS . This would require coordination with the CA	

		<p>Dept of Fish and Wildlife as well as the Army Corps of Engineers. The creek beds are overgrown with willow trees and cottonwoods that consume approximately 1,500 – 2,500 gallons of water daily. There are also other trees and shrubs growing within the limits of the creek beds. By removing the trees, this can provide a significant amount of water for basin recharge and potentially allow surface water flow in our creeks. When these trees grow in the creeks they overcrowd the area for wildlife to thrive, consume a considerable amount of water daily, and alter the flow of water in the watersheds. During flood events these trees are knocked down, carried down stream, and may negatively impact County infrastructure such as bridges, culverts, and roadways. By implementing a plan to thin the creek beds the County can proactively maintain its current infrastructure, remove trees consuming unnecessary amounts of water, and provide credits for WNND for residential and commercial developers with a continuous supply for obtaining credits.</p> <p>If this option is considered, Section 4.3 will require further consideration by the EIR consultant.</p> <p>Some commenters are not in agreement with this item and requested it not be included as a comment by SMAAC as an entire body. However, for the purpose of following the CEQA process we have left this suggestion for review but it should be noted the SMAAC is not in unanimous agreement on this item.</p>
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9.18

Letter 9

COMMENTER: Joe Patterson, Chairman, Santa Margarita Area Advisory Council

DATE: May 15, 2015

Response 9.1

The commenter introduces the Santa Margarita Area Advisory Council (SMAAC) comments, and notes that not all SMAAC members are in full agreement with the comments. The comment is noted. Refer to responses 9.2 through 9.18 below for responses to specific comments on the Draft SEIR.

Response 9.2

The commenter notes agreement with Figure 2-2 in Section 2.0, *Project Description*, which shows the Paso Robles Groundwater Basin as excluding the Atascadero Sub-basin. The comment is noted. In addition, figures in Section 4.1, *Agricultural Resources*, and 4.2, *Land Use*, have been revised for consistency with Figure 2-2. Refer also to response 5.2.

Response 9.3

The commenter requests a definition of “hobby agriculture for rural residential users.” Refer to response 5.8.

Response 9.4

The commenter suggests removing the language “hobby agriculture for rural residential users” from the Final SEIR. As shown in Response 5.8, reference to activities defined as hobby agriculture has been removed from the proposed Program and Final EIR.

Response 9.5

The commenter requests clarification regarding the prohibition of potable water in water fountains and other decorative features, and suggests that this proposed requirement be redefined to require recirculated water for such features. Refer to response 5.9.

Response 9.6

The commenter suggests that the definition of the Paso Robles Groundwater Basin should exclude Garden Farms, Atascadero, and Templeton. Refer to response 5.10.

Response 9.7

The commenter suggests that the boundary on Figure 4.1-1 should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figure 4.1-1 has been revised, as shown in Section 4.1, *Agricultural Resources*.



Response 9.8

The commenter suggests that the boundary on Figure 4.1-2 should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figure 4.1-2 has been revised, as shown in Section 4.1, *Agricultural Resources*.

Response 9.9

The commenter points out that the numbered items on the top of page 4.1-9 are redundant with the numbered items on the bottom of page 4.1-7. In response to this comment, the following revision has been made to Section 4.1, *Agricultural Resources*:

The Agriculture Element offers the following policy direction:

1. Storage of water in or under the watershed should be maximized, thereby minimizing discharges that are lost out of the watershed.
2. Recharge of groundwater basins should be preserved and enhanced by protecting stream bed gravels that are a major source of recharge from sediment deposition. Other alluvial areas should be protected from impervious surfaces or compaction.
3. Water that is extracted from storage should be properly used in a manner that maximizes its beneficial use and that minimizes evaporative losses.
- ~~4. Storage of water in or under the watershed should be maximized, thereby minimizing discharges that are lost out of the watershed.~~
- ~~5. Recharge of groundwater basins should be preserved and enhanced by protecting stream bed gravels that are a major source of recharge from sediment deposition. Other alluvial areas should be protected from impervious surfaces or compaction.~~
- ~~6. Water that is extracted from storage should be properly used in a manner that maximizes its beneficial use and that minimizes evaporative losses.~~

Response 9.10

The commenter suggests that the SEIR may incentivize current landowners to over irrigate their farmland in advance of selling their land as an offset to a developer. It should be clarified that credits for the Agricultural Offset program would be calculated using average water rates for different types of crops, as shown in Table 2-3 in Section 2.0, *Project Description*. By utilizing pre-established rates for specific crop types, rather than actual water use measurements, the Agricultural Offset program would not incentivize over irrigating as a means of increasing the calculated offset value.

The commenter further suggests that potential buyers would consist of out-of-town, foreign, or large corporations who can afford to spend the amount of money required for the Agricultural Offset program, which may drive out local farmers. It should be clarified that the EIR is not intended to account for economic effects of the proposed Program, in accordance with CEQA guidelines. As stated in CEQA Guidelines Section 15064(e) and 15131(a), economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, such effects are not considered in the Final SEIR.



The commenter additionally suggests that the analysis in Impact AG-1 appears to require irrigation of crops every four years, thus forcing landowners to use their land in a manner dictated by the government. The analysis and associated mitigation for Impact AG-1 in Section 4.1, *Agricultural Resources*, has been revised, as shown below. These revisions are made to acknowledge that a change in Farmland Mapping and Monitoring Program (FMMP) designation (e.g. Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) does not constitute a significant impact under CEQA. Rather, a significant impact would occur if the Program would directly convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. Fallowing of agricultural land is not considered a non-agricultural use; thus, the Agricultural Offset program would not convert these areas to non-agricultural use, and the impact would be less than significant, rather than significant but mitigable. Because of this change in impact level, mitigation is no longer required. The mitigation would have required that these areas not be fallowed, and also that changes in irrigation type/method remain consistent with criteria under the FMMP, which may have required irrigation of crops every four years, as noted by the commenter. Because this mitigation measure has been eliminated, the commenter's concern has been addressed.

Impact AG-1 The Agricultural Offset program component of the Countywide Water Conservation Program ~~would~~ could result in the fallowing of agricultural fields, but would not convert crop conversion, or conversion of irrigation systems as a means of reducing water consumption which could result in direct conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Impacts would be Class III, less than significant but mitigable.

The Water Neutral New Development (WNND) requirements would require that new or expanded irrigated agricultural development overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) offset water use at a minimum 1:1 ratio. This would be accomplished through the Agricultural Offset program, which as described in Section 2.0, *Project Description*, would allow for creation of water credits to be transferred within and between agricultural properties. Water offsets could be granted under this program by allowing a potential grower on currently vacant land to purchase water credits from a grower willing to reduce or eliminate existing crops, switch to a less water intensive crop, or change to a more efficient irrigation system. If an existing grower eliminates existing crops as a means to provide the water credit, existing agricultural fields could go fallow, including land currently designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, as shown in Figure 4.1-1. However, fallowing of agricultural land is a common occurrence, and would not be considered a change in land use. Further, the proposed Agricultural Offset program would not alter existing land use or zoning designations, nor facilitate development on agricultural land. Thus, the Agricultural Offset program would not convert agriculture (including Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) to non-agricultural use, and impacts would be less than significant.



In order to meet the definition of Prime Farmland and Farmland of Statewide Importance, agricultural land must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date, which equates to every four years. Thus, any water conservation method which results in the loss of irrigation (crop conversion to non-irrigated crops or fallowing) of Prime Farmland or Farmland of Statewide Importance for a duration of four years or more, would lead to a loss of a property's designation as Prime Farmland or Farmland of Statewide Importance.

Similarly, if Unique Farmland were to stop producing high-value crops or began producing excluded crops (such as grains) and this change lasted four years or more, it would lose its designation as such. Similar rules would also apply to Farmland of Local Importance. Unique Farmland and Farmland of Local Importance do not have irrigation requirements and would likely only be impacted through Agricultural Offset program through crop conversion or fallowing of fields. As defined in San Luis Obispo County, land can remain designated as Farmland of Local Potential, which is a sub-category of Farmland of Local Importance, without any active agriculture as long as it has characteristics of Prime or Statewide Farmland and is not cultivated.

Figure 4.1-1 illustrates the prevalence of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland in the Paso Robles Groundwater Basin.

Table 4.1-1 identifies the total quantity and percent of Prime Farmland and Farmland of Statewide Importance in the Paso Robles Groundwater Basin that could potentially be converted under Agricultural Offset program if they are used to provide water credits using fallowing or conversion to non-irrigated crops. As shown in Table 4.1-1, there is the potential for the conversion of up to 10,473 acres (2.9 percent of the area) of Prime Farmland and 11,827 acres (3.3 percent of the area) of Farmland of Statewide Importance. While in reality it is unlikely that all Prime Farmland and Farmland of Statewide Importance in this area would participate in the Agricultural Offset program, due to the importance of these resources as well as the small percentages of both Prime Farmland and Farmland of Statewide Importance in the Paso Robles Groundwater Basin, any conversion of these lands to a different FMMP designation or non-agricultural uses would be a potentially significant impact.

While irrigation is not required to meet the definition of Unique Farmland, land under this category is usually irrigated though it may include non-irrigated orchards or vineyards. There are 20,290 acres (2.9 percent of the area) of Unique Farmland in the Paso Robles Groundwater Basin. Unique Farmland in this area could be impacted due to crop conversion from a high water usage crop to a crop that does not require irrigation, or is low water usage and therefore no longer meets the definition of a high economic value crop. Examples of high economic value crops include oranges, olives, avocados, rice, grapes, and cut flowers. Because irrigation is not required to meet the definition of Unique Farmland, changes in crop type (less water intensive) or changes in irrigation do not necessarily result in a loss of the Unique Farmland designation. For this reason not all crop conversions would result in a conversion of Unique Farmland. However,

~~because conversion of Unique Farmland could potentially occur as a result of crop conversion or fallowing, impacts would be considered potentially significant.~~

Amendments to the policies and goals proposed under the proposed Program would not have an adverse effect on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as the policies and goals are intended to protect these same resources. In addition, because the Agricultural Offset program also allows for planting credits to be obtained through a shift to less water intensive crops (rather than fallowing), the Agricultural Offset program may result in a net increase in agricultural acreage in agricultural areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). The transfer of planting credits and conversion of high water use crops (e.g. alfalfa) to low water use crops (e.g. vineyards) could yield potential new irrigated agriculture acreage – all while maintaining current water demand.

Additionally, the Water Waste Prevention (WWP) program would identify a series of best management practices (BMPs) aimed at increasing water use efficiency in agricultural practices. This includes expansion/clarification of existing policy regarding increased water efficiency efforts and increased educational outreach. However, the WWP program would not alter existing land uses, including agriculture, and would therefore have no influence on the conversion of Prime Farmland, Farmland of Statewide Importance or Unique Farmland. In addition, the WWP program would serve to conserve water, which is a vital component necessary for a successful agricultural industry.

~~In summary, potentially significant impacts would include the following types of FMMP classification changes resulting from changes in irrigation regime or crop types:~~

- ~~• Prime Farmland converted to Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, or non-agricultural uses.~~
- ~~• Farmland of Statewide Importance converted to Unique Farmland, Farmland of Local Importance, Grazing Land, or non-agricultural uses.~~
- ~~• Unique Farmland converted to Farmland of Local Importance, Grazing Land, or non-agricultural uses.~~

~~Mitigation Measures. No mitigation is required. The following mitigation would reduce potentially significant impacts to Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to a less than significant level.~~

- ~~AG-1 Sending sites participating in the Agricultural Offset program shall be consistent with the following:~~
 - ~~a. Prime Farmland, Farmland of Statewide Importance, and Unique Farmland shall not be fallowed as a means of providing water offset credits.~~
 - ~~b. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Prime Farmland must remain consistent with criteria for~~



~~Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Prime Farmland, land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years prior to the mapping date.~~

- ~~e. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Farmland of Statewide Importance must remain consistent with criteria for Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Farmland of Statewide Importance, land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years, prior to the mapping date.~~
- ~~d. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Unique Farmland must remain consistent with criteria for Unique Farmland, Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Unique Farmland, land must have been used for the production of specific high economic value crops at some time during the two update cycles, or the last four years, prior to the mapping date.~~

Significance After Mitigation. ~~With the implementation of Mitigation Measure AG-1, I~~ Impacts would be less than significant.

As a result of the above revisions, the *Mitigation Measures* and *Significance After Mitigation* discussion for Impact AG-2 in Section 4.1, *Agricultural Resources*, has been revised as follows:

Mitigation Measures. ~~Mitigation Measure AG-1 would prevent the following of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. Each of these categories of farmland could be under Williamson Act contract; therefore, implementation of Mitigation Measure AG-1 would partially address this impact. However, because other categories of potentially irrigated farmland subject to Williamson Act could be followed, the~~ The following mitigation measure would be required.

AG-3 The following provision shall be added to the proposed Agricultural Offset program:

Sending sites providing planting credits shall remain consistent with the provisions of any existing Williamson Act contract for the property and County of San Luis



Obispo Rules of Procedure to Implement the California
 Land Conservation Act Of 1965.

Significance After Mitigation. Implementation of Mitigation Measure AG-3 as well as ~~Mitigation Measure AG-1~~ would reduce potential impacts associated with conflicts with the Williamson Act to a less than significant level.

In addition, Section 4.1.2(c) (Cumulative Impacts) has been modified as follows:

c. Cumulative Impacts. Cumulative impacts would not occur as a result of conversion of agriculture under the proposed Program beyond those considered in the San Luis Obispo County General Plan. As discussed above and in Section 4.3, *Land Use*, the proposed Program would facilitate new urban and rural development in certified LOS III groundwater basins and new irrigated agricultural development in agricultural areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), however it would do so consistent with existing San Luis Obispo County General Plan and Zoning Ordinance land use designations. The Agricultural Offset program could result in the fallowing of agricultural land, including land designated as Prime Farmland, Unique Farmland, and/or Farmland of Statewide Importance. However, as discussed under Impact AG-1, the fallowing of agricultural land is a common occurrence, and does not constitute conversion to non-agricultural use. The Program does not involve any amendments to land use designations or zoning, and therefore would not generate development that would convert these areas to non-agricultural use. ~~Implementation of Mitigation Measure AG-1 would prevent downgrades of FMMP classifications for Prime Farmland, Farmland of Statewide Importance, and Unique Farmland; however, there~~ There is the potential for some irrigated Farmland of Local Importance, Farmland of Local Potential or Grazing Land to also be fallowed as a result of the proposed Program, unless it would conflict with an existing Williamson Act contract (per Mitigation Measure AG-3). Agricultural lands would only be fallowed under the proposed Program as a means of water offset to allow other agriculture uses to be developed or intensified and water offsets generated through fallowing of agricultural would not be used to facilitate non-agricultural development types. Therefore, the contribution of the proposed Program to cumulative impacts related to the conversion of agriculture would be less than significant.

Table ES-1 in the *Executive Summary* has also been revised for consistency:

**Table ES-1
 Summary of Environmental Impacts, Mitigation Measures and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
AGRICULTURAL RESOURCES		
Impact AG-1 The Agricultural Offset program component of the Countywide Water Conservation Program would <u>could</u> result in the fallowing of agricultural fields, <u>but would not convert crop conversion, or conversion of irrigation systems</u>	No mitigation measures are necessary. AG-1 Sending sites participating in the Agricultural Offset Program shall be consistent with the following: e. Prime Farmland, Farmland of Statewide Importance, and Unique Farmland shall not	Less than significant.



**Table ES-1
 Summary of Environmental Impacts, Mitigation Measures and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
<p>as a means of reducing water consumption which could result in direct conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to <u>non-agricultural use</u>. Impacts would be Class III, <u>less than significant but mitigable</u>.</p>	<p>be followed as a means of providing water offset credits.</p> <p>f. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Prime Farmland must remain consistent with criteria for Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Prime Farmland land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years prior to the mapping date.</p> <p>g. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Farmland of Statewide Importance must remain consistent with criteria for Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Farmland of Statewide Importance land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years, prior to the mapping date.</p> <p>h. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Unique Farmland must remain consistent with criteria for Unique Farmland, Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Unique Farmland land must have been used for the production of specific high economic value crops at some time during the two update cycles, or the last four years, prior to the mapping date.</p>	

In addition, Table 4.2-1 in Section 4.2, *Land Use*, has been revised as follows:

**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
<i>Land Use Element – Framework for Planning (Inland)</i>	
<p>Principle 1. Preserve open space, scenic natural beauty and natural resources. Conserve energy resources. Protect agricultural land and resources.</p>	<p><u>Potentially Consistent</u>. The WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and BMPs in agricultural areas, with potential fines for non-compliance in non-agricultural areas. Although WNND requirements may facilitate new urban and rural development in groundwater basins certified at LOS III for water supply, and new irrigated agricultural development in the Paso Robles Groundwater Basin, it would do so only if that development could offset its water use at a 1:1 ratio. This may occur by allowing some agricultural lands to go fallow. As noted in Section 4.1, <i>Agricultural Resources</i>,</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
	<p>fallowing of agricultural fields as a means of reducing water consumption within the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>) <u>would not be considered a conversion to non-agricultural use, and impacts would be could result in direct conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. However, Mitigation Measure AG-1 prohibits the fallowing of these lands, thus reducing the impact to a less than significant level.</u> Some development facilitated by the ordinance could occur in open space or scenic areas. However, this development would be subject to existing land use regulations.</p>
<p>Policy 6. Encourage the protection and use of agricultural land for the production of food, fiber and other agricultural commodities, and support the rural economy and locally-based commercial agriculture.</p>	<p><u>Potentially Consistent.</u> The Agricultural Offset program, as part of WNNND requirements, would allow new irrigated agriculture which overlies the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). The goal is to maintain current water demand which could strengthen the rural economy and locally-based commercial agriculture. However, new irrigated lands would be planted at the expense of other, existing agricultural areas, which would either be planted with less water intensive crops, or left fallow in order to offset the new water demand. If the new agricultural development is offset with less water-intensive crops, the net impact to agricultural production would be positive because more acres would be used for agriculture. If offset with fallowing of land, however, the net result could be negative. However, Mitigation Measure AG-1 in Section 4.1, Agricultural Resources, prohibits the fallowing of lands designated as <u>impacts would be less than significant, as fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be considered a conversion to non-agricultural use. This mitigation would reduce potential impacts to a less than significant level, and would similarly serve to protect agricultural land, which is</u> <u>Because the Program would either result in a net benefit or less than significant impacts to agriculture, the Program would be potentially consistent with this policy.</u></p>
<p>Land Use Element – Framework for Planning (Coastal)</p>	
<p>Objective 3.d. Preserve urban and rural open space as an irreplaceable resource for future generations by: Protecting agricultural, natural and other rural areas between communities, and working with landowners and these communities to maintain rural character and land uses.</p>	<p><u>Potentially Consistent.</u> The WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and application of BMPs in agricultural areas, with a threat of fines for non-compliance in non-agricultural areas. Although WNNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply, and new irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), it would do so only if that development could offset its water use at a 1:1 ratio. In the Paso Robles Groundwater Basin, this may occur by allowing some agricultural lands to go fallow. As noted in Section 4.1, <i>Agricultural Resources</i>, fallowing of agricultural fields as a means of reducing water consumption could <u>would not result in direct conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural</u></p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
	<p>use. Thus, impacts related to conversion of important farmland would be less than significant. However, Mitigation Measure AG-1 prohibits the following of these lands, thus reducing the impact to a less than significant level. Some development facilitated by the ordinance could occur in open space or scenic areas. However, this development would be subject to existing land use designations.</p>
Agriculture Element	
<p>Goal AG1. Support County Agricultural Production.</p> <ul style="list-style-type: none"> a. Support and promote a healthy and competitive agricultural industry whose products are recognized in national and international markets as being produced in San Luis Obispo County. b. Facilitate agricultural production by allowing a broad range of uses and agricultural support services to be consistently and accessibly located in areas of prime agricultural activity. c. Support ongoing efforts by the agricultural community to develop new techniques and new practices. d. Develop agricultural permit processing procedures that are rapid and efficient. Do not require permits for agricultural practices and improvements that are currently exempt. Keep the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources and sensitive habitats. 	<p>Potentially Consistent. WNNND requirements include an Agricultural Offset program, which would facilitate the planting of new or more intensively irrigated agriculture in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) by allowing the potential grower to purchase water credits from an existing grower, thereby maintaining current water demands. As noted in Section 4.1, Agricultural Resources, following of although agricultural fields (including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) may be followed as a means of reducing water consumption, this would not be considered a conversion to non-agricultural use. could result in direct conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. However, Mitigation Measure AG-1 prohibits the following of these lands, thus reducing the impact to a less than significant level. In addition, because the Agricultural Offset program also allows for water credits to be obtained through a shift to less water intensive crops (rather than following), the program may result in a net increase in agricultural acreage overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). In this way, the WNNND requirements could help to implement this policy.</p> <p>WNNND requirements may also allow planting credits to be obtained by improving irrigation efficiency, which may support ongoing efforts by the agricultural community to develop new techniques and practices (of conserving water). In addition, the element of the WWP program aimed at reducing water waste in agricultural areas would include two parts: a) expansion/clarification of existing policy regarding increased water efficiency efforts and b) educational outreach. Measures would be implemented which would identify wasteful practices, describe BMPs, and provide better resources for education of agricultural water application to both the agriculture industry and public, potentially consistent with this policy.</p>
<p>Goal AG3. Protect Agricultural Lands.</p> <ul style="list-style-type: none"> a. Establish criteria in this element for agricultural land divisions that will promote the long-term viability of agriculture. b. Maintain and protect agricultural lands from inappropriate conversion to non-agricultural uses. Establish criteria in this element and corresponding changes in the Land Use Element and Land Use Ordinance for when it is appropriate to convert land from agricultural to non-agricultural 	<p>Potentially Consistent. The Countywide Water Conservation Program would not result in agricultural land divisions. Thus, Goal AG3(a) is not applicable to the Program. Although the Agricultural Offset program could result in the following of some existing agricultural land, following of agricultural lands is a common occurrence Mitigation Measure AG-1 in Section 4.1, Agricultural Resources, would prohibit the following of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. Thus, the Program would not convert</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
<p>designations.</p> <p>c. Maintain and strengthen the county's agricultural preserve program (Williamson Act) as an effective means for long-term agricultural land preservation.</p> <p>d. Provide incentives for landowners to maintain land in productive agricultural uses.</p>	<p>these areas to non-agricultural use or change any existing agricultural land use designations, and would provide an incentive for maintaining land in productive agriculture. Thus, the Program would be potentially consistent with Goals AG3(b) and AG3(d). Mitigation Measure AG-3 would also ensure that implementation of the Program would not result in conflicts with existing Williamson Act contracts, potentially consistent with Goal AG3(c).</p>
<p><u>Policy AGP24. Conversion of Agricultural Land.</u></p> <p>a. Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:</p> <ol style="list-style-type: none"> 1. Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Advisory Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe. 2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations. 3. Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines. 4. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines. 	<p><u>Potentially Consistent.</u> The Countywide Water Conservation Program would not expand urban service, urban reserve, or village reserve lines, nor would it change land use or zoning designations. Further, the Program would not result in the location of public facilities outside urban and village reserve lines. The Program would not redesignate agricultural lands to create new rural residential development. Although the Agricultural Offset program may result in fallowing of some existing agricultural lands in areas overlying the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), <u>this would not be a conversion to non-agricultural use</u>. Mitigation Measure AG-1 in Section 4.1, <u>Agricultural Resources</u>, would prohibit the fallowing of land designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Thus, the Program would not convert important farmland to a non-agricultural use, and may allow more intensive agriculture in some areas.</p>
<i>Conservation and Open Space Element</i>	
<p><u>Goal AQ 3.</u> State and federal ambient air quality standards will, at a minimum, be attained and maintained.</p>	<p><u>Potentially Consistent.</u> As discussed in Section 4.4, <i>Effects Found not to be Significant</i>, prohibiting the application of water to exposed hard surfaces and unpaved roadways in urban and rural areas may inhibit the ability to mitigate for fugitive dust. However, multiple alternate strategies exist for the reduction of fugitive dust emissions (e.g. chemical stabilizers/dust suppressants, track-out devices, and enclosures/wind fencing for stockpiles). Thus, prohibiting the application of water in these instances would not increase fugitive dust.</p> <p>In addition, while reduced irrigation and/or fallowing of agricultural lands may incrementally increase the amount of exposed land susceptible to wind-blown fugitive dust within areas of the county overlying the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), it would represent a small portion of the county's overall fugitive dust emissions and would not contribute substantially to an existing or projected violation of state and federal ambient air quality standards. Mitigation Measure AG-1 would preclude the fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
	<p>Farmland. While the Agricultural Offset program may result in an increase in the fallowing of some classes of agricultural land, fallowing of fields is a typical agricultural practice and occurs regularly throughout the county. Therefore, while reduced irrigation and/or fallowing of agricultural lands may temporarily increase the amount of exposed land susceptible to wind-blown fugitive dust within the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), it would not contribute substantially to an existing or projected air quality violation.</p>
<p><u>Goal SL 3.</u> Important Agricultural Soils will be conserved.</p>	<p><u>Potentially Consistent.</u> As discussed in Section 4.1, <u>Agricultural Resources</u>, the Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption within the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). <u>However, this would not</u> which could result in direct conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. However, Mitigation Measure AG-1 prohibits the fallowing of these areas, <u>Impacts would be less than significant and the Program would protect thus protecting</u> Important Agricultural Soils consistent with this policy.</p>
<p><u>North County Area Plan</u></p>	
<p><u>Goal 2.</u> Agriculture as a primary focus of economic activity, with agricultural land uses maintained and protected. (Applies to the El Pomar-Estrella sub-area)</p>	<p><u>Potentially Consistent.</u> The Agricultural Offset program, as part of WNNND requirements, would allow new or expanded irrigated agriculture within the Paso Robles Groundwater Basin, which underlies the El Pomar-Estrella sub-area. However, new irrigated lands would be planted at the expense of other, existing agricultural areas, which would either be planted with less water intensive crops, or left fallow in order to offset the new water demand. If the new agricultural development is offset with less water-intensive crops, the net impact to agricultural production would be positive because more acres would be used for agriculture. If offset with fallowing of land, however, the net result could be reduction in farmed land. <u>However, Mitigation Measure AG-1 in Section 4.1, Agricultural Resources, prohibits the fallowing of lands designated as impacts would be less than significant, as fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be considered conversion to non-agricultural use. This mitigation would reduce potential impacts to a less than significant level, and Because the Program would not convert agriculture to non-agricultural uses, would similarly serve to maintain agriculture would remain</u> as a primary focus of economic activity, potentially consistent with this policy.</p>

The third and fourth paragraphs on page 4.3-5 in Section 4.3, *Effects Found not to be Significant*, have also been revised as follows:

...Therefore, the proposed Program could result in reduced irrigation and/or the partial or complete fallowing of some agricultural lands. ~~Land designated as Prime Farmland,~~



~~Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed Program as required by Mitigation Measure AG-1.~~

According to the SLOAPCD Emissions Inventory, farming operations (including farm equipment) and fugitive windblown dust make up approximately 16 percent of the county's fugitive dust emissions, while paved and unpaved road dust and construction and demolition activities make up over 60 percent of the county's fugitive dust emissions (SLOAPCD, 2005). ~~As noted above, Mitigation Measure AG-1 would preclude the fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland.~~ While the Agricultural Offset program may result in an increase in the fallowing of some classes of agricultural land, fallowing of fields is a typical agricultural practice and occurs regularly throughout the county...

The second paragraph on page 4.3-13 in Section 4.3, *Effects Found not to be Significant*, has been revised as follows:

As such, the proposed Program could result in reduced irrigation and/or the partial or complete fallowing of some agricultural lands overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), which could result in increased exposure of topsoil to erosion. However, land designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed Program as required under Mitigation Measure AG-1, which would limit the potential loss of topsoil from fallowed fields. While the Agricultural Offset program may result in an increase in the fallowing of some agricultural areas, fallowing of fields is a typical agricultural practice and occurs regularly throughout the county. Therefore, impacts would be less than significant.

The first full paragraph under *Drainage and Flooding* in Section 4.3.8 (Hydrology and Water Quality) in Section 4.3, *Effects Found not to be Significant*, has been revised as follows:

a-b) As described above, the proposed Program could result in reduced irrigation and/or fallowing of agricultural lands in areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), which may result in minor changes to drainage and runoff patterns in localized areas. ~~Land designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed Program as required by Mitigation Measure AG-1.~~ However, reducing irrigation and fallowing of fields are typical agricultural practices and occur regularly throughout the county. Therefore, drainage patterns and runoff patterns in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would not differ substantially from existing conditions. Impacts would be less than significant.

The first paragraph on page 4.3-35 in Section 4.3, *Effects Found not to be Significant*, has been revised as follows:



While the proposed Agricultural Offset program could result in the partial or complete fallowing of agricultural lands in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), this would not be considered a conversion to non-agricultural useland designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed Program (Mitigation Measure AG-1). While the fallowing of some properties could represent a change in visual character for individual properties it would not result in cumulative impacts to the aesthetic character of the county given that fallowed lands are a common feature in the pastoral landscape. In addition, the fallowing of lands is a typical practice for agricultural areas in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). Fallowed land would not substantially increase PM₁₀ emissions, result in the loss of topsoil, or result in substantial changes to drainage and runoff patterns.

The *Agricultural Resources* discussion in Section 5.2.2 (Impact Analysis) in Section 5.0, *Alternatives*, has been revised as follows:

Agricultural Resources. The Los Osos Basin and ~~NMMA~~ Nipomo Mesa Water Conservation Area do not have existing Agricultural Water Offset programs. In areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), the existing Agricultural Water Offset program [as described in Section 2.3.1(a) of Section 2.0, *Project Description*] would continue to apply through August 27, 2015. During this time, similar to the proposed Program, water offsets could be granted by fallowing an existing agricultural property. This could result in ~~impacts to fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, and may also conflict with existing Williamson Act contracts. Mitigation Measure AG-1 in Section 4.1, Agricultural Resources, would prohibit the fallowing of these important farmlands, and would restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands. This measure would reduce impacts of the Program to important farmlands and Williamson Act contracts to a less than significant level.~~ The No Project Alternative would allow potential fallowing of agricultural land in areas overlying the Paso Robles Groundwater Basin through August 27, 2015, ~~without the benefit this mitigation measure. Thus, the impacts of this alternative would be unmitigated, and therefore greater than the proposed Program.~~ Similar to the proposed Program, the fallowing of these lands would not constitute a significant impact; therefore, impacts related to conversion of Important Farmland under this alternative would be less than significant, similar to the proposed Program.

The *Agricultural Resources* discussion in Section 5.3.2 (Impact Analysis) in Section 5.0, *Alternatives*, has been revised as follows:

Agricultural Resources. As described in Section 4.1, *Agricultural Resources*, the proposed Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption. These activities would result in ~~potentially significant impacts to the fallowing of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; Williamson Act lands; resulting in conversion of Farmland.~~ These potentially significant impacts would

~~occur as a result of the Agricultural Offset program.~~ Because this alternative would increase the offset requirement from a 1:1 ratio to a 2:1 ratio, this alternative would double the amount of water required to be offset for new agricultural uses. These water offsets could be granted through the elimination of existing crops, which could result in a larger amount of agricultural land fallowed under the Program. Impacts associated with this alternative would therefore be greater than for the proposed Program. However, as with the proposed Program, ~~Mitigation Measure AG-1 would prohibit the fallowing of important farmlands~~ would not be considered a conversion to non-agricultural use, and would not constitute a significant impact~~restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands.~~ Application of this measure to Therefore, the Larger Offset Requirement Alternative would result in less than significant impacts, similar to the proposed Program.

The Larger Offset Requirement Alternative would not alter existing land use or zoning designations. Similar to the proposed Program, new development would be subject to the requirements of the County General Plan and County Code and thus it would not conflict with agricultural operations. Impacts related to conflicts with existing zoning for agricultural use would be similar to those of the proposed Program, which are less than significant.

The *Agricultural Resources* discussion in Section 5.4.2 (Impact Analysis) in Section 5.0, *Alternatives*, has been revised as follows:

Agricultural Resources. As described in Section 4.1, *Agricultural Resources*, the proposed Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption. These activities would result in ~~potentially significant impacts to the fallowing of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; Williamson Act lands; resulting in conversion of Farmland.~~ These potentially significant impacts would occur as a result of the Agricultural Offset program. Because the Expanded Agricultural Offset Program Alternative would extend the Agricultural Offset program to new irrigated agricultural development overlying all LOS III groundwater basins (rather than the Paso Robles Groundwater Basin only), this alternative would increase the amount of agricultural water offsets in the county. These water offsets could be granted through the elimination of existing crops, which could result in a larger amount of agricultural land fallowed under the Program. Impacts to agricultural resources would therefore be slightly greater under this alternative. However, as with the proposed Program, the fallowing of important farmlands would not be considered a conversion to non-agricultural use, and would not constitute a significant impact ~~Mitigation Measure AG-1 would prohibit the fallowing of important farmlands, and would restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands.~~ Application of this measure to Therefore, Alternative 3 would result in less than significant impacts related to important farmland conversion~~after application of the required mitigation,~~ similar to the proposed Program.



The Expanded Agricultural Offset Program Alternative would not alter existing land use or zoning designations. Similar to the proposed Program, new development would be subject to the requirements of the County General Plan and County Code and thus it would not conflict with agricultural operations. Impacts related to conflicts with existing zoning for agricultural use would be similar to those of the proposed Program, which are less than significant.

The *Agricultural Resources* discussion in Section 5.5.2 (Impact Analysis) in Section 5.0, *Alternatives*, has been revised as follows:

Agricultural Resources. This alternative would modify the sunset provision for the proposed Program and would extend the sunset provisions to the Urban/Rural Water Offset requirement (in addition to the Agricultural Offset program, which has a sunset provision under the proposed Program). Because there would be multiple scenarios under which the Program could sunset, this alternative could potentially be in effect for a shorter period of time than the proposed Program. For example, if emergency drought conditions end (condition 2) or the Paso Robles Groundwater Basin is downgraded to LOS II (condition 3), the Program would no longer apply, even if a GSP is not yet adopted.

If emergency drought conditions continue or if LOS III-certified groundwater basins maintain their current LOS certifications (i.e. if conditions 2 or 3 are not met), then this alternative would apply for a longer period of time than the proposed Program. This is because condition 1 in the Altered Sunset Provisions Alternative would allow the Program to sunset only after implementation of a GSP, rather than at the time of adoption (as with the proposed Program). Under condition 1, the alternative would potentially be in effect for a longer period of time than the proposed Program.

As described in Section 4.1, *Agricultural Resources*, the proposed Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption. These activities would result in ~~potentially significant impacts to the fallowing of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; Williamson Act lands; resulting in conversion of Farmland. These potentially significant impacts would occur as a result of the Agricultural Offset program.~~ Because this alternative could potentially allow the Agricultural Offset program to sunset earlier than the proposed Program (under condition 2 and condition 3), this alternative may decrease the amount of agricultural water offsets in the county over time, thus resulting in fewer impacts to agricultural resources. On the other hand, this alternative would potentially allow the Agricultural Offset program to continue longer than the proposed Program (if condition 1 is selected), and may therefore increase the amount of agricultural offsets (and associated impacts) over time. As with the proposed Program, the fallowing of important farmlands would not be considered a conversion to non-agricultural use, and would not constitute a significant impact. ~~Mitigation Measure AG-1 would be required. This measure would prohibit the fallowing of important farmlands, and would restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands. Application of this measure to~~ Therefore,

Alternative 4 would result in less than significant impacts whether the alternative results in a longer-term or shorter-term Program depending on the condition under which the alternative sunsets, similar to the proposed Program.

The Altered Sunset Provisions Alternative would not alter existing land use or zoning designations. Similar to the proposed Program, new development would be subject to the requirements of the County General Plan and County Code and thus it would not conflict with agricultural operations. Impacts related to conflicts with existing zoning for agricultural use would be similar to those of the proposed Program, which are less than significant.

The *Agricultural Resources* column for the No Project Alternative in Table 5-2 has been modified to show that the alternative would result in similar impacts to the proposed Program, rather than greater impacts.

Finally, the second and third paragraphs under Table 5-2 in Section 5.6 (Environmentally Superior Alternative) have been revised as follows:

The Larger Offset Requirement Alternative is also considered environmentally superior for one issue area. Because this alternative would reduce water demand in the certified LOS III groundwater basins (rather than being water demand neutral, as with the proposed Program), and would be potentially more consistent with the County's land use policy framework that promotes water conservation. However, because more agricultural land could be fallowed as a result of this alternative, ~~adverse impacts related to agricultural resources would be greater than for the proposed Program (though they would continue to be less than significant). Implementation of mitigation identified in this SEIR would reduce these impacts to a less than significant level.~~

The Expanded Agricultural Offset Program Alternative would result in greater impacts to agricultural resources than the proposed Program. This is because this alternative would extend the Agricultural Offset program to all certified LOS III groundwater basins, and would therefore increase the amount of agricultural water offsets in the county. These water offsets could be granted through the elimination of existing crops, which could result in a larger amount of agricultural land fallowed under the Program. Therefore, ~~adverse impacts related to agricultural resources would be greater than for the proposed Program, although they would remain less than significant. Implementation of mitigation identified in this SEIR would reduce these impacts to a less than significant level.~~ Alternative 3 would be potentially consistent with County's land use policy framework, similar to the proposed Program.

Response 9.11

The commenter suggests that the boundary on Figure 4.1-3 should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figure 4.1-3 has been revised, as shown in Section 4.1, *Agricultural Resources*.



Response 9.12

The commenter suggests that the boundary on Figure 4.2-1a should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figure 4.2-1a has been revised, as shown in Section 4.2, *Land Use*.

Response 9.13

The commenter suggests that the Final SEIR include a fifth alternative that includes both a “trigger” clause as well as a “sunset” clause, and provides several suggestions for trigger clauses and sunset clauses. Refer to Alternative 4 in Section 5.0, *Alternatives*, which includes several options for sunset clauses. In addition, the Board of Supervisors has the discretion to include any combination of a trigger or sunset clause within the proposed ordinance.

Response 9.14

The commenter suggests that the boundary shown in an unreferenced map should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figures throughout the SEIR analysis have been revised, as shown in Section 4.1, *Agricultural Resources*, and Section 4.2, *Land Use*.

Response 9.15

The commenter suggests that the boundary shown in an unreferenced map should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figures throughout the SEIR analysis have been revised, as shown in Section 4.1, *Agricultural Resources*, and Section 4.2, *Land Use*.

Response 9.16

The commenter suggests removal of the terms “Level of Severity,” “LOS,” and “LOS III” from the SEIR. The term “Level of Severity” is used to identify the threshold for groundwater basins to be subject to the proposed Program.

The commenter additionally notes that some SMAAC commenters would prefer the continued use of Levels of Severity, but notes that the Paso Robles Groundwater Basin LOS III is applied too broadly. The Planning Commission directed staff to make revisions to the proposed amendment language that resulted in further clarification of the proposed Program language, and refinement to the boundaries of the Paso Robles Groundwater Basin that would be subject to the proposed Program (i.e. exclusion of the Atascadero Sub-basin from the requirements of the proposed Program).

Response 9.17

The commenter notes that some SMAAC commenters would prefer the continued use of Levels of Severity, but notes that the Paso Robles Groundwater Basin LOS III is applied too broadly. Refer to response 9.16, above.



Response 9.18

The commenter recommends consideration of an alternative for credits for WNND requirements that involve removal of trees within creek beds of overgrown creeks and stream banks within the County. Removing trees within overgrown creeks and stream banks would be more appropriately included in larger sustainability projects for the basin, such as a watershed management program, and is outside the scope of the proposed Countywide Water Conservation Program. In addition, such an alternative would not meet two of the four project objectives, including: providing a mechanism to allow new development to proceed in certified LOS III groundwater basins subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; or providing a mechanism to allow new or expanded irrigated agriculture to proceed in the Paso Robles Groundwater Basin, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use. Further, this alternative would have potential impacts to biological resources, including special status plant and animal species. For these reasons, the commenter-suggested alternative is not included in the Final SEIR.





Sophie Treder, Attorney
22985 El Camino Real, Santa Margarita, CA 93453
805.438.5435 Office streder@trederlaw.com

May 15, 2015

Xzandrea Fowler
SLO County Planning & Building Dept.
976 Osos Street
San Luis Obispo, CA 93408

Re: Countywide Water Conservation Program DEIR Comments

Dear Ms. Fowler,

On behalf of the Paso Robles Water Integrity Network (PR-WIN), I am submitting the following comments on the Draft Supplemental EIR for the Countywide Water Conservation Program. Comments are organized by chapter, and each comment is preceded by a reference to a page and/or section number, where appropriate.

Introduction

Section 1.1: This section states that the current EIR is a Supplemental EIR that is tiered off of a 2010 EIR prepared for the Conservation and Open Space Element, but there is no explanation as to how the two project are related, why a tiered EIR is appropriate, what subjects were addressed in the previous EIR that will not be addressed in the current one, or even where the public can obtain copies of the previous EIR. Without this information, the SEIR is inadequate, and the appropriateness of relying on the previous EIR per CEQA Guidelines § 15163 cannot be ascertained.

10.1

Project Description

Section 2.2: The DEIR should include more detail on the “exceptional drought,” since that is the basis for the proposed program, instead of just providing a conclusory statement and definition. Referencing footnote 1 at the bottom, data should be provided on the crop and pasture losses to date, the shortages of water in the local reservoirs, and the specific streams and wells that are failing, as that would help focus this environmental review. This information should be provided in the Environmental Setting of the EIR, in order to provide

10.2

the public with an accurate picture of the existing baseline. Inclusion of this data in the current EIR baseline would also help the public measure whether the program has been successful, in the event it is amended down the road in some manner that triggers additional CEQA review.

10.2

Agricultural Resources

PR-WIN believes that this Chapter did not adequately assess the potential impacts of the program on agricultural land conversion, nor the actual feasibility of MM AG-1. Whether or not certain levels of farmland are precluded from participating (which definitions are difficult to apply), the program still incentivizes the following of currently-productive land.

10.3

This is likely to result in impacts to biological resources that were not studied in this EIR—for instance, irrigated alfalfa serves as prime foraging habitat for kit fox. Many other species rely on production agriculture within their range. The impacts (or lack thereof) of the program on special-status species throughout the County should be disclosed.

10.4

The Chino Basin is a perfect example of how the creation of a market for water transfers can drive out agriculture. A representative of dairy farmers in the Chino Basin went on record at a water conference in Marina Del Rey in May 2014 as stating that, if people value agriculture, they should not introduce a water transfer market, as the urban uses will eventually purchase all of the agricultural credits, and will always have more purchasing power. It is suggested that the EIR look to the Chino Basin, which has had a market for in-basin transfers since the 1970's, and now has almost no production agriculture left, as an example of unintended environmental consequences, and for guidance on further mitigation measures that would keep that from happening here.

10.5

Alternatives

Section 5.2.1: The following statement at the bottom of page 5-5 and top of page 5-6 is inaccurate: “It is possible that a GSP... would be adopted and would require offsetting, but it is unclear at this time whether a GSP would address the same concerns as the proposed Program would address.” In order to correctly evaluate the No Project Alternative, the EIR should be amended to disclose that a GSP *must* be adopted under CEQA, and what is required as well as encouraged to be included in a GSP, pursuant to the Sustainable

10.6

Groundwater Management Act (SGMA). SGMA is fairly specific about what must be included in a GSP, and what concerns a GSP must address—this should be included in the No Project Alternative so that the public can fairly compare the two courses of action. 10.6

The EIR also did not study a reasonable range of alternatives, and no time was allowed for the public to provide input on the scope of the proposed alternatives to be studied, since the project has been drastically altered since the NOP was sent out. 10.7

At a minimum, the EIR should consider the possibility of exempting hobby agriculture for residents who irrigate less than 15 acres as a means of achieving the objectives of the project, while minimizing potential impacts to species and habitat. 10.8

Notice of Availability/Notice of Completion

PR-WIN is concerned that the availability of this document was not properly noticed, depriving the public of enough time to review the document and provide meaningful comments. Specifically, no Notice of Availability or Notice of Completion of the DEIR was posted in the County Clerk’s office pursuant to Public Resources Code § 21092.3. On May 8, 2015, at approximately 3 p.m., I went to the County Clerk’s office and reviewed all environmental notices that had been posted from the beginning of March, 2015, through the beginning of May, 2015, and was unable to find any notice related to this document, which purportedly was released on March 31, 2015. I understand that numerous stakeholder groups also complained that they were unaware of the document’s publication and asked for extensions of time to comment on the DEIR, which requests were denied. Where inadequate public notice has deprived the public of the ability to meaningfully review and comment on a DEIR, the DEIR must be recirculated. 10.9

General Comment: Meaningful CEQA Review

PR-WIN is concerned that the current CEQA process represents a mere formality without the opportunity for meaningful input or review. One of the core tenants of CEQA is that a lead agency should not commit to a specific project or a course of action prior to the completion of environmental review, as to do otherwise runs the risk that alternatives and mitigation measures that might otherwise have been considered will be foreclosed. (See CEQA Guidelines § 15004(b).) 10.10

On February 24, 2015, County Staff came before the Board of Supervisors to seek direction on whether to proceed with an Agricultural Water Offset Program, in order to determine whether an EIR needed to be completed. At the conclusion of that hearing, instead of asking Staff to come up with options for a such program, to study the environmental effects via an EIR, and return with recommendations—which would have been the appropriate course of action—Supervisor Frank Mecham made a motion that the Board pursue an ordinance which would specifically provide that: “all new development must be water neutral, no new vested rights, this would—I hate to use the word sunset—but it would sunset upon the establishment of a Groundwater Sustainability Plan. The provisions that are in the urgency ordinance, and the language would basically be adopted to go along with this. This is the Paso Groundwater Basin only.” Supervisor Hill then seconded the motion by saying “Let’s do it.” Supervisor Gibson endorsed the motion by saying “I think that that is exactly what we need to do.” The motion was then adopted by the Board on a 3-2 vote.

To the public, this represents commitment to a “definite course of action” prior to the completion of environmental review, and strongly implies that the results of the environmental review of the ordinance are immaterial to the chosen course of action.

10.10

In further support of this implication, it should be noted that a hearing to consider the ordinance was held by the Planning Commission on May 14, 2015, *before the public comment period on the DEIR had even closed*. This hearing was not noticed as a “workshop,” or even a chance for the Planning Commission to receive verbal comments on the DEIR; instead, it was noticed as consideration of the action ordinance and program for implementation. Such consideration is wholly premature and improper until the environmental impacts of the proposed program are fully known. Consideration of the program prior to the close of environmental review strongly indicates that the public’s comments on the DEIR are not material to the decision. This runs counter to the principle that, “besides informing the agency decision makers themselves, the EIR is intended to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action.” (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 136.)

According to the California Supreme Court, CEQA should not be “reduced to a process whose result will be largely to generate paper, to produce an EIR that describes a journey



whose destination is predetermined.” (*Id.* at 135-136.) That is exactly what appears to have happened here.

In order to ensure that the environmental effects of the proposed program were meaningfully considered, and that no possible impacts, alternatives or mitigation measures were improperly brushed aside in pursuit of a predetermined course of action, any consideration of this program by the County of San Luis Obispo should be deferred until the DEIR is recirculated for further public comment.

10.10

Regards,

Sophie Treder

Sophie Treder
TREDER LAND LAW

Letter 10

COMMENTER: Sophie Treder, Treder Land Law, Paso Robles Water Integrity Network

DATE: May 15, 2015

Response 10.1

The commenter claims that the SEIR provides no explanation as to how the proposed Countywide Water Conservation Program is related to the Conservation and Open Space Element, why a tiered EIR is appropriate, what subjects were addressed in the previous EIR that are not addressed in the current SEIR, or where the public can obtain copies of the previous EIR.

Refer to Section 1.3 (Decision to Prepare the Supplemental EIR) in Section 1.0, *Introduction*. As noted therein, the County of San Luis Obispo, as lead agency, determined that a Supplemental EIR must be prepared for the proposed Program. The Program that is now being proposed and evaluated in this Supplemental EIR includes amendments to the County General Plan and County Code that will affect water use in both new and existing development, as well as agricultural operations. The Program proposes amendments to the Conservation and Open Space Element and Agriculture Element of the County General Plan as well as a number of revisions to Titles 8, 19, and 22 of the County Code. The SEIR focuses on these amendments and revisions and does not revisit the environmental impacts of aspects of the County's existing water conservation policy framework that would not change as a result of the proposed Program.

Determination of whether additional CEQA documentation was required to evaluate any changes was based on the criteria contained in Section 15162(a) (Subsequent EIRs and Negative Declarations) and 15163 (Supplement to an EIR) of the *State CEQA Guidelines*.

Although *State CEQA Guidelines* Section 15163(b) states, "The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised," the County of San Luis Obispo determined that all impact areas will be addressed for this Program. These assessments are included in Section 4.0, *Environmental Impact Assessment*, of the Draft SEIR. In order to provide a robust analysis, each issue analysis in the Draft SEIR (including Section 4.1, *Agricultural Resources*, Section 4.2, *Land Use*, and each issue addressed in Section 4.3, *Effects Found not to be Significant*) contains a summary of the 2009 COSE EIR findings for that issue. Following the summary of 2009 COSE EIR findings, the potential environmental effects resulting from the proposed Program are described for each checklist item included in Appendix G of the *State CEQA Guidelines*.

The 2009 COSE EIR is available on-line at:

<http://www.slocounty.ca.gov/Assets/PL/Conservation+and+Open+Space+Element/COSE+Draft+EIR/COSE+Final+EIR.pdf>

The Final SEIR (excluding Draft SEIR sections) is available on-line at:

<http://www.slocounty.ca.gov/planning/water-amendments/environmental-review.htm>



Response 10.2

The commenter requests additional detail regarding the exceptional drought, and suggests that this information be included in Section 3.0, *Environmental Setting*. “Exceptional drought” is defined in both Section 2.0, *Project Description*, and 3.0, *Environmental Setting*. In addition, in response to this comment, the following text has been added to Section 2.0 of the SEIR:

The Board of Supervisors authorized the Department of Planning and Building to propose several amendments to the County General Plan and County Codes with the objective of the development and implementation of a Countywide Water Conservation Program to substantially reduce increases in groundwater extraction in areas that have been certified LOS III; provide a mechanism to allow new development and new or altered irrigated agriculture to proceed in certified LOS III areas, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and to reduce the wasteful use of water in the county.

The following language has been added to Section 3.0:

In response to the water scarcity concerns throughout San Luis Obispo County, the Board of Supervisors declared three groundwater basins, Nipomo Mesa (part of Santa Maria Groundwater Basin), the Los Osos Groundwater Basin, and the Paso Robles Groundwater Basin, at Level of Severity (LOS) III, which indicates that groundwater demand has met or exceeded the dependable supply.

In addition, the Board of Supervisors authorized the Department of Planning and Building to propose several amendments to the County General Plan and County Codes with the objective of the development and implementation of a Countywide Water Conservation Program to substantially reduce increases in groundwater extraction in areas that have been certified LOS III; provide a mechanism to allow new development and new or altered irrigated agriculture to proceed in certified LOS III areas, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and to reduce the wasteful use of water in the county.

Refer also to responses 12.14 and 12.15.

Response 10.3

The commenter claims that Section 4.1, *Agricultural Resources*, does not adequately assess the potential impacts of the Program on agricultural land conversion, nor the feasibility of mitigation measure AG-1. The commenter does not provide specific criticisms of the impact analysis contained in Section 4.1, *Agricultural Resources*. Refer to response 9.10. As shown therein, Impact AG-1 has been revised to be less than significant and mitigation measure AG-1 has been removed from the Final SEIR.



Response 10.4

The commenter suggests that fallowing of currently-productive agricultural land is likely to result in impacts to biological resources that were not studied in the SEIR. Refer to Section 4.3.3 (Biological Resources) in Section 4.3, *Effects Found not to be Significant*. As noted therein, fallowing of agricultural fields would not result in direct impacts to or loss of habitat for special status animals. This is because, while some special status animal species may travel through or utilize agricultural fields when moving between habitats or foraging, agricultural lands are not likely to support special status animal species, as they are frequently disturbed by agricultural operations. With respect to kit fox specifically, these animals can and do use agricultural fields but the extent of movement through such areas depends on what is being grown and how it is grown (e.g., small areas with little to no ground disturbance and with a clear movement corridor to grassland habitat could support denning/breeding [i.e., edge of an orchard]). Fallowing of fields would potentially open up areas to more than just movement activity by kit fox; therefore, fallowing of certain types of agricultural fields, which is a typical agricultural practice and occurs regularly throughout the county, could result in a positive impact to this species.

Response 10.5

The commenter suggests that the creation of a market for water transfer can drive out agriculture, citing the Chino Basin as an example. The commenter's suggestion is that urban uses will eventually purchase all of the agricultural credits. It should be clarified that the Agricultural Offset program would only apply to new or expanded irrigated agricultural development overlying the Paso Robles Groundwater Basin, such that urban uses would not qualify as a receiving site for the water credits. Stated simply, urban uses would not be allowed to purchase any agricultural credits, as suggested by the commenter.

Response 10.6

The commenter disagrees with the statement in Section 5.0, *Alternatives*, that "It is possible that a GSP, prepared pursuant to the Sustainable Groundwater Management Act, would be adopted and require offsetting, but it is unclear at this time whether a GSP would address the same concerns that the proposed Program would address." The commenter suggests that the full requirements of a GSP, pursuant to the Sustainable Groundwater Management Act (SGMA), be disclosed. The SGMA is discussed more fully in the regulatory setting in Section 4.2, *Land Use*. As noted therein, the SGMA requires the designation of groundwater sustainability agencies (GSA) and the adoption of Groundwater Sustainability Plans (GSP) for basins designated as medium- or high-priority by the Department of Water Resources (DWR). GSPs must be developed to eliminate overdraft conditions in aquifers and to return them to a condition that assures long-term sustainability within 20 years of plan implementation. The Act requires that a GSA be identified for all medium- and high-priority groundwater basins by June 30, 2017, and that GSPs for these basins be adopted by January 31, 2022. For basins subject to critical overdraft conditions, a GSP must be adopted by January 31, 2020. The proposed Agricultural Offset program would have a sunset provision upon adoption of a GSP for the Paso Robles Groundwater Basin.



The statement in Section 5.0, *Alternatives*, is intended to acknowledge that it cannot be known at this time if the GSP would require offsetting, or otherwise be similar to what is currently proposed as part of the Countywide Water Conservation Program. However, to clarify that the statement is not questioning whether a GSP would be adopted, the statement on page 5-6 has been revised as follows:

It is possible that a GSP, prepared pursuant to the Sustainable Groundwater Management Act, would ~~be adopted and~~ require offsetting, but it is unclear at this time whether a GSP would address the same concerns that the proposed Program would address.

Response 10.7

The commenter suggests that the SEIR did not study a reasonable range of alternatives, but does not suggest what other alternatives should have been considered. Section 5.0, *Alternatives*, includes four alternatives, including:

- *Alternative 1: No Project*
- *Alternative 2: Larger Offset Requirement*
- *Alternative 3: Expanded Agricultural Offset Program*
- *Alternative 4: Altered Sunset Provisions*

Four alternatives is a reasonable range given the scope of the proposed Program. In addition, the alternatives provide a range of types of alternatives.

The commenter further claims that no time was allowed for the public to provide input on the scope of the proposed alternatives, since the Program changed drastically since release of the Notice of Preparation (NOP). The NOP was released on August 15, 2014 and distributed for the required 30-day review period from August 15 to September 17, 2014. A public scoping meeting was also held on August 27, 2014, and three public hearings were held on October 28, 2014, February 3, 2015 and February 24, 2015. During the NOP review period, the County received six comment letters from public agencies and other commenters. These comment letters are summarized in Table 1-1 in Section 1.0, *Introduction*. It should be noted that several commenters suggested possible alternatives to the proposed Program, and that the current commenter did not provide a comment letter during the NOP review period.

In addition, the Draft SEIR was recirculated for a second 45-day public review period from May 22, 2015 to July 6, 2015.

While the project description changed slightly since release of the NOP, these revisions were fairly minor [as described in Section 1.5 (Amendments to the Project Description Since NOP Publication)] and did not add programs that were not previously included.



Response 10.8

The commenter suggests that the SEIR consider an exemption for hobby agriculture for residents who irrigate less than 15 acres. Refer to response 5.8 regarding the definition of hobby agriculture. Refer to response 7.1 regarding exemptions for small farms.

Response 10.9

The commenter suggests that no Notice of Availability or Notice of Completion of the Draft SEIR was posted in the County Clerk's office. The commenter further suggests that numerous stakeholder groups requested additional time to comment on the Draft SEIR, but that such requests were denied. The commenter is correct that a notice of the Draft SEIR was erroneously not posted in the County Clerk's office. Therefore, the Draft SEIR was recirculated for a second 45-day public review period from May 22, 2015 to July 6, 2015.

Response 10.10

The commenter suggests that the current CEQA process is a mere formality without the opportunity for meaningful input or review. Refer to responses 10.7 and 10.9.

The commenter additionally suggests that County decision-makers displayed a definite course of action prior to completion of the environmental review. The County Board of Supervisors provided direction to refine the scope of the project description at public hearings on February 3 and February 24, 2015. The proposed Program is analyzed for its environmental effects as required by CEQA and is compared to range of alternatives via this EIR. The Board will consider the information in the EIR as part of its decision-making process.

It should also be noted that the Planning Commission meeting on May 14, 2015 served as a forum for the public to provide comments on the proposed Program and this SEIR. A summary of verbal comments received at that meeting is provided as Letter 14 herein, and responses are provided in responses 14.1 through 14.33. Additional study sessions were held by the Planning Commission on May 29, 2015 and June 4, 2015. These three, full-day study sessions included robust discussion on both the Draft SEIR and program components. Two opportunities for public comment were also accommodated at each of these study sessions to allow for further public input.



LRP2013-00012 COUNTY OF SLO FIVE (5) proposed general plan or ordinance amendments. The Board of Supervisors recently authorized for processing a number of program amendments dealing with county-wide water resources. The Dept. of Planning and Building is currently preparing an initial study pursuant to the California Environmental Quality Act (CEQA) for this project. They seek our timely review of and comments on the proposed project.

1. Proposed county wide retrofit –on-sale ordinance to require all pre-1994 properties sold within the unincorporated area of the County to replace older, high water –using plumbing fixtures (toilets and shower heads)in existing buildings with more efficient models prior to completing real estate transactions.

Recommendation

- Set a specific standard of high efficiency for water using fixtures for all properties (residential, commercial...) even homes built post -1994, since there have been increases in efficiency of fixtures since then. Apply it county wide, not only in unmanaged ground water basins certified at level of service 2 or 3. Adding time and costs for sellers is secondary importance to conserving water.

- If County standards are more-conserving than those of Nipomo, Los Osos, and Cambria, they should override those area and district ordinances.

- In response to retrofit –on-sale of agricultural properties requiring modernization of irrigation systems: yes county wide.

2. Proposed ordinance amendments to require Water Supply Assessments for all new land divisions within certified Level of Severity 3 groundwater basins (presently, Los Osos and Paso Robles ground water basins and Nipomo Mesa Management Area).

Recommendation-

Although this advisory council area of supervisorial district 2 contains no certified LOS 3 groundwater basins. The Cambria CSD did declare a water resource LOS3 in 2001. That LOS 3 has not been certified by the Board of Supervisors. We would like to see credible Resource capacity Studies of groundwater basins countywide, and adoption of them, with credible certified levels of Service, by the Board of supervisors, so that theses proposed amendments that take the trigger for required WSAs up to LOS 2. Assessment of the resource prior to allocation is our priority.

- We request that the Cambria service area be certified LOS III

3. Proposed ordinance amendments to establish new landscaping requirements for all new construction, remodels, additions and all other private and public development(s). With focus on requiring ultra-low water using plantings based on revised county approved list and other outdoor water uses, such as water features. The amendments would apply to urban and rural areas.

Recommendation –

- Exceptions should be provided for the planting of vegetables, fruit and nut bearing trees, herbs –gardens for comestible. Gardens for food production are a big part of life style in this county.

- A revised County approved list should stress plants native and appropriate to specific areas of the County, i. e. maritime natives (coastal bluff), Monterey Pine forest, oak woodland . Etc. These are the plants best adapted to precipitation patterns, are less likely to introduce pathogens to rare or endangered natives, and associated with native fauna.

- If increased fire hazard is a concern, the revised County approved list might make every effort to list options which are both low water using and fire resistant.

- Amendments should focus on every means of capture of roof run-off and on –site cisterns and tanks to store for landscaping purposes, as well as systems for use of non-portable water, rather than the types of plantings.

- Limitations on water features should be considered.

- Dry farming is highly recommended when appropriate.

11.1

11.2

11.3

4. Proposed requirements for offsetting new water demand from new developments-residents, businesses and irrigated agriculture.

11.4

Recommendation- No Comment

5. Proposed new water waste ordinance which would limit and /or prohibit certain water using activities in the unincorporated areas, exempting CSD's with possible future inclusion of CSD's if circumstances so require. Possible limitations; hose shut off when washing cars, no water use to clean driveways, no water run off to paving from irrigation systems, watering landscape certain times of the days, fix leaks, limit ornamental fountains, water in restaurants on requests, limited Ag. Overhead watering, fix Ag. Leaks, maintain irrigation, protocol for public reporting water waste.

Recommendation –

- There should be a strong enforcement provision.

- Applicability should be countywide.

- Additional limitation to those listed in the referral document; filling and refilling of hot tubs and swimming pools, commercial and residential. This would be naturally having some impact on local life style as well as visitor –serving uses i.e. motels, hotels, vacation rentals.

- Prohibit rather than limit overhead agricultural watering if feasible for certain crops, and to prohibit irrigation of fallow land for the purpose of establishing water use history.

- Limit laundering of lodging sheets and towels by customer request only.

Motion to approve all 5 of the above proposals and recommendations- First Motion –Mary Webb and seconded – Debbie Mix

11.5

Council vote–Unanimous.

Letter 11

COMMENTER: North Coast Advisory Council

DATE: No Date

Response 11.1

The commenter suggests that a specific standard of efficiency for water using fixtures required for retrofit-on-sale be set, and that the standard be applied countywide. Retrofit-on-sale was not included in the analysis of this Draft SEIR because it was eliminated from the project description prior to release for public review.

The commenter additionally suggests that any higher countywide water fixture efficiency standards override existing standards individual basins. The comment further recommends that a requirement for retrofit-on-sale for agricultural irrigation systems be applied countywide. Retrofit-on-sale for an agricultural use was not included in the analysis within this Draft SEIR because it was not included in the proposed Program. The program as proposed does not allow for offset credits to be used interchangeably between agricultural and urban/rural uses.

Response 11.2

The commenter references a proposed ordinance amendment to require Water Supply Assessments (WSAs) for all new land divisions within certified LOS III groundwater basins. A WSA was not included in the analysis of this Draft SEIR because it was eliminated from the project description prior to release for public review.

The commenter additionally requests that the Cambria service area be certified LOS III. The comment is noted. The Countywide Water Conservation Program includes amendments to the County General Plan and County Code that will affect water use in both new and existing development, as well as agricultural operations. The proposed Program does not dictate or influence the process with which groundwater basins are certified at LOS III for water.

Response 11.3

The commenter suggests that exceptions to landscaping requirements be provided for home gardens, and that a revised County-approved planting list stress native plants appropriate to specific areas of the county, including both low-water and fire-resistant plants. Refer to response 7.1 regarding exemptions for small agricultural plantings where new crop production is proposed to be limited. New landscaping requirements were not analyzed in this Draft SEIR because they are not within the scope of the project description. The County plans to fully research an update to the landscape ordinance as a separate project from the one analyzed within this Draft SEIR.

The commenter additionally suggests that the Program should focus on capturing roof runoff and on-site cisterns and tanks, as well as systems for non-potable water. The commenter's



suggestion is noted and will be addressed during the environmental review process for the new landscape requirements, which are not within the scope of the subject project description.

The Commenter additionally suggests considering limitations on water features and to promote dry farming where possible. As noted in Section 2.0, *Project Description*, the proposed ordinance component of the WPP program would prohibit the use of potable water in a fountain or other decorative water feature (refer also to response 5.9). The proposed Programs do not limit the establishment of dry farms within the County, but also do not promote one type of farming over another.

Response 11.4

The commenter states that they have no comment on the proposed requirements for offsetting new water demand from new development and irrigated agriculture. The comment is noted.

Response 11.5

The commenter suggests that the WWP program have a strong enforcement provision, be applied countywide, and contain additional limitations and prohibitions (such as prohibiting rather than limiting overhead agricultural watering, and limiting laundering of lodging sheets and towels). The County would rely upon enforcement provided through existing provisions within the County Code and with the Code Enforcement Division. Prohibition of specified irrigation practices is not a component of the proposed Program, though educational efforts and promotion of best management practices regarding agricultural water use are a part of the Water Waste Prevention (WPP) program. Both urban/rural and agricultural components of the WWP program are applicable Countywide.



WRAC Ad Hoc Subcommittee to Review Agricultural portions of Countywide Water Conservation Program

Subcommittee members

Mike Broadhurst (Chair of subcommittee), George Kendall, Lowell Zelinski, Sue Luft

Documents reviewed by subcommittee

Countywide Water Conservation Program Draft Supplemental Environmental Impact Report (supplemental to EIR for COSE)

Revisions to Title 22 regarding crop production

Revisions to Title 8 regarding wineries

Revisions to Agriculture Element and Conservation and Open Space Element (COSE)

Comments on each document

Title 22 - General

How is the offset program enforced (monitoring, penalties for non-compliance, etc.)?

Offset credits should be available for a limited duration if desired by the landowners. This might make the cost of the credits more affordable to small farmers.

12.1

Title 22, Chapter 22.06.040

Figure XX should show the Paso Robles Groundwater Basin as delineated in DWR Bulletin 118, excluding the Atascadero sub-basin. A footnote should be provided stating "Paso Robles Groundwater Basin as identified and defined in Bulletin 118 or as modified pursuant to Water Code Section 10722 et seq, excluding the Atascadero sub-basin as delineated by the Rinconada fault." Similar language is used in the draft ordinance regulating the exportation of groundwater.

12.2

Title 22, Chapter 22.30.204, Table 1

This table would be clearer if the term "crop water use" was used instead of "crop production".

12.3

Title 22, Chapter 22.30.204, Table 1

The restriction that the receiving site cannot be within the area of severe decline makes sense. However, this will have an impact on the ability to use the offset program. Also, the area of severe decline (which well level decline contour) needs to be defined.

12.4

Title 22, Chapter 22.30.204. G.2.

This provision is not enforceable since a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation.

12.5

Title 22, Chapter 22.30.204. G.3.

This statement seems unnecessary since a Williamson Act contract must be complied with whether the site is involved in the offset program or not.

12.6

Title 22, Chapter 22.30.204. G.5.

Add "as listed in Table 2" at the end of the sentence.

12.7

Title 22, Chapter 22.30.204. G.6., regarding landowner agreements

Are there standardized landowner agreements to simplify the process, particularly for small farmers?

12.8

Title 22, Chapter 22.30.204. G.7.

Do deed restrictions end when ordinance sunsets?

12.9

Title 22, Chapter 22.30.204. G.8.

Flowmeters should be installed on wells at both the sending and receiving sites. Reports of water use should be turned into the County on an annual basis. County staff should review this data to ensure compliance with this program.

12.10

Title 22, Chapter 22.30.204, Table 2

This table differs from Table 2-3 in the Draft SEIR. However, the vineyard applied water value in Table 2 may be a more appropriate number than the value in Table 2-3.

12.11

Title 8, Chapter 8.69, Section 8.69.110

Since the Agricultural Offset Program applies only in the Paso Robles Groundwater Basin, the agricultural processing uses - wineries should also only apply in the Paso Robles Groundwater Basin. Discussions should be held with industry representatives to determine appropriate best management practices which would provide meaningful reductions in water use.

12.12

Revisions to COSE, Page 10.7, Policy WR 1.7 Agricultural operations

Since the proposed requirements Agricultural Offset Program applies only in the Paso Robles Groundwater Basin, this policy should be applicable only to the Paso Robles Groundwater Basin.

12.13

Countywide Water Conservation Program Draft SEIR

Executive Summary, Project Description

Although the “exceptional drought” has exacerbated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed.

12.14

2.0 Project Description, 2.2 Background

Although the “exceptional drought” has exacerbated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed.

12.15

3.0 Environmental Setting, 3.2 Program Area Setting

These three groundwater basins were certified as LOS III long before the current drought. The discussion of drought should either be removed or moved to later in this section.

12.16

3.0 Environmental Setting, 3.2 Program Area Setting, 3.2.1 Paso Robles Groundwater Basin

Last sentence of this section. The outflows are projected to exceed inflows by 26,159 AFY (see page ES-10 of

12.17

<http://www.slocountywater.org/site/Water%20Resources/Water%20Forum/Computer%20Modeling/pdf/Final%20Executive%20Summary.pdf>).

Letter 12

COMMENTER: Mike Broadhurst, George Kendall, Lowell Zelinski, and Sue Luft, WRAC Ad Hoc Subcommittee to Review Agricultural portions of Countywide Water Conservation Program

DATE: No Date

Response 12.1

The commenter asks how the Agricultural Offset program would be enforced, and suggests that offset credits be available for a limited duration if desired by the landowners. The County would rely upon enforcement provided through existing provisions within the County Code and with the Code Enforcement Division. As proposed in the Agricultural Offset program, Agricultural Offset Clearances would be valid in the same manner as a Zoning Clearance. A temporary offset clearance is not proposed as part of the program. Any switching of crop overlying the Paso Robles Groundwater Basin would need to be approved through the proposed Program.

Response 12.2

The commenter suggests that a figure in Chapter 22.06.040 exclude the Atascadero Sub-basin and include a footnote. A revised figure showing a map of the Paso Robles Groundwater Basin, excluding the Atascadero sub-basin, has been included in the proposed Program. Refer also to responses 5.2 and 9.2.

Response 12.3

The commenter suggests the use of the term “crop water use” rather than “crop production.” Crop production is referenced in the proposed Program as it is an existing definition found within Title 22. Average water duty factors for various crop commodity groups are shown in Table 3 of the proposed Program.

Response 12.4

The commenter suggests that the area of severe decline needs to be defined. As identified at the Planning Commission hearings during the public comment period, severe decline has been defined as 50 feet of well decline or greater, as referenced by the Spring Groundwater Elevation Change 1997-2013 map (included as Appendix C.4 of this EIR). A new figure showing this area of severe decline is included in the proposed Program and as Figure 8-1.

Response 12.5

The commenter suggests that provision G.2 is not enforceable. This provision was amended upon further input from stakeholders and the Planning Commission. Refer also to response 9.10. As noted therein, mitigation measure AG-1 has been removed from the Final SEIR.



Response 12.6

The commenter states that provision G.3 (now G.2) is unnecessary because a Williamson Act must be complied with whether the site is involved in the Agricultural Offset program or not. This provision was amended, as follows, to further clarify requirements regarding participation in a Williamson Act contract and obtaining an Agricultural Offset Clearance:

- G.2. Proposed sending sites will maintain an eligible use in compliance with the provisions of any existing Williamson Act contract for the property and County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act of 1965.

Response 12.7

The commenter suggests adding text to provision G.5 (now G.4). This provision was amended to further clarify requirements regarding planting credits and crop specific applied water figures, as follows:

- G.4. Sending site credits will be determined by current demand of irrigated crop production on the sending site, as listed in Table 3.

Response 12.8

The commenter asks whether there will be a standardized landowner agreement to simplify the process. This comment has been forwarded to the County decision-makers for consideration.

Response 12.9

The commenter asks whether deed restrictions end when the ordinance sunsets. This provision was amended to further clarify that deed restrictions would sunset at the same time as the program. This clarification does not affect the analysis included in the EIR.

Response 12.10

The commenter makes several suggestions pertaining to program reporting. The comment is noted.

Response 12.11

The commenter notes a discrepancy between Table 2 in the Title 22 revisions and Table 2-3 in the Draft SEIR. The tables in the Draft SEIR has been amended in the Final SEIR to match the proposed Program as shown below.



**Table 2-3
Crop-Specific Applied Water (af/ac/yr) by Crop Type and Water Planning Area**

Crop	Applied Water Ranges Salinas/Estrella WPA		
	Low	Medium	High
Alfalfa	3.8	4.5	5.2
Citrus	1.9	2.3	2.7
Deciduous ²	3.0	3.5	4.1
Strawberries ³	2.0	2.3	2.6
Small Grains ³	1.0	1.2	1.4
Nursery	2.0	2.5	2.9
Pasture ²	4.2	4.8	5.5
Vegetables ¹	1.6	1.9	2.2
Vineyard	1.4	1.725	2.1

Source: Table 29 of the Final Report on the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.

1 Assumes two vegetable crops planted per acre per year.

2 Values for Deciduous crops and Pasture are modified from the values presented in the County's Master Water Report and are calculated based on original data used to prepare the County's Master Water Report.

3 Information obtained from Current Cost and Return Studies, UCCE, UC Davis (Small grains 2013 data; Strawberries 2011 data)

Response 12.12

The commenter suggests that additional requirements apply within the Paso Robles Groundwater Basin. This comment has been forwarded to the County decision-makers for consideration.

Response 12.13

The commenter suggests that Policy WR 1.7 apply only to the Paso Robles Groundwater Basin. Policy WR 1.7 is currently found in the Water Resources chapter of the Conservation and Open Space Element of the County's General Plan. This policy applies throughout the County, and any revisions as part of the Countywide Water Conservation Program would not change the policy's applicability.

Response 12.14

The commenter notes that well levels have been in decline for many years, and suggests removal of the first sentence of the Executive Summary, which references the current exceptional drought. In response to this comment, the following revision has been made on page ES-1 of the *Executive Summary*:

Water levels in groundwater basins and surface lakes and reservoirs throughout the County have been in decline for over a decade, and the current San Luis Obispo County is in the midst of an "exceptional drought" that has lowered water levels in



groundwater basins and surface lakes and reservoirs throughout the County exacerbated this decline.

Response 12.15

The commenter notes that well levels have been in decline for many years, and suggests removal of the first sentence of Section 2.0, *Project Description*, which references the current exceptional drought. In response to this comment, the following revision has been made on page 2-1 of Section 2.0, *Project Description*:

Water levels in groundwater basins and surface lakes and reservoirs throughout the County have been in decline for over a decade, and the current San Luis Obispo County is in the midst of an “exceptional drought” that has lowered water levels in groundwater basins and surface lakes and reservoirs throughout the County exacerbated this decline.

Response 12.16

The commenter notes that the three groundwater basins were certified at LOS III for water supply long before the current drought, and suggests removing discussion of the drought or moving the discussion later in the section. In response to this comment, the following revisions have been made to Section 3.2 (Program Area Setting) in Section 3.0, *Environmental Setting*, of the Final SEIR:

As stated in Section 2.0, *Project Description*, the Water Neutral New Development (WNND) requirements of the overall Program would require that all new development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at Level of Severity (LOS) III by the Board of Supervisors. WNND also requires that, in the Paso Robles Groundwater Basin, all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio.

There are three areas of the county that are currently certified at LOS III for water supply. These areas are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin (Los Osos Basin), and the Nipomo Mesa portion of the Santa Maria Groundwater Basin (known as the Nipomo Mesa Water Conservation Area). These basins were certified at LOS III for water supply in February 2011, February 2007, and November 2004, respectively. If the WNND is approved, the new development offset provisions could also apply to any areas certified at LOS III for water supply in the future. However, any changes to implement the WNND in other areas of the County would need to go through a new public vetting and hearing process. Currently, the Cuyama Valley, Morro-Chorro and North Coast groundwater basins are all recommended in the 2010-2012 Resource Summary Report at LOS III but have not yet been certified by the Board of Supervisors.

The Water Waste Prevention (WWP) program component of the overall Program would apply throughout the unincorporated areas of the county wherever a similar program is not already in place.



Water levels in groundwater basins, including the three groundwater basins currently certified at LOS III for water supply, and surface lakes and reservoirs throughout the County have been in decline for over a decade. These issues have been exacerbated by the current “exceptional drought” situation.

On January 15, 2014, the United States Department of Agriculture designated San Luis Obispo County, along with 26 other counties in California, as a primary natural disaster area due to a recent drought. Subsequently, on January 17, 2014, California Governor Edmund G. Brown, Jr. declared a drought state of emergency and directed state officials to take all necessary actions to prepare for drought conditions. In response to the Governor’s declaration, the California Department of Water Resources (DWR) reported on January 31, 2014 that customers of the State Water Project (SWP) would receive no deliveries in 2014, with the exception of a small amount of carryover water from 2013. The DWR noted that areas served by the SWP would have to rely on other sources of water, such such as groundwater, local reservoirs, and other supplies (DWR, January 2014).

In response to the exceptional drought conditions, the County of San Luis Obispo Board of Supervisors adopted Resolution No. 2014-64 on March 19, 2014, proclaiming a local emergency in the entire County. According to the U.S. Drought Monitor report released on March 19, 2015, the County of San Luis Obispo is experiencing an “exceptional drought” (D4), the the worst federal drought rating (U.S. Drought Monitor, March 2015).

~~As stated in Section 2.0, *Project Description*, the Water Neutral New Development (WNND) requirements of the overall Program would require that all new development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at Level of Severity (LOS) III by the Board of Supervisors. WNND also requires that, in the Paso Robles Groundwater Basin, all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio.~~

~~As stated previously, there are three areas of the county that are currently certified at LOS III for water supply. These areas are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin (Los Osos Basin), and the Nipomo Mesa portion of the Santa Maria Groundwater Basin (known as the Nipomo Mesa Management Area; NMMA). If the WNND is approved, the new development offset provisions could also apply to any areas certified at LOS III for water supply in the future. Currently, the Cuyama Valley, Morro-Chorro and North Coast groundwater basins are all recommended in the 2010-2012 Resource Summary Report at LOS III but have not yet been certified by the Board of Supervisors.~~

~~The Water Waste Prevention (WWP) program component of the overall Program would apply throughout the unincorporated areas of the county wherever a similar program is not already in place.~~

The following revision was also made to the last paragraph in Section 2.3.1(b)(i) (Urban/Rural Water Offset) in Section 2.0, *Project Description*:



...Also as noted previously, if WNND requirements are approved, the new development offset provisions could also apply to any areas certified as being at LOS III for water supply in the future. However, any changes to implement the WNND in other areas of the County would need to go through a new public vetting and hearing process. Currently, the Cuyama Valley, Morro-Chorro, and North Coast groundwater basins are all recommended in the 2012-2014 Resource Summary Report as LOS III, but have not been certified by the Board of Supervisors.

Response 12.17

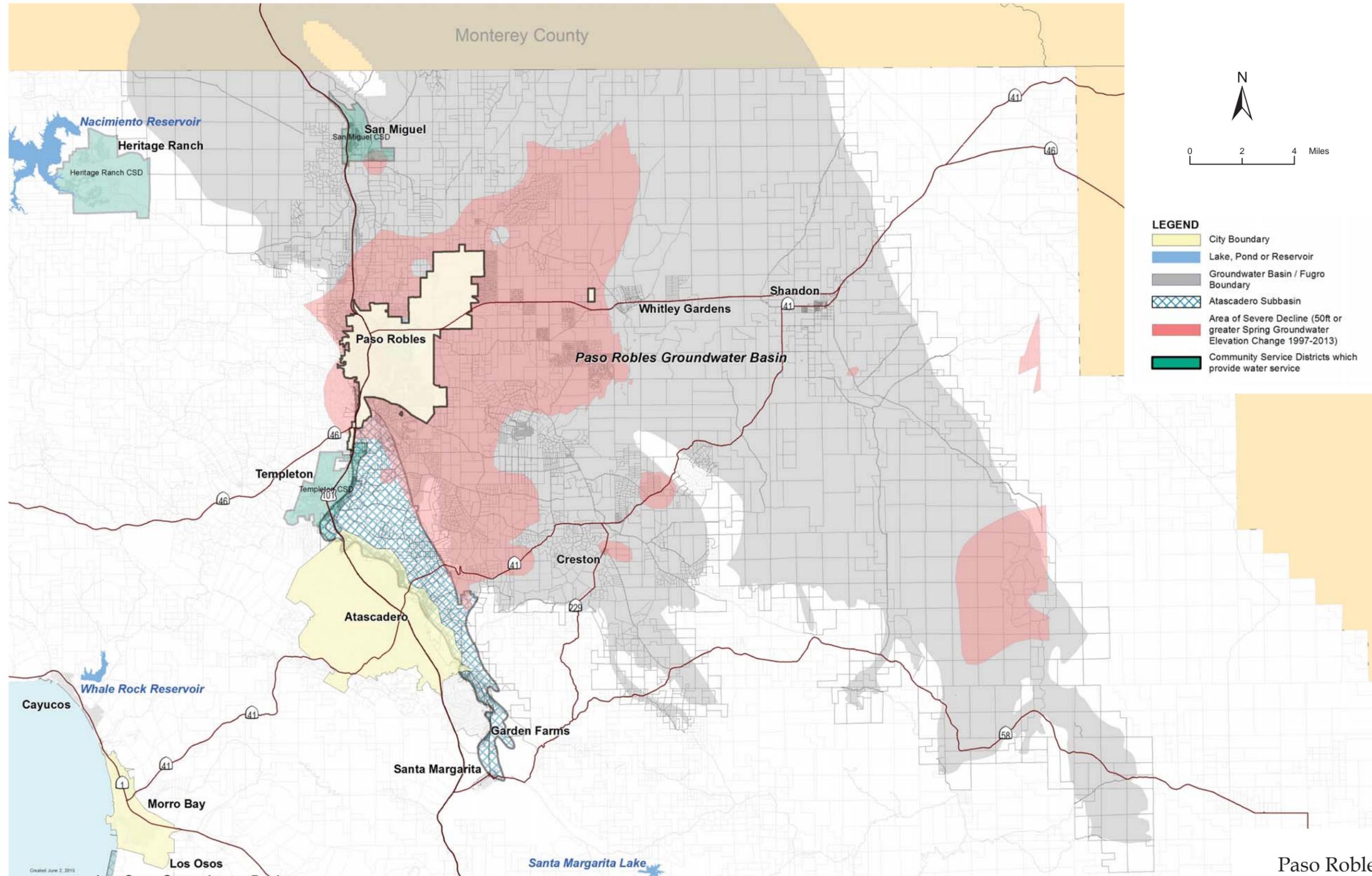
The commenter suggests a revision to the figure provided for outflows for the Paso Robles Groundwater Basin. In response to this comment, the following revision has been made to the last sentence of Section 3.2.1 (Paso Robles Groundwater Basin):

The “growth” scenario projects have projected outflows to exceed inflows on an average annual basis over the thirty year period by ~~20,900~~ 26,159 AFY (Geoscience and Todd Groundwater, December 2014).

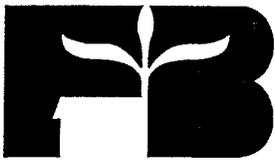
In addition, the following reference has been added to Section 7.0, *References and Preparers*:

Geoscience and Todd Groundwater. December 19, 2014. Paso Robles Groundwater Basin Model Update [Executive Summary]. Available at:
<http://www.slocountywater.org/site/WaterResources/WaterForum/ComputerModeling/pdf/FinalExecutiveSummary.pdf>





Paso Robles Groundwater Basin with Area of Severe Decline Overlay



SAN LUIS OBISPO COUNTY FARM BUREAU

4875 MORABITO PLACE ♦ SAN LUIS OBISPO, CA 93401

PHONE (805) 543-3654 ♦ FAX (805) 543-3697 ♦ www.slofarmbureau.org

Letter 13

Commissioners
San Luis Obispo County Planning Commission
976 Osos St.
Rm. 200
San Luis Obispo, CA 93401

Re: Countywide Water Conservation Program

Dear Commissioners:

The San Luis Obispo Co. Farm Bureau (SLOCFB) appreciates this opportunity to comment on the Countywide Water Conservation Program, especially the amendments relating to the Offset Ordinance.

As SLOCFB reviewed the proposed offset program, one major need for change in the program surfaced. Short-term offsets would make the program more affordable for the smaller growers. It is hoped that any short-term offsets created would also have limited fees. The short-term offset would be for 1 to 3 or 4 years, which would be fitting with certain types of crops such as annual vegetable or seed crops. This is different from an offset for the Paso Robles Basin that continues till SGMA is adopted, which is much more appropriate for longer term crops such as vineyards and orchards.

13.1

The fees relating to the offset ordinance are referenced in Title 22, but unfortunately they are not yet part of the County's fee schedule so the public has no idea what participation in the offset program will really cost. We hope that the fee schedule for the offsets will be published before the ordinance is adopted so that public comment will be possible.

13.2

In Section G, the offset clearance review and approval it states that a sending site "will remain in some form of crop production". As the Water Resources Advisory subcommittee stated "a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation". We concur and hope that this requirement will be stricken from the program.

13.3

We are thankful that the staff stated in their response to the subcommittee's correspondence that deed restrictions will end with the end of the program. This is a serious issue as nothing "automatically ends" even though this was stated in staff's response. Unfortunately, history shows that too often what the public understands as a program end turns out to have a continuing life. If this ordinance becomes permanent there is a serious concern regarding ongoing deed restrictions even if the basin is in balance and feel that it needs to be clarified in the ordinance that the deed restriction will end with the program.

13.4

Finally, the offset program is billed as voluntary yet history shows that voluntary too often becomes mandatory and permanent. What assurance is there that this won't happen with the offset program?

13.5

I hope that these comments and the other comments by the WRAC subcommittee will be given serious consideration in the development of the Countywide Water Conservation Program.

Thank you,

Joy Fitzhugh
Legislative Analyst

Letter 13

COMMENTER: Joe Fitzhugh, Legislative Analyst, San Luis Obispo County Farm Bureau

DATE: No Date

Response 13.1

The commenter suggests that short-term offsets be included to make the proposed Program more affordable to smaller growers. The comment is noted.

Response 13.2

The commenter requests that the County's fee schedule for the offsets be published prior to ordinance adoption. The comment is noted.

Response 13.3

The commenter states that a landowner cannot be mandated to continue in crop production. Refer to response 9.10. As noted therein, mitigation measure AG-1 has been removed from the Final SEIR. In addition, this provision of the Program was amended upon further input from stakeholders and the Planning Commission.

Response 13.4

The commenter expresses concern regarding ongoing deed restrictions. The comment is noted.

Response 13.5

The commenter requests assurance that the voluntary Agricultural Offset program does not become mandatory and permanent. The Agricultural Offset program is not proposed as a mandatory program, and also includes a sunset provision (refer to Section 2.0, *Project Description*).



Staff Summary of Public Comments Received on the DSEIR

May 15, 2015

Executive Summary, Project Description

- Although the “exceptional drought” has exasperated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed.

14.1

1.0 Introduction

2.0 Project Description, 2.2 Background

- Although the “exceptional drought” has exasperated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed. Also see mention of past conditions for Environmental Setting chapter mentioned below.

14.2

2.3 Proposed Countywide Water Conservation Program

- WNND: The specific offset techniques (plumbing retrofits and turf removal) are not shown to save a specific quantity of water to achieve the goals of the water supply depletion and/or water supply replenishment. How many plumbing retrofits are eligible today? How much turf is available to remove today? If all these eligible properties are remediated, how much water is offset? Will this stop or reverse the water supply depletion? By how much? (pg: 2-3)

14.3

- WNND: All references to Nipomo Mesa Management Area should be changed to Nipomo Mesa Water Conservation Area pending County discussions.

14.4

- WNND: Retrofit requirements for existing plumbing fixtures in areas overlying the PRGWB, as per Reso 2014-56: These should be stricter and include more options for water savings, including hot water recirculation pumps. (Since this section refers to existing program requirements, I don’t think this would have to be amended?) (pg:2-3, 2-6)

14.5

- WNND: Should WNND have a sunset clause like Ag does? This could potentially be added to Title 19 changes.

14.6

- What is the definition of Hobby agriculture? (pg: 2-8)

14.7

- Consider an exemption for Hobby agriculture, farm-to-table, or just smaller parcels (pg:2-8) | 14.8
- Revise deed restriction language to only mandate deed restrictions on parcels associated with off-site offset clearances that are sending sites. Also clarify that deed restrictions would sunset along with the sunset of the proposed program (pg: 2-11) | 14.9
- WWP: The proposed requirements are qualitative, and their measures of effectiveness in achieving the goals are not identified. The requirements are not shown to save a specific quantity of water to achieve the goals of water supply depletion and/or water supply replenishment. How much water is currently being wasted because these requirements are not followed? How much water will each requirement save? How much water is currently being used for irrigation referred to in this requirement? What is the basis for selection of 3 days per week limitation? Is there a limitation of the duration of irrigation in each of those 3 days? Will this stop or reverse that water supply depletion? By how much? (pg: 2-12) | 14.10
- Need a definition of tail water systems (pg: 2-12) | 14.11
- What source of water, other than potable water, could be used for fountains or other decorative water features? Possibly add that the water must be recirculated (pg: 2-12) | 14.12
- Need specificity on times of day and duration of water for landscaping (pg: 2-12) | 14.13
- Table 2-3 Crop numbers should be reflective of different soil types, areas, species. Allow for unique situations to be analyzed by the Ag department. (2-10) | 14.14

3.0 Environmental Setting, 3.2 Program Area Setting, 3.2.1 Paso Robles Groundwater Basin

- Greater discussion of conditions for SLO County groundwater basins (especially PRGWB) before the drought. Discussion, data, and figures to be provided (pg: 3-2) | 14.15
- References to Garden Farms and Santa Margarita should be removed from all descriptions of the PRGWB, since they are part of the Atascadero Sub-basin, or at minimum mention that they are in the Atascadero sub-basin, and not subject to WNND component of this program. (pg: 3-3) | 14.16
- Different figure of projected outflows to exceed inflows on an average annual basis over the thirty year period. This should be 26,159 AFY as found in the PRGWB model update (the new study was recently released) (pg:3-3) | 14.17

- These three groundwater basins were certified as LOS III long before the current drought. The discussion of drought should either be removed or moved to later in this section. 14.18
- The NMMA did not reach the Severe Water Shortage Condition criterion in 2014. (pg: 3-4) 14.19
- Table 3-1: Why use 2000 population data instead of 2010 census data? (Because County plans are old?). (pg: 3-5) 14.20

4.0 Environmental Impact Analysis, 4.1 Agricultural Resources, 4.2 Land Use, 4.3 Effects Found Not to be Significant

- Neither the WNND nor the WWP are shown to have an environmental impact on the water supply of the NMMA. If these program components are designed to have a favorable environmental impact, they should be rated as Class IV impacts. However, since no quantitative water savings are predicted by the project objectives or project descriptions, no significant positive or negative impacts can be asserted. This failure to describe and classify the environmental impacts is a defect in the DSEIR. (pg: 4-1) 14.21
- There shouldn't be a penalty for not farming agricultural land. (pg: 4.1-10) 14.22

Mitigation Measure AG-1

- This provision is not enforceable since a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation. 14.23

Mitigation Measure AG-3

- This statement seems unnecessary since a Williamson Act contract must be complied with whether the site is involved in the offset program or not. 14.24
- Last paragraph will need revisions expanded discussion around the Nipomo Mesa Water Conservation Area, its relation to the larger Santa Maria Groundwater Basin, and reference to Callender-Garret stricken. (pg: 4.2-5) 14.25
- Not enough clarification on why/how it was determined that Biological resources would not be impacted...also needs a revision so as not to reference Section 4.4 (pg: 4.2-9) 14.26

- Policy Consistency: Most if not all of the consistency discussion is speculative (“Potentially Consistent”) with the word “may” used conditionally throughout. Since no numerical goals or predictions of project water savings are made, the speculations fail to add value to the impact analyses. No mention is made of the consistency of this program to Ordinance 3090 to Ordinance 3090 requires supplemental water for new developments. Ordinance 3090 requires supplemental water for any General Plan amendments that increases non-agricultural water demand, and a fee of \$13,500 per dwelling for any land division that increases non-agricultural water demand. (pg: 4.2-14)

14.27
- How is it possible that all of the project objectives can be achieved, when allowing for new development and new or more irrigated crop production results in additional water use. (pg: 4.2-32)

14.28

5.0 Alternatives

- Additional Alternative: Proposed Countywide Water Conservation Program only takes effect when the Board of Supervisors declares emergency drought conditions and would end once the Board of Supervisors has declared an end to the emergency drought conditions.

14.29

List of Figures: Figure 2-2, 4.1-1,4.1-2,4.1-3,4.2-1a,and 4.3-1

- Figures that show the Paso Robles Groundwater Basin as delineated in DWR Bulletin 118, should exclude the Atascadero sub-basin. A footnote should be provided stating “Paso Robles Groundwater Basin as identified and defined in Bulletin 118 or as modified pursuant to Water Code Section 10722 et seq, excluding the Atascadero sub-basin as delineated by the Rinconada fault.” Similar language is used in the draft ordinance regulating the exportation of groundwater. Or use the Fugro / Water Master Plan map

14.30
- Request from Planning Commission for copies of Public Works maps (levels of decline, etc.) to be included in the EIR.

14.31

List of Tables: Tables 2-2 – Crop Group and Commodities Used for the Agricultural Demand Analysis, and 2-3 – Crop-specific Applied Water (af/ac/yr) by Crop and Water Planning Area

- The source of Table 2-2 needs to re as follows: *Source: Table 3 of the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.* Additionally, this reference needs to change if we still have the report as an appendix instead of the program

14.32

- Table 2-3 table differs from Table 2 in the proposed amendments to Title 22, Chapter 22.30.204. The vineyard applied water value in Table 2 (1.25) is a more appropriate number than the value in Table 2-3. Table 2 in our draft ordinance corresponds to Table 9 in Appendix B. See above for reference regarding this table. Additionally, the “small grains” row needs to be deleted as grains in the County are all dry farmed.

14.33

Letter 14

COMMENTER: Staff Summary of (Verbal) Public Comments Received on the DSEIR

DATE: May 14, 2015

Response 14.1

The commenter notes that well levels have been in decline for many years, and suggests removal of the first sentence of the Executive Summary, which references the current exceptional drought. Refer to response 12.14.

Response 14.2

The commenter notes that well levels have been in decline for many years, and suggests removal of the first sentence of Section 2.0, *Project Description*, which references the current exceptional drought. Refer to response 12.15.

Response 14.3

The commenter requests additional detail regarding the available quantity of plumbing retrofits and turf removal, and amount of water this would offset. The proposed Program is not intended to increase water supply, but to allow development to continue without substantially increasing the cumulative demand on groundwater resources in certified LOS III groundwater basins.

Response 14.4

The commenter suggests that all references to Nipomo Mesa Management Area (or NMMA) be changed to Nipomo Mesa Water Conservation Area. In response to this comment, such references have been updated throughout the Final SEIR. These revisions are shown in the *Executive Summary*; Section 1.0, *Introduction*; Section 2.0, *Project Description*; Section 3.0, *Environmental Setting*; Section 4.2, *Land Use*; Section 4.3, *Effects Found not to be Significant*; and Section 5.0, *Alternatives*. Figure 4.2-1c in Section 4.2, *Land Use*, has also been updated to reflect this change.

Response 14.5

The commenter recommends stricter plumbing retrofit requirements, and additional retrofit options. The County requires that new development, at a minimum, comply with California Green Building Code requirements. Replacement fixtures used for retrofits which result in further water savings may be eligible for additional credits over less efficient fixtures.

Response 14.6

The commenter suggests inclusion of a sunset clause as part of Water Neutral New Development (WNND). A sunset provision is included as part of the Agricultural Offset



program, as well as urban/rural offsets for the Paso Robles Groundwater Basin. No sunset is proposed for the urban/rural offset provisions within the Nipomo Mesa Water Conservation Area.

Response 14.7

The commenter requests a definition of “hobby agriculture.” Refer to response 5.8.

Response 14.8

The commenter suggests an exemption for hobby agriculture, farm-to-table, or smaller parcels. Refer to responses 5.8 and 7.1.

Response 14.9

The commenter suggests revisions to deed restriction language. Revisions in Table 1 and Item G.6 of the program reflect the suggested changes to the deed restriction language.

Response 14.10

The commenter requests additional details regarding the Water Waste Prevention (WWP) program. The goal of the proposed WWP program is not to enforce quantitative conservation efforts, but to limit the most severe water wasting practices.

Response 14.11

The commenter requests a definition of “tail water systems.” Definition for tail water systems has been included in proposed Program language.

Tail water: Surface runoff resulting from crop irrigation. Irrigation practices such as flood irrigation and sprinkler irrigation can result in applied water in excess of the infiltration rate of the soil. Sloped fields can also allow for the excess water to run off the field.

Tail water system: A facility to collect, store, and transport irrigation tail water for reuse in a farm irrigation distribution system.

Response 14.12

The commenter questions what source of water could be used for fountains or other decorative water features, and suggests that this water be required to be recirculated. Refer to response 9.5.

Response 14.13

The commenter requests specificity on times of day and duration of water for landscaping. Revisions to the program in Section 8.69.030 of the County Code reflect the requested clarification indicating that watering of residential or commercial ornamental landscaping shall be prohibited between the hours of 9:00 a.m. and 7:00 p.m.



Response 14.14

The commenter suggests that Table 2-3 in Section 2.0, *Project Description*, be revised to include soil types, areas, and species, and suggests that the Agricultural Commissioner's Office be allowed to analyze unique situations. The figures found in Table 2-3 originate from the County Master Water Report and represent an average of crop water use over all soil types and areas within the Paso Robles Groundwater Basin. The County Agricultural Commissioner may be involved in any future application for an Agricultural Offset Clearance, at the office's discretion.

Response 14.15

The commenter requests inclusion of additional discussion regarding groundwater basins before the drought. Refer to response 12.16.

Response 14.16

The commenter suggests removing references to Garden Farms and Santa Margarita as part of the Paso Robles Groundwater Basin, since they are part of the Atascadero Sub-basin and excluded from the proposed Program. Refer to response 5.2.

Response 14.17

The commenter references an updated figure for outflows from the Paso Robles Groundwater Basin. Refer to response 12.17.

Response 14.18

The commenter notes that the three groundwater basins were certified at LOS III for water supply long before the current drought, and suggests removing discussion of the drought or moving the discussion later in the section. Refer to response 12.16.

Response 14.19

The commenter notes that the Nipomo Mesa Management Area (now referred to as the Nipomo Mesa Water Conservation Area; refer to response 14.4) did not reach the Severe Water Shortage Condition criterion in 2014. The Nipomo Mesa Water Conservation Area remains at a certified LOS III based upon the forecast estimate demand for 15 years, which shows the water supply is less than the forecast water demand, according to the 2012-2014 Resource Management System Biennial Report.

Response 14.20

The commenter questions why 2000 population data was used in Table 3-1 rather than 2010 census data. Table 3-1 is based on the San Luis Obispo County General Plan Land Use Element (2014), which used 2000 census data. Table 3-1 has been revised to reflect updated Community profiles for unincorporated communities within the certified LOS III groundwater basins, their



2010 Census population data, General Plan buildout population, and projected buildout year, as shown below:

**Table 3-1
 Area Plan Buildout Populations**

Plan Area	2000 Population	Buildout Population	Projected Buildout Year
Paso Robles Groundwater Basin			
Adelaida	3,114	3,136	1990
El Pomar-Estrella	7,294	7,603	2010
Los Padres	319	1,191	2020+
Salinas River	61,906	95,166	1990 to 2020+
Shandon-Carrizo	2,476	53,691	2020+
Los Osos Basin			
Estero	28,626	53,691	2020+
Nipomo Mesa Management Area			
South County	21,464	37,323	1995 to 2020+

Source: San Luis Obispo County General Plan Land Use Element, 2014

**Table 3-1
 Community Buildout Populations**

Community	2010 Population	General Plan Buildout Population	Projected Buildout Year
Paso Robles Groundwater Basin			
Creston Village	94	336	2040+
San Miguel	2,337	6,829	2040+
Shandon	1,295	5,259	2040+
Urban Paso Robles: Unincorporated	2,054	3,904	2040+
Whitley Gardens Village	274	392	2040+
Rural ¹	18,094	38,679	2040+
Los Osos Groundwater Basin			
Los Osos ²	13,908	21,304	2040+
Nipomo Mesa Water Conservation Area			
Black Lake Village	867	867	Built out
Callender-Garrett Village	1,192	2,440	2040+
Los Berros Village	213	213	Built out
Nipomo	15,267	23,462	2040+
Palos Mesa Village	2,341	2,908	2040+



**Table 3-1
Community Buildout Populations**

<u>Community</u>	<u>2010 Population</u>	<u>General Plan Buildout Population</u>	<u>Projected Buildout Year</u>
Woodlands Village	576	2,812	2040+
Rural ³	11,192	20,291	2040+

Source: San Luis Obispo County Department of Planning and Building, 2014, based on 2010 US Census, and San Luis Obispo County 2040 Population, Housing and Economic Forecast prepared for San Luis Obispo Council of Governments, by AECOM, August 2011

Notes:

- 1) Population figures for rural area in the North County Planning Area include those that overlie the Paso Robles Groundwater Basin and those that do not*
- 2) Population figures for Los Osos include only those within the URL and does not include those that overlie the Los Osos Groundwater Basin, but outside the URL*
- 3) Population figures for rural area in the South County Planning Area include those that overlie the Nipomo Mesa Water Conservation Area and those that do not*

Response 14.21

In reference to Section 4.0, *Environmental Impact Analysis*, the commenter suggests that the Draft SEIR fails to describe and classify environmental impacts related to water supply. It should be clarified that environmental impacts related to water supply, hydrology, and water quality are discussed in Section 4.3, *Effects Found not to be Significant*. The commenter further suggests that the Draft SEIR cannot assert positive or negative impacts in terms of water savings. As described in Section 4.3, *Effects Found not to be Significant*, the proposed Program would result in beneficial (Class IV) impacts on groundwater resources.

Response 14.22

The commenter suggests that there should not be a penalty for not farming agricultural land. The commenter is referring to page 4.1-10 in Section 4.1, *Agricultural Resources*, which describes the methodology used for identifying land as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland, in accordance with the Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP). As this text is describing an existing mapping program, the text does not suggest that the Program - or a mitigation measure - penalizes anyone for not farming agricultural land.

Refer also to response 9.10. As noted therein, Impact AG-1 has been modified and mitigation measure AG-1 has been removed from the Final SEIR.

Response 14.23

The commenter notes that mitigation measure AG-1 is not enforceable because a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation. Refer also to response 9.10. As noted therein, Impact AG-1 has been modified and mitigation measure AG-1 has been removed from the Final SEIR.



Response 14.24

The commenter suggests that mitigation measure AG-3 is unnecessary since a Williamson Act contract must be complied with whether the site is involved in the Agricultural Offset program or not. The comment is noted. The mitigation measure is included to provide additional assurance that sending sites providing planting credits remain consistent with the provisions of any existing Williamson Act contract for the property and County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act Of 1965.

Response 14.25

The commenter suggests revisions to the last paragraph on page 4.2-5. Revisions to the paragraph have been included on page 4.2-5 of the Final SEIR, as follows:

As shown in Figure 4.2-1c, the ~~NMMA~~ Nipomo Mesa Water Conservation Area is located within both the South County Coastal Planning Area and the South County (Inland) Planning Area. In addition, the community of Nipomo and the village areas of Black Lake, Callender-Garrett, Los Berros, Palo Mesa, and Woodlands overlie this area. Urban services are available in the Nipomo community and various services can be found in the South County villages. The dominant land use on the Nipomo Mesa outside of these areas is rural residences at a one unit per five-acre density. There are also a wide range of agricultural uses on the Nipomo Mesa including avocado and citrus orchards, nursery specialties, tree farms, and fruit and vegetable crops. The Nipomo Mesa and its environs are also an appealing destination for recreation. The rural landscape has attracted recreational development associated with destination resorts and rural residential living (County of San Luis Obispo, 2014).

Response 14.26

The commenter suggests that the statement on page 4.2-9 of the Draft SEIR that the Program would not generate impacts to biological resources requires additional clarification. Refer to Section 4.3.3 (Biological Resources) in Section 4.3, *Effects Found not to be Significant*.

The commenter additionally highlights an erroneous reference to Section 4.4. This typographical error on the bottom of page 4.2-9 has been revised as follows:

For further detail see Section 4.4 4.3, *Effects Found not to be Significant*.

Response 14.27

The commenter suggests that the policy consistency analysis is speculative due to the use of the phrase “potentially consistent” and the word “may.” The vague language reference by the commenter is intentional. The policy consistency discussion in Section 4.2, *Land Use*, is intended to guide policy interpretation, but is not intended to replace or supplant County decision-makers. The final determination of consistency will be made by County decision-makers when they act on the proposed Program. Thus, the use of “potentially” and “may” is deliberate to indicate that the County decision-makers will ultimately make this determination.



The commenter additional questions whether the proposed Program would be consistent with Ordinance 3090. As noted in Response 1.5, this ordinance would remain in effect upon implementation of the proposed Program, and the proposed Program would serve as additional regulation over and above Ordinance 3090. Thus, the Program would not be inconsistent with Ordinance 3090.

Response 14.28

The commenter asks how it is possible for all of the project objectives to be achieved, when allowing for new development and new or more irrigated crop production. As described in Section 2.0, *Project Description*, the following are the project objectives:

- *Substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III;*
- *Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use;*
- *Provide a mechanism to allow new or expanded irrigated agriculture to proceed in the Paso Robles Groundwater Basin, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and*
- *Reduce the wasteful use of water in the county.*

The proposed Program has been designed to meet these objectives. The objectives include the allowance of new development to proceed in certified LOS III groundwater basins, as well as to allow new or expanded irrigated agriculture in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). As described in Section 4.3, *Effects Found not to be Significant*, despite allowing such development to proceed, the Program would result in beneficial (Class IV) impacts on groundwater resources.

Response 14.29

The commenter suggests consideration of a new alternative that would only take effect during emergency drought conditions, as declared by the Board of Supervisors. Refer to Alternative 4 in Section 5.0, *Alternatives*. Under this alternative, both the Urban/Rural Water Offset requirements and Agricultural Offset program could sunset under any one of several conditions, including Board of Supervisors declaration of an end to emergency drought conditions.

Response 14.30

The commenter suggests that figures showing the Paso Robles Groundwater Basin should exclude the Atascadero Sub-basin. Refer to responses 8.2 and 9.2; these revisions have been made. The commenter additionally suggests the inclusion of a footnote, which has been added to the figures. Refer to the revised figures in Sections 2.0, *Project Description*, 4.1, *Agricultural Resources*, and 4.2, *Land Use*.



Response 14.31

The commenter suggests that a request from Planning Commission for copies of Public Works maps should be included in the SEIR. All reference documents presented to the Planning Commission by County Public Works have been added to Appendix C to this Final SEIR.

Response 14.32

The commenter suggests an update to the source for Table 2-2 in Section 2.0, *Project Description*. In response to this comment, the following revision has been made to Table 2-2:

Source: Table 3-4 of the Final Report on the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.

Response 14.33

The commenter states that Table 2-3 in Section 2.0, *Project Description*, differs from Table 2 in the proposed amendments to Title 22, Chapter 22.30.204. Refer to response 12.11.





SOUTH COUNTY ADVISORY COUNCIL

PO Box 2355 Nipomo, CA 93444-2355

May 27, 2015

Supervisor Lynn Compton, 4th District Supervisor
County Government Center
San Luis Obispo, CA 93408

Dear Supervisor Compton:

On May 18, 2015 at the SCAC meeting, the Council heard a presentation by County Planner Cheryl Cochran regarding the SLO County Water Conservation Supplemental Environmental Impact Report (SEIR) and its impact on the SCAC area.

The Council discussed the issue and decided to allow Council members additional time to review the SEIR and a May 8, 2015 letter (attached) from the Nipomo Community Services District (NCSD) to County Planning on the issue prior to taking any definitive action.

Following the Council's review and a motion to endorse the NCSD's position, the Council voted unanimously to recommend the positions outlined in the NCSD's letter regarding the SEIR's Project Objectives.

On behalf of the South County Advisory Council,



Richard Wright,
Correspondence Secretary

15.1

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: MAY 8, 2015

AGENDA ITEM

E-2

MAY 12, 2015

CONSIDER COUNTYWIDE WATER CONSERVATION PROGRAM AND DRAFT ADDENDUM EIR

ITEM

Consider Countywide Water Conservation Program and Draft Addendum EIR [RECOMMEND CONSIDER DRAFT AEIR AND DIRECT STAFF].

BACKGROUND

The County of San Luis Obispo is considering a Countywide Water Conservation program and has drafted an environmental impact report in support of program adoption. The Conservation program includes two components, Water Neutral New Development and Water Waste Prevention.

The County Planning Commission is scheduled to make its initial of three planned reviews of the proposed Conservation Program and draft EIR on May 14. The Planning Commission will develop recommendation for the Board of Supervisors. The Board of Supervisors is scheduled to consider the Program and EIR in mid to late June. The County's goal is to get the proposed Conservation Program enacted prior to the expiration of the Paso Groundwater Basin Urgency Ordinance.

Your Board's Facilities and Water Resources Committee considered the proposed Conservation Program and draft Addendum EIR on May 5, 2015. San Luis Obispo County Planning Department staff attended and participated in the Committee meeting. The Committee directed District staff prepare a draft comment letter for Board consideration.

RECOMMENDATION

Consider staff report, draft comment letter, and Committee's recommendation. Direct staff.

ATTACHMENTS

- A. Draft May 13, 2015 Comment Letter

15.2

May 12, 2015

E-2

ATTACHMENT A

NIPOMO COMMUNITY

BOARD MEMBERS
CRAIG ARMSTRONG, PRESIDENT
DAN GADDIS, VICE PRESIDENT
BOB BLAIR, DIRECTOR
ED EBEL, DIRECTOR
DAN WOODSON, DIRECTOR



SERVICES DISTRICT

STAFF
MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
PETER SEVCIK, P.E., DIRECTOR OF ENG. & OPS.
MICHAEL W. SEITZ, GENERAL COUNSEL

Celebrating 50 Years of Service to the Community, 1965 - 2015

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

May 13, 2015

Xzandrea Fowler
San Luis Obispo County
Department of Planning & Building
976 Osos Street
Room 200
San Luis Obispo, CA 93408
efowler@co.slo.ca.us

Dear Ms. Fowler:

**SUBJECT: PROPOSED COUNTYWIDE WATER CONSERVATION PROGRAM DRAFT
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

On May 12, 2015, the Nipomo Community Services District Board of Directors reviewed the draft Supplemental Environmental Impact Report (SEIR) which supports the proposed Countywide Water Conservation Program (Conservation Program). The District appreciates the opportunity to review and comment on the draft SEIR and proposed Conservation Program prior to consideration by the Planning Commission and Board of Supervisors.

The District offers the following comments and suggestions:

In general, we are concerned that by developing the Conservation Program and drafting the SEIR concurrently, the impact of the final Conservation Program cannot be adequately addressed. The Program's Project Description and Objectives are still being developed, therefore it is difficult to accurately assess environmental impacts of the Program.

One of the four Project Objectives is to "Substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III." Not only is this objective unclear and unmeasurable, it is inadequate to reduce the depletion of a basin that, by the County's criteria, is at the most critical level of concern with demand equal to or in excess of available supply. The objective should be revised to adhere to the County's Resource Management System recommended actions for addressing Level of Severity III resources, namely; to reduce the level of severity with a goal of achieving LOS I.

A second Project Objective is to "Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins ... in a manner that fully offsets projected water use." At best, this Objective would hold status quo in a basin that is at LOS III with demand equal to supply, however, in LOS III basins where demand is in excess of supply, or if the theoretical

15.3

offset is not achieved or maintained, the LOS III condition would be further exacerbated by the new permanent demand resulting from the allowed new development.

Offsets result in a theoretical water savings – we know the new fixture saves a set amount of water per use or per minute relative to the old fixture, but we don't know how much the device (e.g. sink, toilet, shower) is or will be used, how long it will be in service, and we don't know that it will be used as designed. The value of landscape related offsets are even more problematic to define and rely on over time. For this reason, it is reasonably appropriate to use offsets as a means for attempting to lesson resource demands of current basin users in LOS III settings, but it is ill advised and inappropriate to use an offset program as a basis for allowing new development and its related permanent new resource demands.

A third Project Objective is to "Reduce the wasteful use of water in the County". The objective needs to be strengthened and better defined. Consider a goal of 'eliminating water waste in the County' and include measurable goals based on reasonable estimates of current level of water waste in the County.

15.3

In 2005, the County Board of Supervisors certified water resources underlying the Nipomo Mesa Water Conservation Area (NMWCA) as LOS III and subsequently adopted Ordinance 3090. The Ordinance requires development and land divisions to pay a water development fee to offset new urban water demand that will result from the development. The land division can then proceed while the development fee is directed to obtain water resources to meet the proposed project's needs. It is currently unclear how the proposed Conservation Program would affect Ordinance 3090, this interrelationship needs to be discussed in the draft SEIR.

Finally, the draft AEIR must specifically evaluate water resources impacts of the proposed Conservation Program. As outlined above, we do not believe this impact can be presumed to be positive.

We strongly encourage the County to improve the Project Description and define measurable and meaningful Project Objectives that will serve to address the critical level of severity and protect NMWCA water resources. The District Board and staff are committed to assisting in this effort in every way possible.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael S. LeBrun
General Manager

cc: 4th District Supervisor Lynn Compton
4th District Planning Commissioner Jim Harrison
4th District Legislative Assistant Jocelyn Brennan
Director of Planning and Building James A. Bergman

Letter 15

COMMENTER: Richard Wright, Correspondence Secretary, South County Advisory Council

DATE: May 27, 2015

Response 15.1

The commenter notes the process by which the South County Advisory Council (SCAC) considered the Draft SEIR, and states that they unanimously endorse the Nipomo Community Service District's (NCSD) position, as outlined in their May 8, 2015 letter. Refer to response 15.3 below and responses 1.1 through 1.7.

Response 15.2

The commenter provides the agenda item for the SCAC Board of Directors meeting to consider the Draft SEIR. The comment is noted.

Response 15.3

The commenter provides a letter from the NCSD. Although the date of the letter provided by the commenter is May 13, 2015, it is the same letter as comment letter 1 from the NCSD (dated May 12). Refer to responses 1.1 through 1.7 for responses to this letter.





May 28, 2015

San Luis Obispo County Planning Commission
976 Osos Street, Room 200
San Luis Obispo, CA 93408

Re: San Luis Obispo Water Regulations

Dear Planning Commissioners,

Thank you for the opportunity to provide oral comments at the May 14, 2015 meeting and to submit this letter. The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 160 growers, shippers, farm labor contractors, and supporting agribusinesses. **Our members grow diverse crops such as broccoli, strawberries, vegetable transplants, and wine grapes. The policies being contemplated could have a potential lasting impact on local farmers' ability to grow safe, local produce for our communities.** We have members operating within the Nipomo Mesa Management Area and throughout the southern portion of the County. **Water is the Association's top priority.**

We concur with the following points raised by our colleagues at the San Luis Obispo County Farm Bureau (letter presented 5.14.15) and/or the Paso Robles Wine Country Alliance (letter dated 5.13.15): short-term offsets should be an option; deed restrictions must terminate with the end of the program; there should not be a numerical proximity requirement for the transfer; and requiring land to remain in agricultural production is not feasible.

Attachment A: Proposed revisions to the Agriculture Element

- **The termination provisions for the Paso Robles Basin that are included in Title 22 should also be included in the Agriculture Element.**
- We have long-standing concerns with the **fundamental flaws of the proposed agricultural offset program**, even as revised. Both the technical design and implementation of the program are inadequate. Although this language is currently targeted at the Paso Robles basin, it could easily be expanded to other areas in the future.
- **We do not support including a bullet list of best management practices** as presented in Attachment A, page 2, number 2. The statement that precedes it—"Encourage farmers to use best management practices in order to best promote the efficient use of water"—is adequate and will better enable the agricultural community to continue to innovate.
- **Nonprofits should be included in the list of potential cooperators** on Attachment A, page 2, number 3.

Attachment A: Proposed revisions to the Conservation and Open Space Element

- The proposed additions to policies **WR 1.7, 1.7.1, and WR 1.14** (Attachment A, page 5) are **overly broad**. These aspects are better handled in other revisions and could result in unintended consequences. They are **duplicative** of current basin adjudications and/or implementation of the Sustainable Groundwater Management Act. We ask that the proposed additions to WR 1.7, 1.7.1, and 1.14 on Attachment A, page 5 **be removed**.

Attachment C: Proposed Ordinance Changes for Title 19, Plumbing Code

- We are confused by the language on “Water meter installation and reading” in Attachment C: Title 19, on page 4, number 4, roman numeral i. We ask that you clarify this language with an exemption for agricultural uses, particularly if installing a replacement well.
- We suggest a termination provision for the proposed changes to the plumbing code.

16.4

Attachment D: Proposed Ordinance Changes for Title 22

We have grave concerns with the provisions of Attachment D: Title 22 if they were to apply to additional areas of the county in the future. As repeatedly mentioned, we have significant concerns with the agricultural offset program, even with its revisions.

- We are particularly concerned with the potential unintended consequences on current operators whose normal, historical business practices could be misconstrued as “intensified” irrigated crop production and trigger the offset program. More specifically, many of the vegetable nurseries and greenhouses on the Nipomo Mesa and in other areas of the County have annual and seasonal fluctuations in production. Orchards and vineyards must periodically replant their crops as plants age, plant breeding improves, and market demands evolve. We do not believe that the current wording for “Exemptions. Sites with Existing irrigated crop production which have been under continuous rotational operation” is adequately protective of these common, existing production situations and ask that the intention to exempt existing operations be clearly memorialized in the proposed Ordinance (Attachment D, page 3, item B).
- Offsets should also include common operators as a criteria, which would be more representative of many vineyard management and row crop arrangements (Attachment D, page 4, item E).
- We question whether requiring an on-site offset is necessary and merits the applicant’s time, administrative burden, and expense (Attachment D, page 4, item E).
- We are not in agreement with the water use figures in Table 2. Even if these numbers are intended to simplify the implementation of the offset program, they are inherently establishing a precedent of setting water use numbers, which will vary by year, geography, and individual operation (Attachment D, page 6, item G9)
- The definition “New or Expanded Irrigated Crop Production” includes “other improvements.” This creates too much uncertainty in future interpretation. Will all of these definitions be removed upon termination?

16.5

Other logistical questions to consider in the contemplated changes to Title 22 include:

- Will County staff have the agricultural expertise to review applications?
- How will the changes to important farmlands be monitored or enforced?
- How will deed restrictions be removed upon the termination of the program?
- Is this a taking of rights?

Finally, we ask that the termination provisions in Title 22 be mirrored in the other Ordinances and emphasize our concerns with the offset program.

Thank you for your consideration and hope you will incorporate these comments into your recommendations.

Sincerely,

Claire Wineman

Claire Wineman, President

Letter 16

COMMENTER: Claire Wineman, President, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties

DATE: May 28, 2015

Response 16.1

The commenter notes concurrence with the San Luis Obispo County Farm Bureau letter (letter 13 herein) and the Paso Robles Wine Country Alliance letter (letter 4 herein). The comment is noted. Refer to responses 13.1 through 13.5 and 4.1 through 4.3 for responses to those letters.

Response 16.2

The following responses address each of the bullet points included in comment 16.2.

The General Plan is the County's long-term policy document for important issues that affect the lives of County residents. Any specific reference to a termination date of a particular ordinance, even one in connection with policy language in the General Plan, is unnecessary and does not reflect the purpose of the General Plan.

The proposed Agricultural Offset Program cannot be easily expanded as implied. Any expansion of the proposed program or other offset program applicable to other areas of the County would have to go through a similar public process which would include many rounds of outreach, public vetting, and subsequent hearings at both the Planning Commission and Board of Supervisors.

The list of Best Management Practices included as part of AGP 10, Implementation Measure 2 is purely informational and represents only voluntary examples of what could work in agricultural practice within San Luis Obispo County. The example BMPs are in no way meant to be mandatory and does not reflect a minimum or maximum number or type that may be used in an agricultural operation.

AGP 10, Implementation Measure 3 directs the County Agricultural Commissioner's office to work collaboratively with many groups on a wide range of efforts to improve education regarding agricultural practices. The participants listed are only an example of readily available institutions, and is not intended to limit stakeholder groups in future educational efforts. Stakeholders may contact the Agricultural Commissioner's office at any time to provide information that is both accurate and informative to enhance agricultural education.

Response 16.3

Changes to the Conservation and Open Space Element policies and implementation measures are intended to be broad in order to encompass a wide array of management efforts. General Plan policies are intended to provide direction for future programs and not specific program



language that may conflict with various efforts either County-wide or in specific areas of the County.

Response 16.4

The following responses address each of the bullet points included in comment 16.4.

Title 19 is the County's Building Ordinance, and does not apply to agricultural operations, unless a building permit is needed for a new use. A meter and documentation of usage is required as part of the program to keep record that the new use has achieved the 1:1 offset required for approval of the new development.

A termination provision was added to the Urban/Rural offset component of WNND for affected areas that overlie the Paso Robles Groundwater Basin. This change occurred after input at the County Planning Commission to be consistent with the Agricultural Offset program which also applies only to the Paso Robles Groundwater Basin, excluding the Atascadero Sub-basin.

Response 16.5

The following responses address each of the bullet points included in comment 16.5.

See comment 16.2.2 for a response to the first bullet in this comment.

The proposed Agricultural Offset program only applies to sites overlying the Paso Robles Groundwater Basin, excluding the Atascadero Sub-basin. It is not proposed to apply to any other portion of the County, including the Nipomo Mesa. See comment 16.2.2 for further discussion.

The term "collectively operated" was added after discussion at the County Planning Commission, and may apply to a site that is part of an application for an Agricultural Offset Clearance.

The comment in the fourth bullet of this comment is noted.

The water use figures referenced were originally sourced from the County Master Water Report, used by the Upper Salinas-Las Tablas Resource Conservation District in its proposed Agricultural Offset program for the Paso Robles Groundwater Basin, and represent an average use for each crop type in the north county area. Additionally, the average use for the Vineyard crop type was further refined in consultation with the Agricultural Commissioner's Office and the University of California Cooperative Extension of San Luis Obispo County to ensure the figure is a better representation of vineyards in the north county. The County recognizes that usage for individual operations may vary from the averages referenced; however, the use of averages ensures that the program will be applied consistently to all applicants seeking an Agricultural Offset Clearance.



The new definitions for “Agricultural Offset Clearance” and “New or Expanded Irrigated Crop Production” would not terminate or sunset with the provisions of Chapter 22.30.204 because they are contained within a different Section of Title 22.

County Planning staff would consult with the County Agricultural Commissioner’s Office as necessary to process Agricultural Offset Clearance applications. Any farmland designations in connection with the State’s Farmland Mapping and Monitoring Program would not change the ability to farm a particular site as the soil classification would not change. Deed restrictions would include language which clearly states the termination of the restrictions upon the termination of the ordinance. The County has land use authority, and all land use and zoning regulations result in the restriction of the rights of individual owners to use their property as they otherwise could. Such land use or zoning regulation is permissible if it is reasonable and not arbitrary; if it bears a reasonable and substantial relation to the public health, safety, comfort, morals, and general welfare; and if the means employed are reasonably necessary for the accomplishment of its purpose.





SAN LUIS OBISPO COUNTY FARM BUREAU

4875 MORABITO PLACE ♦ SAN LUIS OBISPO, CA 93401

PHONE (805) 543-3654 ♦ FAX (805) 543-3697 ♦ www.slofarmbureau.org

May 29, 2015

San Luis Obispo County Planning Commission
976 Osos St.
Rm. 200
San Luis Obispo, CA 93401

PLANNING COMMISSION

AGENDA ITEM: Water
DATE: 5/29/15

DO NOT REMOVE FROM FILE

Re: Countywide Water Conservation Program

Dear Commissioners:

The San Luis Obispo County Farm Bureau (SLOCFB) appreciates the opportunity to comment on the Countywide Water Conservation Program, particularly the Offset Ordinance amendments. The SLOCFB Board of Directors requests your attention on the following points:

- 1. In regards to the language in relation to water reduction and 1:1 ratio, on page 2-3 of Section 2.0 Project Description of the Draft EIR the statement is made: "The proposed Agricultural Offset program is... intended to substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin..." What is the basis for an end product that results in less groundwater extraction? A 1:1 ratio would likely result in equal extraction volumes. 17.1
- 2. Is the answer to the above paragraph possibly found in the statement "minimum 1:1 ratio"? The statement in the first paragraph of 2-3 reads that "all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio". Is the intent that the ratio can be a great reduction in use? Lesser than 1 to 1. For example, the requirement could actually be the agriculture use that would be allowed may be 75% or 50% (.75:1 or .50:1)? 17.2
- 3. As the process of adopting an offset ordinance progresses SLOCO Farm Bureau Board of Directors urges clarification of the definition of "new crop production". Table 1 shows that "New crop production on site of crop being replaced" as a clearance category. It needs to be clearly understood and stated that if one is "replacing" an existing crop, such as grape vines or apple trees, with the same crop (grape vines or apple trees) and in the same intensity there should be no offset requirement. There are many reasons for a plant or plants to require removal with new ones planted in their place. Disease and economics or new varieties which might 17.3

Mission Statement:

"To lead San Luis Obispo County in the protection, promotion and advocacy of agriculture for the benefit of our members and community."

even be more drought resistant are examples of positive replacements. These types of replanting should not trigger an offset requirement.

4. As Farm Bureau stated at the prior hearing, Section G-2 stating that the sending site(s) "will remain in some form of crop production" should be stricken. A landowner should not be mandated to continue in crop production – regardless of the availability water – if economics, disease or other factors make continued production impossible. There may come a time when grazing might be the best use of this land. Would this offset condition preclude grazing at some time?

17.4

5. SLOCFB would like to urge the Planning Commission to support a short-term offset program of 1 to 4 years, which would be more appropriate for certain types of crops such as annual vegetable or seed crops. This is separate from the currently proposed program that is proposed to last until SGMA is adopted and possibly beyond.

17.5

6. Some SLOCFB members have asked about "vested rights". It is our understanding that the Board of Supervisors directed that no new "vested rights" would be allowed in the new offset ordinance. But, if the Planning Department has approved a landowner as having satisfied the "vested rights" criteria and he/she is in the process of planting but has not yet been able to plant the crop, will he/she be allowed to complete the planting after August 15 when the urgency ordinance expires?

17.6

Please give consideration to these comments and questions during the decision making process.

Sincerely,

(SAF)



Carlos Castañeda
President
San Luis Obispo County Farm Bureau

Mission Statement:

"To lead San Luis Obispo County in the protection, promotion and advocacy of agriculture for the benefit of our members and community."

Letter 17

COMMENTER: San Luis Obispo County Farm Bureau

DATE: May 29, 2015

Response 17.1

The commenter queries how the proposed Program would substantially reduce increases in groundwater extraction based on the 1:1 offset ratio. The following change to the text on page 2-3 in Section 2.0, Project Description, has been made in response to this comment:

The first major component of the Program is Water Neutral New Development (WNND). WNND would require that all new development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at LOS III by the Board of Supervisors. WNND also requires that, in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio. The proposed Agricultural Offset program is an implementation tool for the WNND irrigated agriculture offset requirement, and is intended to substantially reduce increases in groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) only. The proposed Agricultural Offset program would have a sunset provision upon adoption of a Groundwater Sustainability Plan prepared pursuant to the Sustainable Groundwater Management Act.

Response 17.2

The Agricultural Offset program would be implemented to reflect a minimum 1:1 offset ratio. Any offset ratio proposed or achieved by an applicant that is greater than 1:1 would be on a voluntary basis.

Response 17.3

Replacement of existing crops with a new crop of the same crop type, as defined by Tables 2 and 3 in the proposed Agricultural Offset program would qualify for an exemption from the proposed ordinance, so long as the existing crop acreage is not exceeded by the new planting.

Response 17.4

The commenter suggests that provision G.2 of the draft program is not enforceable. This provision was amended upon further input from stakeholders and the County Planning Commission. Refer also to response 9.10. As noted therein, mitigation measure AG-1 has been removed from the Final SEIR.



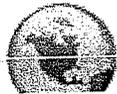
Response 17.5

The commenter's suggestion to implement a short-term offset program of 1 to 4 years is noted and has been forwarded to County decision-makers for consideration.

Response 17.6

The Paso Robles Groundwater Basin Urgency Ordinance has limited plantings to those with either a vested right, or those that have achieved a 1:1 offset. The proposed Agricultural Offset program would have no vested rights provision, as the Urgency Ordinance has already allowed two full years for plantings of those cases to proceed. Any vested rights approved under the Urgency Ordinance would expire at the same time as the Urgency Ordinance itself and would not carry over under the Agricultural Offset program.





FW: east bay express -turning water into wine
Sheila Lyons to: xfowler, ccohran, mhanebutt

06/09/2015 04:59 PM

Hi folks,

I've been reading the proposed changes for the proposed changes to the following:

http://www.slocounty.ca.gov/Assets/PL/environmental/COUNTYWIDE+WATER+CONSERVATION+PROGRAM/DraftAmen/Draft_Ag+and+COSE+Policy+Changes.pdf

I am aghast at how slanted the changes are in favor of agriculture and the attempts to insure their continued expansion while stopping all residential construction basically in it tracks. I know you guys know better than this. I suspect there is a lot of political pressure on each of you.

You know that the towns and rural residents use <15% of the water pumped from the PR Basin right? You know agriculture already pumps 70-80% of the water from the PR Basin right? You know we are over-drafting the PR Basin annually and that acres in being planted in grapes has continued to increase annually even since the drought began, therefore causing the overdraft problem to worsen with each year.

The proposed "offset" program is a joke. The suggestion that you can you move water from a water healthy location to a water deprived location to water new plantings of wine grapes or any other crop is just nuts. There is currently no infrastructure and even if there was the water healthy locations need to hold on to their water....we are in a drought!! Water offsets need to remain on the parcel where they currently exist or neighboring parcels owned by the same entity.

I sympathize with your dilemma but you are the next generation who is going to have to live with the consequences of putting poor policies into place now.

We know the main route of the decline in the PR Basin is the large bore deep wells belonging to the huge ag interests (not the small to medium family vineyards and not the rural residents). Figure out a way to reduce their usage...no overhead sprinklers for frost protection, no filling ponds that aren't covered, etc.). You are smart. Figure a way to do the right thing.

Please read the following article and give some consideration to making some meaningful policies.

Turning Water into Wine

Turning Water into Wine

Along the border of Sonoma and Napa counties, roughly seven miles northeast of Santa Rosa, hydrologist and forester Jim Doerksen took me to the southeastern...

View on [Preview](#)

18.1



www.eastbayexpress...

by Yahoo

Sorry I'm in such a state of disbelief I had to write this note.

Sheila Lyons

Creston

Letter 18

COMMENTER: Sheila Lyons

DATE: June 9, 2015

Response 18.1

See Response 19.9 regarding off-site offsets.



Creston Advisory Body



Chairperson: Sheila Lyons Ph. (805) 239-0917, P. O. Box 174 Creston, CA 93432
salyons@airspeedwireless.net

JUL - 2 2015

June 30, 2015

San Luis Obispo County Supervisors
San Luis Obispo County Planning Commissioners
San Luis Obispo County Government Center
San Luis Obispo, California 93408

Re: LRP2013-00012 Countywide Water Conservation Program

Dear Supervisors, Planning Commissioners, and other important parties,

The Creston Advisory Body (CAB) met on June 17, 2015 at the Creston Community Church for a regularly scheduled meeting. One topic of discussion was the proposed Agricultural (Ag) Offset component of the Water Conservation Program. As usual we had broad representation from the Creston community including rural residents at large, a PRAAGS board member, members of North County Watch, members of CALM, members of PWE, members and an alternate of the Paso Robles Groundwater Basin Advisory Committee, our 5th District Supervisor Arnold and a diverse group of local ranchers and agriculturists.

CAB reviewed specifically the Ag Offset sections of Title 22, the Draft WNND Implementation Language for County LUO, the Draft WNND and WWP Implementation Language for the County General Plan (Ag Element) and the draft Supplemental Environmental Impact Report (DSEIR) Countywide Water Conservation Program.

These documents and the proposed changes, state the following as the foundation on which this Ag Offset Program is to be built:

From the amendments to the General Plan Ag Element – “*The Paso Robles Groundwater Basin (Basin) requires special conservation measures to ensure that groundwater levels do not drop significantly below historic levels.*”

From the Draft SEIR - Section 2.3 “*The proposed Agricultural Offset program is an implementation tool for the WNND irrigated agricultural offset requirement, and is intended to substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin only.*”

There was much robust productive discussion by the CAB members and the members of the public on this particular program (Ag Offsets) and in the end the

19.1

following comments, questions and suggestions surfaced as being of the most concern to those present.

19.1

1. Is this program even legal? The County is essentially granting an allocation of an amount of water to a parcel but denying it to adjacent parcel that may not have been pumping. This is basically a new kind of water cap and trade and the courts might find this an interesting topic to tackle. Would the County be acting as a Court in this circumstance? This is the beginning of the trading of paper water and that scares many people. Will the value of parcels that are not currently conducting irrigated agriculture be reduced and the dormant water rights of those landowners infringed upon? Would then the property taxes of the parcels without allocations of water be reduced? Certainly the value of their property is reduced because they haven't been exploiting the aquifer for a monetary gain. Also, even though the description of the program does not indicate that any exchange of money will occur some present at CAB were concerned that in the end it will happen and others believed this was the whole intent of the program. The program description does not specifically forbid this from occurring.

19.2

2. The Governor's executive order calls for water savings across the state. There is no water savings built into this program using 1:1 offsets. Based on the reasons for drafting such a program that state that water is to be conserved and pumping **substantially** reduced the offset should be a minimum of 2:1 not 1:1. The PR Basin was over-pumped by 2500 AF annually between 1981 and 2011. Recent modeling studies paid for by the County indicate that with NO GROWTH the Basin will be over pumped on an average of 5600 AF annually for the next 30 years due to the most recent growth and plantings. With an estimated perennial yield of 89,600 AF this over-pumping is serious and needs to be reversed. Agriculture is the biggest pumper from the Basin (70-80% of perennial yield and climbing). This minor change to a 2:1 offset asks Agriculture to step up and begin reining in the excessive pumping.

19.3

3. There is no enforcement spelled out in the program. Who would insure that the sender is actually cutting back and that the receiver isn't using more than allocated. What happens if they violate their agreement? Will there be any penalties? Will their allocation be revoked? Who would be the objective monitor of these wells? Would the County have to create a new staff position?

19.4

4. Could an Ag parcel potentially give water to a Rural Residential parcel? Could a Rural Residential parcel be a sending site? There does not appear to be any provision allowing or preventing this from occurring. Could a parcel supply water credits to more than one parcel? Could the water credits leap frog onto multiple parcels? If someone with a pond decides to stop filling their pond, would the water they had previously been using be eligible for sending credits? Could someone accumulate credits as a

19.5

- | | |
|--|-------|
| receiving site on their single parcel? There seem to be many ways to subvert the intent of this program. | 19.5 |
| 5. The question of how the crop duty factors were determined for allocating credits arose. These numbers would be critical in insuring balance, or better yet savings. Unless there are historical usage numbers at the sending site there is no way to know whether the sender has been using more or less than the duty factors listed in the tables for the program. One CAB member also suggested that no newly planted crop on receiving sites should be allowed to use overhead sprinklers for frost protection as part of the offset program and that cover crops, between rows of vines for example, on these same parcels should be included as a crop and have a duty factor as well. | 19.6 |
| 6. The DSEIR states that there will be meters on both the sending and receiving sites but the implementation language only requires a meter on the receiving site. Meters need to be on both parcels with objective monitoring and reporting. | 19.7 |
| 7. Any Ag Offset Clearance should be reviewed as discretionary not ministerial in order to obtain appropriate input from neighbors, citizen advisories and members of the public. | 19.8 |
| 8. No receiving site should be allowed in the "red zones" or in any area where the water table has dropped more than 50 ft since 1997. There must be historical records to back any claims. Receiving sites in water depressed areas would only make the situation worse. | 19.9 |
| 9. The sending and receiving sites must be adjacent parcels not somewhere else in the basin. Ideally both sites should have the same owner. This would minimize the impact on surrounding properties of any receiving site. | 19.10 |
| 10. Can a receiving site parcel drill a new well if no well currently exists? Or if the existing well is too shallow? If a replacement well is to be drilled, should the original well be capped and abandoned? If a new well is to be drilled, there needs to be a provision requiring any new well to be a safe distance from existing wells on neighboring properties. Also, see #11 below. Also, if there are two (or multiple) wells on the sending or receiving site then both (all) should be metered. | 19.11 |
| 11. Prior to approval of a receiving site a determination must be made to show that the increased pumping at the receiving site will not impact any of the neighboring wells on adjacent parcels or within a reasonable distance of the receiving site. There should be a requirement to conduct a draw down test to confirm recharge rates, etc. The County funded Resource Conservation District (RCD) report outlined an Ag Offset program that included information on how an assessment for well interference could be conducted. This same approach should be adopted by the County, as recommended by the RCD (see letter attached, from Upper Salinas-Las Tablas Resource Conservation district dated 5/15/15 addressed to the PR Basin Advisory Committee). | 19.12 |

12. The DSEIR states that the need for a deed restriction (covenants) on the sending parcel will be conducted on a "case by case" basis (see Table 2-1). What does this mean? Every sending site must have a deed restriction. 19.13

13. Any sending site must have been growing the irrigated crop being used to determine the crop duty factor for water credits for at least five years prior to the adoption of this program. This could eliminate the potential water speculators, or water exploiters, who may have only recently planted high water usage crops to try and game the system. 19.14

Our CAB meeting was conducted in a town hall type fashion that allowed the public and the CAB members to interact continuously with questions, comments and suggestions. This format worked exceptionally well for discussing this particular topic and coming to some common conclusions.

We believe that the first consideration for a program like this one is that it will "Do No Harm." The program as currently written does not give confidence that that would be the case. The County is entering a new realm potentially acting as a Court by setting up a cap and trade system for paper water. The encumbrances on individual parcels may end up being permanent, as once policies are adopted it is difficult for them to be reversed. It is unlikely that any new GSA (Groundwater Sustainability Agency) will find time in the first years of their formation to deal with Ag Offsets, and they may not have the land use authority to do so. 19.15

No water would actually be saved with this program as written. Instead it allows pumping as usual to continue. There is broad consensus that the Urgency Ordinance (UO) was gutted prior to adoption when enormous loopholes such as "vested rights" were added and <20 acre exemptions. In the end the UO did the opposite of slowing the pumping as intended. Instead there were serious unintended consequences with a rush to drill and to plant (the annual overdraft number has more than doubled from 2500 AF/yr to 5600 AF/yr from 2011 to 2014). When considering the currently proposed Ag Offset program, one member of the public stated, "Planting should only be allowed in the blue zones, and there are no blue zones." 19.16

The County Board of Supervisors has consistently advocated for the formation of a water district over the Paso Robles Groundwater Basin to move towards a sustainable water source for all who live and work over the Basin. We have strict rules requiring rural residential (who only pump 3% of the water) to cut back and conserve but we are all "loosey goosey" when it come to cracking down on irrigated Ag (who pump 70-80% of the water) where clearly there is much more to be gained. We need a program to replace the Urgency Ordinance (UO) that actually protects us all from unscrupulous planting and over-pumping. Sustainability begins with the adoption of programs that address the over-pumping of our basin and that would in turn give people confidence that something constructive is being done to achieve the goal of reducing the Basin's overdraft. We are approaching a window of concern with a month gap between the expiration of the UO and the adoption of any new meaningful conservation measures. Several people present at CAB 19.17

expressed their fears on this point. Who do we expect to exploit that gap? It isn't likely to be rural residents. This program, if adopted, should have the strictest requirements possible to prevent further damage to our basin and should remain in place until a GSA has an alternative replacement.

19.17

The CAB members voted unanimously for CAB to send this letter expressing our concerns to County representatives who have sway over the adoption of this program. We would like these CAB comments included as part of the DSEIR.

We hope you are listening and will give serious thought to making the changes necessary for this program to be a useful tool in reaching sustainability, not just an attempt to look like something is being done when it really isn't. As another member of the public, whose business is growing food, stated, "This is no longer the Wild Wild West and people are going to have to start modifying their behaviors." Thank you for your attention to this matter.

19.18

Sincerely,


Sheila Lyons
CAB Chairperson

cc: Debbie Arnold – darnold@co.slo.ca.us
Frank Mecham – fmecham@co.slo.ca.us
Bruce Gibson – bgibson@co.slo.ca.us
Adam Hill – adhill@co.slo.ca.us
Lynn Compton – lcompton@co.slo.ca.us
David Church – dchurch@slolafco.com
Jim Irving – District #1 Planning Commissioner
Ken Topping – District #2 Planning Commissioner
Eric Meyer – District #3 Planning Commissioner
Jim Harrison – District #4 Planning Commissioner
Don Campbell – District #5 Planning Commissioner
Ramona Hedges – rhedges@co.slo.ca.us
Rita Neal – rneal@co.slo.ca.us
Xandrea Fowler – xfowler@co.slo.ca.us
Erik Ekdahl - Erik.Ekdahl@waterboards.ca.gov
Devin Best – devin@us-ltrcd.org
Martin Settevendemie – AgCommSLO@co.slo.ca.us

Attachment: Upper Salinas-Las Tablas Resource Conservation district dated 5/15/15 addressed to the PR Basin Advisory Committee

Upper Salinas-Las Tablas Resource Conservation District

65 S. Main St. Ste. 107 Templeton, CA 93465 | 805.434.0396 x 5 | www.us-ltrcd.org

May 15, 2015

Sue Luft
Paso Basin Advisory Committee

Dear Ms. Luft,

The County of San Luis Obispo is preparing an Environmental Impact Report (EIR) for the San Luis Obispo Countywide Water Conservation Program. The proposed project is two-fold consisting of a Water Neutral New Development (WNND) and Water Waste Prevention Program. These two programs will be amended into the County General Plan and County Code. The WNND program is for Level of Severity (LOS) III, which are basins that meet or exceed dependable supply due to current demand. The three LOS III groundwater basins in San Luis Obispo County are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin, and the Nipomo Mesa Management Area. The Upper Salinas – Las Tablas Resource Conservation District (RCD) has reviewed the EIR and has the following comments and recommendations to make to San Luis Obispo County Planning Department (hereafter referred to as “County”) for the Agricultural Water Offset program.

Proposed Preferred Agricultural Water Offset Program

In the proposed project for Agricultural Water Offset program, the County proposes a simplified version. The RCD’s Agricultural Offset Program for the Paso Robles Groundwater Basin provided a framework for the County to adopt and implement for a 1:1 offset program. The program proposed by the County is an overly simplified version of the Agricultural Offset Program. For instance, the proposed project by the County eliminates much of the technical level of analysis and assessment needed to verify a 1:1 offset for irrigated agriculture. Although this may be in an effort to simplify the process for applying and receiving offset credits, it does not take into account the hydrologic connection between sending and receiving sites nor does it provide for accountability between sites, especially in Category II: Off-site Offsets. Furthermore, the proposed project by the County lacks the mechanism to quantify and verify offsets credits. Without a monitoring component, it is nearly impossible to verify compliance a 1:1 offset is achieved. The one requirement in the County’s proposed project for monitoring is installation of a well meter. This is an important first step, yet the programs fails to ensure a 1:1 Agricultural Water Offset is maintained throughout the program without verification (e.g. annual reporting).

19.19

If the County proceeds with a simplified version of the Agricultural Water Offset Program, it should continue to include the essential elements of the Paso Robles Agricultural Water Offset Program developed by the RCD. The RCD would strongly encourage the County to incorporate more components of the RCD’s Agricultural Offset Program into their proposed program for two reasons. First, the RCD provided varied levels of technical information necessary to apply for an

Upper Salinas-Las Tablas Resource Conservation District

65 S. Main St. Ste. 107 Templeton, CA 93465 | 805.434.0396 x 5 | www.us-ltrcd.org

agricultural offset. These were developed and designed with the understanding of the diversity of agricultural users and application types (*i.e.* Categories). Removing these components from a permit application process does not enable the County the ability to accurately quantify where groundwater is being offset and applied within the Paso Robles Groundwater Basin. This is likely to become an intrinsic component in a Groundwater Sustainability Plan (GSP) and feels shortsighted by the County to not incorporate those elements into the proposed project. Secondly, because the County's proposed program eliminates many of the technical aspects of the RCD's Agricultural Water Offset Program, impacts to shallow aquifer wells or to hydrogeologically connected sub-basins cannot be assessed and mitigated for. The proposed program should envelop some of this analysis in the offset application process to avoid or minimize environmental and economic impacts to local stakeholders in the Paso Robles Groundwater Basin.

Summary of Significance of Impacts

The proposed project, and every alternative, have a multitude of potentially significant impacts. The DEIR states the only two significant impacts would be to *Agricultural Resources* and *Land Use*. The Countywide Water Conservation program should also evaluate impacts to hydrology, water quality, and biological resources in the final EIR. It is unclear how the DEIR can make the determination one alternative is environmentally preferred than another when environmental resources such as hydrology and biological resources were not evaluated. The County should, before proceeding with the proposed program, assess and evaluate the impacts to these resources to determine if the proposed program is the preferred alternative.

19.19

General Comments

The proposed Agricultural Water Offset component of the Countywide Water Conservation Program is not likely effective for providing a 1:1 offset that is protective of current water users in the Paso Groundwater Basin, nor does it resolve the issue of alleviating the severity of groundwater depletion. As an organization committed to natural resource conservation and management, the program, as currently proposed, does not meet the goals of providing a means to, "substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin," as stated in the Executive Summary (ES-2). Instead, the proposed program authorizes and permits new irrigated agriculture without assessment of impacts to neighboring wells, quantifying interactions between hydrogeologic strata, or verification the permitted new irrigated agriculture is achieving a 1:1 offset in the Paso Robles Groundwater Basin. Lastly, the DEIR is meager in its analysis of the summary of significant environmental impacts associated from the alternatives proposed. The additional environmental impacts listed above should also be analyzed and, if needed, mitigated for in the DEIR.

The RCD would like to offer its services and expertise to the County. If you have any questions please feel free to contact Mr. Devin Best by phone at (805) 434-0396 ex. 5 or via email at devin@us-ltrcd.org.

Devin Best
Executive Director

Letter 19

COMMENTER: Sheila Lyons, Chairperson, Creston Advisory Board

DATE: June 30, 2015

Response 19.1

The commenter lists the documents reviewed by the Creston Advisory Board (CAB), notes the primary purposes of the Agricultural Offset program, and notes that there was robust productive discussion by the CAB members on the Agricultural Offset program. The comment is noted. Refer to responses 19.2 through 19.19 for responses to specific comments from CAB.

Response 19.2

The County, through the Department of Planning and Building, has the authority to regulate land use. The proposed Agricultural Offset program is a land use ordinance to regulate agriculture that overlies the Paso Robles Groundwater Basin for the conservation of groundwater. Also see Response 16.5 regarding the County's land use and zoning authority.

Response 19.3

A 2:1 offset ratio was analyzed in the Draft SEIR under Alternative 2 and may be considered by the Board of Supervisors.

Response 19.4

Enforcement and violation investigations for the proposed Agricultural Offset program would be handled through County Code Enforcement and would be subject to the provisions of Chapter 22.74 of the County Code.

Response 19.5

Planting credits from an Agricultural Offset Clearance application process could not be used as offset credits for new urban or rural development.

Response 19.6

See Response 16.5 regarding water use factors.

Response 19.7

The Program language has been revised to require meters on all wells that serve sites associated with an Agricultural Offset Clearance application.



Response 19.8

The Agricultural Offset program is proposed to operate at a ministerial level to ensure that it would be applied consistently to all applicants seeking an Agricultural Offset Clearance.

Response 19.9

Receiving sites for off-site offset applications are not allowed in areas of severe decline, defined as 50 or greater Spring Groundwater Elevation Change 1997-2013, as discussed at the County Planning Commission. See also response 12.4.

Response 19.10

Sending and receiving sites associated with off-site offsets are defined as being separated by at least one site that is not a participant in the application. Any sites that are adjoining, especially those with the same owner or are collectively operated, would be processed as an on-site offset. See Response 19.9 for further restrictions on receiving sites.

Response 19.11

A new well may be drilled only after initial compliance with the Agricultural Offset program, certifying that the applicant has met the 1:1 offset criteria. The drilling of a replacement will require the destruction of the well being replaced. Every well drilled in the County must already be a required distance from another existing well. See Response 19.7 regarding well metering.

Response 19.12

Refer to response 19.19 and responses 2.1 through 2.4.

Response 19.13

The Agricultural Offset program has been amended to reflect that deed restrictions are required on all properties associated with an Agricultural Offset Clearance.

Response 19.14

Planting credits from sending sites would be determined from existing crops only, which does not allow past crop production to be used in proposed plantings. As proposed, this would not allow crop production that had occurred at any time in the past to be used as planting credits for any new or expanded irrigated agriculture, unless those crops are currently in production. Exceptions to this criterion are for normal annual or rotational plantings, and for replanting of the same crop type. Additionally, the Paso Robles Groundwater Basin Urgency Ordinance has limited plantings to those with either a vested right, or those that have achieved a 1:1 offset, substantially decreasing the ability of new speculation on future plantings. Additionally, the proposed Agricultural Offset program would have no vested rights provision, as the Urgency Ordinance has already allowed two full years for plantings of those cases to proceed.



Response 19.15

Comment noted.

Response 19.16

Refer to Response 19.14 for discussion on vested rights in the proposed Agricultural Offset program.

Response 19.17

The proposed Agricultural Offset program specifically addresses the “gap” between the expiration of the Urgency Ordinance and the effective date of the proposed program. Any new plantings on sites that overlie the Paso Robles Groundwater Basin, excluding the Atascadero Sub-basin, would not qualify as credits in any future offset application. If the proposed Agricultural Offset program is adopted as currently scheduled, this “gap” would be a month or less.

Response 19.18

Comment noted.

Response 19.19

The commenter provides a copy of a May 15, 2015 letter from the Upper Salinas-Last Tablas Resource Conservation District. Although the Upper Salinas-Last Tablas Resource Conservation District letter included in this Final SEIR as letter 2 is dated May 13, 2015, it is the same letter as the one provided by the commenter. Refer to responses 2.1 through 2.4 for responses to this letter.



JUL - 2 2015

June 30, 2015

Xzandrea Fowler
Senior Planner/EIR Manager
County Planning and Building Department
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

Dear Ms. Fowler,

Thank you for the opportunity to respond to the proposed WNND and WWP as a part of the Countywide Water Conservation Program.

I am a rural resident living over the Paso Robles Groundwater Basin, declared at a LOS III, which is in rapid decline and continually below safe yield.

I would like to express the importance of the fact that the offset proposals will not enhance the health of the basin. Without significant **decreases** in groundwater pumping, the Paso Robles Groundwater Basin will continue to be in a LOS III.

20.1

This multifaceted WNND seems to be in direct opposition to California Water Code Section 106, which states that "the use of water for **domestic** purposes is the **highest** use of water and that the next highest use is for **irrigation**." Instead of assuring a potable water supply for years to come for the benefit of domestic purposes, the offset proposals are embracing the continued expansion of a plant crop, which is **not** a **food** crop, but rather a volatile wine grape, alcoholic commodity attached to a current global market demand.

It is clearly stated in the goals, in AG1: a. "**Support and promote a healthy and competitive agricultural industry whose products are recognized in national and international markets as being produced in San Luis Obispo County.**" I am certain it is referring to the wine grape industry and not strawberries. So as cotton was once KING, now the wine industry wears the crown. However cotton could provide a multitude of fiber products for the enhancement of human existence. Wine grapes fulfill only one "want" not a "need" for our basic human requirements. As a rural resident I am offended by the lack of consideration for me and my neighbor, unless my neighbor is a vineyard of course.

20.2

It appears that the proposal makes it less complex for Viticulture to plant, instead of making that industry more responsible and considerate of the consequences of their actions. At this moment, all of California is experiencing the effects of a

historic drought; it is difficult for me to comprehend the encouragement of any continued use of our most precious resource.

20.2

From my perspective, the project objective of providing a mechanism to allow new development to continue in certified LOS III groundwater basins and allow new or altered irrigated agriculture to proceed in the Paso Robles Groundwater Basin should cease and desist. The offset of "projected" water use is hypothetical and nebulous, as it is just "projected" and allows only continued decline of the Paso Robles Groundwater Basin. What is the "plan" basing the water use upon? Current wine grape crop demands? And how is the use of that water being monitored and accounted for? It is beneficial to no one except for the tax dollars contributed to the county and the monetary gain of an unsustainable crop, which was grown with water from a basin in severe decline and exported out of this county, state and country, and staggeringly with no consideration for a neighbor.

20.3

Now is the time for everyone to be accountable for the water they use. It is time to stop giving the Viticulture industry carte blanche; it is time to stop planting and to stop fulfilling the demands of their business plans. Life as we knew it is over. If indeed this is the new normal, then it is up to this County to make sure there is enough water for generations to come and put out a fire! Add a clause to your proposal, which states "restrictions will be lifted upon a continued oversupply of water in the basin. However, until such time that any Level of Severity exists; there should be no additional planting."

20.4

In regard to Page 2-23, AGP11, b. **"Do not approve proposed general plan amendments or rezoning that will result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.** Once again I am offended, "only if it affects supply or quality for agriculture." And once again, catering to the wine grape industry, without a shred of consideration for me or my rural neighbors. Personally, I don't care if another stick ever goes in the ground. However, **not for the benefit of agriculture, but for the benefit of the basin.** A perfect example of absurdity, is the 74 acre site proposal on Highway 46 East, for a 140 room resort hotel with café and business center; a 32 suite boutique hotel with café restaurant; 20 vacation casitas and another restaurant; 30 additional vacation casitas with a spa and clubhouse; a winery production and tasting facility; a 4 bedroom bed and breakfast with an additional guest house; and a "viticulture learning center" with a viticulture library, workshop and related buildings? The parcel currently has a single residence on it. How in the world can this "multiphase

20.5

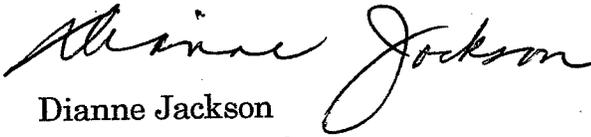
resort" ever comply with your WNND when the property is undeveloped and lies over the most drastically impacted portion of the Paso Robles Groundwater Basin?

20.5

Bringing another consideration to the forefront, that has not been addressed, is the amount of water it will take to process any additional crop put in the ground. Therefore it is impossible for any additional wine grape plantings to be considered water neutral.

20.6

Sincerely,



Dianne Jackson
6880 Union Road
Paso Robles, CA 93446

Letter 20

COMMENTER: Diane Jackson

DATE: June 30, 2015

Response 20.1

The proposed WNND programs are designed to conserve water in ways which would still allow for modest development to occur. Efforts to manage the Paso Robles Groundwater Basin for long-term sustainability are currently underway pursuant to the Sustainable Groundwater Management Act.

Response 20.2

The proposed WNND requires a 1:1 offset for both new agricultural production and urban/rural development. See Response 20.1 for further discussion regarding sustainability of the groundwater basin.

Response 20.3

See Response 16.5 for further discussion regarding water use factors.

Response 20.4

A termination clause for the Agricultural Offset program is included in the proposed Program, which takes effect upon the adoption of a Groundwater Sustainability Plan pursuant to the Sustainable Groundwater Management Act. Altered sunset provisions were analyzed as part of the Draft SEIR in Alternative 4, and may be considered by the Board of Supervisors.

Response 20.5

AGP 11 is part of the Agricultural Element of the General Plan, and thus reflects specific policies to promote and enhance agriculture practices within the County. Additionally, AGP 11b is existing language which promotes keeping agricultural areas in agriculture and by discouraging the expansion of urban development.

Response 20.6

Measures to address wine processing are addressed in the proposed Water Waste Prevention ordinance, Section 8.69.110.



July 3, 2015

**To: Xzandrea Fowler, Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Submitted electronically to waterprograms@co.slo.ca.us**

**From: Creston Citizens for Agricultural Land Preservation (CCALP)
Contact person: Maria Lorca, PO Box 502, Creston, CA 93432
(805) 226-7551**

**Re: Comment on Agricultural Water Offset Program section of
Countywide Water Conservation Program Draft Supplemental
Environmental Impact Report (DSEIR)**

These comments apply only to the proposed Agricultural (Ag) Offset program for the Paso Robles Groundwater Basin (Basin). While understanding the time pressure and urgency to establish protection for the Basin, we urge you to approach this experimental program with caution. Before setting up an untested private water market we recommend adopting simplified alternatives. Harm can come from the unintended consequences of establishing a poorly understood, complicated, legally risky and impossible to enforce ordinance.

21.1

In general, this DSEIR with bland assertions of no significant impact reads like a document prepared to ratify a decision already made: that is, to support the need to get "something" in place before the Urgency Ordinance (UO) expires.

21.2

CEQA requires actual analysis, especially when the Ag Offset program as proposed is a project with an uncertain legal authority, is inconsistent within itself, is an untried experiment not evaluated for economic impact, will effectively be an adjudication and rezoning of ag parcels overlying the Basin and has the potential to enable more damage to water resources.

21.3

Uncertain legality

The lead agency must determine that the county is not acting as a court in awarding a given parcel the right to pump a specific amount of water (thus making an allocation that can be sold and transferred) while denying that same water allocation or right to another parcel. Is this a taking of unexercised dormant water rights from ag parcels overlying the Basin?

The water duty factors (Table 2-3 DSEIR) confer an allocation without a determination of the Basin's ability to sustain that allocation. In addition, these allocations of water are only estimates. We have no way to prove what the sending parcel is pumping, yet landowners would be making investment-backed decisions for years based on these same estimates with no provision for reduction or increases should Basin conditions change.

21.4

Overliers are entitled to reasonable and beneficial use on their own land. Are they entitled to transfer their water rights to another person's land?

Project inconsistent within itself

The DSEIR failed to show that the intention of the project will be achieved with the mechanism proposed.

The proposed Agricultural Offset program is an implementation tool for the WNND irrigated agriculture offset requirement, and is intended as a measure to substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin only.

- Provide a mechanism to allow new or altered irrigated agriculture to proceed in the Paso Robles Groundwater Basin, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use;

21.5

The problem is the conflict between the objective and the mechanism.

In order to substantially reduce groundwater extraction and lowering of groundwater levels in the Basin, a mechanism to continue ag development therefore insure continued demand is not feasible and can never meet the program objective. A more sensible remedy would be to decrease the initial demand not transfer it around.

Not evaluated for economic impact

The DSEIR states that implementation of the proposed program could result in economic and population growth, but presents no evidence for their conclusion that the impact would be less than significant. This program is a risky experiment so should be as limited as possible until the impacts are known.

Since this program could be in place for 20 years (page 2-11) changes in ag production could create both significant economic growth and or significant economic loss. Not considered is the impact on small farmers growing food crops. Under this program would the incentive be to sell water rather than grow food ?

The denial of water allocations to parcels with dormant water rights is already a significant negative economic factor for real property values. Taking water rights and an allowed use from ag parcels over the basin is in practical effect a rezoning.

21.6

The DSEIR fails to consider the economic impact that will result when large vineyards or alfalfa farms with equally large ag ponds convert to dry farming and sell their water. In anticipation of this ordinance, excessive planting, pumping and deep well construction are going on in the Basin now. These are already significant impacts. In the Creston area new wells are exceeding 1,500 feet with 16-inch casings. Local alfalfa sprinklers operate even on hot and windy days.

Landowners who say they are changing their practices or crops will have water credits to sell, having been allocated those credits by excessive pumping, stranding neighboring wells and placing the Basin in overdraft.

Not evaluated is the question of the Public Trust and preservation of an essential natural resource. How much of the basin yield should be used to subsidize private, commercial activities ?

Potential to enable significant damage to water resources

The failure to consider that setting up an untested water transfer program has the possibility of a significant irreversible impact is one of the chief flaws in this document. This is an avoidable and unnecessary risk.

21.7

This project describes itself as necessary in order to protect water resources from increased pumping and planting after the UO expires. As proposed the 1:1 offsets will have no impact on water resources yet provide an incentive for more vineyard planting. A shift in cropping systems to high value perennial crops like wine grapes reduces the flexibility of agricultural water demand. Inflexible demand makes agriculture even more reliant on groundwater during dry periods.

21.7

Because our group has had years of experience * with the problems created by the Transfer of Development Credits (TDC) program we believe this DSEIR has not fully considered the potential significant impacts of setting up a private water market to transfer an essential natural resource from one parcel to another.

From our base of experience, we recommend starting with the transfers most likely to do no harm. The sending and receiving parcels should be contiguous and under the same ownership. To protect neighboring wells, we also recommend adding back the well interference criteria and evaluation procedures from the original RCD Ag Offset program.

21.8

Impossible to enforce

If not enforced, water use regulations can destroy the incentive for conservation. The UO response is evidence that some individuals and entities will continue to drill and plant regardless. Is Code Enforcement funded and structured to ensure compliance? Who will enforce the deed restrictions for the life of their existence? Who will monitor the transfer arrangements? How will the public be notified or even know that the ag clearance regulations are being followed?

21.9

Simplified Common Sense Alternatives

Section 15126.6(c) of the State CEQA Guidelines requires that the alternatives to a proposed project "include those that could feasibly accomplish most of the basic objectives of the project."

~As an alternative to this program, manage growth of irrigated acres in Basin in a manner similar to the growth management policies applied to residential growth. This alternative would be easier to understand, implement and enforce and would actually reduce

21.10

- | | |
|---|-------|
| groundwater extractions. We believe this alternative would have the support of rural residential stakeholders. | 21.10 |
| ~Starting with large production wells - measure the demands and limit the amount of extraction to the Basin's safe yield. | 21.11 |
| ~Increase the offset ratio to 2:1. | 21.12 |
| ~ All ag transfer projects must be discretionary with all documents including the landowner agreements made public and posted on the Basin website. | 21.13 |
| ~Limit transfers to contiguous parcels under the same ownership. | 21.14 |
| ~Add back the well interference criteria and evaluation procedures from the original RCD ag offset program. | 21.15 |

Alternative for protection during the gap

The plain fact that the rush to drill and plant was actually made worse by the UO is evidence that the Basin can no longer be left exposed to such ruthless exploitation. During the gap, the County could ask the Court for a temporary stay on drilling and planting until or unless a qualified hydrologist certifies that the new well or increased pumping and or new or intensified crop will not harm neighboring wells or the Basin. When the Court and or the Supervisors are satisfied that adequate Basin protections are in place the temporary stay could be removed.

21.16

Thank you for this opportunity to comment.

***Transfer of Development Credits (TDC) program**

As an example of good intentions gone wrong, even after it was clear that the TDC program was operating opposite to its intent it took 12 years of conflict and extensive County and community resources to get it amended. Along the way there were several lawsuits, two Grand Jury reports, a Blue Ribbon Committee, expired credits still being sold, appeals to the Supervisors of TDC subdivision projects, Planning Commission hearings and study sessions, and both Nipomo and South Atascadero forced to create community plans to protect themselves from transferred development rights.

Letter 21

COMMENTER: Maria Lorca, Creston Citizens for Agricultural Land Preservation

DATE: July 3, 2015

Response 21.1

The commenter suggests consideration of simplified alternatives to the proposed Program. Refer to responses 21.10 through 21.15 for responses to the commenter's specific suggestions of alternatives.

Response 21.2

The commenter suggests that the Draft SEIR is written as a decision has already been made on the Program. Refer to response 10.10. The County Board of Supervisors provided direction to refine the scope of the project description at public hearings on February 3 and February 24, 2015. The proposed Program is analyzed for its environmental effects as required by CEQA and is compared to range of alternatives via this EIR. The Board will consider the information in the EIR as part of its decision-making process.

Response 21.3

The commenter makes several claims about the Agricultural Offset program and suggests that economic impacts of the Program have not been analyzed. Refer to responses 21.4 through 21.16 below for responses to specific comments about the Program. It should also be noted that the EIR is not intended to account for economic effects of the proposed Program, in accordance with the CEQA Guidelines. As stated in CEQA Guidelines Section 15064(e) and 15131(a), economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, such effects are not considered in the Final SEIR.

Response 21.4

See Response 19.2 regarding legality of offset programs.

Response 21.5

See Response 17.1 regarding goals of the Agricultural Offset program.

Response 21.6

The commenter states that the Draft SEIR fails to account for economic impacts of the proposed Program. As stated in response 21.3 above, the EIR is not intended to account for economic effects of the proposed Program, in accordance with the CEQA Guidelines. As stated in CEQA Guidelines Section 15064(e) and 15131(a), economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, such effects are not considered in the Final SEIR.



Once the Paso Robles Groundwater Basin Urgency Ordinance comes into effect, no new or expanded irrigated agriculture could occur without demonstrating a 1:1 offset. Any planting proposed pursuant to the provisions of the proposed Agricultural Offset program would have to obtain credits from existing agricultural plantings and still offset at a 1:1 ratio. Additionally, see Response 19.17 regarding plantings during the “gap” period.

Response 21.7

The commenter suggests that the proposed Program would result in a significant irreversible impact, but does not indicate to what issue area. Therefore, a specific response is not possible. The comment is noted.

The commenter further suggests that the Draft SEIR does not fully consider the potential significant impacts of setting up a private water market. The Draft SEIR analyzes the Program as proposed. The findings of this analysis are presented in Sections 4.1 through 4.3 of the Draft SEIR.

Response 21.8

See Response 19.10 regarding off-site offsets.

Response 21.9

See Response 19.4 regarding enforcement.

Response 21.10

The implementation of the proposed Agricultural Offset program would effectively serve as a growth management tool for irrigated crop production, because it limits new irrigated crop production based on the existing groundwater resources conditions.

Response 21.11

See response 19.11 regarding metering. See response 19.4 regarding enforcement/monitoring.

Response 21.12

The commenter suggests an alternative that increase the offset ratio to 2:1. This alternative is analyzed as Alternative 2 (Larger Offset Requirement) in Section 5.0, *Alternatives*.

Response 21.13

See response 19.8 regarding the level of review for Agricultural Offset Clearance applications.

Response 21.14

See responses 21.8 and 19.10 regarding off-site offsets.



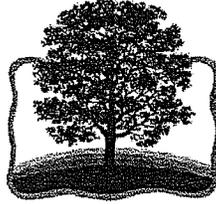
Response 21.15

See response 19.19 regarding the scope of the proposed Agricultural Offset program.

Response 21.16

See response 19.17 regarding provisions addressing the time between the expiration of the Paso Robles Groundwater Basin Urgency Ordinance and the effective date of the proposed Agricultural Offset program.





North County Watch

Looking Out Today For Tomorrow

Xzandrea Fowler, Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Via Email: xfowler@co.slo.ca.us

July 6, 2015

Re: Comments on SDEIR for Countywide Water Conservation Ordinance

Dear Ms. Fowler,

North County Watch is a 501c3 public benefit corporation whose mission is to promote economic and environmental policies that maintain and enhance the uniqueness of our community.

The Countywide Water Conservation Program includes amendments to the County General Plan and County Code that will establish an agricultural offset program for new or expanded irrigated agriculture.

FINDINGS CANNOT BE MADE BASED ON THE SDEIR

22.30.204 *The purpose of the Agricultural Offset Clearance is to allow for new, intensified, or conversion of irrigated crop production overlying the PRGWB while protecting the critical resource of groundwater.*

The primary failures of the ordinance rest with the decision to remove the provisions contained in the Upper Salinas Las Tablas Resource Conservation District report that required a proximity analysis, evaluation of drawdown impacts on neighboring irrigation and domestic wells, hydrogeological strata analysis, and third party monitoring/annual inspections.

22.1

A finding that a 1:1 offset will protect a critical resource cannot be made. A 1:1 offset will not guarantee the protection of “the critical resource of groundwater” without adequate monitoring, metering, and third party oversight of the sending and receiving site.

22.30.204 G does not contain a requirement for metering and monitoring of sending site. Further, achieving even a 1:1 offset will require recourse for non-compliance. Violation is a misdemeanor. Enforcement actions outlined in Section 1.04.010¹ are wholly inadequate and the

22.2

¹ 1.04.010 - Penalties for violation.

22.2 fines will become merely the cost of doing business. That said, it is unclear to us whether even the minimal enforcement in 1.04.010 also applies to the ag offset program, or does it only apply to the residential program?

22.3 According to the most recent basin update (2011), the basin is experiencing a drawdown of 2,500-5,600 af/y. The proposed ag offset program contains no provisions for reversing the drawdown and will result in increased deficits because of the lack of oversight and thorough preliminary and follow-up analysis. For the proposed 'cap and trade' style offsets to ensure the desired outcome, the analysis of water use on the sending site must be based on a determination of actual median water use on the site over a climatologically representative period.

22.4 Regarding Category 1 – On-site Offset, How will current water use for category 1 offsets be determined? Verification presents an insurmountable hurdle in most cases. The ordinance does not define how verification will be independently determined. Total water use varies from year to year depending on climate and other factors including cropping. In order to make a finding of no impact, total water use must be based on a determination of median use over an extended period, at a minimum, a reasonable projection based on median rain fall and actual daily temperatures over the projected period. How will the county determine if increased crop density has occurred absent the landowner applying to the county for an offset?

22.5 Regarding Category II - Off-site Offset, how will the county verify that a proposed decrease in applied water on a sending site results in an actual reduction in pumping at the sending site? Without an accurate determination of water use as a baseline, how will operational changes that are not specifically a change in crops but only a change in operational irrigation techniques be quantified and monitored?

22.6 Assumptions based on water duty factors can be wildly misleading. Further, it is necessary to determine the real time use of water on the sending site in order to monitor the pumping, via flow meter, on the sending site to ensure that the sending site is not exceeding its allocation. Any other system is purely speculative and will result in further drawdown of groundwater resources.

(a) No person shall violate any provisions, or fail to comply with any of the mandatory requirements of this code. Any person violating any of the provisions, or failing to comply with any of the mandatory requirements of this code is deemed guilty of a misdemeanor, unless by ordinance it is made an infraction.

(b) Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

(c) Every violation determined to be an infraction is punishable by a fine of not exceeding fifty dollars for a first violation; a fine not exceeding one hundred dollars for a second violation of the same ordinance within one year; a fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year.

(d) Title 25, the mobilehome park rent stabilization ordinance, is exempt from this section.

(Ord. 3063 § 1, 2005; Ord. 2229 § 1, 1985; Ord. 1722 § 1, 1977; Ord. 1651 § 5, 1976; prior code § 1-003)

SDEIR ASSUMPTIONS AND CONTRADICTIONS

There are a number of assumptions and contradictions in the SDEIR that need to be clarified. According to Board actions, general assumptions, and the 2011 Paso Robles Basin Model Update, the Atascadero subbasin is treated as a basin sufficiently separate from the main Paso basin to be excluded from the provisions of the proposed ordinance and is determined to not be in an LOS III condition.

22.7

The safe yield for the entire basin is stated as 89,000 af/y in the 2011 update. The Atascadero subbasin is described as having a 16,000af/y yield according to earlier studies and historic statements by the Atascadero Mutual Water District. Deducting the Atascadero subbasin yield from the 89,000 af/y number, the Paso main basin can be assumed to have an annual yield of 73,000 af/y.

The SDEIR lists low 1.4, medium 1.7, and high 2.1 water duty factors for the Salinas Estrella Water Planning Area. The Draft Ordinance language eschews all of these numbers and uses a vine water duty factor of 1.25. How does the SDEIR reconcile an analysis based on the range in the Salinas Water Planning Area and then use a number with no nexus to the numbers in the SDEIR analysis?

The SDEIR concludes that the ag offset program will not results in impacts to the basin but contradictory and unresolved water factor numbers do not support that conclusion. The SDEIR needs to include an analysis looking at the divergent numbers and the main basin yield. For simplicity we will look at only vineyard consumption based on 45,000 acres of vines over the main basin (excluding the Atascadero subbasin). A water duty factor of 1.4 results in an annual 63,000 af/y vineyard use and a resulting residual of 12,500-16,500 af/y use for rural residential, urban, commercial, industrial uses based on a yield of 73,000 af/y and a drawdown of 2,500-5,600. A factor of 1.7 results in an annual 76,500 af/y use for vineyard pumping alone which exceeds the reported yield by 3,500 af/y combined with the cumulative annual use by rural residential, urban, commercial, industrial. A factor of 2.1 results in annual vineyard pumping of 94,500 af/y, exceeding yield by 21,500 plus use by rural residential, urban, commercial, industrial.

22.8

The water duty factor used in the draft ordinance language is 1.25 results in vineyard annual pumping of 56,250 af/y with a remainder of 16,750 af/y for rural residential, urban, commercial, industrial use. It appears that the 1.25 water duty factor was arrived at by reverse engineering - working the safe yield numbers backwards, then determining that a 1.25 water duty fit the pigeon hole. If the numbers in the Salinas Estrella Water Planning Area are reliable, or based on some kind of science, the minimum water duty factor for vines should be at least a simple average (1.7) of the 3 factors. However, geographically, temperatures across the Paso main basin must vary. The SDEIR should include an assessment of the geographic temperature variances across the affected basin and, at a minimum, base the water duty factor on that median temperature and then assign a water duty factor.

Additionally, the proposed ordinance and SDEIR should be re-evaluated based on the disturbing evidence that vineyard pumping in the main basin likely far exceeds the assumptions of a 2,500-5,600 af/y exceedance. It appears to us that we are well on our way to emptying the basin.

The SDEIR is very muddled and cannot be relied upon for a determination of no or mitigable impact.

22.8

COSE AGP 10

Adoption of Best Management Practices identified in the COSE Draft AGP 10(2) (a-f) should be mandatory on sending and receiving sites.

22.9

ECONOMIC ANALYSIS

The ordinance requires that a deed covenant is recorded for the sending site. The transfer of water rights will impacts the economic value of the sending site and could result in a significant change in property tax valuation. While it is unlikely that this kind of impact can be adequately determined, the SDEIR should comment on the impact.

22.10

IMPACT AG 2

While Impact AG 2 proposes to mitigate loss of prime farmland by limiting water transfer to other agricultural use and prohibits transfer for residential or commercial use, it does not require the receiving site to actually engage in agriculture, or require the water to be used for the production of food or fiber. The intent of the ordinance is the growth of actual agriculture – the production of food and fiber. Water could be used for industrial or some other water intensive use allowed under ag zoning other than the production of food and fiber.

22.11

Thus, the literal assumption that the ordinance will not result in a net decrease in the amount of designated agricultural land may be accurate, but the amount of land dedicated to production of food and fiber could decline. The SDEIR should address this issue.

GEOGRAPHIC APPLICABILITY

The ordinance will fail to accomplish it goals because the ordinance only applies to a portion of the basin, i.e. the Fugro boundaries; however, the entire Bulletin 118 basin boundary is designated as high priority and the areas outside the Fugro boundary has not been determined to not be within the Paso Robles groundwater basin. The SDEIR should discuss the impacts of excluding significant portions of the basin.

22.12

PRIME FARMLAND

The SDEIR mistakenly defines prime soil as having irrigation capability. The SDEIR should be corrected before it is certified. According to the county COSE soils are prime and require mitigation whether or not they have irrigation capability. From the SDEIR:

Agricultural Soils. The San Luis Obispo County Agriculture Element utilizes the soil classifications as determined by the Natural Resources Conservation Services (NRCS) in Agricultural Handbook No. 210 (1961). Soils are classified into capability classes which range from Class I soils to Class VIII soils. **Irrigation capability is required for a soil to be designated as Class I or II soil** in the following descriptions. These irrigated soils

22.13

are commonly referred to as "prime soils". Each soil class is described below. (Emphasis Added.)

22.13

BENEFICIAL IMPACT

Based on our comments above, a finding of beneficial impact on groundwater resources and a determination that the program would not result in potentially significant impacts related to water quality cannot be made under Section 4.3 Effects Found Not To Be Significant.

22.14

e. Findings. The proposed Program would have a beneficial impact on groundwater resources and would not result in potentially significant impacts related to water quality or drainage and flooding. 4.3.9

HOBBY AGRICULTURE

The SDEIR includes the provision that an ag offset is required for "Hobby Agriculture". There is not mention of Hobby Agriculture in the ordinance and the term should be struck from the SDEIR or the term should be defined.

22.15

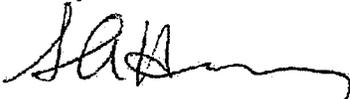
CONCLUSION

A finding of no impact or mitigable impact cannot be made without mandating provisions for a proximity analysis, evaluation of drawdown impacts on neighboring irrigation and domestic wells, hydrogeological strata analysis, and third party monitoring/annual inspections. These and similar provision must be included as mitigation for the Program.

22.16

Thank you for your consideration of our comments.

Sincerely,



Susan Harvey, President
(805)239-0542

Letter 22

COMMENTER: Susan Harvey, President, North County Watch

DATE: July 6, 2015

Response 22.1

See response 19.19 regarding the scope of the proposed Agricultural Offset program.

Response 22.2

See response 21.11 regarding metering and monitoring.

Response 22.3

See responses 20.1 and 20.2 regarding long-term sustainability efforts for the Paso Robles Groundwater Basin.

Response 22.4

See response 16.5 regarding water use factors.

Response 22.5

See response 16.5 regarding water use factors and response 21.11 regarding metering and monitoring.

Response 22.6

See response 16.5 regarding water use factors.

Response 22.7

The commenter notes that the Atascadero Sub-basin is treated as a basin sufficiently separate from the main Paso Robles Groundwater Basin. Refer to response 5.2. The proposed Program excludes the Atascadero Sub-basin, which has been clarified in the Final SEIR text and figures.

Response 22.8

The commenter notes a discrepancy between Table 2 in the Title 22 revisions and Table 2-3 in the Draft SEIR. The tables in the Draft SEIR have been amended in Section 2.0, *Project Description*, of the Final SEIR to match the proposed Program. See also response 12.11.

See Response 16.5.5 regarding water use factors.



Response 22.9

This comment is noted and has been forwarded to the County decision-makers for consideration.

Response 22.10

The commenter suggests that the Draft SEIR analyze economic impacts of the proposed Program. The EIR is not intended to account for economic effects of the proposed Program, in accordance with the CEQA Guidelines. As stated in CEQA Guidelines Section 15064(e) and 15131(a), economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, such effects are not considered in the Final SEIR.

Response 22.11

The commenter states that Impact AG-2 proposes to mitigate the loss of prime farmland by limiting water transfer to other agricultural use (rather than residential use). It should be clarified that Impact AG-2 is less than significant (Class III) and therefore no mitigation is identified for this impact. Impact AG-1, which did require mitigation in the Draft SEIR, has been revised to a less than significant level (refer to response 9.10).

The commenter also suggests that while the Agricultural Offset program would not result in a net decrease in the amount of designated agricultural land, it may reduce the amount of land dedicated to food and fiber production. As outlined in Section 4.1.2(a) (Methodology and Significance Thresholds) in Section 4.1, *Agricultural Resources*, an agricultural resources impact is considered significant if implementation of the Program would result in any of the following:

1. *Direct conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency and defined by Public Resources Code Section 21061.1, to non-agricultural use;*
2. *Indirect conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance, resulting from a net decrease in the amount of designated agricultural land in the county, as represented by the Agricultural Resource and Agriculture, Watershed, and Open Space designations on the current San Luis Obispo County General Plan Land Use Map;*
3. *Conflict with existing zoning for agricultural use, or a Williamson Act contract; and/or*
4. *Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use or conflicts with agricultural use or agricultural operations (e.g. placement of urban and other uses adjacent to agricultural uses resulting in potential conflicts).*

In accordance with the above thresholds, a reduction in the amount of land on an agriculturally designated parcel dedicated to food and fiber production is not considered an environmental impact under CEQA.



Response 22.12

The commenter suggests that the proposed Program should apply to a larger area, and suggests that the Draft SEIR discuss the impacts of excluding a portion of the Paso Robles Groundwater Basin. The EIR analyzes the effects of the Program as proposed, which excludes the Atascadero Sub-basin.

Response 22.13

The commenter states that soils may be Prime regardless of irrigation capability. The comment is noted. The analysis in the Draft SEIR assesses whether the proposed Program would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, in accordance with the thresholds identified in Section 4.1, *Agricultural Resources*. These designations are established by the Farmland Mapping and Monitoring Program (FMMP) and are different from irrigated and non-irrigated capability class.

Response 22.14

The commenter suggests that a finding of beneficial impact on groundwater resources cannot be made based on earlier comments. Refer to responses 22.1 through 22.13 for responses to specific comments.

Response 22.15

The commenter requests that hobby agriculture be defined in the Final SEIR. Refer to response 5.8; reference to activities defined as hobby agriculture has been removed from the proposed Program.

Response 22.16

The commenter summarizes her previous comments. Refer to responses 22.1 through 22.15.





SIERRA
CLUB
FOUNDED 1892

Santa Lucia Chapter
P.O. Box 15755
San Luis Obispo, CA 93406
(805) 543-8717
www.santalucia.sierraclub.org

RECEIVED

July 6, 2015

JUL 7 2015

Xzandrea Fowler, Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

PLANNING & BUILDING

Subject: Comments on the DSEIR of the "Countywide Water Conservation Ordinance"

Dear Ms. Fowler:

The Sierra Club submits the following comments on the Environmental Impact Report (EIR) for the San Luis Obispo Countywide Water Conservation Program in keeping our goals of practicing and promoting the responsible use of the earth's ecosystems and resources and educating and enlisting humanity to protect and restore the quality of the natural and human environment.

In general, we are concerned that the County is responding to the severely deteriorating conditions of three local groundwater basins with a County-wide Conservation Ordinance whose main focus appears to be minimal water waste programs and water-neutral development, with insufficient concern for the prospect of that development proceeding without conclusive evidence that the water supply can support that development. We believe the program as drafted is not commensurate with the reality of the conditions of these basins (rapidly declining water tables and/or rapidly advancing seawater intrusion), made significantly worse by the worst drought on record. The present ordinance ignores the reality that people, businesses, and dependent environmental resources face devastating consequences if these resources continue to deteriorate. The drought has likely reduced the recharge of these basins by more than half for four years. The full effects of this drought, especially on deep aquifers, will not be felt for years, and there is no end in sight to the drought.

23.1

These are not conditions that can be successfully addressed with a conservation ordinance that focuses on development and attempts to maintain status quo. The State has recognized the Paso Robles and Los Osos basins as "high-priority" basins requiring sustainable management, which means that the LOS III designation is not adequate. The highest level of the RMS signifies only that water demand has reached

or exceeded the yield of the Basin. In Los Osos extractions have exceeded safe yield by over 30 % for more than 35 years, pulling seawater more than a mile into the Basin, threatening many wells and greatly reducing the Basin's capacity. The Paso Robles Basin's well levels have dropped 75 feet or more in some areas. These basins will not be preserved by maintaining water-neutral development and minimal water waste programs. "Bold, decisive, and immediate action" is needed, as the County and Los Osos water purveyors have stated in the Los Osos Basin Plan.

23.1

Given that authorities generally recognize conservation as the quickest and most cost-effective way to address threatened water supplies, and the fact that the Sustainable Groundwater Plans (SGPs) for the Paso and Nipomo Basins will not be in effect for five years or more, the County has the opportunity and responsibility to create a Basin-wide conservation program that preserves and restores these vital water sources as the SGPs are being developed. The County, as party to the Los Osos Basin adjudication, must ensure a conservation program is developed that maximizes that basin's sustainability (please see our comments on the Los Osos Groundwater Basin Plan). As the land use authority for these areas, the County must also limit development as needed unless the County can show there is ample water to sustainably support that development long term.

23.2

The Countywide Conservation Program as proposed in the EIR fails to protect and restore these Basins and fails to prevent unsustainable development. We recommend improvements to the ordinance and additional alternatives in the EIR that address these issues.

Water Neutral New Development (WNND)

Agricultural offset: To improve the WNND such that it has significant benefits for the Paso Basin, we support a 2:1 offset of water use. We support the recommendations of the Upper Salinas-Las Tablas Resource Conservation District that mechanisms to quantify and verify offset credits be part of the program, including ongoing monitoring of all wells. Section 22.30.204 G of the ordinance does not contain a requirement for metering and monitoring of sending sites. A finding that offsets will protect the resource cannot be made without monitoring, metering, and third-party oversight of the sending and receiving sites. We also support the other technical measures the Upper Salinas-Las Tablas District recommends to verify that offsets will have the desired benefits and not adversely impact nearby wells. Adoption of Best Management Practices identified in the COSE Draft AGP 10(2) (a-f) should be mandatory for sending and receiving sites.

23.3

Finally we believe the enforcement actions outlined in Section 1.04.010 are wholly inadequate. The fines are merely the cost of doing business. The penalty for non-compliance should be more stringent, e.g. a misdemeanor.

23.4

Expanding the program to include offset of water use at a 2:1 ratio should be effected using conservation/water use efficiency measures, including recycled water reuse and rainwater harvesting, dryland farming strategies, and other practices that substantially reduce potable water use. The program should apply to onsite use as

23.5

well as offsite use, i.e. to growers who share technologies and techniques with other growers (receiver sites) to achieve a measureable reduction in their water use. 23.5

This program should be encouraged/incentivized with the potential of adding crop production and by an award/recognition program initiated by the County to honor growers who participate in the program achieving similar or greater crop production with significantly less potable water use. 23.6

We understand that the Paso Robles Groundwater Basin Committee (PRGWB) has been developing a list of conservation measures. These should be reviewed and incorporated into the program, along with the measures recommended by the Pacific Institute (See <http://www.nrdc.org/water/files/ca-water-supply-solutions-ag-efficiency-IB.pdf>) and measures recommended by the SWRCB and DWR. 23.7

Urban/rural residential offset: We share the concerns of the Coastal Commission on the proposed 1:1 offsets in their September 12, 2014, comments on the NOP inquiring as to whether the offset program will mean automatic approval of new development, leading to unsustainable development. Our concerns also apply to the Title 19 offset program for Los Osos. We believe development should not be allowed in "high-priority" Basins until it can be conclusively shown that the water supply can sustain the development. For that reason, we are opposed to conserve/retrofit-to-build programs in high-priority Basins. Such programs will reduce water use initially but ultimately increase use by hardening demand at levels higher than previous conservation levels. In these basins, the first priority must be to stabilize and restore the Basin by reducing potable water use as much as possible with strong conservation programs for the existing population. Once Basin sustainability is established, building could occur. This is consistent with County and State regulations, statutes and policies requiring an ample water supply to support development. The unavoidable impact represented by a 1:1 urban/rural offset is not analyzed in the SEIR. Further, it is not an impact that can be addressed by greater offsets. It must be addressed by establishing a sustainable water supply through a variety of programs and sustainable groundwater management (with verifiable benefits). This goal can be achieved with the Water Waste portion of the ordinance, which should be renamed "Water Use Efficiency Ordinance." The Urban/rural offset program should be eliminated on the basis of its significant unavoidable impacts. 23.8

Water Waste Prevention Ordinance

Agricultural Water Waste: This program currently involves only education/outreach for those who express an interest in receiving it. The program is unlikely to produce significant or measurable water savings. A program that involves progressive enforcement measures similar to the urban water waste program can produce significant results. While we appreciate the wish to employ positive methods (incentives) rather than negative ones (fines), we also recognize that voluntary participation will not produce the dramatic results needed to protect these basins. 23.9

Thus the ordinance should require that growers use a set of basic conservation practices and BMPs. It should provide a series of appropriate incentives and

consequences for not doing so. In addition, the ordinance should require a targeted reduction in water use and require metering and monitoring of all water use. Without metering and monitoring, the effectiveness of conservation programs cannot be determined, which makes enforcement and continuous improvement impossible. A range of positive incentives should also be part of this program, including rebates and recognition for those who achieve significant water savings.

23.9

Urban/Rural Water Waste: This program should be extended to include a comprehensive set of indoor and outdoor water use efficiency measures (including grey water, rainwater and recycled water reuse), with appropriate incentives and consequences to ensure program effectiveness. It should also include per capita water use targets at achievable low levels (e.g., 50 gallons per capita per day, indoor and outdoor use), and metering and monitoring of all wells.

23.10

Conclusion

The significant, unavoidable and unmitigated impacts cited above and the severe adverse impacts that will result from a program that does not do enough to preserve these basins make a strong countywide conservation program the least harmful feasible alternative, as required by CEQA. It also accomplishes the development objective of the ordinance by providing the quickest, surest, and most economical way to allow sustainable growth to occur. We applaud the County for recognizing that a Countywide Conservation Ordinance is needed, but it must be one that preserves and restores these basins and water resources countywide. Preserving county water resources, especially the three basins that are the focus of this ordinance, requires the County to take bold, dramatic action now to deal with the unprecedented threat. We strongly encourage the Planning Commission and the Board of Supervisors to take such action with improvements to the current ordinance.

23.11

Thank you for your attention to these issues,



Andrew Christie
Chapter Director

Letter 23

COMMENTER: Andrew Christie, Chapter Director, Sierra Club Santa Lucia Chapter

DATE: July 6, 2015

Response 23.1

See responses 20.1 and 20.2 regarding long-term sustainability efforts for the Paso Robles Groundwater Basin.

Response 23.2

See responses 20.1 and 20.2 regarding long-term sustainability efforts for the Paso Robles Groundwater Basin.

Response 23.3

The commenter expresses support for an offset of 2:1. This alternative is analyzed as Alternative 2 (Larger Offset Requirement) in Section 5.0, *Alternatives*. The commenter's support for this alternative is noted. The commenter additionally expresses support for recommendations of the Upper Salinas-Las Tablas Resource Conservation District related to how offsets are calculated. The comment is noted.

Response 23.4

See response 19.4 regarding enforcement. This comment has been forwarded to the County decision-makers for consideration.

Response 23.5

The commenter reiterates their preference for a 2:1 offset. Refer to response 23.3.

Response 23.6

Comment noted.

Response 23.7

Suggested changes by the Paso Basin Advisory Committee have been considered by the County Planning Commission and been incorporated into the proposed Agricultural Offset program. See Response 19.19 regarding the scope of the proposed Agricultural Offset program.

Response 23.8

Fulfilling the 1:1 offset requirement for new development does not mean a building permit would be automatically issued. The offset requirement is an additional step in the building



process, along with any additional measures required by a water purveyor, where applicable. Comments regarding a building moratorium for high priority basins have been forwarded to County decision-makers for consideration.

Response 23.9

The agricultural component of the WWP program is designed as an educational outreach effort due to its application county-wide and the wide range of agricultural commodities grown in the county. The source of water use in the county for agriculture production is almost exclusively pumped groundwater. Many operations in the county have improved efficiencies greatly over the past several decades, such as switching irrigation practices from surface applications to micro-sprinkler or drip systems. The educational outreach efforts would expand on the availability of this information, and would be geared towards members of the public, as well as frequently updated information for the agricultural community to continue the gains in agricultural water use efficiency already seen in the County.

Response 23.10

This proposed urban/rural water waste ordinance would be a permanent conservation effort, similar but more comprehensive to the measures in the State's drought declaration mandates. Further limits on use would be best addressed by individual water purveyors as they have the data needed to implement usage targets. Additionally, the scope of the proposed CWWCP did not include a program to fund individual water storage and reuse systems.

Response 23.11

The commenter summarizes their comment letter. Refer to responses 23.1 through 23.10 above.



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