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CHAPTER



North County Watch

Looking Out Today For Tomorrow

September 21, 2012

Board of Supervisors

"Board of Supervisors" <BoardOfSup@co.slo.ca.us>

County of San Luis Obispo

San Luis Obispo, CA 93408

RE: Item 23 Amend Article 9 of the Land Use Ordinance, Title 22 of the County Code, to add water conservation requirements for discretionary land use permit applications within: 1) the rural portions of the Paso Robles Groundwater Basin, outside of the Atascadero Sub-basin, 2) the Whitley Gardens and Creston Village Reserve Lines, and 3) the unincorporated Paso Robles Urban Reserve Line.

Dear Chairman Patterson and Supervisors:

North County Watch is a 501 3c non-profit Public Benefit corporation. We are an all-volunteer organization committed to sustainable development in and around north San Luis Obispo County.

The Santa Lucia Chapter of the Sierra Club represents San Luis Obispo County members of the Sierra Club, the nation's oldest and largest grassroots environmental organization.

North County Watch and the Sierra Club strongly support the passage of the proposed General Plan amendment. In February 2012 your Board certified a Level of Severity III (LOS III) for water supply in the main Paso Robles Groundwater Basin. The Board also adopted the Paso Robles Groundwater Basin Resource Capacity Study. The declaration by the Board of Supervisors to find a Level of Severity III for the Paso Groundwater Basin was based on extensive study of the basin and procedures mandated in the Framework for Planning, which is part of the General Plan.

The Framework for Planning describes an LOS III as an "Unavoidable Resource Deficiency":

Level III: Unavoidable Resource Deficiency

This is the most critical level of concern. Level III occurs when the capacity (maximum safe yield) of a resource has been met or exceeded. At Level III, there is a deficiency of sufficient magnitude that drastic actions may be needed to protect public health and safety. While the intention of the RMS is to avoid reaching Level III entirely through a prior series of advisory memos, it is still possible that such a situation may occur. (Framework for Planning, p. 3-11)

The Framework is specific about criteria for LOS III for Water Resources:

Water Supply Criteria

Water Resources

A Level of Severity III exists when water demand equals the available resource; the amount of consumption has reached the dependable supply of the resource. A Level III may also exist if the time required to correct the problem is longer than the time available before the dependable supply is reached. (Framework for Planning, p. 3-13)

The LOS III for the Paso Groundwater Basin was based on a long term Resource Capacity Study ordered by the Board of Supervisors and certified in February 2012 as described in the Framework for Planning:

Resource Capacity Study: A resource capacity study should: 1) Inventory existing water resources available to the agency operating the system; 2) document existing demand for water by all area user-groups; and 3) explore any conservation measures that could reasonably be imposed by the water agency. (Framework for Planning, p. 3-15)

When an LOS III is determined, the Framework for Planning and thus the General Plan **require specific action**. The Board **shall** adhere to the following procedures:

Level III Action Requirements

If Level III is found to exist, the board shall make formal findings to that effect, citing the basis for the findings, and shall:

- 1.** Institute appropriate measures (including capital programs) to correct the critical resource deficiency, or at least restore Level II so that severe restrictions will be unnecessary. In many cases, other agencies or districts will control decisions about necessary measures. The Board of Supervisors shall only seek cooperative assistance for a certain time period, beyond which measures may be considered to enact county ordinances or standards affecting resource usage such as development restrictions.
- 2.** Adopt growth management or other urgency measures to initiate whatever restrictions are necessary to minimize or halt further resource depletion. Any such restrictions shall be reduced or removed only after a public hearing where the Board of Supervisors determines that Level III no longer exists and any dangers to public health or safety have been eliminated.
- 3.** A moratorium on land development or other appropriate measures shall be enacted in the area that is affected by the resource problem until such time that the project provides additional resource capacity to support such development (Framework for Planning, p. 3-11)

The recently revised General Plan Conservation and Open Space Element contains policies and goals that support the proposed General Plan Amendments:

- Policy WR 1.7 Agricultural Operationsⁱ
- Policy WR 1.13 Density increases in rural areasⁱⁱ
- Policy WR 1.14 Avoid net increase in water use,
- Goal WR 1 The County will have a reliable and secure regional water supply (IRWM)ⁱⁱⁱ
- Goal WR 2 The County will collaboratively manage groundwater resources to ensure sustainable, supplies for all beneficial uses.
- Goal WR 3 Excellent water quality will be maintained

The Board is directed to adopt appropriate measures to correct “critical resource deficiencies” including ordinances “affecting resource usage such as development restriction”. The Framework for Planning requires measures be taken to protect the resources. The Conservation and Open Space Element has specific policies for addressing LOS III. Securing adequate water resources for communities is a health and safety issue. It is negligent to fail to enact measures to secure the Paso Basin from depletion.

Above all, it doesn’t make sense not to protect this important resource. We have the evidence that warrants an LOS III. The adoption of these amendments is a necessary outgrowth of LOS III in the Paso basin.

Thank you for your consideration of our comments.



Susan Harvey
President



Andrew Christie
Director, Santa Lucia Chapter

Attachment: Table F Framework for Planning

ⁱ COSE: **Policy WR 1.7 Agricultural operations**

Groundwater management strategies will give priority to agricultural operations. Protect agricultural water supplies from competition by incompatible development through land use controls.

ⁱⁱ COSE: **Policy WR 1.13 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.

ⁱⁱⁱ COSE: **Policy WR 1.14 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.

TABLE F
RESOURCE DEFICIENCY CRITERIA FOR LEVELS OF SEVERITY

RESOURCE	LEVEL I		LEVEL II		LEVEL III
	Projected consumption estimated to exceed dependable supply within 9 years	7 year lead time to develop supplementary water for delivery to users	System projected to be operating at design capacity within 7 years	5 year lead time to complete major improvements	Resource is being used at or beyond its estimated dependable supply or will deplete dependable supply before new supplies can be developed
1. WATER SUPPLY					
a. Water Resource	Projected consumption estimated to exceed dependable supply within 9 years	7 year lead time to develop supplementary water for delivery to users	System projected to be operating at design capacity within 7 years	5 year lead time to complete major improvements	Resource is being used at or beyond its estimated dependable supply or will deplete dependable supply before new supplies can be developed
b. Water System					System operating at or beyond design capacity or will be at capacity before improvements are constructed
2. SEWAGE DISPOSAL					
a. Treatment Plant	Projected average daily flow = plant capacity within 6 years	5 year projected average daily flow = plant capacity	Projected average daily flow = plant capacity within 6 years	5 year projected average daily flow = plant capacity	Average daily flow = plant capacity or the plant will be at capacity before improvements can be made
b. Sewage Collection Lines and Lift Stations	Projected flow will equal 90% of system capacity within 2 years	System at 90% capacity; or 5 year projected flow equals capacity; or LUE build-out capacity effluent would exceed system capacity	Projected flow will equal 90% of system capacity within 2 years	System at 90% capacity; or 5 year projected flow equals capacity; or LUE build-out capacity effluent would exceed system capacity	System operating at 100% capacity or will be at capacity before improvements can be made
c. Individual Septic Tank Systems	System failures reach 5% by area; RWQCB, Health or Engineering Departments to identify potential health problem	System failure rate reaches 15% by area or community	System failures reach 5% by area; RWQCB, Health or Engineering Departments to identify potential health problem	System failure rate reaches 15% by area or community	System failures at 25%; threat to public health and safety exists. 5 years needed to build public sewer system
3. SCHOOLS	7 year projected enrollment will be at or above maximum students/classroom ratio established by school district	5 year projected enrollment will be at or above maximum students/classroom ratio	7 year projected enrollment will be at or above maximum students/classroom ratio established by school district	5 year projected enrollment will be at or above maximum students/classroom ratio	Enrollment at or above maximum students/classroom ratio
4. ROADS/CIRCULATION	Projected traffic volume will reach Level of Service (LOS) D within 5 years	Route will be operating at LOS-D in 2 years or less	Projected traffic volume will reach Level of Service (LOS) D within 5 years	Route will be operating at LOS-D in 2 years or less	Route is operating at LOS-D (As defined in the 1985 Highway Capacity Manual)
5. AIR QUALITY	Infrequent violations of the federal ozone standard, or emissions reach 75% of the standard, or offsets are reduced to less than 50% of baseline levels	Periodic violations of the federal and state ozone standard, or emissions reach 90% of the designated threshold, or offsets are reduced to 25% of baseline levels	Infrequent violations of the federal ozone standard, or emissions reach 75% of the standard, or offsets are reduced to less than 50% of baseline levels	Periodic violations of the federal and state ozone standard, or emissions reach 90% of the designated threshold, or offsets are reduced to 25% of baseline levels	Federal ozone standard is exceeded one or more days within three consecutive years, or emissions regularly exceed the standard, or offsets have been depleted

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