

# Water Neutral New Development Phase 1.5 Ordinance Amendments

Agricultural Liaison Advisory Board (ALAB)  
May 4, 2020



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1

## Background

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

### **Paso Basin Planning Area Standards**

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



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2

## Background

### Water Neutral New Development

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



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3

## Background

### Water Neutral New Development – Agricultural Offsets

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



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4

## Background

### Water Neutral New Development – Phase 1 Amendments

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



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5

## Background

### Water Neutral New Development – Phase 1.5 & 2 Amendments

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



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6

## Phase 1.5 Proposed Amendments

### Minor environmental review required.

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



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7

## Phase 2 Proposed Amendments

### Major environmental review required.

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



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8

## Updating Paso Basin Map

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

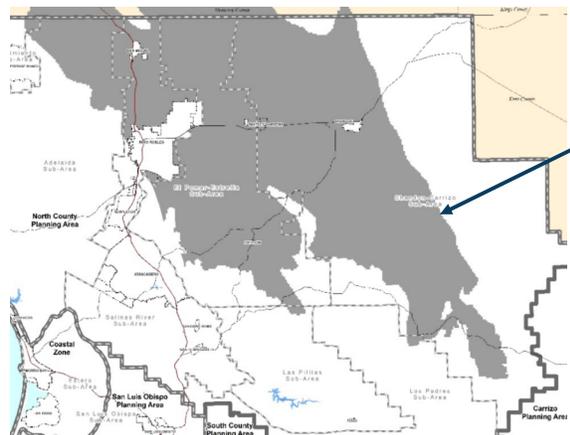


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9

## Paso Basin Map - Current

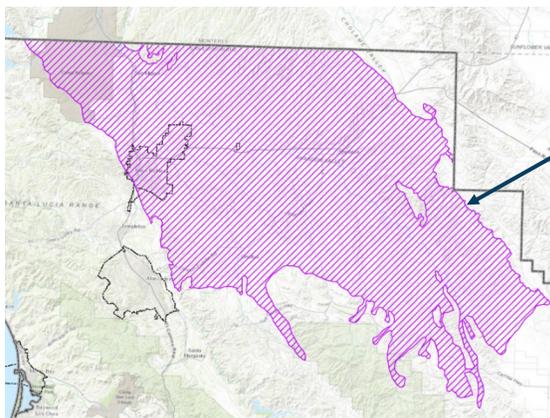


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10

## Paso Basin Map - New



DWR  
Bulletin 118  
Boundary

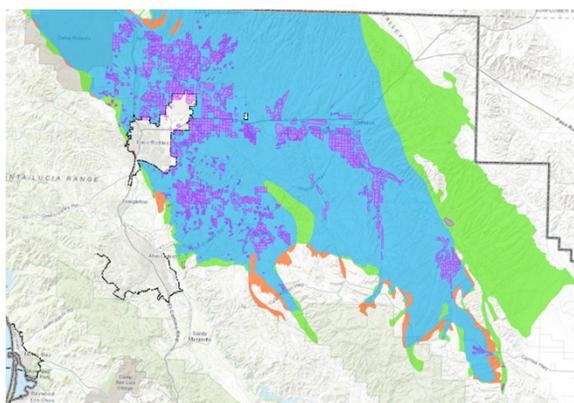


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11

## Paso Basin Map - Change



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



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12

## Paso Basin Map - Change

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

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



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13

## Updating Area of Severe Decline

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

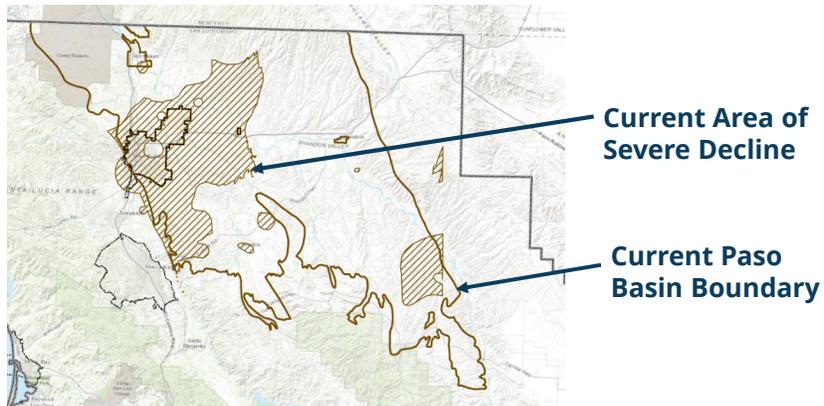


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14

## Area of Severe Decline - Current



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

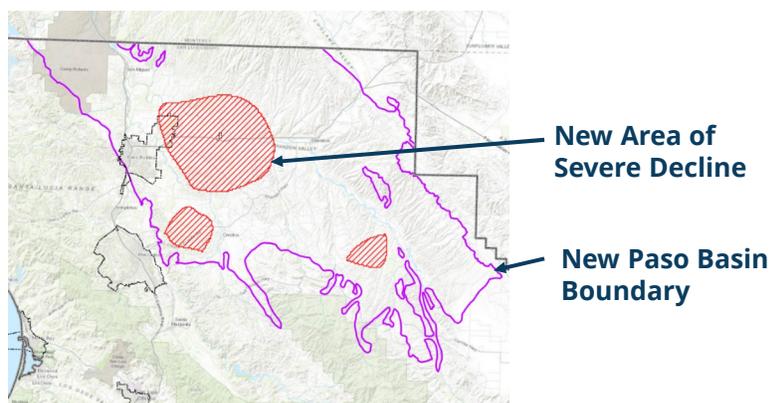


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15

## Area of Severe Decline - New



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

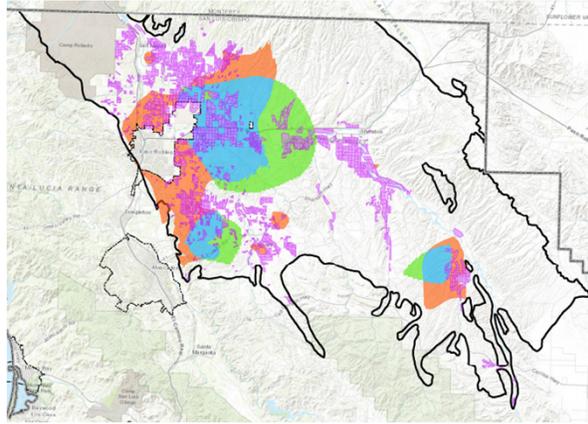


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16

## Area of Severe Decline - Change



- o Green = added
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17

## Area of Severe Decline - Change

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

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



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18

## Fallowing

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



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19

## “De Minimis”

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



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20

## Environmental Determination

### Phase 1.5 Amendments

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

### Phase 2 Amendments

- Pending



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21

## Public Hearings

### Phase 1.5 Amendments

- June 11 – County Planning Commission
- TBD – County Board of Supervisors

### Phase 2 Amendments

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



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22

## Questions?

Proposed Amendments & Interactive Map available at:

[www.slocountywwcp.org/prgwb](http://www.slocountywwcp.org/prgwb)

For more information, contact:

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