

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: JANUARY 4, 2008

AGENDA ITEM
E-1
JAN. 9, 2008

COMMENT ON COUNTY DRAFT RETROFIT PROGRAM PROPOSAL

ITEM

Review and comment on SLO County draft retrofit program proposal [PROVIDE POLICY GUIDANCE].

BACKGROUND

Attached are copies of the draft water conservation ordinances that will be considered by the SLO County Board of Supervisors at the Board's January 15, 2008 Meeting. The first Ordinance would amend Title 8 of the County Code to require that all structures on parcels within the Nipomo Mesa area (and also Los Osos) be retrofitted with low water consuming fixtures prior to sale of the property. The second Ordinance would amend Title 19 of the County Code to require new development to use low water consuming plumbing fixtures and to retrofit existing structures so that new development would not use "new" water. James Caruso from County Planning is scheduled to present these Ordinances to your Board and to answer questions regarding the draft Ordinances.

Staff supports adoption of the Ordinances by the SLO County Board of Supervisors, given the potential for the two Ordinances to reduce demand over time. Staff has recommended that both Ordinances be amended so that notice of the requirements be recorded on the title of affected properties so that buyers, sellers and developers would be advised. Staff has also recommended that language be added to the Title 19 Ordinance clarifying if developers can retrofit anywhere within the NMMA instead of within the Boundaries of the purveyor serving the proposed development.

RECOMMENDATION

Staff recommends that your Honorable Board receive Mr. Caruso's presentation, ask questions of Mr. Caruso, receive public comments and then authorize the President to support adoption of the proposed ordinances at the subsequent Board of Supervisor Hearing(s) with the edits suggested above and with other edits deemed desirable by your Honorable Board.

ATTACHMENTS

- Draft County Ordinances

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2008\COUNTY RETROFIT ORDINANCE.DOC



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

DATE: NOVEMBER 15, 2007

TO: INTERESTED PARTIES

FROM: SLO COUNTY DEPARTMENT OF PLANNING AND BUILDING

SUBJECT: PROPOSED WATER CONSERVATION ORDINANCES

Two new water conservation ordinances will be considered by the Board of Supervisors on January 15, 2008. These ordinances will affect new and existing development in the Nipomo Mesa area and the Los Osos Groundwater Basin. The two ordinances are enclosed for your review and comment and address the following:

1. Changes to Title 8 of the County Code will require all structures on a parcel to be retrofitted with low water consuming fixtures prior to sale of the property.
2. Changes to Title 19 require new development to use low water consumption plumbing fixtures and will require new development to retrofit existing structures so that new development does not use "new" water.

Please read the two enclosed ordinances and feel free to send comments to:

James Caruso, Senior Planner
Dept of Planning and Building
County Government Center
San Luis Obispo, CA 93408
(805) 781-5702
jcaruso@co.slo.ca.us

Comments should be received by **December 14, 2007**.

Organizational representatives should feel free to share these ordinances with their memberships. A public hearing will be held by the Board of Supervisors:

Tuesday, January 15, 2008
Board of Supervisors Chambers
1055 Monterey Street, San Luis Obispo

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

Copy of document found at www.NoNewWipTax.com

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 8
OF THE SAN LUIS OBISPO COUNTY CODE,
THE HEALTH AND SANITATION ORDINANCE,
BY ADDING CHAPTER 8.91 RELATING TO A
PLUMBING FIXTURE RETROFIT UPON SALE ORDINANCE IN
THE LOS OSOS GROUNDWATER BASIN AND
THE NIPOMO MESA WATER CONSERVATION AREA

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

SECTION 1: Chapter 8.91 of the Health and Sanitation Ordinance, Title 8 of the County Code, Retrofit of Plumbing Fixtures Upon Sale in the Los Osos Groundwater Basin and the Nipomo Mesa Water Conservation Area is hereby added as follows

8.91.010 Purpose.

The Board of Supervisors does hereby find, determine and declare that overall water use in the Los Osos Groundwater Basin and the Nipomo Mesa Water Conservation Area has surpassed a sustainable capacity:

1. The consumption of water in the Los Osos Groundwater Basin has resulted in seawater intrusion into the Los Osos Groundwater Basin. In response to this threat to groundwater, the community's only fresh potable water source, the Board of Supervisors has certified a Level of Severity III for the Los Osos Groundwater Basin; this is the highest severity level in the County General Plan's Resource Management System.
2. The consumption of water in the Nipomo Mesa Water Conservation Area has resulted in the lowering of water levels.
3. The purpose of this chapter is to reduce the amount of water being used by residential, commercial and other uses located in the Los Osos Groundwater Basin and the Nipomo Mesa Water Conservation Area. Reduction in water use shall be achieved through retrofitting existing plumbing fixtures with low water consumption plumbing fixtures in existing homes, businesses and institutional buildings upon the sale of any such structure located within the Los Osos Groundwater Basin and the Nipomo Mesa Water Conservation Area.

8.91.020 Definitions.

The following words and phrases shall, for the purposes of this chapter, be interpreted as follows:

- (1) "Residential" means any private structure suited for or characterized by private residences or residential neighborhoods.
- (2) "Commercial" means any structure used for the purpose of, or characterized by commercial business.
- (3) "Low consumption plumbing fixtures for residential units" include;
 - (a) Toilets that do not exceed 1.0 gallons per flush;
 - (b) Showerheads that do not exceed 2.5 gallons per minute;
 - (c) Aerators on all lavatory sinks that do not exceed 1.0 gallons per minute.
- (4) "Low consumption plumbing fixtures for commercial units" include;
 - (a) Waterless urinals that use 0 gallons per flush;
 - (b) Toilets that do not exceed 1.0 gallons per flush;
 - (c) Showerheads that do not exceed 2.5 gallons per minute;
 - (d) Aerators on all lavatory sinks that do not exceed 1.0 gallons per minute.
- (5) The Los Osos Groundwater Basin is shown in Figure A. as the area within the "Basin Limits."

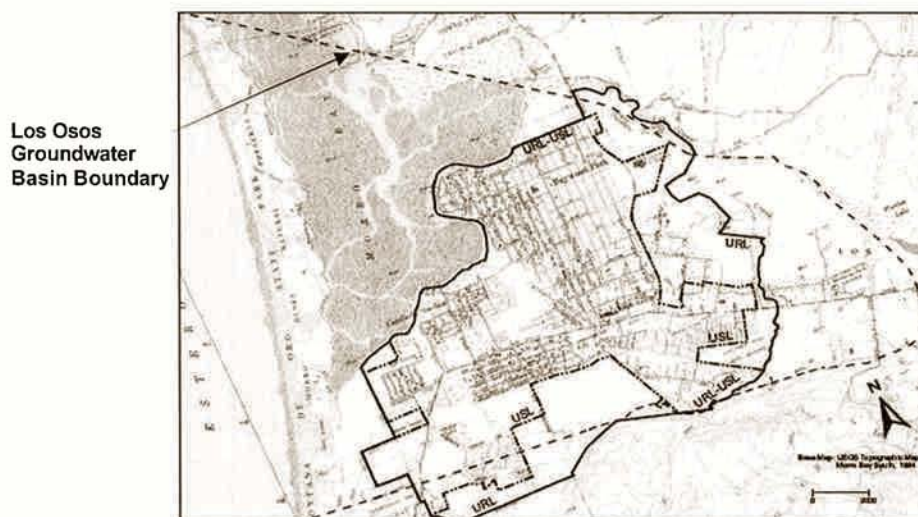


Figure A: Los Osos Groundwater Basin Boundary, not to scale

(6) The Nipomo Mesa Water Conservation Area is shown in Figure B as the area within the Nipomo Mesa Water Conservation Area.

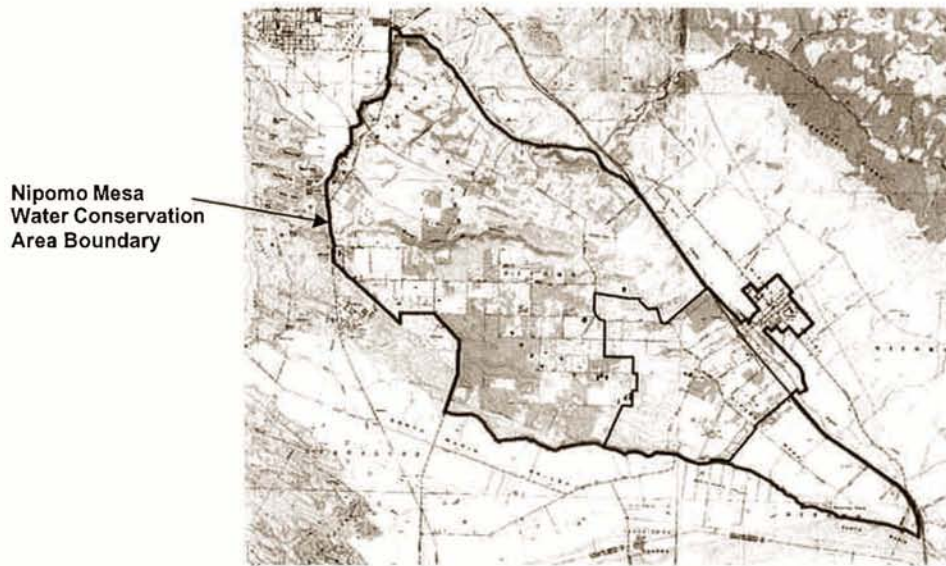


Figure B: Nipomo Mesa Water Conservation Area Boundary, not to scale

(7) "Water Conservation Certificate" is an acknowledgement from the County of San Luis Obispo Department of Planning and Building that all plumbing fixtures in a structure have been retrofitted in accordance with this Chapter.

(8) "Retrofit Verification Declaration" is provided by a licensed plumber or building contractor to the Department of Planning and Building. The Declaration shall be in a form provided by the Department. The completed form is subject to review and approval by the Department prior to issuance of a Water Conservation Certificate.

8.91.030 Retrofit upon sale.

Retrofit Requirements Upon Change of Real Property Ownership.

(1) All existing residential, commercial, and other buildings within the Los Osos Groundwater Basin and Nipomo Mesa Water Conservation Area shall be retrofitted at the time of sale.

(2) The seller shall be responsible for complying with the requirements of this chapter and for obtaining a water conservation certificate in accordance with Section 8.91.040 before the time of sale.

(3) The seller and/or the seller's real estate agent or broker, under the California Real Estate Transfer Disclosure Statement requirements made

pursuant to Section 1102.6a of the California Civil Code, shall give written notice to the transferee of the requirements of this chapter prior to the change of ownership. A signed copy of the water conservation certificate and a written notice of retrofit requirements shall be included in the transfer documentation.

(4) Prior to the time of sale, the seller or seller agent shall submit to the Dept of Planning and Building a request to issue a water conservation certificate shall be accompanied by payment of the fees as established by resolution of the Board of Supervisors.

(5) The seller of a structure that has already been retrofitted with low water consuming fixtures may verify compliance with the Department of Planning and Building and request issuance of a Water Conservation Certificate by one of the following methods:

(a) Physical inspection of the fixtures by a plumber licensed in the State of California or by a licensed building contractor and submittal of a Retrofit Verification Declaration to the Department of Planning and Building for review and approval; or

(b) Participation in a water purveyors plumbing fixture rebate program in which documentation of an inspection demonstrates that the retrofit requirements of this chapter have been satisfied; or

(c) Documentation that all structures on the property changing ownership that contain plumbing fixtures have already been retrofitted pursuant to this Chapter.

(6) Responsibility of the Seller. The seller shall be responsible for complying with the requirements of this Chapter and for obtaining a water conservation certificate in compliance with Section 8.91.040 before the time of sale.

(7) Disposing of toilets. All toilets that have been removed from structures must be recycled in a legally established recycling facility to complete compliance. Proof of recycling must be accompanied with compliance paperwork.

8.91.040 Verification of compliance.

Except as otherwise provided herein, all existing residential, commercial, and other buildings within the Los Osos Groundwater Basin and Nipomo Mesa Water Conservation Area, shall, at the time of sale, be retrofitted, if not already so retrofitted, exclusively with low water consumption plumbing fixtures.

(1) Upon retrofitting of the structure, the seller or seller's agent shall submit evidence of the completed retrofit to the Department of Planning and Building. Such evidence shall consist of a County provided Retrofit Verification Declaration completed and executed by a licensed plumber and/or contractor. The completed declaration shall be accompanied by any fee adopted by the Board of Supervisors.

(2) Upon submittal of a Retrofit Verification Declaration to the San Luis Obispo County Department of Planning and Building and County approval of the Declaration, the seller or the seller's agent shall be issued a Water Conservation Certificate by the Department of Planning and Building.

8.91.050 Exemptions.

(1) The Planning Director may exempt the sale of any particular structure from the requirements of this chapter if the director has determined that the structure is already in compliance with the retrofit program objectives.

(2) The Planning Director may exempt facilities from the provisions of this chapter, and impose reasonable conditions in lieu of full compliance herewith, if the Director determines that there are practical difficulties involved in carrying out the provisions of this chapter. The Director may exempt facilities from the provisions of this chapter when low-water-using fixtures are not available to match a historic architectural style. The Director shall require that sufficient evidence or proof be submitted to substantiate any exemption or acceptance of alternatives

8.91.060 Penalties.

Any person who violates any provision of this Chapter shall be guilty of a misdemeanor pursuant to chapter 1.04.010

SECTION 2: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this ordinance. The Board of Supervisors hereby declares it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 3: This ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. It shall be published with the names of the Board of Supervisors members voting for and against same, once in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

SECTION 4: The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment

Introduced at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2007, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ____ day of _____, 2008, by the following roll call vote, to-wit:

AYES:
NOES:
ABSENT:

Chairman of the Board of Supervisors of
the
County of San Luis Obispo, State of
California

ATTEST:

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

BY: _____

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR
County Counsel

By: _____
2006

Dated _____,

Tim McNulty
Deputy County Counsel

EXHIBIT LRP:

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE, THE BUILDING AND CONSTRUCTION ORDINANCE, BY AMENDING SECTION 19.20.240 RELATING TO WATER CONSERVATION IN THE LOS OSOS GROUNDWATER BASIN AND THE NIPOMO MESA WATER CONSERVATION AREA

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

SECTION 1: Section 19.20.240 of the Construction Ordinance, Title 19 of the San Luis Obispo County Code, is hereby amended by revising subsection d as follows:

- d. Special Water Conservation Areas: In addition to the requirements in sections a, b and c above, the requirements in paragraph (1) below shall apply to all new installations in the Nipomo Mesa Water Conservation Area shown in Figure 20-1 and the Los Osos Groundwater Basin shown in Figure 20-2.



Figure 20-2 Los Osos Groundwater Basin: not to scale

(1) The developer of any new structure located within a Special Water Conservation Area shall install plumbing fixtures that meet the following requirements:

- i. Toilets rated at no more than 1.0 gallons per flush;
- ii. Showerheads rated at no more than 2.5 gallons per minute;
- iii. Bathroom sink aerators with a volume of no more than 1.0 gallons per minute;
- iv. Hot water circulation pumps for master bathrooms and kitchens if the furthest plumbing fixture unit in these rooms is greater than twenty (20) feet from the hot water heater;
- v. Commercial structures shall use waterless urinals.
- vi. New residences shall be plumbed for grey-water systems pursuant to Chapter 16 of the Uniform Plumbing Code.

(2) Prior to final inspection or occupancy of a new structure with plumbing fixtures within a Special Water Conservation Area, the developer of such new structure shall retrofit plumbing fixtures in existing structures within the Special Water Conservation Area. The number and type of plumbing fixtures to be installed shall be as required in the equivalency table as adopted and codified in Appendices A and B. The equivalency tables indicate the point values of existing fixtures which may be retrofitted and the corresponding point requirements for each newly constructed or remodeled structure. A package of proposed retrofits and building conservation requirements must add up to no less than the minimum requirements established in Appendices A or B.

(3) Any addition of 120 sq ft or more to an existing structure within a Special Water Conservation Area shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:

- i. Toilets rated at no more than 1.0 gallons per flush;
- ii. Showerheads rated at no more than 2.5 gallons per minute;
- iii. Bathroom sink aerators with a volume of no more than 1.0 gallons per minute;
- iv. All urinals in commercial structures shall be replaced with waterless urinals.

(4) Any remodel of an existing structure within a Special Water Conservation Area that requires a construction permit pursuant to this Title, and that includes replacement of plumbing fixtures in the kitchen or any bathroom, shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:

- i. Toilets rated at no more than 1.0 gallons per flush;
 - ii. Showerheads rated at no more than 2.5 gallons per minute;
 - iii. Bathroom sink aerators with a volume of no more than 1.0 gallons per minute;
 - iv. All urinals in commercial structures shall be replaced with waterless urinals.
- (5) The Planning Director (or designee) is authorized to make determinations for fixtures or projects not specifically designated in the equivalency tables in Appendix A or B.
- (6) The equivalency tables in Appendices A and B may be amended by the Planning Director from time to time to reflect changes in water use and/or water savings or for other reasons determined by a decision of the Director.
- (7) Owners of existing structures that are retrofitted under this program shall agree to allow their water purveyors to release water use figures to the Department of Planning and Building in order to gauge the effectiveness of the program in accordance with California Law.
- (8) Upon retrofitting of the required number of fixtures, the developer shall submit evidence of the completed retrofits to the Department of Planning and Building. This evidence shall consist of a Retrofit Verification Declaration completed and executed by a licensed plumber and/or contractor.
- (9) Upon submittal to the San Luis Obispo County Department of Planning and Building of a completed and executed Retrofit Verification Declaration accompanied by the required fee, the developer shall be issued a Water Conservation Certificate from the Department of Planning and Building. Once the Water Conservation Certificate is issued, the new structure may receive final occupancy approval.

SECTION 2. The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of

Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the ____ day of _____, 2007, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2008, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT: None

ABSTAINING: None

Supervisors,

Chairman of the Board of
County of San Luis Obispo,
State of California

ATTEST:

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

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: Deputy County Counsel

Dated:

Appendices (A) Los Osos

| | Home | Restaurant | Office | Retail |
|-------------|------|------------|--------|--------|
| 6 gpf (1) | 5.5 | 11.1 | 4.7 | 3.4 |
| 3.5 gpf (1) | 4.7 | 9.5 | 4 | 2.9 |
| 1.6 gpf (1) | 2.5 | 5 | 2.1 | 1.5 |
| Urinal (3) | x | 9.2 | 3.8 | 2.8 |
| Shower (2) | 1.3 | x | 1 | x |

Appendices (B) Nipomo

| | Home | Restaurant | Office | Retail |
|-------------|------|------------|--------|--------|
| 6 gpf (1) | 8 | 17.8 | 7.5 | 5.5 |
| 3.5 gpf (1) | 6.8 | 16.7 | 7 | 5.2 |
| 1.6 gpf (1) | 3.6 | 13.6 | 5.7 | 4.2 |
| Urinal (3) | x | 19.4 | 7.6 | 5.6 |
| Shower (2) | 1.9 | x | 1 | x |

(1) The assumptions above are based off of retrofitting existing toilets to 1 gallon per flush (gpf) toilets in **residential** units.

(2) All of the shower retrofits shall be replaced by 2.5 gallon per minute (gpm) models if the existing showerhead exceeds 2.5 gpm.

(3) **Commercial** units are treated the same except they have the opportunity for additional credits with the retrofit of conventional urinals to waterless urinals.

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: JANUARY 4, 2008

AGENDA ITEM
E-2
JAN. 9, 2008

DRAFT COUNTY 2007 NIPOMO MESA WATER AND SEWER ARSR UPDATES

ITEM

Review and comment on draft 2007 Nipomo Mesa Water and Sewer Updates to County Annual Resource Summary Report [PROVIDE POLICY GUIDANCE].

BACKGROUND

Attached are draft copies of County Staff's proposed Nipomo Mesa Water and Sewer Sections for the 2007 Annual Resource Summary Report. These sections will be presented to the SLO County Board of Supervisors at the Board's January 15, 2008 Meeting along with other sections for the balance of the County. County Staff Member James Caruso will present these sections to your Honorable Board at your 1/9/08 Meeting and answer questions regarding the analysis.

The draft Water Supply Section identifies a LOS III, certified by the Board of Supervisors. NCSD staff supports this representation.

The draft Water Distribution Section identifies a LOS 0 for NCSD and GSWC. Staff supports this representation, but requests that the County discuss the other purveyors on the Mesa.

The draft Sewer Section identifies a LOS II for NCSD's Town Sewer System. Staff supports this representation, but requests that the County clarify that the LOS II does not apply to the Blacklake WWTF.

RECOMMENDATION

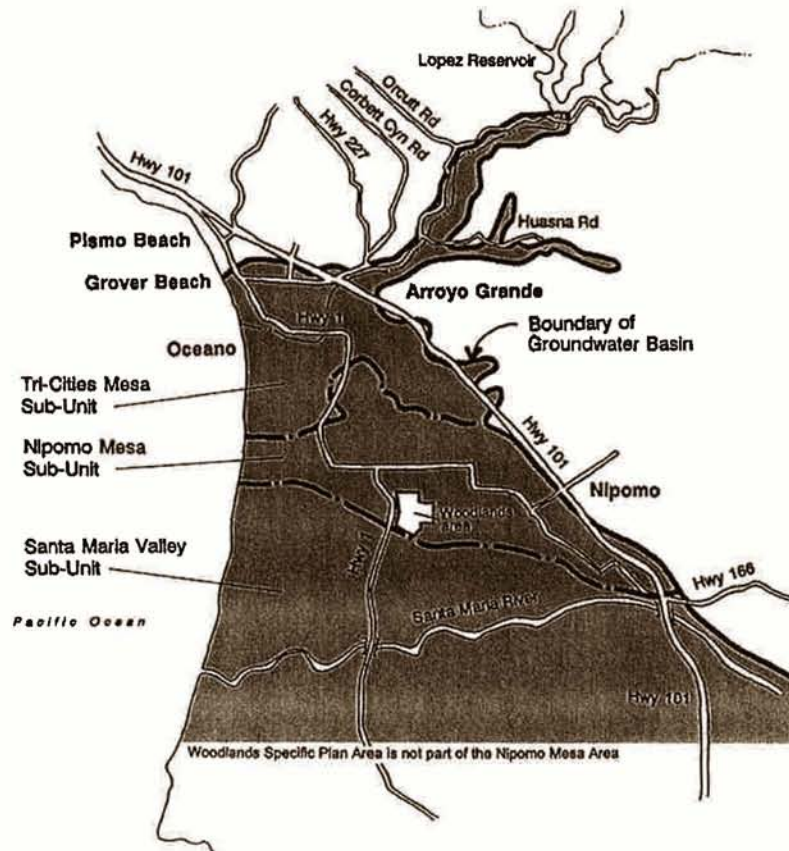
Staff recommends that your Honorable Board receive Mr. Caruso's presentation, ask questions of Mr. Caruso, receive community feedback, formulate positions on the respective sections, and then authorize President Winn to present these positions at the 1/15/08 BoS Hearing.

ATTACHMENTS

- Water and Sewer Sections of County 2007 Annual Resource Summary Report

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Santa Maria Groundwater Basin



Level of Severity: III (Certified)

Status:

- a. Resource Capacity Study completed (2004)
- b. Reconsideration of LOS by the Board of Supervisors (June 07)
- c. Water conservation ordinances to be adopted (January 08)
- d. Adjudication is ongoing
- e. Nipomo Community Service District studying supplemental water projects

Issues:

- a. Nipomo Water Conservation area in overdraft
- b. Water conservation ordinances
- c. Lowering well levels
- d. Multiple water purveyors
- E. Nipomo Community Service District study shows water could run out in as little as two years

Recommended Actions:

- a. Develop outdoor water use conservation measures
- b. Continue limiting the number of new dwelling units in the Nipomo area for the year 2007/2008 through the Growth Management System to 1.8% of the number of units existing in that area as of December 31, 2007

WATER SYSTEMS

RMS WATER SUPPLY CRITERIA:

Level of Severity I:

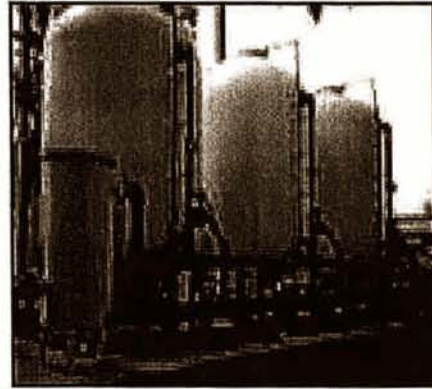
When projected water demand over the next nine years equals or exceeds the estimated dependable supply;

Level of Severity II:

When projected water demand over the next seven years equals or exceeds the estimated dependable supply;

Level of Severity III:

When the existing water demand equals or exceeds the dependable supply.



Water delivery systems consist of pumps, mains and storage facilities. The County Public Works Department oversees several waterworks districts and County Service Areas (CSA) within the unincorporated areas of the county. Water for other communities is provided by community service districts or private water companies.

Table 3:
2007 Annual Resource Summary Report
Water System Level of Severity Recommendations

| PLANNING AREA | COMMUNITY | (2) WTR SYS |
|---------------|-------------------------|-------------------|
| South County | NONE | |
| North County | - San Miguel | II |
| | - Santa Margarita | III |
| North Coast | - Cambria | III |
| | - San Simeon | III |
| | - Cayucos | II |
| | - Los Osos / Baywood | III |

SEWAGE

RMS LEVEL OF SEVERITY CRITERIA:

Level of Severity I:

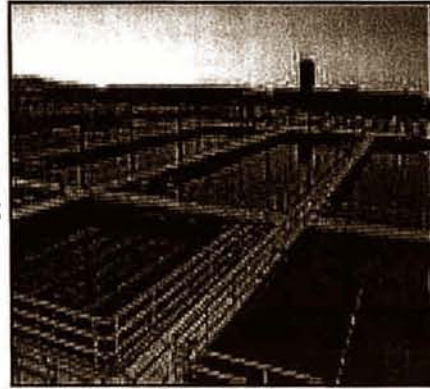
When projected peak flow in six years equals the treatment plant capacity;

Level of Severity II:

When projected peak flow in five years equals the treatment plant capacity;

Level of Severity III:

When the peak daily flow equals or exceeds the treatment plant capacity.



RMS LEVEL OF SEVERITY CRITERIA, SEWAGE COLLECTION SYSTEMS:

The sewage collection system refers to the facilities that collect and deliver sewage to a treatment plant including pipelines, lift stations, etc.

Level of Severity I:

When the projected flow in two years of any portion of the delivery system is 75% of its capacity;

Level of Severity II:

When any portion of a sewage delivery system is operating at 75% of its capacity;

Level of Severity III:

When peak flows reach 100% of capacity.

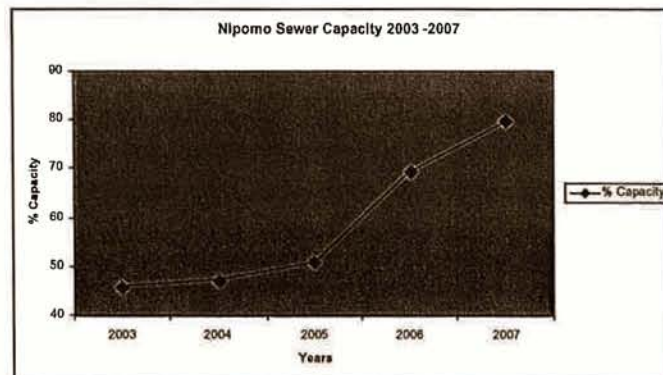
Most of the county's larger unincorporated communities maintain their own treatment plants, with the exception of Los Osos. Because Los Osos does not have a sewage collection system, it is addressed under different criteria. Below is all of the information that is either new or updated for each community.

2007 System Comments

SOUTH COUNTY

Nipomo.

The Nipomo Community Services District (NCSD) had some high Biochemical Oxygen Demand (BOD) levels from one of their labs. They are currently running well within their discharge requirements as of August 9th, 2007. Currently, the NCSD is desludging the #2 basin and completed sludge removal from basin #4. Basin #4 was put back online in March 2007 and Basin #2 was taken offline to drain. – **LOS II (Recommended)**



APPENDIX

The following appendix is a culmination of information omitted from 2007's Annual Summary Report (ASR) and historical information from the 2006 ASR. This section is devised to give a deeper understanding of the ASR and to show background data for each section.

EXCERPTS FROM FRAMEWORK FOR PLANNING OF THE LAND USE ELEMENT (INLAND PORTION) - RESOURCE MANAGEMENT SYSTEM

Levels of Severity for Monitored Resources

The Resource Management System uses three levels of alert (called levels of severity) to identify potential and progressively more immediate resource deficiencies. The alerts are intended to occur while sufficient time is available for avoiding or correcting a shortage before a crisis develops. The management framework is designed to deal with neighborhood-level problems, such as a needed collector street, communitywide problems, such as the need for public sewers, as well as an areawide problem such as an overdraft of a groundwater basin. Threshold population levels or dates corresponding to the three levels of severity have been defined in each area plan for the basic resources of each area and community. A summary of the current estimated levels of severity are listed in Appendix D.

Level of Severity III occurs when resource use exceeds the capacity of the resource. For instance, when a groundwater basin is overdrafted or a road segment is operating beyond its design capacity, those particular resources operate at Level III. Criteria for Levels I and II precede the threshold for Level III by providing lead times necessary for avoiding or correcting particular resource deficiencies. The criteria for each level are not absolute, as particular community conditions or circumstances may logically support alternative criteria. Instead, they offer general guidelines for determining when resource management measures should be enacted. The criteria are described in a later section of this chapter entitled "Resource Issues and Alert Criteria for Levels of Severity" and are summarized in Table F (Amended 1990, Ord. 2443).

When resource monitoring indicates a threshold population may have been reached for a level of severity, the Planning Department notifies the Board of Supervisors with an advisory memo. Implementation of a public works project or management techniques would then occur only after public hearings on the validity of resource information being used, preparation of a resource capacity study, and action by the board, including the adoption of ordinances if necessary to address specific community resource problems.

The following sections describe in more detail the procedures for considering and reporting each of the three levels of severity:

- Level I: Resource capacity problem
- Level II: Diminishing resource capacity
- Level III: Resource capacity met or exceeded

Level I: Resource Capacity Problem

Level of Severity I is the earliest indication that a potential resource capacity problem exists or is anticipated. Its threshold is intended to be early enough to provide time to avoid a resource crisis with minimum impact on the development process. Level I occurs at the point where resource use will reach capacity in approximately the time required to expand capacity (including planning, funding and construction of a project where appropriate). Critical time periods for Level I problems for each resource are summarized in Table F (Amended 1990, Ord. 2443).

Under normal circumstances, community development is intended to continue through a Level I condition without any restrictions being enacted. Projects should still be evaluated without the Level I determination affecting them, unless otherwise directed by the Board of Supervisors.

Level I Procedure

When available data suggest a resource problem exists or is anticipated, the following procedure is to be used:

1. Staff forwards an advisory memorandum to the Board of Supervisors (with copies to the Planning Commission for their information). The memorandum identifies the capacity problem and enables the Board to review the data upon which the staff recommendation is based.
2. If the Board agrees that a potential resource problem exists, it initiates preparation of a resource capacity study, if necessary. The Board may also wish to initiate through an ordinance any conservation measures deemed necessary to partially relieve existing burdens on the affected resource (Amended 1990, Ord. 2443).
3. Preparation of a resource capacity study, if necessary, should be undertaken by the county department or outside agency providing the particular service or resource being considered, in cooperation with the county and any other affected agencies (such as public or private water companies, sewer districts, community service districts, school districts and incorporated cities). A resource capacity study should (Amended 1990, Ord. 2443):
 - a. Determine the capacity of the resource being studied;
 - b. Identify thresholds for Level II and III deficiencies;
 - c. Identify alternate measures for avoiding a predicted resource deficiency and evaluate the feasibility (and possible funding methods) of each measure;
 - d. Provide an estimated timetable for funding and completion of a public works project to correct the resource deficiency;
 - e. Recommend techniques for growth management to be used if needed to extend capacities.

4. Upon completion, a resource capacity study is forwarded to the Planning Commission for public hearing. The commission reviews study data and recommends to the Board of Supervisors as to its adequacy. Commission review should be completed and reported to the Board of Supervisors within a maximum of 40 days from when the study is placed on the commission agenda.
5. Upon receipt of the Planning Commission recommendation, the Board of Supervisors holds a public hearing to review the resource capacity study, consider public testimony and determine whether the study should be certified. The board should certify that the study adequately assesses the affected resource as a basis for policy decisions. The data in the certified resource capacity study is then incorporated into the general plan as new resource data at the next available time for processing general plan amendments.

Level I Action Requirements

When the board finds that a Level of Severity I exists, the following shall occur (Amended 1990, Ord. 2443).

1. Prior to the annual budget process, the Department of Planning and Building shall review the Capital Improvement Program (CIP) of the affected agency, city or county department for the necessary project to avoid worsening the level of severity and forward recommendations to the County Administrative Office (CAO) and the County Auditor (Amended 1990, Ord. 2443).
2. If sufficient progress is not made toward funding the necessary project within one year from the finding of a Level of Severity I, the CAO in coordination with the County Auditor shall recommend to the Board of Supervisors that they adopt an appropriate action from the following (Amended 1990, Ord. 2443):
 - a. Restrictions or conditions on budget allocations to an affected department, if applicable, that shift priorities to the project (Amended 1990, Ord. 2443).
 - b. Restrictions on funding, such as discretionary loans, to affected districts if applicable (Amended 1990, Ord. 2443).
 - c. Restriction on approvals of capital projects for the affected agency (Amended 1990, Ord. 2443).
 - d. In the case of special districts, recommend to LAFCo denial of any annexations that increase demand for the affected resource (Amended 1990, Ord. 2443).
 - e. A Level of Severity II, if the project cannot be constructed before resource capacity is exceeded (Amended 1990, Ord. 2443).
 - f. The board will impose conservation measures within the service area (Amended 1990, Ord. 2443).
 - g. Other actions as necessary (Amended 1990, Ord. 2443).

Level II: Diminishing Resource Capacity

A Level of Severity II occurs when the current rate of resource use will deplete the resource before its capacity can be increased. When this condition occurs, the rate of resource depletion must be decreased to avoid exceeding the resource capacity. This may be accomplished through conservation or other growth management techniques (Amended 1990, Ord. 2443).

If a funding decision cannot be made, for a variety of reasons, the Board of Supervisors may choose to implement development restrictions to increase the lead time for avoiding the deficiency. When the Board of Supervisors finds that a resource deficiency has been corrected, any ordinance that enacted development restrictions should be repealed or allowed to expire. Applications would then be processed and reviewed as normal.

Level II Procedure

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At this level staff advises the Board of Supervisors and the Planning Commission when the capacity of a particular resource is diminishing past the point of merely being a potential problem. The basis for this recommendation may come from completion of a previously ordered resource capacity study, monitoring program, or information developed for the Land Use Element update.

1. The Department of Planning and Building forwards an advisory memo to the Board of Supervisors. Upon review of the Level II advisory memorandum, the board evaluates the validity of the data upon which the recommendation is based, and forwards the memo to the Planning Commission for a public hearing on the recommendation. The Board may also initiate a resource capacity study if more complete information is needed (Amended 1990, Ord. 2443).
2. If the advisory memo is sent to the Planning Commission for a public hearing, it recommends an appropriate course of action to the Board of Supervisors. Commission review must be completed and reported to the board within a maximum of 40 days from the time the matter is placed on the commission agenda.
3. Upon receipt of the Planning Commission recommendation, the Board of Supervisors holds a public hearing to consider relevant resource data, public testimony, and to determine whether Level II exists. If the board determines that Level II does not exist, staff is directed to either continue monitoring the resource and report back to the board; terminate monitoring; or take other action the board finds appropriate.

Level II Action Requirements

When the board finds that a Level of Severity II exists, it shall adopt land use policies that respond to a delay in funding for a necessary project, including but not limited to, the following (Amended 1990, Ord. 2443):

1. Manage the rate of resource depletion within the affected community or area to extend the availability of the resource until such time as the project will provide additional resource capacity (Amended 1990, Ord. 2443).

2. Initiate appropriate financing mechanisms to recover the project cost including, but not limited to, capital improvement bonds, assessment districts, developer fees, etc. (Amended 1990, Ord. 2443).
3. Use RMS information to evaluate the appropriate scale and timing of discretionary projects within the remaining resource capacity to determine whether they should be approved (Amended 1990, Ord. 2443).
4. Enact restrictions on further land development in the area that is affected by the resource problem (Amended 1990, Ord. 2443).
5. Enact adjustments to land use categories so that they will accommodate no more than the population which can be served by the remaining available resource, or redirect growth to communities or areas that have available resource capacity (Amended 1990, Ord. 2443).
6. Impose stringent conservation measures within the service area (Amended 1990, Ord. 2443).

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 (Amended 1990, Ord. 2443).

Level III Procedure

The procedure for a Level III alert is as follows:

1. An advisory memo is sent to the Board of Supervisors for consideration and referral to the Planning Commission as in the Level II procedure. The board should adopt appropriate interim actions to avoid panic or speculation on the outcome of the RMS procedure (Amended 1990, Ord. 2443).
2. The Planning Commission holds a public hearing on the advisory memo. As at Level II, the commission has a maximum of 40 days to hold the public hearing and report to the board.
3. After receiving the Planning Commission report, the board holds a public hearing to consider relevant resource data, public testimony, and to determine whether Level III exists.

If Level III is found not to exist, the board may direct staff to: maintain Level II procedures; modify Level II findings, or take whatever other action is deemed necessary by the board.

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 (Amended 1990, Ord. 2443):

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 (Amended 1990, Ord. 2443; 1995, Ord. 2740).

Resource Management System Coordination

Resource inventories and resource capacity studies should clearly describe short and long-term capital improvement programs of affected agencies, to indicate feasible projects that can be funded realistically within critical time periods. The studies also should be coordinated with the urban service and urban reserve lines in the Land Use Element.

Resource capacity studies are to be forwarded to the Local Agency Formation Commission (LAFCO) for its use when considering requests for expansion of spheres of influence and spheres of service, or when considering proposed annexations to any incorporated cities. Because LAFCO definitions of "sphere of service" and "sphere of influence" correspond to the LUE definitions of urban service line and urban reserve line, respectively, such coordination is necessary to support orderly urban expansion.

Coordination between service agencies and the LUE is actually mandated by the Government Code (Section 65401) requirement that agencies involved in evaluating, planning or constructing major public works annually provide the county with a list of their proposed projects. The county must then prepare "...a coordinated program of proposed public works for the ensuing fiscal year." The coordinated program is then submitted to the county Planning Commission for review and a report "...as to conformity with the adopted general plan or part thereof." Participation of relevant service agencies and companies in the Resource Management System is encouraged to coordinate solutions to resource problems, particularly through the capital improvement program process, also described in Chapter 8.

Water

Paso Robles Groundwater Basin

In 2000, the SLO County Flood Control and Water Conservation District (SLOCFC&WCD) contracted with a consultant to conduct a study of the Paso Robles Groundwater Basin. The study was completed in February, 2005. The study includes creation of a model to simulate groundwater flow and water quality in the basin. The model provides a quantitative tool to refine the estimate of perennial yield and evaluate existing and future hydraulic and water quality trends across the basin, including changing groundwater level elevations, well yields and natural and artificial recharge. Also, options are identified for comprehensive or localized management of the basin. The study findings are summarized in the following paragraphs.

Extent of the Basin. The Paso Robles Gound Water Basin covers 790 square miles from the Garden Farms area south of Atascadero to as far north as San Ardo in Monterey County, and from the highway 101 corridor as far east as Shandon. 640 square miles, or about 80 percent of the basin, are located in San Luis Obispo County.

Water Levels. Data reviewed for the Phase I report indicated declining water levels in the Creston Area and along the Highway 46 corridor east of Paso Robles. Water levels in the Atascadero subbasin have followed rainfall patterns, rising and falling in relation to annual rainfall. Water levels are relatively stable in the Shandon area. East of Paso Robles, water levels have declined in response to greater pumping by development of rural ranchettes, vineyards, and golf courses. Water levels in this area have declined as much as 60 feet from 1981 to 1997.

Since 1997, water level data indicate that levels in the Creston area increased significantly following several years of higher-than-average rainfall. However, water levels in the Geneseo/Jardine/Union Roads area east of Paso Robles have continued to decline and are now as much as 180 to 200 feet below levels observed in the early 1980's.

In late 2007, Todd Engineers completed an annual Report on the groundwater basin. The report reviewed change in storage from 1997 through 2006. The report found that water levels have continued to decrease in the 10 year period.

Water Quality. Increasing total dissolved solids (TDS) are observed along the urbanized Salinas corridor, near San Miguel, and near the confluence of the Salinas and Nacimiento Rivers. Increasing chlorides are noted northeast of Creston and near the Salinas/Nacimiento River confluence. Increasing nitrates are seen north of Highway 46 between the Salinas River and Huerhuero Creek. These deteriorating water quality trends are generally due to urban and agricultural activities throughout the basin. However, the source of chlorides in the Creston area is undetermined.

Inflow, Outflow, Perennial Yield. The study found that, during the period from 1980 to 1997, the basin inflow and outflow were largely in balance when looked at across the entire basin. The basin's estimated perennial yield is 97,000 acre-feet per year (AFY). Groundwater pumpage exceeded perennial yield from 1980 to 1990, largely due to higher crop water

consumption at that time (i.e. alfalfa). During the 1990s, pumpage has been less than perennial yield.

In 2000, pumpage from the basin was approximately 82,600 AFY. About 69 percent of that was for agriculture and the remaining 31 percent for urban and rural domestic uses. The County Master County Water Plan Update estimates that future water needs throughout the Paso Robles Ground Water Basin will increase to approximately 89,000 AFY by 2020, which is about 95 percent of the basin's estimated perennial yield. Water demand at buildout is estimated to be about 110,000 AFY or about 13 percent more than the perennial yield.

Many water purveyors in the Paso Robles Basin have taken steps toward future receipt of supplemental water. Paso Robles, Atascadero and Templeton executed Nacimiento Water Project Deliver Entitlement Contracts in August 2004 to initiate implementation of the project. Total deliveries to those agencies of 6,250 acre feet per year are expected to begin in late 2010.

Since the existing and 20-year projected demand in the basin overall is within the estimated perennial yield, there has been no recommended Level of Severity for until 2006. The steadily declining water levels and water quality indicators in the Highway 46 corridor east of Paso Robles have been a cause for concern. In 2006, the WRAC recommended a LOS be established and the Board agreed.

Morro / Chorro Groundwater Basin

| Water Demand and Supply Morro / Chorro Groundwater Basins (acre-feet per year) | | | | |
|---|-------------|-------------|---------------------|-------------|
| | Demand | | Supply | |
| | 2005/06 | Buildout | | |
| City of Morro Bay | 1384 | 2070 | | |
| Morro Bay Golf Course | 180 | 180 | Groundwater | 3200 |
| Morro Bay Power Plant | 30 | 30 | Desalination | 645 |
| Private Wells | 55 | 60 | State Water Project | 1313 |
| Agriculture | 2600 | 2600 | Nacimiento Project | 55 |
| Total | 4249 | 4940 | Total | 5213 |

Santa Maria Groundwater Basin

In San Luis Obispo County, the Santa Maria groundwater basin lies generally west of Highway 101, extending north to the southern boundary of the city of Pismo Beach. South of the Santa Maria River at the county line, the basin extends south into northern Santa Barbara County. Approximately 30 percent of the basin's area lies north of the river in San Luis Obispo County.

In 1994, the DWR began an update of the 1979 study of the Arroyo Grande Valley - Nipomo Mesa Area groundwater basin (Basin 3-11) and the northern portion of the Santa Maria River Valley groundwater basin (Basin 3-12). The study, Water Resources of the Arroyo Grande - Nipomo Mesa Area, was completed and published in 2003. The study contains the following findings and conclusions:

Observations of groundwater elevations in 1975, 1985 and 1995 revealed the development and subsequent expansion of a depression in groundwater elevations generally south of Willow Road and east of Highway 1 - the south central portion of the Nipomo Mesa. Nipomo Community Services District and Southern California Water Company have many of their wells in or near the depression. The extractions of these two agencies have increased from about 940 afy in 1979 to 2,790 afy in 1995 and 3,620 in 2000. There have also been increases in demand for water to serve rural residences and agricultural uses. Since the depression enlarges, the reduced water in storage could result in increased inflow from Santa Maria Valley and decreased outflow to the ocean from the mesa and the valley. If the pumping depression on the mesa pulls in water from the Santa Maria Valley, the possibility exists for the poorer quality groundwater of the valley, containing high concentrations of dissolved solids, to locally reduce the quality of the mesa's groundwater. Also, if, in the future, subsurface outflows to the ocean cease and the seaward hydraulic gradient is reversed, this condition could lead to sea water intrusion of the groundwater resources. Currently, there is no evidence of seawater intrusion.

A major source of recharge for the Nipomo Mesa is deep percolation of precipitation. This makes the groundwater basin vulnerable to protracted periods of below-average rainfall.

In 1998, a complaint was filed by the Santa Maria Valley Water Conservation District against the City of Santa Maria, the City of Guadalupe and Cal Cities Water Co. The NCSW was subsequently served later.

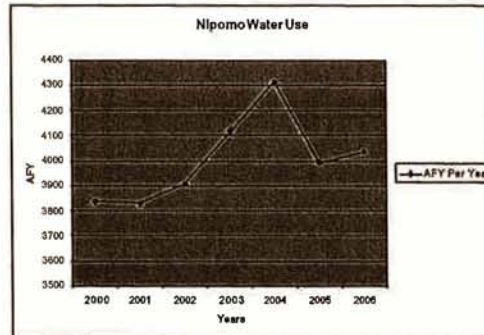
Because of inconsistencies in the DWR study, the County commissioned an additional study by S.S. Papadopoulos & Associates (SSPA) to provide clarification of water issues on the Mesa. SSPA concluded that the data presented in the DWR study correctly identified overdraft conditions in the Nipomo Mesa area of the groundwater basin. Concurrently, the judge in the groundwater litigation issued a finding that the basin as a whole was not being overdrafted and that there was insufficient evidence to support the existence of sub-basins. The County's Water Resources Advisory Committee (WRAC) reviewed the SSPA study and the judge's decision and concluded that overdraft in the Nipomo Mesa area either exists currently or is imminent. In November 2004 the Board of Supervisors certified Level of Severity II and approved several actions intended to strengthen water conservation efforts in the Nipomo Mesa area

Litigation of the basin has resulted in a settlement in which the stipulating parties have agreed to a "physical solution establishing a legal and practical means for ensuring the Basin's long-term sustainability". The physical solution establishes three management areas, creates a management entity for each area and directs each management entity to monitor groundwater conditions and prepare plans for dealing with water shortages. The agenda for the Nipomo Mesa Management Area (NMMA) also includes importation of at least 2,500 acre feet per year of supplemental water by the NCSW from the City of Santa Maria and an agreement of the major water purveyors in the area to purchase some of that water. New urban uses proposed by stipulating parties within the service area of a major water purveyor or within the Sphere of

Nipomo

Level of Severity: none

Nipomo is served by two major water purveyors. The Nipomo Community Services District (NCSD) serves the original townsite east of Highway 101 and newer areas west of the highway, including the Black Lake area Estates Village Area. Nipomo Community Services District completed a one million gallon storage tank in 1993. Storage capacity was increased by an additional million gallons in 1999. Golden State Water Co serves an area serves a large area to the south of the District.



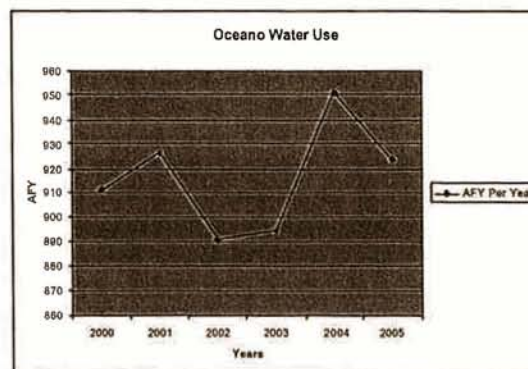
Golden State Water Company is independently exploring other sources of supplemental water. Also, the NCSD is exploring sources of supplemental water including agreements with the City of Santa Maria for 3,000 acre-feet per year of supplemental water and construction of a desalination plant.

NCSD is experiencing both water quality and capacity problems in regards to processing of sewer wastewater at its Southland Wastewater Treatment Facility. In October 2005, the Central Coast Regional Water Quality Control Board issued a Notice of Violation reflecting the Facility's failure to control BOD levels in the treatment lagoons and ordered NCSD to initiate remediation of this problem. At the same time, peak flows into the Facility have increased to within 10% of its design capacity. NCSD has initiated the design process to upgrade the facility to address both issues but the upgrades are not expected to be complete until 2010.

Oceano

Level of Severity: none

Water service in Oceano is provided by the Oceano Community Services District. The CSD is a party to the agreement by which the groundwater from the Arroyo Grande Tri-Cities Mesa area is shared with the cities of Arroyo Grande, Grover Beach and Pismo Beach, as well as with agricultural interests. The Oceano CSD share is 900 acre-feet per year (AFY). The CSD also contracts with the SLOCFC&WCD for 303 AFY from Lopez



Sewage

| Table 4: 2007 Annual Summary Report <i>Sewage Treatment Facilities Level of Severity Recommendations</i> | | | | | | |
|--|--|-------|---------------------|--------------------|---------------------------------|-----|
| Name of Plant | Capacity (Millions of gallons/day) | ADWF | Percent Capacity | 2006 Population | Est. Pop at 100% Capacity | LOS |
| Avila Beach CSD | 0.20 | 0.035 | 37.0 | N/A | N/A | OK |
| Cambria CSD | 1.00 | 0.658 | 65.8 | 6511 | 9895 | OK |
| Heritage Ranch CSD | 0.40 | 0.177 | 44.3 | 2492 | 5625 | OK |
| Los Ranchos (CSA #18) (4) | 0.12 | 0.089 | 74.2 | 1400 | 1880 | OK |
| Morro Bay/Cayucos | 2.781 (3) | 1.209 | 66.7 | 13408 | 23077 | OK |
| Cayucos / Morro Bay | 0.721 | 0.283 | 39.3 | 3067 | 7804 | OK |
| Nipomo CSD (Southland) | 0.94 | 0.75 | 79.7 | 8464 | 12214 | II |
| Nipomo CSD (Blacklake) | 0.20 | 0.064 | 32.0 | 1023 | 3197 | OK |
| Oak Shores (CSA #7A) | 0.10 | 0.061 | 61.0 | N/A | N/A | OK |
| PasoRobles/Templeton | 4.90 (1) | 3.19 | 65.0 | 35925 | 60786 | OK |
| Templeton (Paso Robles) | 0.40 (1) | 0.175 | 66.0 | 7326 | 16463 | OK |
| Templeton (Meadowbrook) | 0.30 | 0.135 | N/A | N/A | N/A | OK |
| San Miguel CSD (4) | 0.20 | 0.143 | 72 | 2051 | 3008 | II |
| San Simeon CSD (4) | 0.20 (2) | 0.084 | 42.0 | 250 | 595 | OK |
| So. SLO County San. Dist. | 5.00 | 2.75 | 55.0 | 37072 | 67404 | OK |