



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

**TO: All Staff**  
**FROM: Planning Staff "Water Team"**  
**DATE: August 25, 2015**  
**RE: FAQ on Expiration of the Paso Robles Groundwater Basin Urgency Ordinance**

The Paso Robles Groundwater Basin Urgency Ordinance will expire on August 27, 2015. The Urgency Ordinance required that all new planting and new development within the Paso Robles Groundwater Basin (PRGWB) offset water use at a 1:1 ratio. On August 13, 2015, the Planning Commission recommended that the Board adopt a new ordinance with similar provisions as part of a package of water amendments, known as the Countywide Water Conservation Program. In addition to the 1:1 offset requirement in the PRGWB, proposed amendments to the Building and Construction Ordinance would also require new development within the Nipomo Mesa Water Conservation Area (NMWCA) to offset water at a 1:1 ratio. A Board hearing date has yet to be scheduled, but is anticipated to be heard this Fall.

Please direct questions on this matter to members of the "water team":

Cheryl Cochran (805) 781-1366  
Michael Hanebutt (805) 781-1114  
Xzandrea Fowler (805) 781-1172

The following are a list of FAQs related to the expiration of the PRGWB Urgency Ordinance:

**Are building permits that have already been submitted subject to the offset requirement after the Urgency Ordinance expires?**

*Building permits are subject to the conditions in place at time of issuance. If there is no provision requiring an offset for the PRGWB or NMWCA in place when the permit is issued, the offset requirement does not apply.*

**If a building permit is submitted after the Urgency Ordinance expires but a new ordinance requiring water offset is adopted and effective at the time the permit is issued, would the project be subject to the conditions of the new ordinance?**

*Yes. The conditions in place at time of building permit issuance would apply to the project.*

**What about discretionary permits with a condition to offset water use prior to building permit issuance?**

*Since there are multiple reasons why a project could have a water offset condition, those projects will need to be evaluated on a case-by-case basis. The condition might not be applicable if the Urgency Ordinance was specifically referenced as the reason for the offset requirement. Regardless, if a water*

*offset requirement for new development in the PRGWB or NMCWA is in place at the time of building permit issuance, the project will need to comply.*

**If a new ordinance is adopted, how might new development meet offset requirements?**

*Under the Planning Commission recommended amendment language, there are multiple options for applicants to offset new water use. Applicants will have the option of purchasing credits from a County-run program that generates water savings through conservation measures.*

**How does this affect new irrigated agriculture?**

*There is no requirement for new irrigated agriculture to offset water use once the Urgency Ordinance expires. The draft language recommended by the Planning Commission contains provisions similar to the Urgency Ordinance for new irrigated agriculture. If adopted as recommended, the new language will also place certain limitations on replanting crops that were planted during the interim period. Refer to the language recommended by the Planning Commission or contact a member of the “water team” for more information.*

**If a new ordinance is adopted, can new development offset the new water use by removing existing agriculture?**

*No. Removing agriculture to offset the water use of new development is inconsistent with policies in the Agriculture Element of the County General Plan.*

**How does the proposed ordinance relate to the Sustainable Groundwater Management Act (SGMA)?**

*As recommended by the Planning Commission, the provisions of the proposed ordinance that are applicable to the PRGWB would sunset upon the effective date of a Groundwater Sustainability Plan (GSP) adopted by a local Groundwater Sustainability Agency (GSA) under SGMA requirements. More information about SGMA and the Paso Robles Groundwater Basin Formation Process can be found at [pasobasin.org](http://pasobasin.org).*

**What else is included in the package of water amendments? Does anything apply to areas of the County outside of the PRGWB?**

*The proposed Water Neutral New Development requirement applies to new construction in the PRGWB and NMWCA. Also proposed is a Water Waste Prevention Ordinance, which would apply to all unincorporated areas of the County that do not have a similar program already in place.*

**Where can I review the proposed Ordinances?**

*The ordinance amendment language that was recommended by the Planning Commission can be found at:*

<http://www.slocounty.ca.gov/planning/water-amendments.htm>