

**TEMPLETON AREA ADVISORY GROUP (TAAG)  
RECOMMENDATION REPORT  
SLO COUNTY PROPOSED PASO ROBLES BASIN  
PLANTING ORDINANCE TO BE CONSIDERED BY THE SLO COUNTY  
BOARD OF SUPERVISORS ON DECEMBER 6, 2022**

**Background**

The County Board of Supervisors is scheduled to consider during a December 6, 2022 Board hearing the adoption of County ordinance amendments to the Agriculture and Conservation and Open Space Element of the San Luis Obispo County General Plan, to certify the County's 400+ page Final Environmental Impact Report related to this Ordinance and approve amendments to the County's various ordinances concerning regulation of the planting of irrigated crops utilizing groundwater from wells within the Paso Basin Land Use Management Area (PBLUMA) on properties located within the designated boundaries of the Paso Robles Basin. A considerable number of Basin area properties are currently restricted or prohibited from conducting irrigated crop and grazing activities utilizing Paso Basin groundwater.

TAAG is concerned regarding the consequences of this Paso Robles Groundwater Basin's proposal due to the existing legal obligations to essentially eliminate the Basin's current substantial annual overdraft issues and this proposal's health, welfare and financial costs impacting a substantial number (thousands) of general Templeton and SLO North County area residents, property owners, and business interests that are dependent on Paso Basin groundwater availability for domestic, agricultural irrigation and other business interests' water availability. County well permit records indicate that hundreds of dry well redrilling permits have been issued within the Paso Robles Basin's defined area in recent years. The County Health Department provided a list of well permits issued within the Paso Robles Groundwater Basin boundaries from 1990 to the present date (attached to this recommendation) indicating that more than 3,100 new and replacement wells have been permitted since 1990. The Paso Basin consists of 618 irrigation-industrial wells and approximately 2,500 domestic water wells.

TAAG's review considered the draft proposed SLO County ordinance amendments, the proposed draft SLO County Agriculture and Open Space Elements of the General Plan amendments, this proposal's Final Environmental Impact Report (FEIR) and appendixes, the SLO County Planning Commission's October 27, 2022 hearing this matter and the Commission's attached report to the Board recommending denial of this proposal.

**TAAG RECOMMENDATION**

TAAG reviewed this matter during publicly noticed November 10, 2022 TAAG Water Committee meeting and a publicly noticed November 17, 2022 TAAG Board meeting. The TAAG Board unanimously voted to recommend DENIAL of the proposed County Planting Ordinance and related amendments to the agriculture and conservation and open space elements of the San Luis Obispo County General Plan.

- TAAG supports and recommends approval of the SLO County Planning Commission October 27, 2022 unanimous decision to recommend that the Board of Supervisors DENY approval of this proposed ordinance.

TAAG supports its recommended denial for the following additional reasons.

- TAAG agrees with SLO County Planning Commission's October 27, 2022 originally submitted report recommending the "extension\_of the existing offset ordinance until January 1, 2028 or until a milestone tied to the sustainable management criteria of the Groundwater Sustainability Plan (GSP) is achieved." Currently a County GSP Plan has not been approved by the California State Water Resources Board.
- TAAG recommends denial on the basis that the proposed ordinance directly violates the County's existing legal obligations pursuant to the California Sustainable Groundwater Management Act (SGMA) and related laws and codes that requires the County to reduce Paso Robles groundwater pumping and essentially eliminate the Basin's groundwater overdraft extraction issues by the year 2040. This proposed ordinance increases Paso Basin groundwater agriculture irrigation usage through the year 2044.
- TAAG recommends denial of this proposed ordinance on the basis that it violates the County's SGMA legal obligations to submit a County Groundwater Plan (GSP) subject to the California Department of Water Resources Department approval. The County's 2019 GSP plan was rejected citing two deficiencies. The first deficiency was the Plan's failure to consider the effects of receding Basin water levels on domestic wells. The DWR January 21, 2022 rejection letter states, in part, the following domestic well concerns.

*The Paso Robles GSP states that an undesirable result for chronic lowering of groundwater levels is one that significantly and unreasonably impacts the ability of existing domestic wells of average depth to produce adequate water for domestic purposes, causes significant financial burden to those who rely on the groundwater basin, or interferes with other SGMA sustainability indicators.*

- TAAG recommends denial of this proposal on the basis that it violates existing State Water Code Section 106 and other related Code Sections. The Planning Commission report did not address this proposed ordinance's violation of California State Water Code Section 106 that establishes the first use water supply priority is the use of domestic water use. The second use priority is agricultural irrigation. California Water Code Section 106 states the following:

***"It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation."***

This Code Section 106 has been upheld by the Courts on many occasions since its 1943 enactment. This proposed Planting Ordinance places irrigated agriculture activities within the Basin as the County's primary Paso Robles groundwater use priority and virtually ignores this State Water Code Section 106 that has resulted in detrimental health, welfare and financial loss impacts inflicted on the Basin's SLO County residents, property owners, and businesses water users due to Basin area domestic well failures. County Health Department permit records indicate that approximately 270 failed domestic wells have been permitted to redrill replacement wells since 2014. 2014 was the first year that the County began tracking failed well replacement redrill permits. Well failures prior to 2014 have not been determined according to County Health Department records and are included as "new well permits" on the attached County permit list for the period 1990 thru 2013.

- TAAG recommends denial on the basis that the proposed ordinance exacerbates rather than resolves the

Basin's overdraft impacts by substantially increasing Basin groundwater extraction resulting in further lowering of Basin groundwater levels and the escalation of the Basin's annual overdraft problems. The proposal's Final Environmental Impact Report (FEIR) assumes that only 1% (19 new defined irrigated cultivation Basin area permitted parcels) will take advantage of this proposal during each of the years 2023 to 2044. This 1% per year assumption is unsupported. There is no limitation on the number of irrigated Basin area cultivation sites that may apply for this annual 25 AFY allocation at any time.

- TAAG recommends denial on the basis that this proposed ordinance does not provide for the FAIR DISTRIBUTION OF AVAILABLE Paso Basin groundwater to ALL groundwater users within the Paso Basin area.
- TAAG recommends denial on the basis that this proposed ordinance does not require currently operating "large water users" (exceeding 25 AFY of Basin groundwater use) to reduce their current annual water usage amounts and fails to propose water use reduction programs. The proposed ordinance has no provisions for considering mandatory water use reductions of large water users. Such mandatory reductions fall under the authority County's GSA pursuant to legal authority granted by the State's SGMA laws. The proposal's Final Environmental Impact Report (FEIR page 209 of 405) recognizes this issue stating "That implementation of the proposed planting ordinance would increase the amount of acreage utilized for irrigated agricultures within the PBLUMA and would increase the amount of groundwater extracted from the Paso Robles Subbasin. Such withdrawals would be required to comply with future management actions developed under the GSP. "However, at this time, there are no such actions available that could reduce the potential of withdrawals to further exacerbate the overdraft of the subbasin. The increased groundwater extraction would decrease groundwater supplies such that sustainable groundwater management of the Basin would be impeded, and those environmental impacts would be Class I Significant and Unavoidable."

FEIR (page 28 of 405) discloses a Class I Impact UTIL-1 that may rely on the requirements of a County GSA approved groundwater extraction measurement program but admits that such a County approved GSA program does not exist at this time and the FEIR indicates that such a program may not be developed for "several years".

Respectfully submitted.

Scott Shirley  
TAAG Chair  
December 1, 2022