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Updated Exemption Language and Water Demand in Chapter 7 (Planning Area Standards) of the Los Osos Community Plan

Chapter 7: Planning Area Standards

7.1 Introduction

Planning area standards implement the goals and policies of this plan and the Local Coastal Program. These standards are mandatory requirements that apply to new land uses and proposed development. Planning area standards apply in addition to the policies and standards of the Local Coastal Program Policy Document and the standards of the Coastal Zone Land Use Ordinance (CZLUO). Where a conflict exists between these standards and the CZLUO, the planning area standards shall prevail.

In addition to standards, this chapter includes guidelines, which are shown in italics. Guidelines provide further direction on how to implement the goals and policies of this plan. Guidelines are advisory, but are to be used in evaluating projects such as land divisions, Minor Use Permits and Development Plans. A variety of approaches may satisfy the intent of the guidelines.

7.2 Chapter Organization

The planning area standards are organized as follows:

Section 7.3 Communitywide Standards. These are standards that apply throughout the Los Osos urban area (within the Urban Reserve Line).

Section 7.4 Combining Designation Standards. These are standards that apply to areas with a special combining designation, such as a Sensitive Resource Area (SRA).

Section 7.5 Land Use Category Standards. These are standards that apply to specific land use categories (i.e. zoning) and specific areas or sites within those categories.

Standards (i.e. mandatory requirements) are written with standard text.

Guidelines (i.e. advisory guidance) are presented with italicized text.

7.3 Communitywide Standards

The following standards apply throughout the Los Osos urban area in all land use categories.

- A. **Advisory Council Referral.** Applications for land divisions, general plan amendments, Minor Use Permits, and Development Plans shall be referred to the Los Osos Community Advisory Council or its successor for review and comment.
- B. **Resource Capacity and Service Availability.**
 - 1. **Verification of water and sewer service.** All applications for land divisions and new development shall be accompanied by a letter from the applicable water purveyor and provider of sewer service indicating their willingness and intent to provide service to the new development.

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2. **Water and Wastewater Service Capacity, Land Divisions.** New land divisions, other than condominium conversions, shall not be approved unless the Review Authority makes the following findings:
 - a. The development can be accommodated by the sustainable yield of the Los Osos Groundwater Basin without causing seawater intrusion, as identified in the Basin Plan for the Los Osos Groundwater Basin and annual monitoring reports.
 - b. If within the sewer service area, the community sewer system is in operation and has sufficient capacity to serve the development.
 - c. If outside the sewer service area, the on-site wastewater disposal system has been designed to comply with all requirements of the Regional Water Quality Control Board, including the Central Coast Basin Plan.

For the purposes of the above findings, the Review Authority shall consider not only the water and wastewater demands of the development being proposed, but also the water and wastewater demands from existing development and development of all vacant parcels within the Los Osos Urban Services Line.

- C. **Fire Safety Clearance.** All applications for new development shall receive fire clearance from the applicable fire protection agency.

D. Los Osos Groundwater Basin.

1. **Title 19 Water Offset Requirement.** New development in Los Osos shall be subject to water demand offset requirements pursuant to Section 19.07.042 of the Building and Construction Ordinance (Title 19 of the County Code). These requirements shall remain in place for the community of Los Osos until the Board of Supervisor adopts a resolution certifying new development can be accommodated by the sustainable yield of the Los Osos Groundwater Basin without causing seawater intrusion, as identified in the Basin Plan for the Los Osos Groundwater Basin and annual monitoring reports.
2. **Discretionary Land Use Permits.** New development requiring discretionary land use permits shall not be approved unless the Review Authority finds the development can be accommodated by the sustainable yield of the Los Osos Groundwater Basin without causing seawater intrusion, as identified in the Basin Plan for the Los Osos Groundwater Basin and annual monitoring reports. The development may offset the associated net increase in water demand at a 1:1 ratio if the groundwater basin may not accommodate increased groundwater extraction, unless a higher ratio is required by Title 19.
3. **Non-residential Development.** Development of non-residential land uses that use water from the Los Osos Groundwater Basin shall be prohibited until the Board of Supervisors adopts a resolution certifying successful completion and implementation of the following programs from the 2015 Updated Basin Plan for the Los Osos Groundwater Basin, as amended or adjusted through adaptive management described in annual monitoring reports:
 - a. Program “M” – Groundwater Monitoring
 - b. Program “E” – Urban Efficiency

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- c. Program “U” – Urban Water Reinvestment
- d. Program “A” – Infrastructure Program A
- e. Program “C” – Infrastructure Program C
- f. Program “P” – Wellhead Protection

4. **Residential Development.** The Growth Management Ordinance, Title 26 of the County Code shall be amended to establish an annual growth rate for new residential units in the Los Osos Urban Area consistent with the available sustainable water supply. Residential units exempt from Title 26 are exempt from this standard (e.g., affordable housing, accessory dwelling units, [conversion of existing commercial structures to residential use as allowed by Section 23.08.162\(b\) of the Coastal Land Use Ordinance](#)):
- a. **Best Available Data.** The annual growth rate shall be established based on the best available data at the time, including the most recent annual monitoring report prepared for the Los Osos Basin Management Committee.
 - b. **Annual Review.** The adopted annual growth rate shall be reviewed on an annual basis and updated as needed, as follows:
 - i. **New Implemented Basin Plan Programs.** When additional Basin Plan programs are implemented, the annual growth rate shall be updated to reflect the estimated increase in sustainable basin yield.
 - ii. **Basin Plan Effectiveness.** If the data from the annual monitoring reports prepared for the Los Osos Basin Management Committee indicate that [completed Basin Plan programs have been less or more effective in reducing groundwater demand, increasing the perennial safe yield, or facilitating seawater retreat as predicted in the Basin Plan](#), then the development of new residential units shall be limited or increased accordingly. Modifications made to the Basin Plan programs through the Plan’s adaptive management provision shall also be considered.
 - iii. **Non-Residential Usage Trends.** If the data from the Basin Plan annual monitoring reports, individual purveyors, or private wells, indicate a significant increase in water demand for non-residential uses (e.g., commercial, agricultural, public facilities) or for residential uses not subject to the growth limitation standards in Title 26 (e.g., affordable housing, accessory dwelling units) that the Basin Plan adaptive management is not mitigating, then the residential growth rate shall be decreased.
 - iv. **Basin Model Updates.** [If updates are made to the basin model used by the Basin Management Committee, then the growth rate shall be updated to reflect the updated modeling data.](#)
5. **Exemptions.** All development [applications received](#) (pursuant to land use permits or entitlements) prior to the [date of final Board action for](#) this standard that complies with Title 19 retrofit requirements shall be exempt from the provisions of these standards in Subsections D.3 and 4.