



December 14, 2023

San Luis Obispo County  
Department of Planning and Building  
ATTN: Los Osos Ordinance Amendments/ Claire Momberger  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

**Subject: Los Osos Groundwater Basin Water Purveyor Comments re: County of San Luis Obispo's Title 19/ Los Osos Water Offset Program Ordinance Amendments**

Dear Ms. Momberger,

Thank you for the opportunity to comment on the County's effort to update and amend Title 19 and the Los Osos Water Offset Program ("Title 19 Amendments"). As you are aware, Golden State Water Company ("GSWC"), S&T Mutual Water Company (S&T) and Los Osos Community Services District ("LOCSD") (jointly, "Purveyors") provide water to the Los Osos community. Los Osos overlies the Los Osos groundwater basin, which is the community's sole source of potable water.

The Purveyors are submitting this joint letter to express our shared apprehensions in response to the most recent proposed iteration of, and amendment to, the Title 19 Amendments. As you know from our months of discussion on these proposed amendments, the Purveyors are engaged and committed to ensuring the implementation of an accurate, fair, and verifiable water offset program in order to balance the pressure to allow additional development with our responsibility to protect the drinking water supply for the community. To that end, the Purveyors' separate governing boards and management, as well as members of the community, have endorsed the comments and requests presented in this correspondence.

Though the Purveyors' initial comments are being provided with this letter, we respectfully request that the public comment period be extended through the end of January 2024 to allow time for additional comments to be submitted once the holiday season (and all of the associated travel and other constraints on time) has come to a close. Without prior communication, the public review draft of the Title 19 Amendments was released to the Purveyors late in the afternoon (4:42pm) on Monday, November 27<sup>th</sup>, which was after the Thanksgiving holiday. The deadline for comments of December 31, 2023 (New Year's Eve) barely allows time for Purveyor staff to review the proposed amendments in detail and formulate responses before the Christmas and New Year holidays arrive. Please seriously consider an extension to allow for adequate public input from both the Purveyors and the public.

The following comments are directed at the processes outlined and discussed with County Planning and the Basin Management party staff over the past year:

- Lack of Robust Water Savings Verification. The water savings verification process to ensure the savings are being realized is not adequately addressed in the Title 19 Amendments. In the Water Offset study, Maddaus recommended more actions and provided examples in Section 6.3 (pages 27-29) of the study to assist in the verification process. Mechanisms to evaluate community-wide water use on a periodic basis need to be included to verify that the groundwater basin is not being negatively impacted by new development.
- Postpone Outdoor Measures. The Purveyors are opposed to including outdoor measures in the Title 19 Amendments until a time that the County can explicitly demonstrate the verifiable, reliable and long-term water savings of any measure being considered are accurate. The analysis in Section 5.1 of the Water Offset Study (page 18) is vague and lacks data to support the three suggested programs to achieve the outdoor water savings suggested. The Title 19 Amendment's proposed pilot program should be reviewed and agreed upon by the Purveyors prior to additional action.
- Prohibition Zone Offsets. After over a year of dialogue with the County, a tentative agreement was reached to allow retrofits in the Prohibition Zone (PZ). This was based on making amendments to the Growth Management Ordinance to allow limited development community-wide including the PZ. The agreement would be that retrofits would be within the water purveyor boundary based on where the new development is being planned. As stated, this was an issue thoroughly discussed at the County planning and Basin Management Committee (BMC) staff level.
- Inaccurate Calculation of Water Savings. As discussed at the staff level, using the person per household number for single family residences (2.4 people per dwelling) to calculate retrofit water savings multi-family and, in particular, mobile homes will inflate the savings on paper versus the actual water savings that can be achieved. Mobile home occupancy data is available for the mobile home parks in Los Osos.

The following comments are either questions for clarification or identify errors in the Title 19 Amendments that should be corrected:

- Section 8.91.020 (4)d. - Aerator definition 1.0 gpm; 19.07.042 (8)a.3. and 19.07.042 (8)c.2. – 1.2 gpm. Please correct all references to read 1.0 gpm for consistency; no aerators rated at 1.2 gpm are available in the marketplace.
- Section 19.07.042 (8)b.4. – Please explain the meaning of and process associated with the text “or through other projects as authorized by the Department director”. Planning staff commented at a BMC meeting that the retrofit values would be evaluated by County staff. The Purveyors request examples be provided for better understanding of the proposal.
- Section 19.07.042 (8)b.5. – Assuming that County staff is including this text to avoid having to go through an ordinance amendment to make changes, which is understandable, is there going to be a process where the water purveyors or the public can review and comment on those changes prior to implementation. Please provide a written explanation of this process the proposed process.

- On page 3 of 11 in the table for the LO Groundwater Basin Retrofit-to-Build Requirements for single-family self-sourced development, it appears that using the parcel size as the denominator in the equation reduces the offset requirement substantially as the size of the parcel increases; the larger the parcel, the less the offset requirement. Was this the intent of the equation?
- On page 7 of 11, the table for average water savings for toilets, the number in the column for 6.0 to 1.0 gpd for 3 toilets needs to be corrected. The value should be 23 and not 12.
- On page 9 of 11 for clothes washers, either formula at the top of table is in error or the example is incorrect.
- Section 19.07.042 (8)a1 – Note that dual flush toilets as allowed are not currently available for purchase rated at 1.0 gpm. Dual flush toilets are available for 0.6 to 0.8 gpm on low flow flush and 1.0 to 1.2 gpm on high flow flush. In addition, if flappers (or gaskets in dual flow toilets) are not properly inspected and replaced due to wear, additional water use will occur. Information should be provided to the property owner regarding the maintenance and consequences if the toilet flapper mechanism not changed every two years.


Sincerely,

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Mark Zimmer, General Manager-Coastal District  
Golden State Water Company

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Julie McAdon, President of the Board  
S&T Mutual Water Company

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Charles Cesena, President of the Board  
Los Osos Community Services District