

LRP2022-00004  
ORDINANCE NO. **3506**

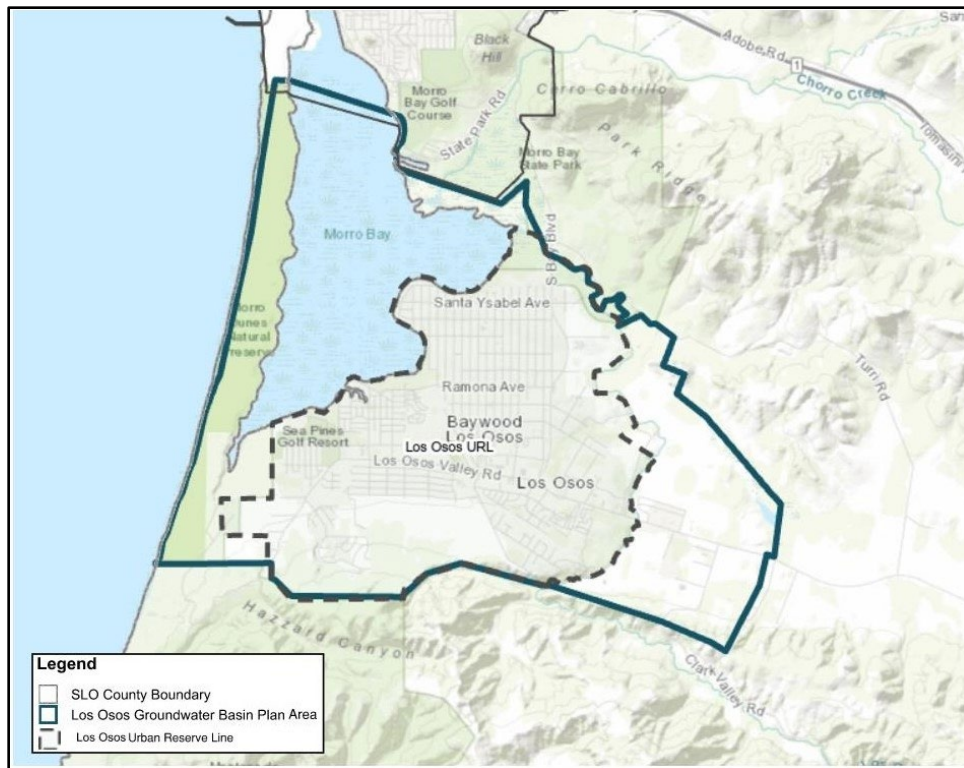
AN ORDINANCE AMENDING TITLE 8 AND TITLE 19 OF THE SAN LUIS OBISPO  
COUNTY CODE, THE HEALTH AND SANITATION ORDINANCE AND THE  
BUILDINGS AND CONSTRUCTION ORDINANCE, TO UPDATE THE PLUMBING  
FIXTURE RETROFIT REQUIREMENTS FOR THE RETROFIT UPON SALE AND  
RETROFIT TO BUILD PROGRAMS WITHIN THE  
LOS OSOS GROUNDWATER BASIN PLAN AREA

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

SECTION I: That Section 8.91.020 of Title 8 of the San Luis Obispo County  
Code be amended as follows:

**8.91.020 – Definitions.**

- (3) "Low consumption plumbing fixtures for residential units" include:
  - a. Toilets that are rated at no more than an effective flush rate of 4.28 1.0 gallon per flush ~~(HET);~~
  - b. Showerheads that do not exceed 2.0 1.5 gallons per minute;
  - c. Aerators on all lavatory sinks that do not exceed one gallon per minute.
- (4) "Low consumption plumbing fixtures for commercial units" include:
  - a. Urinals that use no more than 0.5 gallon per flush;
  - b. Toilets that are rated at no more than an effective flush rate of 4.28 1.0 gallon per flush ~~(HET);~~
  - c. Showerheads that do not exceed 2.0 1.5 gallons per minute;
  - d. Aerators on all lavatory sinks that do not exceed one gallon per minute.
- (5) The Los Osos groundwater basin is shown in Figure A as the area within the "Los Osos Groundwater Basin Plan Area Boundary."



**Figure A. Los Osos Groundwater Basin Plan Area Boundary, not to scale.**

SECTION II: That Section 8.40.040 of Title 8 of the San Luis Obispo County Code be amended as follows:

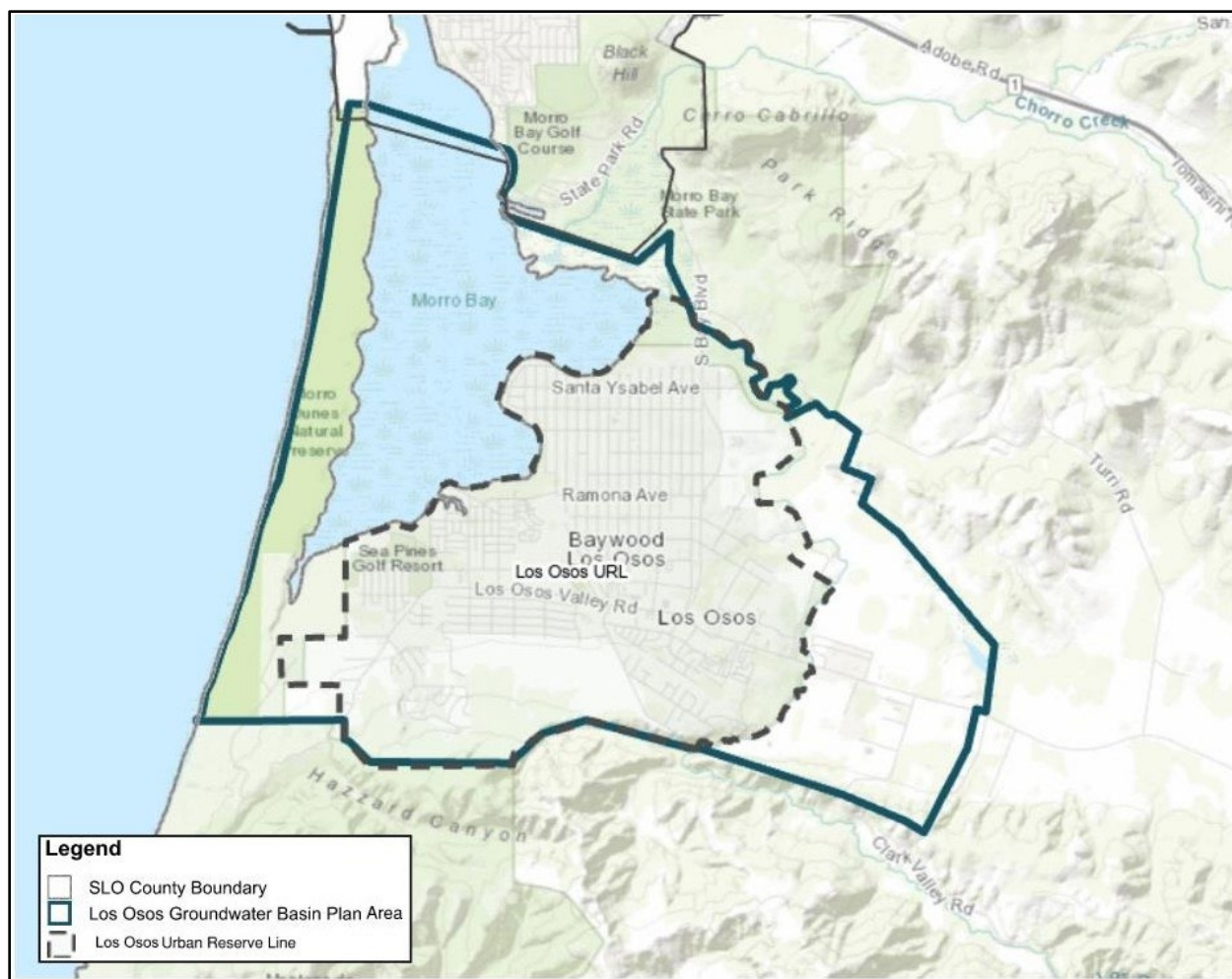
**8.91.040 – Exemptions.**

- (a) All existing ~~4.6~~ 1.28 gallons-per-flush toilets shall be exempt from the provisions of this chapter.

SECTION III: That Section 19.07.042 of Title 19 of the San Luis Obispo County Code be amended as follows:

**19.07.042 – Water conservation provisions.**

- (8) Los Osos Groundwater Basin: In addition to the requirements in sections a, b and c above, the requirements in subsections (8)a. through (8)~~j~~ n. below shall apply to all new development that uses water from the Los Osos Groundwater Basin shown in Figure 7-2.



*Map created November 2023.*

**Figure 7-2 – Los Osos Groundwater Basin Plan Area**

- a. The developer of any new structure that uses water from the Los Osos Groundwater Basin shall install plumbing fixtures that meet the following requirements:
  1. Toilets rated at no more than an effective flush rate of 1.28 ~~1.28~~ 1.0 gallon per flush (HET) (allowing for the installation of dual flush models);
  2. Showerheads rated at no more than 1.85 gallons per minute;
  3. Bathroom sink aerators with a volume of no more than 1.20 gallons per minute;
  4. Hot water circulation systems for master bathrooms and kitchens if the furthest plumbing fixture unit in these rooms is greater than twenty pipe-feet from the hot water heater;
  5. Commercial structures shall use urinals rated at no more than 0.5 gallons per flush;
  6. New residences shall be plumbed for grey-water systems pursuant to Chapter 16 of the Uniform Plumbing Code.
- b. Prior to issuance of a construction permit for a new structure with plumbing fixtures

that uses water from the Los Osos Groundwater Basin, the developer of such new structure shall retrofit plumbing fixtures in existing structures within the Los Osos Groundwater Basin, ~~but outside the Prohibition Zone~~ as shown in ~~Figure 7-2~~. The number and type of plumbing fixtures to be installed shall be as required in the Total Retrofit Water Savings Required for Certificate (gallons per day, or gpd) equivalency table ~~as adopted and codified in Appendix A, which shall be maintained by and kept on file with the Department of Planning and Building (Department)~~. The ~~equivalency~~ table indicates the ~~point-flow~~ values of existing fixtures which may be retrofitted and the corresponding ~~point-flow~~ requirements for each newly constructed or remodeled structure. A package of proposed retrofits and water conservation requirements must add up to no less than the minimum requirements established in the Appendix C Total Retrofit Water Savings Required for Certificate (gallons per day, or gpd) table.

1. The total amount of water savings or the "offset" amount required for building permit issuance of a new structure is determined per dwelling type and water source and is maintained by and kept on file with the Department. Applicants for new structures shall refer to the Department staff for the most current water savings requirements.
  2. If a new structure is not a dwelling unit, the method of and total amount of water savings required through offsetting shall be determined in the development plan or building permit process through coordination with Department staff.
  3. To achieve water savings and receive a certificate for permit issuance, developers may retrofit existing toilets, showerheads, and clothes washers and/or install demand-initiated hot water recirculation systems. Refer to the Department staff for eligible fixture replacements.
  4. The total water savings requirement for development of a new structure may be met through the sum of total water savings by retrofit of any multiple types of fixtures referenced in subsection (b)(3), or through other projects as authorized by the Department director.
  5. The Total Retrofit Water Savings Required for Certificate (gallons per day, or gpd) and the Average Water Savings per fixture type shall be updated by the Department director every 3 calendar years based on the best available residential end use studies, consumption data average use rates, and monitoring data provided by Los Osos water purveyors, using the methodology established in the Los Osos Water Offset Study published on June 30<sup>th</sup>, 2023 and managed by the Department. The published study is kept on file with the Department.
  6. The Department shall maintain a list of addresses of homes that provide a source of total water savings through the retrofit of existing plumbing fixtures as well as the flow ratings of the new plumbing fixtures.
- c. If a new structure will receive water service from a Los Osos water purveyor, the total water savings (i.e., retrofit of plumbing fixtures in existing structures and/or hot water recirculation system installation) must occur within the service boundary of the same Los Osos water purveyor to receive a water conservation certificate.

- ~~ed.~~ Any addition of one hundred twenty square feet or more to an existing structure or any remodel of an existing structure that uses water from the Los Osos Groundwater Basin shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:
1. Toilets rated at no more than an effective flush rate of 1.28 1.0 gallon per flush (HET) (allowing for the installation of dual flush models);
    - a. Existing toilets in the existing structure that are rated at an effective flush rate of 1.28 gallons per flush do not need to be retrofitted to 1.0 gallons per flush.
  2. Showerheads rated at no more than 1.85 gallons per minute;
  3. Bathroom sink aerators with a volume of no more than 1.20 gallons per minute;
  4. All urinals in commercial structures shall be replaced with urinals rated at no more than 0.5 gallons per flush.
- ~~d.~~ Any remodel of an existing structure that uses water from the Los Osos Groundwater Basin that requires a construction permit pursuant to this title shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:-
- ~~1. Toilets rated at no more than 1.28 gallons per flush (HET);~~
  - ~~2. Showerheads rated at no more than 1.8 gallons per minute;~~
  - ~~3. Bathroom sink aerators with a volume of no more than 1.2 gallons per minute;~~
  - ~~4. All urinals in commercial structures shall be replaced with urinals rated at no more than 0.5 gallons per flush.~~
- e. The planning director (or designee) is authorized to make determinations for fixtures or projects not specifically designated in the Total Retrofit Water Savings Required for Certificate (gallons per day, or gpd) equivalency table in Appendix A, which is maintained by and kept on file with the Department.
1. All average plumbing fixture use rates referenced in the total water savings tables for each fixture type, referenced in subsections (k) through (n) of this chapter, originate from the methodology used in the Los Osos Water Offset Study, published on June 30, 2023 and kept on file by the Department.
- f. The Total Retrofit Water Savings Required for Certificate (gallons per day, or gpd) equivalency table in Appendix A shall be amended by the planning director ~~from time to time every 5 calendar years based on the best available residential end use studies and consumption data average use rates, to reflect changes in water use and/or water savings.~~
- g. Owners of existing structures that are retrofitted under this program shall agree to allow their water purveyors to release water use figures to the ~~D~~department ~~of planning and building~~ in order to gauge the effectiveness of the program, to the extent allowed by California Law.
- h. Upon retrofitting of the required number of fixtures, the developer shall submit evidence of the completed retrofits to the ~~D~~department ~~of planning and building~~ .

This evidence shall consist of a retrofit verification declaration completed and executed by a licensed plumber and/or contractor. The retrofit verification declaration shall be assigned to and used for development of a specific property or properties or land use permit and shall not be transferred to another parcel.

- i. The department of planning and building shall conduct post-installation inspections of participating properties at random to verify that fixtures installed for the purpose of offsetting water demand have been maintained.
- j. 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 ~~D~~department of planning and building. ~~Once the water conservation certificate is issued, the new structure may receive final occupancy approval.~~ The water conservation certificate shall be assigned to and used for development of a specific property or properties or land use permit and shall not be transferred to another parcel, ~~except as provided in the following subsection (8)j.~~
- ~~j. Water conservation certificates that were issued for vacant parcels inside the prohibition zone prior to the effective date of this ordinance may be transferred to specified vacant parcels or land use permits for vacant parcels outside the prohibition zone one time before January 1, 2019, except when the county is in a drought emergency as proclaimed by the board of supervisors. These water conservation certificates are encouraged to be transferred to vacant parcels with approved minor use permits.~~
- k. The Department may conduct a pilot program, at the discretion of the director, which allows total water savings for the offset of a new structure to be sourced from outdoor water conservation measures. The pilot program shall include pre- and post-landscape change inspections, require the installation of water-efficient irrigation technologies, and include an ongoing monitoring component to confirm water savings over time. The discretion of the director will be exercised to determine if an applicant's participation in a pilot program complies with the total water savings required to secure a retrofit certificate. An applicant's participation in the pilot program does not guarantee a water conservation certificate for achieving total water savings.
- l. Retrofit of toilet(s) for offset requirements:
  - 1. New toilet(s) shall be rated at no more than an effective flush rate of 1.0 gallon per flush.
  - 2. New eligible toilet(s) may be dual flush models, so long as the effective flush rate is no more than 1.0 gallon per flush.
- m. Retrofit of showerhead(s) for offset requirements:
  - 1. New showerhead(s) shall be rated at no more than 1.5 gallons per minute.
- n. Retrofit of clothes washer(s) for offset requirements:
  - 1. Existing clothes washers may not be Energy Star Efficient.



o. Installation of hot water recirculation system(s) may be used to satisfy offset requirements using the method on file with the Department.

1. Hot water recirculation systems shall be demand-initiated and have a calculated hot water volume of 0.5 gallon maximum between the hot water source and each fixture.
2. Plumbing systems can minimize water use by reducing the distance between the hot water source and each plumbing fixture that uses hot water. Hot water recirculation systems are only appropriate for certain plumbing layouts with large distances between the hot water source and hot water fixtures. At the time of submittal of a water savings verification application, the applicant shall submit a fixture diagram, list of pipe diameter and length measurements, and printouts of the calculator for the before-and-after configurations prepared by a licensed plumber.

**~~Los Osos Plumbing Retrofit Program~~**

<del>RESIDENTIAL-</del>				
<del>Existing Toilet-</del>	<del>Replacement Toilet-</del>	<del>Single-Family-Residential-Gallons Saved Per Day (Credits)-</del>	<del>Multi-Family-Residential<sup>1</sup>-Credits-</del>	<del>Mobile Home<sup>2</sup>-Credits-</del>
<del>6-gallons per flush</del>	<del>1.28 gpf</del>	<del>52-</del>	<del>39-</del>	<del>26</del>
<del>6-gpf</del>	<del>1.1 gpf</del>	<del>54-</del>	<del>40-</del>	<del>27-</del>
<del>3.5-gpf</del>	<del>1.28 gpf</del>	<del>30-</del>	<del>22-</del>	<del>15-</del>
<del>3.5-gpf</del>	<del>1.1 gpf</del>	<del>31-</del>	<del>23-</del>	<del>16-</del>
<del>1.6 gpf</del>	<del>1.28 gpf</del>	<del>14-</del>	<del>10-</del>	<del>7-</del>
<del>1.6 gpf</del>	<del>1.1 gpf</del>	<del>15-</del>	<del>11-</del>	<del>8-</del>
<sup>1</sup> <del>Multi-Family Residential (MFR) is 75% of Single-Family Residential Water Use-</del>				
<sup>2</sup> <del>Mobile Home is 50% of Single-Family Residential Water Use-</del>				
<del>Existing Shower-</del>	<del>Replacement Shower-</del>	<del>Single-Family-Residential-Gallons Saved Per Day (Credits)-</del>	<del>Multi-Family-Residential<sup>1</sup>-Credits-</del>	<del>Mobile Home<sup>2</sup>-Credits-</del>
<del>5-gallons per minute-</del>	<del>2.5 gpm-</del>	<del>19-</del>	<del>14-</del>	<del>10-</del>
<del>5-gpm-</del>	<del>1.5 gpm-</del>	<del>26-</del>	<del>20-</del>	<del>13-</del>
<del>2.5-gpm-</del>	<del>1.5 gpm-</del>	<del>13-</del>	<del>10-</del>	<del>7-</del>
<del>Gallons Saved Per Day (Credits)</del>				
<del>Installation of a Hot Water Recirculation System-</del>				<del>17-</del>

~~Total retrofit credits needed for a new single family is 300-gallons-~~

<sup>1</sup>~~A structures on a parcel must be retrofitted at the same time-~~

<sup>2</sup>~~A third bathroom in a house does not have to be retrofitted-~~

<sup>3</sup>~~Replacement toilets must be rated at no more than 1.28 gpf-~~

<sup>4</sup>~~If two toilets are replaced in one household, the average gallons (credits) saved between the two will be used-~~

SECTION IV: 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 V: 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, a summary shall be published once in a newspaper of general circulation 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.

SECTION VI: 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 VII: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

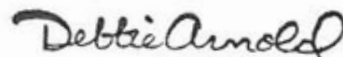
INTRODUCED at a regular meeting of the Board of Supervisors held on February 6, 2024, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on February 27, 2024, by the following roll call vote, to wit:

AYES: Supervisors Bruce S. Gibson, Jimmy Paulding, John Peschong,  
Dawn Ortiz-Legg and Chairperson Debbie Arnold

NOES: None

ABSENT: None

ABSTAINING None



Debbie Arnold  
Chairperson of the Board of Supervisors

ATTEST:

REBECCA CAMPBELL  
Acting County Administrative Officer and  
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin  
Deputy Clerk