ORDINANCE NO. **3560**

AN ORDINANCE AMENDING TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE BY ADOPTING AND AMENDING THE 2025 CALIFORNIA BUILDING STANDARDS CODE, INCLUDING ANNUAL SUPPLEMENTS AND STATE AMENDMENTS AND ERRATA

WHEREAS, it is the desire and intent of the Board of Supervisors of San Luis Obispo County to protect and promote the public health, safety and welfare of the citizens of the County; and

WHEREAS, the State Building Standards Commission has approved and published the 2025 edition of the California Building Standards Code, California Code of Regulations, Title 24, on July 1, 2025, and such code becomes effective on January 1, 2026; and

WHEREAS, Health and Safety Code Section 18939 provides that the triennial edition of the California Building Code establishes building standards for all occupancies throughout the State and requires that these standards incorporate the latest editions of the Technical Codes with necessary California amendments; and

WHEREAS, the Building and Construction Ordinance, Title 19 of the San Luis Obispo County Code, was adopted with the intent to regulate the design and construction of buildings and structures through basic standards for site preparation, construction activities, quality of materials, occupancy classifications, the location of buildings and structures and building systems associated with buildings and structures; and

WHEREAS, Health and Safety Code Sections 17958.7 and 18941.5 provide that the County may make changes or modifications to the building standards contained in the California Building Code based on express findings that such changes or modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the California Building Code, California Code of Regulations, Title 24, which incorporates the California Building Standards Administrative Code, the California

Building Code, the California Residential Code, the California Electrical Code, the California Mechanical Code, the California Plumbing code, the California Energy Code, the State Historical Building Code, the California Fire Code, the California Existing Building Code, the California Green Buildings Standards Code, and the California Reference Standards Code, is adopted every three years by order of the California Legislature with supplements published in intervening years; and

WHEREAS, the Ordinance will amend Title 19 of the San Luis Obispo County Code so that it adopts and amends the 2025 California Building Standards Code as modified and amended, including annual supplements and state amendments and errata; and

WHEREAS, at its November 18, 2025 meeting the Board of Supervisors of San Luis Obispo County adopted findings as required by California Health and Safety Code Sections 17958.7 and 18941.5 that because of climatic, geographical and topographical conditions that exist within San Luis Obispo County, the amendments to the adopted codes are necessary to protect citizens' life, health, the community environment and property; and

WHEREAS, based upon the findings contained in the Resolution adopted at its November 18, 2025 meeting, the Board of Supervisors has found that certain additional modifications and additions to the California Building Standards Code are reasonably necessary based upon local climatic, topographical and geological conditions.

NOW, THEREFORE, the Board of Supervisors of the County of San Luis Obispo ordains as follows:

**SECTION 1:** Title 19 of the San Luis Obispo County Code is hereby amended to read as follows:

# CHAPTER 1: ENACTMENT

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## 19.01.010 Title and purpose.

This title shall be known and may be cited as "The Building and Construction Ordinance of the County of San Luis Obispo," Title 19 of the San Luis Obispo County Code. These regulations are hereby established and adopted to protect and promote the public health, safety, and welfare. The intent of this ordinance is to regulate the design and construction of buildings and structures through basic standards for site preparation, erosion and sedimentation control, construction activities, quality of materials, occupancy classifications, the location and maintenance of buildings and structures and certain equipment associated with buildings and structures. This title prescribes regulations and standards that are consistent with the State Housing Law of California.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.01.020 Scope and applicability.

The provisions of this title shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the unincorporated areas of San Luis Obispo County, except as otherwise provided by this title, state, or federal law.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.01.030 Administration.

This title shall be administered by the building official of San Luis Obispo County.

**a.** **Building Official Designated**. The chief building official is hereby designated as the building official and code official for the County of San Luis Obispo. Where the "authority having jurisdiction" is used in the adopted codes, it shall mean the building official.

**b.** **Duties**. The duties of the building official under this title include but are not limited to the enforcement of the provisions of this title and work with other designated officers in the enforcement of applicable provisions of the Land Use Ordinance, pursuant to the provisions

of Chapters 22.10 or 23.10 of this code and California State Law. The building official is designated as the county enforcement officer referred to in the California Health and Safety Code (Ord. 3250, §1, 2013).

**c. Refusal to Issue Permits**. The building official may refuse to issue a permit, or refuse to extend, or renew any permit to any person who has a structure or structures without the benefit of permit on the property. Permits will be issued and receive final inspection in a manner and sequence determined by the building official.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.01.040 Adoption of Codes.

Twelve ~~documents~~Parts of Title 24 and 2 additional codes, each of which are on file in County offices, marked and designated as the 2025~~2~~ California Code of Regulations - California Building Standards Code Title 24:

Part 1: The California ~~Building Standards~~ Administrative Code;

Part 2: Volume 1 and 2, named the California Building Code and is based on the 2024~~1~~ International Building Code;

Part 2.5: The California Residential Code and is based on the 2024~~1~~ International Residential Code;

Part 3: The California Electrical Code and is based on the 2023~~0~~ National Electrical Code;

Part 4: The California Mechanical Code and is based on the 2021~~4~~ Uniform Mechanical

Code; Part 5: The California Plumbing Code and is based on the 2021~~4~~ Uniform Plumbing

Code; Part 6: The California Energy Code;

Part 7: ~~Currently vacant~~ California Wildland-Urban Interface Code
;

Part 8: The State Historical Building Code;

Part 9: The California Fire Code and is based on the 2024~~1~~ International Fire Code;

Part 10: The California Existing Building Code and is based the 2024~~18~~ International Existing Building Code;

Part 11: The California Green Building Standards Code and is also called the CAL Green Code; Greenpoint Rated (GPR) Version 8.0 for New Single Family Residences and any accompanied addenda; Leadership in Energy and Environmental Design (LEED) Version 4.1 (v4.1) for Homes for California and any accompanied addenda;

Part 12: The California Referenced Standards Code~~,~~;

Additional codes:

1. ~~2021 Uniform Solar Energy Code, and the 2021 Uniform Swimming Pool, Spa and Hot Tub Code published by the International Association of Plumbing and Mechanical Officials, 2021~~2024 International Swimming Pool and Spa Code,

2. 2024~~1~~ ~~edition of~~ International Property Maintenance Code published by the International Code Council

These are hereby adopted as amended, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, as the Building Construction Regulations of the County of San Luis Obispo. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter except as modified hereinafter.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.01.050 Building appeals board.

**a.** In order to hear and decide appeals of orders, decisions, or determinations made by the chief building official related to the application and interpretation of this code, there shall be and is hereby created a board of appeals.

**b.** Any person adversely affected by a determination made by the chief building official enforcing any provision of this title may file an appeal pursuant to Section 19.01.050, except administrative procedures, fees, or any appeal of an action performed pursuant to Chapters 19.40 and 19.80 of this title shall be filed and processed as set forth in the International Property Maintenance Code, adopted by reference as part of Chapter 19.01 of this title.

**c.** The building appeals board as created by the California Building Code consists of five members who are qualified by experience and training to pass upon matters pertaining to building construction. The building official shall be an ex officio member and shall act as secretary of the building appeals board. Building appeals board members shall be appointed by the board of supervisors and shall hold office for four-year terms. Members of the building appeals board shall be residents of the county. The building appeals board shall adopt reasonable rules and regulations for conducting its investigations. Each member shall serve at the pleasure of the board of supervisors, and such appointments may be terminated by a majority vote of the board of supervisors.

**d.** Such appeals shall be in writing, state the grounds for appeal, and be filed within fifteen days of the act by the chief building official. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeals.

**e.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The building appeals board shall have no authority over administrative provisions or to waive requirements of this code.

**f.** The decision of the building appeals board shall be final and conclusive. The written decision shall be sent to the appellant and shall provide that, pursuant to California Code of Civil Procedure Section 1094.6, any action to review said decision shall be commenced in an appropriate court of law not later than the ninetieth day after the date that the decision becomes final.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.01.060 Definitions.

Whenever names, terms, abbreviations, phrases, and their derivatives are defined elsewhere in this code and are not defined in this section, those definitions shall apply to this title. All definitions contained in the codes adopted in this title, the California Health and Safety Code, and the California Administrative Code shall apply throughout this title except as defined by this section.

**Accessory Building**. A building or structure the use of which is incidental to that of the main building, and which is located on the same lot.

**Accessory Dwelling Unit.** An attached or detached residential dwelling that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling is an accessory use to the primary dwelling and shall be located on the same parcel as the primary dwelling.

**Administrative Authority.** The Building Official.

**Alternate Sewage Treatment System**. Or NOWTS for OWTS. A nonconventional OWTS provides additional treatment of the effluent to reduce Nitrogen (N), Total Suspended Solids (TSS), and the Biological Oxygen Demand (BOD). It may also provide disinfection against pathogens, or alternate methods of effluent dispersal/discharge of wastewater where conventional systems may not be capable of meeting established performance requirements to protect public health and water resources (e.g., at sites where high ground water, low permeability soils, shallow soils, or other conditions limit the infiltration and dispersal of wastewater). Components that might be used in alternative systems include mounds and pressure and drip distribution systems.

**Approval**. The proposed work or completed work conforms to this chapter in the opinion of the building official.

**As-Graded**. The extent of surface conditions on completion of grading.

**As-Built**. Is a structure that has been built without the benefit of permit and inspections. Also includes structures that were built with a permit, but changed occupancy, may or may not have included alterations, but was converted or built without the benefit of permit and inspections.

**Attendance Area**. That area established by the governing board of the school district, within which children must reside to attend a particular school.

**Bedrock.** Any consolidated rock, either weathered or not, which usually underlies alluvium, colluvium, topsoil, residual soil or fill. Bedrock would include sedimentary rocks, metamorphic rock, and igneous rocks.

**Beneficial uses for OWTS**. As defined in the California Water Code, beneficial uses of the waters of the state that may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural, and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

**Bench**. A relatively level step excavated into earth material on which fill is to be placed.

**Best Management Practices (BMPs).** Best management practices include scheduling of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of stormwater pollutants. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Board of Supervisors**. The Board of Supervisors of the County of San Luis Obispo.

**Borrow**. Earth material acquired from an off-site location for use in grading on a site.

**Building Division**. The building division of the department of planning and building of the County of San Luis Obispo.

**Building Official**. The Chief Building Official of the County of San Luis Obispo or his/her duly designated deputy.

**Cesspool.** For OWTS. an excavation in the ground receiving domestic wastewater, designed to retain the organic matter and solids, while allowing the liquids to seep into the soil. Cesspools differ from seepage pits because cesspool systems do not have septic tanks and are not authorized under this policy. The term cesspool does not include pit-privies and out-houses which are not regulated under this policy.

**Civil Engineer.** A professional engineer registered in the state to practice in the field of civil works.

**Civil Engineering.** The application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design, and construction of civil works.

**Coastal Zone**. Lands identified on the official maps (Part III) of the Land Use Element of the San Luis Obispo County General Plan as being located within the Local Coastal Plan (LCP)combining designation, the portions of the California Coastal Zone within San Luis Obispo County established by the California Coastal Act of 1976.

**Code Enforcement Agency.** Also known as enforcement agency, enforcing agency, or the San Luis Obispo County Department of Planning and Building.

**Community Sewage Disposal System**. A residential wastewater treatment system for more than five units or more than five parcels; or commercial, industrial, or institutional system that treats two thousand five hundred gallons or more of domestic/sanitary wastewater per day (peak daily flow).

**Compaction.** the densification of a fill by mechanical means.

**Condition Compliance Monitoring.** Refers to a case type for the purpose of monitoring planning conditions and erosion/sedimentation control best management practices after a construction permit is finaled.

**Conditions of Overcrowding**. The total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing board of the school district.

**Construction Permit.** An issued building, plumbing, electrical, mechanical, or grading permit as required by this title, Title 22, or Title 23 of this code.

**Construction permit application**. A building, plumbing, electrical, mechanical, or grading permit as required by this title, Title 22 or Title 23 of this code.

**County Clerk**. The County Clerk of the County of San Luis Obispo.

**Covered Project**. A development project for which one or more building permits are required for new construction, additions, alterations, or repairs to any residential or non-residential structure as set forth by the standards for scope and applicability outlined in Section 19.01.020.

**Covered Sidewalk**. A permanent covering attached to a building and projecting from the property line toward the curb line, over a public sidewalk, or public walkway.

**Cut/Slope for OWTS**. Any slope greater than sixty percent or man-made contour that exposes the vertical soil profile.

**Developer**. Any person, association, firm, partnership, corporation, other business entity, or public agency establishing, installing, or constructing a residential development.

**Director of Public Works**. The County Engineer of San Luis Obispo County.

**Dispersal System for OWTS**. A leach field, seepage pit, mound, subsurface drip field, or other type of system for final wastewater treatment and subsurface discharge.

**Domestic Wastewater for OWTS.** Wastewater with a measured strength less than high-strength wastewater and is the type of wastewater normally discharged from, or similar to, that discharged from plumbing fixtures, appliances and other household devices including, but not limited to, toilets, bathtubs, showers, laundry facilities, dishwashing facilities, and garbage disposals. Domestic wastewater may include wastewater from commercial buildings such as office buildings, retail stores, and some restaurants, or from industrial facilities where the domestic wastewater is segregated from the industrial wastewater. Domestic wastewater may include incidental RV holding tank dumping but does not include wastewater consisting of a significant portion of RV holding tank wastewater such as at RV dump stations. Domestic wastewater does not include wastewater from industrial processes.

**Dump Station for OWTS**. A facility intended to receive the discharge of wastewater from a holding tank installed on a recreational vehicle. A dump station does not include a full hook-up sewer connection similar to those used at a recreational vehicle park.

**Domestic Well for OWTS**. A groundwater well that provides water for human consumption and is not regulated by the State Water Resources Control Board Division of Drinking Water.

**Dwelling Unit**. A building or portion thereof, or a mobile home, designed for residential occupation by one person or a group of two or more persons living together as a domestic unit that contains permanent provisions for living, sleeping, eating, cooking and bathing/sanitation. Dwelling unit shall not mean room additions to existing residential structures.

**Earth Material**. Any rock, natural soil, or fill, or any combination thereof.

**Effluent for OWTS**. Sewage, water, or other liquid, partially or completely treated or in its natural state, flowing out of a septic tank, aerobic treatment unit, dispersal system, or other OWTS component.

**Electronic Submittal**. The utilization of one or more of the following:

1. Email;
2. Internet;
3. Facsimile. Engineered design. An onsite or cluster system that is designed to meet specific performance requirements for a particular site as certified by a licensed professional engineer or other qualified and licensed or certified person.

**Engineering Geologist**. A geologist experienced and knowledgeable in engineering geology.

**Engineering Geology**. The application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

**Erosion**. The wearing away of the ground surface as a result of the movement of wind, water, or ice.

**Excavation**. The mechanical removal of earth material.

**Fill**. A deposit of earth material placed by artificial means.

**Floating Dock**. A moorage for boats, ships, and sailing vessels supported by a buoyant method acceptable to this chapter which may or may not be attached to land. For purposes of this chapter floating docks are further classified in this section as public floating docks.

**Flowing Water Body for OWTS**. A body of running water flowing over the earth in a natural water

course. where the movement of the water is readily discernible or if water is not present it is apparent

from review of the geology that when present it does flow, such as in an ephemeral drainage, creek, stream, or river.

**Floating Marina**. A floating dock which has buildings or equipment and/or structures on it used for service to boats.

**Geotechnical Engineer**. See "soils engineer."

**Grade.** The vertical location of the ground surface.

1. Existing grade is the grade prior to grading.
2. Finish grade is the final grade of the site which conforms to the approved plan.
3. Rough Grade is the stage at which the grade approximately conforms to the approved plan.

**Grading**. Any excavating or filling or combination thereof.

**Green Building**. A whole systems approach to the design, construction, and operation of buildings that substantially mitigates the environmental impacts of buildings. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive indoor environment.

**Green Building Certification Institute (GBCI)**. A non-profit organization which certifies green buildings and green building professionals under the Leadership in Energy and Environmental Design (LEED®) rating system.

**Green Building Checklist**. A checklist or rating sheet used for calculating a green building rating.

**Green Building Rating System**. A standardized rating system providing specific criteria to determine the level of compliance of building projects as set forth by the standards for compliance outlined in 19.04.140.

**GreenPoint Rated**. A residential building certified as complying with the green building rating systems developed by the Build It Green organization.

**GreenPoint Rater**. An individual certified by Build It Green as capable of evaluating and rating residential construction projects for compliance with the GreenPoint rated green building rating systems.

**Groundwater**. Water located below the land surface in the saturated zone of the soil or rock. Groundwater includes perched water tables, shallow water tables, and zones that are seasonally or permanently saturated.

**Health Department**. The Environmental Health Division of the San Luis Obispo County Health Agency.

**Home Energy Rating System (HERS).** Rating system adopted by the California Energy Commission.

**Impaired water bodies (303d List) for OWTS**. A waterbody (i.e., stream reaches, lakes, waterbody segments) with chronic or recurring monitored violations of the applicable numeric and/or narrative water quality criteria. An impaired water is a water that has been listed on the California 303(d) list or has not yet been listed but otherwise meets the criteria for listing. A water is a portion of a surface water of the state, including ocean, estuary, lake, river, creek, or wetland. The water currently may not be meeting state water quality standards or may be determined to be threatened and have the potential to not meet standards in the future.

**Impervious Area**. A hard, non-vegetated surface area that prevents or significantly limits the entry of water into the soil, as would occur under natural conditions prior to development.

**Impervious Layer**. Soil that has a percolation rate slower than one hundred twenty minutes to the inch or having a clay content of sixty percent or greater.

**Interim Facilities**. Limited to any of the following:

1. Temporary classrooms not constructed with a permanent foundation and defined as a structure containing one or more rooms, each of which is designed, intended, and equipped for use as a place for formal instruction of pupils by a teacher in a school.
2. Temporary classroom toilet facilities not constructed with permanent foundations.
3. Reasonable site preparation and installation of temporary classrooms.
4. Land necessary for the placement thereto of any of the facilities described in subsection 1. or 2.

**Key**. A designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

**Land Use Ordinance**. For the purposes of this title only, either the San Luis Obispo County Land Use Ordinance (Title 22 of this code) or, where applicable, the Coastal Zone Land Use Ordinance (Title 23 of this code).

**Lavatory.** A plumbing fixture used for washing the hands, arms, face and head.

**Leach bed for OWTS**. Gravel filled dug excavation, four to six feet wide, six to seven feet deep with a cap depth of two to five feet, and length determined by the percolation rate of the soil and receives the effluent discharge from a septic tank or other OWTS treatment unit for dispersal.

**Leadership in Energy and Environmental Design (LEED®)**. The green building rating system developed by the U.S. Green Building Council.

**Legally Responsible Person (LRP)**. A person, company, agency, or other entity that possesses real property interest in the land upon which the construction or land disturbance activities will occur for a project regulated by the State Water Resources Control Board (SWRCB) under the construction general permit.

**Legislative Body**. The board of supervisors of the County of San Luis Obispo.

**Local agency for OWTS**. Any subdivision of state government that has responsibility for permitting the installation of and regulating OWTS within its jurisdictional boundaries; typically a county, city, or special district.

**Maintenance**. The work related to the upkeep of the septic system. Examples include but are not limited to: pumping of the septic tank, any installation, repair or replacement of septic tank baffles, risers, cells, tops, access ports, pumps, or blowers.

**Maximum extent practicable (MEP)**. A standard for water quality best management practices (BMPs) established as part of the National Pollutant Discharge Elimination System (NPDES) that requires consideration of technical feasibility, cost, and benefit derived. The burden of proof is on an applicant to demonstrate compliance with MEP by showing that a BMP is not technically feasible or that BMP costs would exceed any benefit to be derived.

**Municipal Separate Storm Sewer System (MS4)**. See "stormwater conveyance system."

**National Sanitation Foundation (NSF) for OWTS**. The National Sanitation Foundation (NSF International), a not for profit, non-governmental organization that develops health and safety standards and performs product certification.

**Native Vegetation**. Plants such as trees, shrubs, herbs, and grasses that grew naturally in San Luis Obispo County before European arrival; plants from other parts of the United States or from other countries are not considered native.

**Net Impervious Area**. The total post-project impervious surface area (including both new and replacement surface area), minus any reduction in total imperviousness from the pre-project to the post-project condition.

1. Net impervious area = (new and replaced impervious area) - (reduced impervious area credit), where reduced impervious area credit is the total pre-project to post-project reduction in impervious area, if any.

**New Construction**. The construction of a new or replacement residential dwelling unit or a new or expanded commercial building.

**Onsite Wastewater Treatment System(s) (OWTS)**. Individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal. The short form of the term may be singular or plural. OWTS do not include "gray water" systems.

**Operating Permit**. A renewable and revocable permit to operate and maintain an onsite or cluster treatment system in compliance with specific operational or performance requirements.

**Permeable or Pervious Surface**. A surface that allows varying amounts of stormwater to infiltrate into the ground.

**Percolation Test for OWTS**. A method of testing water absorption of the soil. The test is conducted with clean water and test results can be used to establish the dispersal system design.

**Permit for OWTS**. A document issued by a local agency that authorizes or gives consent for installation.

**Permit Holder**. The landowner and/or responsible party acting on behalf of the landowner.

**Person for OWTS**. Any individual, firm, association, organization, partnership, business trust, corporation, company, state agency or department, or unit of local government who is, or that is, subject to this policy.

**Planning Department**. The Department of Planning and Building of the County of San Luis Obispo.

**Planning Director**. The Director of The Department of Planning and Building of the County of San Luis Obispo.

**Pollutant for OWTS**. Any substance that alters water quality of the waters of the state to a degree that it may potentially affect the beneficial uses of water, as listed in a basin plan. Pollutants include dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

**Pollutants of Concern**. Pollutants of concern found in urban runoff include sediments, non-sediment solids, nutrients, pathogens, oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons (PAHs), trash, pesticides, and herbicides.

**Potable Water for OWTS**. Water that is safe for domestic use, drinking, and cooking.

**Professional Inspection.** The inspection required by this code to be performed by the civil engineer, soils engineer, or engineering geologist. Such inspections include those performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

**Public water system for OWTS**. A water system regulated by the State Water Resources Control Board Division of Drinking Water or a Local Primacy Agency pursuant to Chapter 12, Part 4, California Safe Drinking Water Act, Section 116275 (h) of the California Health and Safety Code.

**Public Water Well**. A ground water well serving a public water system.

**Qualified Contractor**. Any contractor holding a license in good standing from the Contractors State License Board for Plumbing (C-36), Sanitation System (C-42), or general engineering contractor (A). A contractor holding a license as general building contractor (B) shall be considered a qualified contractor when constructing, modifying, or abandoning an on-site sewage treatment system as part of a larger construction project involving a new structure or major addition to an existing structure.

**Qualified Inspector**. Any registered environmental health specialist, registered civil engineer, contractor holding a license classification from the California Contractors State License Board for Plumbing (C-36), Sanitation Systems (C-42), or general engineering contractor (A), or an individual who has satisfactorily completed training in an on-site sewage system inspection and certification program approved by the building official.

**Qualified Professional for OWTS**. An individual licensed or certified by a State of California agency to design OWTS and practice as professionals for other associated reports, as allowed under their license or registration. Depending on the work to be performed and various licensing and registration requirements, this may include an individual who possesses a registered environmental health specialist certificate or is currently licensed as a professional engineer or professional geologist. For the purposes of performing site evaluations, soil scientists certified by the Soil Science Society of America are considered qualified professionals.

**Qualified Service Provider**. Any person capable of operating, monitoring, and maintaining an on-site wastewater treatment system (OWTS) consistent with the requirements of this section and the operation and maintenance manual or capable of inspecting an OWTS in accordance with this section or has a current certificate from an approved training program, or is approved by the building official.

**Qualified Stormwater Pollution Plan Practitioner (QSP)**. An individual assigned responsibility for non-stormwater and stormwater visual observations, sampling and analysis, and responsibility to ensure full compliance with the permit and implementation of all elements of the stormwater pollution prevention plan, including the preparation of the annual compliance evaluation and the elimination of all unauthorized discharges.

**Qualified Stormwater Pollution Prevention Plan Developer (QSD)**. An individual who is authorized to develop and revise stormwater pollution prevention plans.

**Reasonable Methods for Mitigating Conditions of Overcrowding.** These include, but are not limited to:

1. The use of all available revenues to the full extent authorized by law;
2. Attendance area boundary adjustments;
3. The use of school district property for temporary use buildings;
4. The temporary or permanent use of other schools in the district not having overcrowded conditions;
5. The use of student transportation;
6. The use of existing and proposed relocatable structures;
7. The full use of funds which could be available from the sale of surplus school district real property;
8. Eliminating non-mandated school programs and facilities;
9. The use of classroom double sessions;
10. The use of year-round school programs; agreements between a subdivider or builder and the affected school district whereby temporary-use buildings will be leased to the school district or temporary-use buildings owned by the school district will be used; and/or
11. Agreements between the affected school district and other school districts whereby the affected school district agrees to lease or purchase surplus or underutilized school facilities from other school districts.

**Regional Water Quality Control Board (Central Coast Water Board)**. Any of the regional water quality control boards designated by Water Code Section 13200. Any reference to an action of the regional water board in this policy also refers to an action of its executive officer, including the conducting of public hearings, pursuant to any general or specific delegation under Water Code Section 13223.

**Registered Environmental Health Specialist (REHS)**. An environmental health specialist currently registered by the State of California.

**Registered Pumper**. Any person or firm that pumps and/or hauls septage and has been issued a registration by the director of environmental health.

**Reservoir**. A pond, lake, basin, or other space, either natural or created, in whole or in part, by the building of engineered structures other than sealed storage tanks constructed of impervious metal or synthetic materials, which is used for storage, regulation, and control of water, for recreation, power, flood control, or drinking. For the purposes of this chapter, the term reservoir does not include small and shallow structures or basins for the temporary detention of stormwater runoff from on-site roof drains and paved areas, provided there is no flow at any time between the structure or basin and any sewage disposal system.

**Repair for OWTS**. Any action that modifies/replaces the existing dispersal system, replaces an existing septic tank, or modifies/replaces a major component of the onsite wastewater treatment system. Repairs require the issuance of a permit by the County of San Luis Obispo Planning and Building Department and must be inspected by planning and building staff.

**Residential Development**. A project containing residential dwellings, including mobile homes, of one or more units or a division of land for the purpose of constructing one or more residential dwelling units. Residential development includes, but is not limited to:

1. A general plan or specific plan, or amendment thereto, which would allow an increase in residential density;
2. An ordinance rezoning property to a residential use or to a more intense residential use;
3. A tentative or final subdivision map or parcel map, or a time extension for filing a final map;
4. A land use permit for a residential development; and
5. A building permit.

**Safety Assessment**. A visual, nondestructive examination of a building or structure for the purpose of determining the condition for continued use.

**Septic Tank for OWTS**. A watertight, covered receptacle designed for primary treatment of wastewater and constructed to:

1. Receive wastewater discharged from a building;
2. Separate settleable and floating solids from the liquid;
3. Digest organic matter by anaerobic bacterial action;
4. Store undigested solids; and
5. Clarify wastewater for further treatment with final subsurface discharge.

**Septage for OWTS**. Any fluid, solid, or undetermined mass in a septic tank. It is considered high-strength waste and shall be handled and disposed of in an approved manner. Septage includes both sides of the septic tank, including liquor and effluent.

**Single-Family Residence**. For the purposes of Chapter 19.11 a single-family residence is defined as the building of one single new house or the addition and/or replacement of impervious surface associated with one single existing house, which is not part of a larger plan of development.

**Site**. Any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

**Site Disturbance**. Any activity that involves clearing, grubbing, grading, or disturbances to the ground such as stockpiling.

**Slope**. An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

**Small Residential Rooftop Solar Energy System**. A solar energy system which meets all of the following:

1. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or thirty kilowatts thermal.
2. A solar energy system that:
    a. Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the County;
    b. All State and County Health and Safety Standards; and
    c. All applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited

testing laboratories such as Underwriters Laboratories and, where applicable, rules of the public utilities commission regarding safety and reliability.

3. A solar energy system installed on a single or duplex family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as defined by the county.

**Soil for OWTS**. The naturally occurring body of porous mineral and organic materials on the land surface, which is composed of unconsolidated materials, including sand-sized, silt-sized, and clay-sized particles mixed with varying amounts of larger fragments and organic material. The various combinations of particles differentiate specific soil textures identified in the soil textural triangle developed by the United States Department of Agriculture (USDA) as found in Soil Survey Staff, USDA; Soil Survey Manual, Handbook 18, U.S. Government Printing Office, Washington, DC, 1993, p. 138. For the purposes of this policy, soil shall contain earthen material of particles smaller than 0.08 inches (2 mm) in size.

**Soils Engineer (Geotechnical Engineer)**. An engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering. "Soils engineering (geotechnical engineering)" means the application of the principles of soils mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

**Soil Replacement for OWTS**. Installation of manufactured or engineered soil to provide homogenized absorption capability. Requires the use of a supplemental treatment system and an alternate method of wastewater disposal.

**Soil Structure for OWTS**. The arrangement of primary soil particles into compound particles, peds, or clusters that are separated by natural planes of weakness from adjoining aggregates.

**Soil Texture for OWTS**. The soil class that describes the relative amount of sand, clay, silt and combinations thereof as defined by the classes of the soil textural triangle developed by the USDA (referenced above).

**Solar Energy System**. A system which is an accessory use to any residential, commercial, industrial, mining, agricultural or public use, used primarily (i.e. more than fifty percent) to reduce onsite utility usage, and which is either of the following:

1. Any solar collector or other solar energy device the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for electric generation, space heating, space cooling, or water heating.

2. Any structural design feature of a building, the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for electric generation, space heating, space cooling, or water heating.

**Specific, Adverse Impact**. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

**State Water Board**. The State Water Resources Control Board.

**Structural Control Measure**. Stormwater management measures integrated into project designs that emphasize protection of watershed processes through replication of pre-development runoff patterns (rate, volume, duration).

**Stormwater Conveyance System**. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that are:

1. Owned and operated by the County of San Luis Obispo;
2. Designed or used for collecting or conveying stormwater;
3. Not a combined sewer; and
4. Not part of a publicly owned treatment works (POTW) as defined by 40 Code of Federal Regulations §122.2.

**Supplemental Treatment System (STS) for OWTS**. An onsite wastewater treatment system that utilizes, in addition to the septic tank, one or more supplemental treatment components to treat the effluent prior to discharge to the dispersal field. The system performs additional wastewater treatment so that the effluent meets a predetermined performance requirement prior to discharge of effluent into the dispersal field.

**Surface Waters**. A concentration of freshwater or seawater, the surface of which is in direct contact with the atmosphere, including reservoirs and watercourses as defined in this section, as well as wetlands and ocean bays.

**Surface Water Ambient Monitoring Program (SWAMP) for OWTS**. The State Water Board's program to monitor surface water quality; coordinate consistent scientific methods; and design strategies for improving water quality monitoring, assessment, and reporting.

**Temporary Power**. A land use permit shall not constitute a use for authorization of power. A permitted water well or other permitted structure is required for obtaining power.

**Terrace**. A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

**Total Maximum Daily Loads (TMDLs) for OWTS**. The maximum amount of a pollutant that can be discharged into a waterbody from all sources (point and nonpoint) and still maintain water quality standards. Under CWA section 303(d), TMDLs must be developed for all waterbodies that do not meet water quality standards even after application of technology-based controls, more stringent effluent limitations required by a state or local authority, and other pollution control requirements such as BMPs. In California, TMDLs are usually adopted as basin plan amendments and contain implementation plans detailing how water quality standards will be attained.

**Total Suspended Solids (TSS) for OWTS**. The measure of the suspended solids in a water sample includes inorganic substances, such as soil particles and organic substances, such as algae, aquatic plant/animal waste, particles related to industrial/sewage waste, etc. The TSS test measures the concentration of suspended solids in water by measuring the dry weight of a solid material contained in a known volume of a sub-sample of a collected water sample. Results are reported in mg/L.

**U.S. Green Building Council (USGBC**). A non-profit organization which established and maintains the Leadership in Energy and Environmental Design (LEED®) rating systems for evaluating and certifying green buildings and green building professionals.

**Urban Area**. Any area within the urban or village reserve lines established by the land use element of the San Luis Obispo County General Plan.

**Vertical Seepage Pit for OWTS**. A drilled excavation, three to four feet in diameter, that is gravel filled, and receives the effluent discharge from a septic tank or other OWTS treatment unit for dispersal.

**Waste for OWTS**. Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

**Waste Discharge Requirement (WDR) for OWTS**. An operation and discharge permit issued for the discharge of waste pursuant to Section 13260 of the California Water Code.

**Water Quality Standards for OWTS**. State-adopted and U.S. EPA-approved water quality standards for waterbodies. The standards prescribe the use of the waterbody and establish the water quality criteria that must be met to protect designated uses. Water quality standards also include the federal and state anti-degradation policy.

**Zoning Ordinance**. The San Luis Obispo County Land Use Ordinance (Title 22 of this code), or where applicable, the Coastal Zone Land Use Ordinance (Title 23 of this code).

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 2: ADMINISTRATION AND ENFORCEMENT

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## 19.02.010 Applicability of chapter.

The purpose of this chapter is to establish the administrative rules and procedures for regulating construction activities within the unincorporated areas of the county by modifications of Chapter 1-Division II of the California Building Code (CBC) and California Residential Code (CRC) as adopted in Section 19.01.040 of this code. Unless amended or deleted by this chapter all CBC and CRC administrative portions remain in effect.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.02.020 Modifications of chapter 1 division II of the CBC and CRC.

**a.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 103.1 to read as follows:

> **Creation of enforcement agency.** The Building Division of the Department of Planning and Building is hereby created and the official in charge thereof shall be known as the Chief Building Official.

**b.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.1 to read as follows:

> **105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**c.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.1.1 to read as follows:

**105.1.1 Annual permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.

**d.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.1.2 to read as follows:

**105.1.2 Annual Permit Records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated. A fee specified in the County Fee Schedule shall be paid for each annual permit at the time such permit is issued. In addition, real time billing plan check and inspection fees shall be paid for all work installed under such a permit, at the time the work is inspected.

**e.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.2 to read as follows:

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**f.** Permits shall not be required for the following:

(1) Building:

a. One story detached residential accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11$m^2$).

b. Solid fences not exceeding 6'—6" in height in all land use categories and open wire fences not over 8 feet high in the Agriculture or Rural Lands land us categories.

c. Oil derricks

d. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge, impounding Class I, II, IIIA liquids, or located within 3 feet of a property line and retaining soil more than 2 feet in height.

e. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 1.6:1. (Water tanks in High or Very High fire zones shall be galvanized steel. Daisy chaining of tanks is not allowed for fire sprinkler water storage.)

f. Sidewalks and driveways not more than 30 inches (762) above adjacent grade (unless subject to permit by #4 above), and not over any basement or story below and area not part of an exit/accessible route.

g. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

h. Temporary motion picture, television and theater stage sets and scenery.

i. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24" deep, do not exceed 5,000 gallons (18925L) and installed entirely above ground.

j. Shade cloth structures constructed for nursery or agricultural purposes, not including plumbing, electrical or mechanical systems.

k. Readily removable plastic covered hoop structures without in ground footings or foundations, that are not more than 12 feet in height. Structures accessory to residential uses shall not exceed 120 square feet.

l. Swings and other playground equipment accessory to detached one and two-family dwellings.

m Window awnings supported by an exterior wall that do not project more than 54 inches (1,372mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

n. Non-fixed and movable fixtures, cases racks, counters, and partitions not over 5 feet 9 inches (1,753) in height.

o. Decks, accessory to a single family dwelling, not exceeding 300 square feet (27.87$m^2$) in area, that are not more than 30 inches (762 mm) above grade at any point, and not attached to a dwelling and do not serve the exit door required by Section R31~~18~~.4.

p. Replacement residential windows that do not remove the frame of the window, meet the current energy code min U-value and the current code requirements for safety glazing in hazardous locations per CRC R308. If the house was built per WUI codes (2008) then the replacement windows must meet WUI requirements (one pane tempered).

q. Replacement asphalt shingle roofs where all the old roofing is removed, and Class A asphalt shingle meeting CEC Cool Roof requirements are installed.

r. Detached one story shade covers for animals when the covers are not over 12 feet in height above grade, not more than 1,000 square feet of roof area, and open on two or more sides.

s. AG-EXEMPT STRUCTURE—Agricultural accessory buildings that meet all of the following criteria:

1. AGRICULTURAL, BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

2. Within an Agriculture or Rural Lands land use category, the building is located outside of urban or village reserve lines as delineated by Titles 22 or 23 of the San Luis Obispo County Code;

3. The property size is 20 acres or more;

4. The building is located in excess of 100 feet from any adjacent property or public road;

5. The building is located 50 feet from other structures including other ag-exempt structures.

6. The floor area does not exceed 3,000 square feet and building height does not exceed one story including storage loft/mezzanine (⅓ of the ground floor area) open to floor below;

7. There is an apparent existing agricultural use of the property, or the site must have obvious potential to be developed with an agricultural use for which a structure will be needed; and

8. The building is not located within an Airport Review, Flood Hazard or Sensitive Resource Area combining designation as defined in the Land Use Element of the San Luis Obispo County General Plan.

9. Complies with all applicable regulations in this code and Titles 22 and 23;

10. Plumbing fixtures shall not be installed other than hose bibbs, wash sinks, or lavatories installed with a separate permit;

11. Building cannot have architectural features such as French doors that can make it readily habitable. Other types of sliding doors or other features commonly found in barns are permitted;

12. Building cannot have insulation, heating, and/or cooling system, unless necessary for storage of certain farm products;

13. The interior finishes shall be consistent for use as a barn and farm product storage area;

14. Building may not contain cabinetry and/or built-in shelving beyond those necessary for use as a barn and farm product storage area.

15. Building may only have lighting and electrical wiring to the extent necessary to house farm implements, equipment, hay, grain, poultry, livestock, or horticultural products installed with a separate permit.

16. Buildings cannot be used to store hazardous materials subject to the limitation provided for in other codes including, but not limited to, the California Fire Code and California Building Codes; and

17. On a case-by-case basis, the chief building official may permit exterior shower heads for the purposes of emergency rinsing only.

18. Roof mounted renewable energy systems may not be allowed.

19. No grading will take place over 50 cubic yards, or 20 cubic yards in a water course but other agency permits may be required, or 10 cubic yards within the El Pomar planning area.

t. Temporary buildings or structures used in connection with fairs, carnivals, celebrations, and similar affairs not to exceed 30 days duration; except grandstands, platforms, or scaffolds over 30 inches in greatest height designed or intended for occupancy by more than two persons.

(2) Electrical:

a. Repair and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

b. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.

c. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

d. Listed cord-and-plug connected temporary decorative lighting.

e. Reinstallation of attachment plug receptacles but not the outlets, therefore.

f. Replacement of branch circuit overcurrent protection devices of the same capacity and location.

g. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

(3) Gas:

a. Portable heating appliance.

b. Replacement of any minor part that does not alter the product listing or render the equipment unsafe.

c. Portable-fuel-cell appliances not connected to a fixed piping system and not interconnected to a power grid.

(4) Mechanical:

a. Portable heating appliance

b. Portable ventilation equipment.

c. Portable cooling unit.

d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

e. Replacement of any minor part that does not alter the product listing or render the equipment unsafe.

f. Portable evaporative cooler.

g. Self-contained refrigeration system containing 10 pounds (5kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

(5) Plumbing:

a. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

**g.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.2.1 to read as follows:

**105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

**h.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.2.2 to read as follows:

**105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**i.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.2.3 to read as follows:

**Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**j.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.3 to read as follows:

**105.3 Application for Permit.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

(1) Identify and describe the work to be covered by the permit for which application is made.

(2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work. Provide legible vicinity map.

(3) Indicate the use and occupancy for which the proposed work is intended.

(4) Show all structures on the lot and their associated construction permit numbers.

(5) Be accompanied by construction documents and other information as required in Section CRC-R106 or CBC-107.

(6) State the valuation of the proposed work. It shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

(7) Be signed by the applicant, or the applicant's authorized agent with proof of ownership. Agents shall present evidence that they are authorized to act as agent for

the owner. Tenants submitting construction permit applications shall submit proof that the landowner authorizes the improvements.

(8) Give such other data and information as required by the building official.

(9) Provide water supply information. Prior to intake, building permit applications shall include verification of an available potable water supply pursuant to Section 19.07.041 of the San Luis Obispo County Code.

(10) Health Department approval. Where a permit is requested pursuant to this title to construct, convert, alter or remodel an eating or drinking establishment, bakery, commissary, food establishment open to the outside air, retail dairy, roadside stand, retail food production and marketing establishment, public swimming pool, organized camp or public water supply system, the filing and processing of permit applications and plans shall occur as set forth in Chapter 8.06 of the San Luis Obispo County code.

(11) Land Use Permit required. Where a discretionary land use or subdivision permit is required for a project by Title 22 or Title 23 of the San Luis Obispo County Code, no construction permit application for such project shall be submitted until all required land use or subdivision permits have been approved.

Exception: When approved by the chief building official - the required and use or subdivision permits have been applied for and accepted as complete and a concurrent processing form has been signed and submitted by the applicant.

**k.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.3.1 to read as follows:

**105.3.1 Action on Application.** The building official shall examine or cause to be examined applications for permits and amendments hereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reason therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

**l.** No construction permit shall be issued unless the building official first finds that the proposed land use, site work and construction:

(1) Comply with all applicable provisions of this title; and

(2) Comply with all applicable provisions of the Land Use Ordinance and Coastal Zone Land Use Ordinance (Titles 22 and 23 of the San Luis Obispo County Code, respectively), including, but not limited to, Sections 22.1.020, 22.01.060 and 22.01.070 and 23.01.031, Chapter 22.52 and Chapter 23.05; and

(3) Are proposed on a legal lot of record, pursuant to the definition of "parcel" contained in the Land Use Ordinance, Title 22 of the San Luis Obispo County Code or, where applicable, the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code; and

(4) Are proposed on a site that has been determined by the Director of Planning and Building to have legal physical access to a public road as required by Land Use Ordinance or, where applicable, Coastal Zone Land Use Ordinance;

(5) Are consistent with any limitations on building site locations shown or escribed on a final or parcel map or an informational sheet recorded with such map; and

(6) Are consistent with the details of the project described in any negative declaration issued for the subdivision which created the subject parcel, or any mitigation measures adopted as part of a certified environmental impact report for the project.

**m.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.3.2 to read as follows:

**105.3.2 Time limitation of construction permit application.** An application for a construction permit for any proposed work has 360 days after the date of filing for the application to be issued as a permit. The building official is authorized to grant an extension for an additional period not exceeding 180 days. This can be done a maximum of seven times. Each 180-day time extension shall be requested in writing and justifiable cause demonstrated. If a delay in issuing the permit has been caused by a public agency having jurisdiction over the permit, the building official may grant an additional extension not exceeding the length of that delay. Regardless of the above, if new state building standards (CCR Title 24) become effective after the application date, then after two extensions or 360 days, the application shall expire. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

**n.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.3.3 to read as follows:

**105.3.3 Expiration of as-built construction permit application.** If a permit application is for work that was started and/or completed prior to the issuance of the permit (also known as as-built), the application shall be valid for a time period of 90 days from the date of application. Failure to issue a permit from the application within this time period will cause the application to be expired and referred to code enforcement. No extensions are allowed without express permission from the building official. Payment plans for required fees may be requested in writing by the applicant and may be authorized by the Building Official for due cause.

**o.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.4 to read as follows:

**105.4 Validity of issued construction permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

**p.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.5 to read as follows:

**105.5 Expiration of issued construction permit.** Every permit issued shall become invalid as follows:

(1) Permits for buildings with a floor area of 1,000 square feet or greater shall remain valid for a time period of three years from the date of issuance.

(2) Permits for buildings with a floor area of less than 1,000 square feet or for other miscellaneous work shall remain valid for a time period of one year from the date of issuance.

(3) Permits for work that was started and/or completed prior to issuance of the permit (also known as as-built) shall be valid for a time period of 90 days from the date of issuance.

**q.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.5.1 to read as follows:

**105.5.1 Request for extension of issued construction permit.** The building official may extend the time for completion of the work authorized by a valid permit upon a written request and the payment of a permit extension fee. The time extension shall be for a period of one year. The fee for a permit time extension shall be one-third of the original inspection fee, but not less than ~~two hundred dollars~~ the Time Extension - Building Permit fee as calculated and published in the department's current fee schedule. A maximum of two one-year time extensions shall be granted. Further time extensions are to be determined by building official special request and will cost one half the inspection fee, but not less than the Time Extension - Building Permit fee as calculated and published in the department's current fee schedule~~two hundred dollars~~.

**r.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.5.2 to read as follows:

**105.5.2 Request for As-Built construction permit extension.** Time extension for an as-built permit may only be authorized by the building official for due cause. Expired as built permits are immediately referred to Code Enforcement. The same extension fees in ~~105.5.1~~105.5 (3) shall apply.

**s.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.5.3 to read as follows:

**105.5.3 Request for 30-day extension to finalize issued construction permit.** A permit may be extended an additional 30 days from the expiration date if the only inspection remaining is the final inspection and not more than 30 days have passed from the date of expiration. An extension fee of two hundred dollars ($200.00) must be paid. All conditions prior to final must be met and the final inspection passed within 30 days. A maximum of two extensions may be granted. As-built permits are not eligible for this without a written request to the building official.

**t.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.5.4 to read as follows:

**105.5.4 Renewal after issued construction permit expiration.** When a permit has expired pursuant to Section 105.5, a replacement permit shall be obtained before work is resumed. Provided that no work has started, no changes have been made in the original approved plans/specifications and that the replacement permit is obtained before one year of the date of expiration of the original permit or before the fee schedule and the codes change. The fee for the replacement permit shall be one-half of the inspections fee, but no less than $200.00. For work where some inspections have been made, the building official shall determine the fee based on the amount of work remaining to be completed. In order to renew action on an expired permit when the fee schedule and the codes have changed, the applicant shall pay a full plan check and inspection fees for the replacement permit based on the current adopted fee schedule and the project shall be considered a new project.

**u.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.6 to read as follows:

**105.6 Suspension or revocation.** The building official is authorized to suspend or revoke a construction permit application or issued construction permit under the provisions of this code wherever the permit is applied/issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

**v.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.7 to read as follows:

**105.7 Placement of construction permit.** The approved plans, building permit and the building inspection record shall be made available whenever inspections are requested.

The permit site inspection card shall be posted on the site of the work and prominently displayed until the completion of the project.

**w.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.8 to read as follows:

**105.8 Responsibility.** It shall be the duty of the property owner and every person who performs work for which this code is applicable to comply with this code.

**x.** Amend DIVISION II, SCOPE AND ADMINISTRATION Section 105.9 to read as follows:

**105.9 Preliminary inspection.** Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**y.** Amend CRC Section R110 to read:

**R110.1 Inspection Card as Certificate of Occupancy.** The signed and dated Final Inspection on the Inspection Record is hereby deemed the Certificate of Occupancy for R-3 structures and all R-3 accessory structures.

**z.** Amend CBC 111.1 to read:

**111.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the chief building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the County.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section 105.2.
2. The signed and dated Final Inspection on the Inspection Record is deemed the Certificate of Occupancy for R-3 structures and all R-3 accessory structures.

(aa) Eliminate CRC Section R112 - Chapter 19.01 replaces this section.

(bb) Eliminate CRC Section R114 - CBC Section 115 covers Stop Work Orders.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.02.030 Prohibited structures.

It shall be unlawful and a violation of this code for any person to:

(1) Use for habitation, storage, or any structural purpose, any new, discarded, salvaged, abandoned or replaced travel trailer, cargo container, streetcar, bus body, rail car or other vehicle body, except:

a. Cargo containers may be used pursuant to Section 19.02.080 of this title.

b. Rail cars may be used as part of a retail commercial or restaurant structure when the rail car is modified under a permit issued pursuant to this title so as to be in conformity with all California Building Code requirements applicable to its proposed occupancy and the land use is approved by the planning commission pursuant to Titles 22 or 23 of this code.

(2) Use a travel trailer or recreational vehicle for residential purposes, except in an approved campground or recreational vehicle park, or in other situations allowed by Titles 22 or 23 of this code.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.02.040 Noise mitigation measures.

Development requiring a building permit shall comply with the noise element of the county general plan.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.02.050 Drainage and grading regulations.

All construction activities that may affect the velocity, direction or volume of natural drainage occurring on or in the vicinity of the construction site, or that involves site preparation, vegetation removal, earth moving, excavation, filling, or other grading activities shall comply with all applicable provisions of the Land Use Ordinance (Title 22) or where applicable, the Coastal Zone Land Use Ordinance (Title 23) and the provisions of this code.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.02.060 Demolition of historic structures.

No person shall demolish, and the building official shall issue no permit for the demolition of, any building or structure identified by the Land Use Element of the San Luis Obispo County General Plan as being within an Historic (H) Combining Designation, without first complying with all applicable provisions of the Land Use Ordinance (Title 22 of this code) or the Coastal Zone Land Use Ordinance (Title 23 of this code).

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.02.070 Discovery of archeological resources.

(a) In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

(1) Construction activities shall cease, and the environmental coordinator and department of planning and building shall be notified so that the extent and location of discovered materials may be recorded by a qualified archeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

(2) In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the county coroner is to be notified in addition to the department of planning and building and environmental coordinator so proper disposition may be accomplished.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.02.080 Cargo containers.

(a) Shipping containers of the type used for rail and marine terminal cargo may be used for storage or other structural purposes (except human habitation), subject to the following requirements:

(1) Conformity with code required. The cargo container shall be modified under a permit issued pursuant to this title so as to be in conformity with all California Building Code requirements applicable to its proposed occupancy.

(b) Limitation on location. Cargo containers may be used for storage or other structural purposes only in the following land use categories, as such categories are defined by the Land Use Ordinance (Title 22, of this code) or Coastal Zone Land Use Ordinance (Title 23 of this code):

(1) Within the agriculture or rural lands land use categories on parcels of twenty acres or larger; or where the director of planning and building determines that such containers will not be visible from public roads or adjoining ownerships;

(2) Within the commercial service or industrial land use categories, where such containers are screened pursuant to Sections 22.04.190(c) or 23.04.190(c) of this code, so as to not be visible from public roads.

(c) Uniform appearance required. Where multiple cargo containers are used within a commercial or industrial land use category, they shall be painted the same color. Cargo containers shall not be stacked.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.02.090 Portable aircraft hangers.

(a) Portable T-hanger trailers may be permitted by the building official to be installed on any airport site approved pursuant to Titles 22 or 23 of this code when such hangers satisfy the following requirements:

(1) The location of the installation is approved by the management of the subject airport.

(2) The installation is in accordance with the manufacturer's "Approved Installation Procedures" signed by a California-licensed civil engineer.

(3) The permittee is responsible for a certification of the installation and testing of the anchors and shall submit a letter to the building official certifying the compliance of each unit with the manufacturer's procedures. It shall be the permittee's responsibility to see that the anchors remain installed at all times in accordance with the manufacturer's procedures.

(4) The insignia of registration as a motor vehicle of the State of California shall be maintained and current license plates must be posted on the trailer.

(5) The portable T-hanger trailers shall be used for storage of aircraft and related equipment only. No water or sanitary facilities shall be permitted in such structure.

(6) The portable T-hanger trailer shall be equipped with permanent ventilation as required for Group S, Division 3 occupancies in the California Building Code.

(7) The portable T-hanger trailers shall be maintained in a usable and mobile condition.

(8) The finish exterior color shall be approved by the management of the affected airport.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.02.100 Dirt—Debris—Litter.

It shall be the responsibility of the owner and/or contractor of any property located within the county for any construction project on any property within the county to maintain all adjacent public and private property clean and free of dirt, debris and litter resulting from construction activities upon the owner's property.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.02.110 Connection of service utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this chapter for which a permit is required until a legal established use has been identified and authorized by the building official. A land use permit shall not constitute a use for authorization of temporary or permanent power. A permitted water well or other permitted structure is required for obtaining power.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 3: BUILDING CODE

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19.03.020 – Modifications of the California Residential Code.....3-6

## 19.03.010 Modifications of the California Building Code.

The California Building Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

(1) Delete Appendix A, B, D, E, F, J K, L, M, N, O, and P.

Adopt Appendix C—GROUP U-AGRICULTURAL BUILDINGS

Adopt Appendix G—FLOOD RESISTANT CONSTRUCTION

Adopt Appendix H—SIGNS

Adopt Appendix I—PATIO COVERS

(2) Section 502.1 "Address Identification" is amended to read as follows:

**502.1 Address Identification.** New and existing buildings shall have approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background and be reflective material. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of: 6" inches for residential, 8 inches for commercial, and 10 inches high with a minimum stroke width of ½ inch. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address numbers shall be maintained. When required by the fire code official, complexes with multiple buildings may be required to provide directories, premises maps and directional signs. The scale, design and location of directory signs shall be approved by the fire code official and may be required to be illuminated.

(3) Add Section 504.5 "Roof Access" is added to read as follows:

**504.5 Stairway access to roof.** New buildings two or more stories above grade plane, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3-percent slope), shall be provided with a stairway to the roof or other access to the roof for emergency personnel approved by the fire code official. Stairway access to the roof shall be in accordance with Section 1011. Such stairway or other approved access shall be marked at street and floor levels with a sign indicating that the stairway or access continues to the roof. Where roofs are used for roof gardens or for other purposes, stairways shall be provided as required for such occupancy classification.

(4) Add Section 711A to read as follows:

**711A.1** The Chief Building Official may waive the requirements of this chapter, in whole or in part, for specific construction projects on a case by case basis within a Fire Hazard Severity Zone when such waiver is approved by the Fire Marshal, based upon site conditions which justify a reduction in fire resistance. A Request for Code Modification Form shall be completed, and the applicable fee paid for such waiver.

(5) Delete Sections 903.2 through 903.2.11.3. Amend Sections 903.2 to read as follows:

**903.2 Fire Sprinklers Where required.** Unless otherwise established by the local Fire Marshal or other applicable code, an approved automatic fire sprinkler system shall be installed per the following Tables

**TABLE 903.1—AUTOMATIC FIRE SPRINKLER SYSTEM REQUIREMENTS FOR NEW CONSTRUCTION**

| STRUCTURE TYPE | SPRINKLERS REQUIRED [2] | DESCRIPTION | SQUARE FOOTAGE [1] | | MIN. DISTANCES BETWEEN STRUCTURES AND PROPERTY LINES (PL) | REQUIREMENTS | USE EXAMPLES | EXCEPTIONS |
|---|---|---|---|---|---|---|---|---|
| | | | Min | Max | | | | |
| New Construction | Yes | New buildings including mobile homes and commercial coaches[1] | 0 | | Per CBC, CRC | Throughout new buildings | All new construction and dwellings | Exceptions 2, 3, 4 |
| Residential Accessory Structure | Yes | Accessory structures as defined in CRC | 1,000 | 3,000 | 50 feet from PL 30' between any structures on site | No heating, cooling, living or sleeping spaces | One story garage, workshop, studio, residential storage building. | Exception 1 |
| Agricultural Structure | Yes | Accessory to agricultural operation, livestock, crops. Agricultural operations in accordance with AG LUO & CBC definition | 3,000 | 5,000 | 100 feet from PL, 50 feet from other structures | Primary usage must be 75% livestock or crops | One story barn or stables | Exception 1 |
| Pole barn, Covered arena, Greenhouse | No | One story hay storage, covered riding arena, greenhouses | Unlimited if 60 feet on all sides per CBC | | 100 feet from PL, 50 feet from other structures | No public use or access | See description | None |
| Agricultural Exempt (no permit required) | No | LUO Ag Exempt & signed affidavit | 0 | 3,000 | 100 feet from PL, 50 feet from other structures | Per Ag Exempt agreement | Ag-Barn on Ag zoned land over 20 acres | See Title 19 |

References:

**CRC:** California Residential Code **CFC:** California Fire Code **CBC:** California Building Code **LUO:** Land Use Ordinance (San Luis Obispo County)

Footnotes:

[1] For the purpose of calculating square footage for the application of fire sprinkler requirements and fire flow requirements, the floor area shall include all combustible areas attached to the structure, including garages, patio covers, and workshops.

[2] Automatic Fire Sprinklers installed at exterior locations shall be approved corrosion resistant devices when environmental or operational conditions warrant.

Exceptions:

1. Structures between the minimum and the maximum square footage must meet all the above table criteria and all the following are required in lieu of fire sprinklers: • no conditioned or habitable space, • no second stories (lofts ⅓ the floor area and open to below are allowed), • minimum two exits including one pedestrian door (side hinge swinging door), • workshops or offices limited to 10% of floor area, ~~• dedicated fire water storage minimum of 5,000 gallons steel tank in full compliance with NFPA 1142 (see fire safety plan) if there is no community provided fire hydrant within 500 ft.,~~ • structure complies with the California Wildland Urban-Interface Ignition Resistant Construction Requirements, • Cannot be used as a place of employment or for public assemblage/events. • Cannot be used as a commercial building.
2. A single-story building or commercial coach where floor area does not exceed 1000 square feet and the occupancy is not a Group A, E Daycare, F1 Woodworking, group R, Group H, Group I occupancy or any occupancy where cellulose nitrate film, pyroxylin plastics or any hazardous materials manufactured, stored or handled in quantities in excess of Tables in CBC, CFC or within Los Osos CSD and the fire flow from a hydrant is less than 750gpm at 20psi.
3. Mobile/manufactured or factory-built homes or commercial coaches constructed or altered on or before March 12, 2011 which were not manufactured with automatic fire sprinklers.
4. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

**TABLE 903.2—Automatic Fire Sprinkler System Requirements EXISTING CONSTRUCTION [6]**

| Occupancy or Structural Modification Type | Sprinklers Required [3] | Description | Square Footage [1] | Requirements | Use Examples | Exceptions |
|---|---|---|---|---|---|---|
| Alterations 1 | Yes, if… | Alteration includes modifications to the structure | 50% of existing floor area 2 | Alterations additions and remodel square footage will be considered a combined and cumulative sum of floor area | Interior remodels Rehabilitation | Exceptions 1, 2, 3, 4 |
| Additions 1 | Yes, if… | Additions cumulative from January 01, 2008 regardless of any change of ownership | 1,000 sf or 50% of floor area[2] | Alterations additions and remodel square footage will be considered a combined and cumulative sum of floor area | Any addition | Exception 4 |
| Hazard Category and Occupancy Classification Changes | Yes | Change results in higher hazard or as deemed necessary by fire code official and the building official | Any | Hazard classification rating as determined by the fire code official, and occupancy classification as determined by the building official. | Any change of occupancy defined in Chapter 3 of the CBC | None |
| Hazardous Materials Inside buildings | Yes | Cellulose nitrate film or pyroxylin plastics or any hazardous materials manufactured, stored or handled in quantities in excess of Tables in CBC, CFC | Any | Building and any portion of a building must also include requirements as listed in CFC Chapter 5005.4 | Any occupancy | None |

References:

**CRC**: California Residential Code **CFC**: California Fire Code **CBC**: California Building Code

Footnotes:

[1] For the purpose of calculating square footage for the application of fire sprinkler requirements and fire flow requirements, the floor area shall include all combustible areas attached to the structure, including garages, patio covers, and workshops.

[2] Fire sprinklers are required when all ceiling coverings are removed, or a project reaches the threshold of 50% of addition or alteration; determination of fire sprinklers shall be made by one of the following methods: 1) By net floor area: Any room(s) or area(s) that are added, altered, rehabilitated or repaired shall have their net floor area calculated and compared to the total net floor area of the existing structure to find the calculated percentage. 2) By surface area: Surface area shall be defined as surfaces of walls and ceilings. Any room(s) or area(s) that are added, altered, rehabilitated or repaired shall have their surface area calculated compared to the total wall and ceiling surface area of the existing structure to find the calculated percentage.

Note: Change(s) in project scope after the plan review process shall require that the fire sprinkler calculation be revised and submitted for review and approval.

[3] Automatic fire sprinklers installed at exterior locations shall be approved corrosion resistant devices when environmental conditions warrant.

[4] Mobile/manufactured or factory-built homes or commercial coaches constructed or altered on or before March 12, 2011 which were not manufactured with automatic fire sprinklers are not subject to fire sprinkler requirements.

Exceptions:

1. Alterations limited to only one of the following: replacement of exterior coverings and windows, roofing, electrical services, sewer laterals, retaining walls, or routine plumbing, electrical and mechanical repairs.
2. A loft open to the floor below and no more than one third of the floor area of the room below may be added without requiring sprinklers.
3. REPAIR is the reconstruction or renewal for the purpose of maintenance.
4. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. Footnote 2 determination is required.

(6) Add Section 903.3.8.6 "Exterior Notification to read as follows:

**903.3.~~8.~~6 Exterior notification.** All fire sprinkler systems including NFPA 13, 13D, 13R shall provide a local water flow alarm.

(7) Section 904.11.3 is amended to read as follows:

**904.12.1.1. Manual System Operation Training.** It shall be the responsibility of the business owner to ensure that all employees are knowledgeable in the use of manually operated or activated fire-extinguishing systems within the occupancy.

(8) Section 905.3 "Required installations Standpipe systems" is amended to read as follows:

**905.3.1 Building height and area.** Class Ill standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access and in any parking structure.

A building that is greater than 20,000 square feet (1.858 $m^2$) of floor area and greater than 18 feet (5.49 m) in height shall have a dry or wet standpipe system with a 2 1/2 inch (64 mm) outlet at the roof near the roof access. Location of the outlet and the fire department connection to the standpipe shall be labeled and approved by the fire code official.

(9) Section 907.7.6.6." Monitoring" is amended to read as follows:

**907.6.6 Monitoring.** Fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved supervising station listed by Underwriters Laboratory for receiving fire alarms in accordance with NFPA 72. The supervising station shall contact and notify the Fire Chief or their call receiving location immediately on notification of an alarm and prior to making contact with the protected premises.

Exception: Supervisory service is not required for:

1. Single- and multi-station smoke alarms required by Section 907.2.10
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.4.
3. Automatic sprinkler systems in one- and two-family dwellings.

(10) Section 10~~09.16~~11.12 "Stairway to roof is amended by addition thereto to read as follows: 10~~09.161~~1 New buildings two or more stories above grade plane, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3-percent slope), shall be provided with a stairway to the roof or other access to the roof for emergency personnel approved by the fire code official. Stairway access to the roof shall be in accordance with Section 10~~091~~1. Such stairway or other approved access shall be marked at street and floor levels with a sign indicating that the stairway or access continues to the roof. Where roofs are used for roof gardens or for other purposes, stairways shall be provided as required for such occupancy classification.

(11) Add Section 3202.3.1.1 to read as follows:

**3202.3.1.1 Special requirements for covered sidewalks.** Covered sidewalks may be permitted by the chief building official only within the urban areas of Cambria, Cayucos,

Santa Margarita, San Miguel, and Templeton. In those communities, covered sidewalks are subject to the following requirements:

1. Covering. The permanent covering of a covered sidewalk shall not be less than 8 feet (2438 mm) above grade and shall provide at least 2 feet (610 mm) of horizontal clearance between the permanent covering and the curb line of the abutting streets.

2. Location of supports. The permanent covering may be supported by on-grade supports installed no closer than 2 feet (610 mm) from the curb line. In areas allowing diagonal parking, any projection on-grade less than 4 feet (1220 mm) from the curb line shall be protected from damage by vehicles in a manner approved by the chief building official.

3. Encroachment Permit required. The permit application for a covered sidewalk shall be accompanied by an encroachment permit issued by the County Engineering Department, State of California or other agency having jurisdiction over the public right-of-way.

~~4. Exterior opening protectives are not required when the change of occupancy group is to an equal or lower hazard classification Table 3406.1.4.~~

(12) Add Appendix Section H101.0 to read as follows:

**H101.0 Signs.** Compliance with other codes. The construction or installation of all signs shall comply with all applicable provisions of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, or the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, where applicable.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.03.020 Modifications of the California Residential Code.

The California Residential Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

(1) Delete Division II Administration see 19.02.020. Administration of the Residential Code shall be as set forth in Chapter 1 of the California Building Code.

(2) Delete Appendix AA, AB, AC, ~~AD, AE, AF, AG, AI, AJ, AK, AL, AM, AN, AO, AP, AR, AS, AT, AU, AV, AW, AX, and AZ.~~, BE, BG, BH, BI, BJ, BK, BL, BM, BN, BO, CA, CB, CC, CD, CE, CF, CG, CH, CJ and CK

Adopt Appendix B~~F~~AH—PATIO COVERS

Adopt Appendix BB~~AQ~~ - TINY HOUSES

Amend Appendix BB~~AQ~~ Section ~~AQ~~101.1 to read as follows: Scope. This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix. These provisions do not allow for park models or other recreation vehicles to be considered a habitable dwelling unit.

Adopt Appendix CI—SWIMMING POOL SAFETY ACT

(3) Remove the exception to R309~~13~~.1

(4) Remove the exception 1 to R30913.2

(5) Amend Section 30913.2 to read as follows:

**30913.2** Unless otherwise established by the local Fire Marshall or other applicable code, an approved automatic fire sprinkler system shall be installed: per the following Tables:

See 19.03.010(5) Tables 903.1 and 903.2

(6) Amend Section R30819.1 to read;

**Address Identification.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property and of reflective material. Where access is by means of a private road and the building cannot be viewed by and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of: Residential 6 inches, Commercial 8 inches, and Industrial 10 inches high with a minimum stroke width of 0.5 inch (12.7mm).

## 19.03.030 California Wildland-Urban Interface Code

The California Wildland-Urban Interface Code is adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

(7)(1)Add Section R337.1.1501.1.1 to read as follows:

**R337.1501.1.1** The chief building official may waive the requirements of this chapter, in whole or in part, for specific construction projects on a case by case basis within a Fire Hazard Severity Zone when such waiver is approved by the Fire Marshal, based upon site conditions which justify a reduction in fire resistance. A Request for Code Modification Form shall be completed, and the applicable fee paid for such waiver.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 4: EXISTING BUILDING CODE

**Sections:** **Page:**

19.04.010 – Modifications of the California Existing Building Code .....4-1

## 19.04.010 Modifications of the California Existing Building Code.

The California Existing Building Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

(1) Delete Division II Administration see 19.02.020. Administration of the Residential Code shall be as set forth in Chapter 1 of the California Building Code.

(2) Amend Appendix Section A102.1 to read as follows:

**A102.1 General.** The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1-A. Except as provided herein, other structural provisions of the building code shall apply. This chapter does not apply to the alteration of existing electrical, plumbing, mechanical or fire safety systems.

Exceptions:

1. Warehouses or similar structures not used for human habitation unless housing emergency equipment or supplies.
2. A building having five living units or less. [Added 2005, Ord. 3067; Amended 2007, Ord. 3139]

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 5: MECHANICAL CODE

**Sections:** **Page:**

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## 19.05.010 Modifications of the California Mechanical Code.

The California Mechanical Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

(1) **Delete Division II—Administration see 19.02.020** Administration of the Mechanical Code shall be as set forth in Chapter 1 of the California Building Code.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 6: ELECTRICAL CODE

**Sections:** **Page:**

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19.06.030 – Underground Utilities .....6-1

19.06.040 – Off Grid Stand Alone Power Supply Requirements.....6-1

## 19.06.010 Modifications of the California Electrical Code.

(a) The California Electrical Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

> **Administration see 19.02.020** Administration of the Electrical Code shall be as set forth in Chapter 1 of the California Building Code.

(b) Amend Section 230.70(A)(1) to read as follows:

> **Readily Accessible Location.** The service disconnecting means shall be installed at a readily accessible location either outside the building or other structure, or inside nearest the point of entrance of the service conductors. The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring transit of the building interior. Dedicated electrical equipment rooms located at the building perimeter and providing direct access to the outside shall satisfy accessibility for emergency personnel.
>
> Exception: Group R-3 occupancies.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.06.030 Underground utilities.

Utilities shall be installed underground where required by Land Use Ordinance, Title 22 of this code, or Coastal Zone Land Use Ordinance, Title 23 of this code.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.06.040 Off-grid standalone power supply requirements.

Generators alone are not allowed to provide power to structures not connecting to the power grid. Photovoltaic systems with battery backup and generators shall be sized to provide power for the calculated loads. The photovoltaic systems shall be sized to handle one hundred percent of calculated loads.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19

# CHAPTER 7: PLUMBING CODE

**Sections:** **Page:**

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## 19.07.010 Modifications of the California Plumbing Code.

The California Plumbing Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

(a) Delete Division II—Administration see 19.02.020. Administration of the Plumbing Code shall be as set forth in Chapter 1 of the California Building Code.

(b) Adopt Appendix A, Recommended Rules for Sizing the Water Supply System.

(c) Adopt Appendix H Table H 201.1(4). Estimated Waste/Sewage Flow Rates.

(d) Amend Section 603.0 to read as follows:

> **603.0 Cross-Connection Control.** Cross-connection control shall be provided in accordance with the provisions of this chapter and Chapter 8.30 of the San Luis Obispo County Code (Cross-Connections Control and Inspections).
>
> No person shall install any water-operated equipment or mechanism, or use any water-treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only with an approved backflow prevention device or assembly.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.07.020 Sewage disposal systems.

The design and installation of sewage disposal systems within the unincorporated areas of San Luis Obispo County are subject to the provisions of the following sections:

**19.07.22 Private Sewage Disposal Systems.**

**19.07.23 Alternative and Supplemental Treatment Systems**

**19.07.24 Community Sewage Disposal Systems**

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.07.22 Private sewage disposal systems.

The use of a private, on-site sewage disposal system, herein known as onsite wastewater treatment system (OWTS), is allowed only within the rural areas of the county and within urban and village areas where no community sewage collection, treatment and disposal system exists. New or replacement OWTS shall be designed and constructed as provided by this section, in addition to satisfying all applicable requirements of the County of San Luis Obispo Local Agency Management Program (LAMP) and California Plumbing Code (CPC). In the event of any conflict between the provisions of this section, the LAMP, and the California Plumbing Code, the most restrictive shall govern.

(1) Legislative Findings. These regulations are enacted in part to implement the requirements of the "Water Quality Control Plan, Central Coastal Basin," adopted by the California Regional Water Quality Control Board. To the extent that these regulations change applicable provisions of the California Health and Safety Code and California Code of Regulations as they would otherwise apply to local construction, the board of supervisors finds that the changes herein are necessary because of local geological and topographic conditions which change applicable provisions of the California Health and Safety Code and California Code of Regulations as they would otherwise apply to local construction, the board of supervisors finds that the changes herein are necessary because of local geological and topographic conditions which involve limitations on the capability of soils in the unincorporated areas of San Luis Obispo County to effectively handle sewage effluent disposal from private sewage disposal systems.

(2) General Requirements. Permitted new or replacement OWTS through per an approved LAMP shall be considered Tier 2. Tier 2 OWTS standards are customized to address conditions specific to the County of San Luis Obispo. Nothing shall prohibit new or replacement OWTS from meeting the standards mentioned in the LAMP and CPC. Replacement OWTS not involved with a natural disaster related rebuild shall be held to the same standards as new OWTS. OWTS which require corrective action shall be considered Tier 4 and shall be evaluated by the County of San Luis Obispo Planning and Building to ensure it meets the minimum design requirements of the LAMP or is in substantial conformance to the greatest extent practicable.

(3) Specific Requirements. See: San Luis Obispo Local Agency Management Program

(4) Relief from Standards. Any applicant for a permit to install, repair or replace a private sewage disposal system who is aggrieved by the administration of the requirements of this section by the building official may appeal the matter to the board of appeals as provided

in Section 19.02.020. In cases where an exception is requested to any provision of this section that prohibits use of a private sewage disposal system under specified conditions, no exception granted by the board of appeals shall be effective unless the California Regional Water Quality Control Board has also approved an "Exemption to Basin Plan Prohibitions" for the proposed exception.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19; Ord. No. 3454, § 1, 6-8-21)

## 19.07.23 Alternative or nonconventional OWTS and supplemental treatment systems.

See: San Luis Obispo Local Agency Management Program

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19; Ord. No. 3454, § 1, 6-8-21)

## 19.07.24 Community sewage disposal systems.

See: San Luis Obispo Local Agency Management Program

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19; Ord. No. 3454, § 1, 6-8-21)

## 19.07.25 Appendices.

**APPENDIX A. ON SITE WASTEWATER TREATMENT SYSTEM REQUIREMENTS FOR SECONDARY DWELLING UNITS ON PARCELS LESS THAN TWO ACRES IN SIZE**

See: San Luis Obispo Local Agency Management Program

(1) All other technical requirements of this title, and Titles 22 and 23 shall be met.

**APPENDIX B. PERCOLATION TEST AND BORING PROCEDURES**

See: San Luis Obispo Local Agency Management Program

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19; Ord. No. 3454, § 1, 6-8-21)

## 19.07.027 Septic tank abandonment.

(a) Every cesspool or septic tank that has been abandoned or has been discontinued otherwise from use, or which no waste or soil pipe from a plumbing fixture is connected, shall have the sewage removed therefrom and be completely filled with earth, sand, gravel, concrete, or other approved material.

Exception: Septic tanks may be re-used as rainwater storage cisterns if all the following conditions are met.

(1) The applicant shall obtain a system abandonment permit from county building department. The permit application shall specify the intended use of the septic tank.

(2) The activities related to abandoning the onsite sewage treatment and disposal system shall not create a sanitary nuisance.

(3) The septic tank shall be disconnected from the drain field and from the building sewer pipe.

(4) All work to disconnect, clean and sanitize the septic tank shall be conducted by a registered septic tank contractor or a state-licensed plumber or by the owner of the owner-occupied single family residence being served by the septic tank.

(5) All septage, wash water, and other liquids removed from the tank shall be removed and handled as septage by an approved disposal service and disposed of at an approved regulated wastewater treatment facility.

(6) The planning and building department shall inspect the tank once it is disconnected, emptied, cleaned, disinfected, and filled with water. The inspection shall determine that:

a. The tank has been disconnected from the drainfield and the building sewer.

b. The tank is full of water within twelve inches from the top of the tank.

c. The clarity of the water is such that a Secchi disk is visible at the bottom of the tank.

d. The pH of the water is between 6.0—8.0.

e. The free Chlorine residual of the water in the tank is >5.0ppm.

f. The total coliform count <1,000 per 100 ml.

g. The fecal coliform count is <200 per 100 ml.

h. No sanitary nuisance condition exists on the property related to the abandonment activities.

(7) While one inspection is included in the abandonment permit fee, the applicant shall pay a re-inspection fee for any additional inspection visits necessary until all of the criteria in (6) are met and final approval of the abandonment is granted by the county planning and building department.

(8) The applicant shall be responsible for all required laboratory fees. All sampling shall be conducted by county planning and building department staff during the final inspection.

(9) The abandonment permit shall be valid for twelve months. The septic tank shall be properly abandoned within ninety days after the connection to the sanitary sewer.

(10) The tank shall not be connected to any irrigation components nor the water used for irrigation purposes until final approval of the abandonment has been granted by the county planning and building department.

(11) Upon final approval of the abandonment, use of the tank or the drain field for sewage storage, treatment or disposal is prohibited.

(12) Upon final approval of the abandonment, the water collected in the tank shall be utilized for non-potable, irrigation purposes only.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.07.030 Toilet facilities for workers required.

(a) Suitable toilet facilities shall be provided and maintained in a sanitary condition for the use of workers during construction. Portable toilet facilities shall conform to ANSI Z4.3.

(b) The number of toilet facilities to be provided shall be in accordance with Table 19.07.030(b) It shall be the responsibility of each employer to provide toilet facilities sufficient for the number of his own employees.

**TABLE 19.07.030(b)**

| Number of Employees | Minimum Number of Toilet Facilities |
|---|---|
| 1—10 | 1 |
| 11—20 | 2 |
| 21—30 | 3 |
| 31—40 | 4 |
| Over 40 | 1 additional facility for each 10 additional employees |

(c) It shall be the responsibility of the employer to ensure that all toilet facilities are maintained in a clean and sanitary condition. If toilet facilities are of the type that require a periodic servicing, it shall be the responsibility of the employer to provide sufficient toilet facilities and servicing to prevent the stated capacity of those facilities from being exceeded; the employer shall also assure ready access to the toilet facilities by the required servicing equipment.

(d) Toilet facilities shall be located so as to be readily accessible to the employees for whom they are furnished.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.07.40 Minimum Water Supply

All commercial buildings and dwellings shall be provided a potable water supply system as required by this section. Such system shall also satisfy all applicable requirements of the California Plumbing Code and the San Luis Obispo County Health Department.

(1) Community System or On-Site Well. Subject to the approval of the chief building official, a commercial building or dwelling may be supplied potable water from either:

A public water supply or domestic water system approved by the health department or operated by a state licensed water purveyor; or

An on-site well, water storage and delivery system in accordance with this section.

(2) On-site Wells. When an on-site well is the proposed potable water supply, a building permit may be issued only where the building site is located outside the service boundary of a community water system, and where the well, together with any on site water storage, satisfies all the following requirements:

a. Health Department Approval. All water wells shall be designed constructed and shall obtain health department approval as required by Chapter 8.40 of this code.

b. Minimum Capacity—Residential: A domestic well shall provide a minimum capacity of five gallons per minute (GPM) in order to be approved for use as a source of potable water for a single family dwelling and accessory dwelling unit. Use of a well with a minimum capacity of 2.5 gallons per minute may be approved by the chief building

official where one thousand gallons of approved on site water storage is also provided. (Note: onsite water storage for fire protection may also be required by the Land Use Ordinance or, where applicable, the Coastal Zone Land Use Ordinance regardless of the requirements of this section.) A building permit may be issued where use of a well with less capacity than 2.5 gpm is proposed only where authorized by the director of environmental health.

c. Minimum Capacity—Commercial: A domestic well for commercial use shall provide proof that the on-site wells will meet the demand requirements of the intended use. Unless an engineered design is submitted, each structure shall use Appendix A of the California Plumbing Code to determine the gallons per day requirements. Outdoor areas used for events shall be sized the same as stores. Storage tanks shall be sized the same as septic tanks. If applicable, additional demand requirements for process water shall be submitted with the construction drawings by the engineer/architect of record (wine processing, industrial processing, etc).

d. Testing of Capacity. The capacity required by subsection (2)b., c. of this section for a residential or commercial domestic well shall be verified by a minimum four hour pump test with drawdown and recovery data by a licensed and bonded well driller or pump testing company. The pump test shall not be more than five years old.

e. Potability. All residential or commercial domestic water wells intended to provide potable water to residential or commercial buildings shall meet the requirements of the health department for potability.

f. Testing for Potability. All new residential or commercial uses which use domestic water wells shall test the wells for potability as required by the health department. A report of the potability test shall be submitted and approved by the health department prior to granting temporary or permanent occupancy or final inspection approval of a project.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.07.41 Verification of water supply required.

No grading, building or plumbing permit application or plans for a project which will require new service with potable water shall be issued unless:

(1) The chief building official is provided a written statement from the operator of a community or domestic water system that the purveyor will provide potable water service to the dwelling and that the water purveyor has sufficient water resource and system capacity to provide such service; or

(2) The chief building official is provided evidence that a permit or other authorization has been granted by the water purveyor for the proposed project to connect to and use the community or domestic water system; or

(3) An on-site well is installed, tested, and is certified to satisfy the requirements of Section 19.07.040(2), or the chief building official is provided evidence showing that potable water adequate to satisfy the standards of Section 19.07.040(2) is available on site. Evidence provided to prove availability of potable water shall include:

a. Existing county data; or

b. A report submitted by a registered hydrologist, geologist; or

c. Satisfactory evidence from a test well drilled on the parcel.

d. No final building inspection for a dwelling shall be approved until the dwelling is connected to an operating water supply approved pursuant to this section.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.07.42 Water conservation provisions.

The requirements in this section shall apply to all new installations and, where specifically required, to existing structures.

(1) Water Fixtures. Water fixtures shall comply with current requirements of the California Green Building Standards and Department of Water Resources.

(2) Existing Structures. In existing buildings, including replacement water fixtures, shall conform to the above requirements.

(3) Other Requirements.

a. Spas, hot tubs, fountains, and other decorative bodies of water shall be equipped with recirculating systems and shall be designed to operate without a continuous supply of water.

b. Vehicle wash facilities shall have approved water reclamation systems which provide for reuse of a minimum of fifty percent of the wash water. Hoses, pipes, and faucets for manual application of water to vehicles at such facilities shall be equipped with positive shut-off valves designed to interrupt the flow of water in the absence of operator applied pressure.

c. Water supply piping shall be installed so that each dwelling unit may be served by a separate water meter.

(4) Paso Robles Groundwater Basin and Nipomo Mesa Water Conservation Area. In addition to the requirements in Subsections a, b and c above, the requirements in subsections (4)a. through (4)d. below shall apply to all new development that uses water from the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) and the Nipomo Mesa Water Conservation Area as shown on maps in this subsection.

a. Offset Required. Prior to issuance of a construction permit for a new structure with plumbing fixtures on property that overlies and/or uses water from the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) or the Nipomo Mesa Water Conservation Area, the developer of such new structure shall obtain an offset clearance from the department of planning and building verifying that new water use has been offset at a 1:1 ratio. Water savings must come from the same groundwater basin as the proposed new development. Applicants shall meet offset requirements by complying with subsection 2. or 3. below.

1. Applicability: Construction permits for development approved through discretionary permits in the Paso Robles Groundwater Basin (excluding the

Atascadero sub-basin) shall instead comply with the offset ratio required in Section 22.94.025 of the Land Use Ordinance.

2. Offset Clearance Process: Applications for an offset clearance shall include evidence that project water use (based on actual water data or by approved assumptions about the water demand for that use) has been offset at a 1:1 ratio through verifiable evidence or through a county approved water conservation program. Water savings must come from the same groundwater basin as the proposed new development.

b. County Approved Water Conservations Programs. Applicants shall meet the offset requirement by purchasing credits from a county approved water conservation program operating in the same groundwater basin as the proposed project or by complying with one of the alternatives in Section 3. Approved programs achieve water savings in existing development and make credits available for purchase. The cost of offset credits is set so as to be equal to the cost of achieving water savings. Programs may include but are not limited to plumbing retrofit programs and turf removal incentive programs.

c. Alternatives. As an alternative to a county approved water conservation program, or in areas where such a program is not available, applicants for new development may meet the offset requirements for their project through one of the following alternatives.

1. Applicant-performed plumbing retrofits. Applicants may meet the water offset requirement for their proposed project by retrofitting existing fixtures in homes within the same groundwater basin as the proposed project. Applicants shall adhere to the following:

i. Retrofit work must be performed and verified by a licensed plumber.

ii. The water savings credits that will result from each retrofitted fixture shall be established by resolution for each geographic area. After retrofit work has been completed and verified, applicants shall submit detailed evidence that enough fixtures have been retrofit to offset the water use of the proposed new development.

Water Conservation Program for Public Facilities. Applicants may choose to fund a water conservation program for public parks, school grounds, or other public facilities in the same groundwater basin as the proposed project. The program to be funded will have been prepared by a California-licensed landscape architect for the county parks department, a school district, or another public entity, as applicable. The program shall be reviewed and approved by the owner of the public facility, and shall identify water savings and associated costs of conservation measures such as irrigation system replacement and/or repairs, installation of "smart controllers," removal of turf, replacement of high water using landscape material, and amendments to soils. The water conservation program shall clearly identify the expected water savings from implementation of the program.

Areas Served by a Community Service District. In areas served by a community service district (CSD), the CSD may certify that equivalent water use has been offset through an approved program or project.

Termination. The provisions of this section for the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) shall expire on January 1, 2022.

(5) Water Meter Installation and Reading. All new or existing wells that serve new development that overlie or use water from the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) or the Nipomo Mesa Water Conservation Area must have a well meter installed. The meter shall be used to measure all groundwater used from that well.

(6) Meter installation must be verified by the county public works department prior to building permit issuance. The configuration of the installation shall conform to the water well metering standards and installation guidelines set forth by the department of public works and incorporated into the public improvement standards.

(7) Property owners or responsible party designated by the property owner must read the water meter and record the water usage on or near the first day of the month. These records must be maintained by the property owner or responsible party and may be subject to inspection only by code enforcement pursuant to a violation investigation.

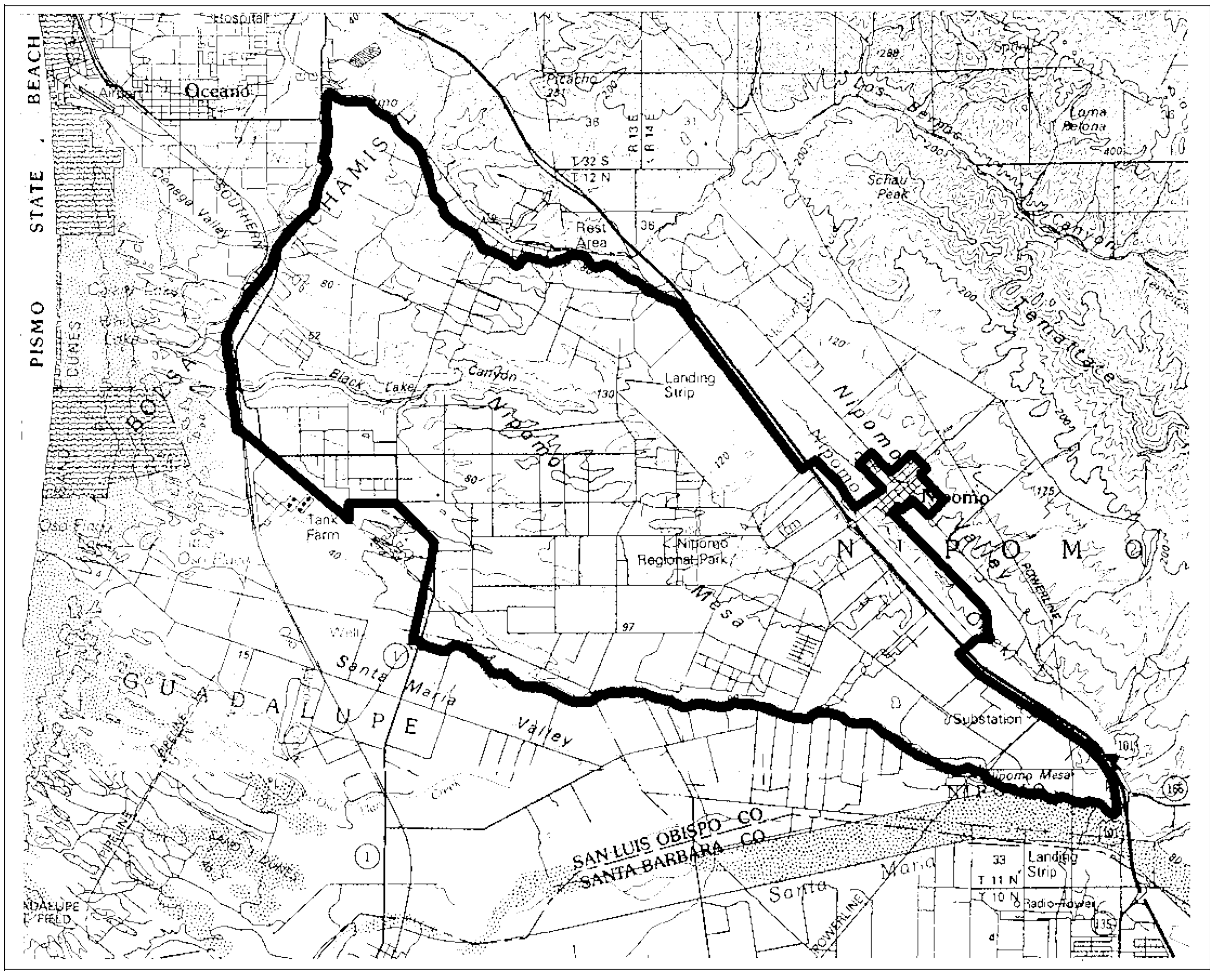



Figure 7-1 — Nipomo Mesa Water Conservation Area

(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. below shall apply to all new development that uses water from the Los Osos Groundwater Basin shown in Figure 7-2.

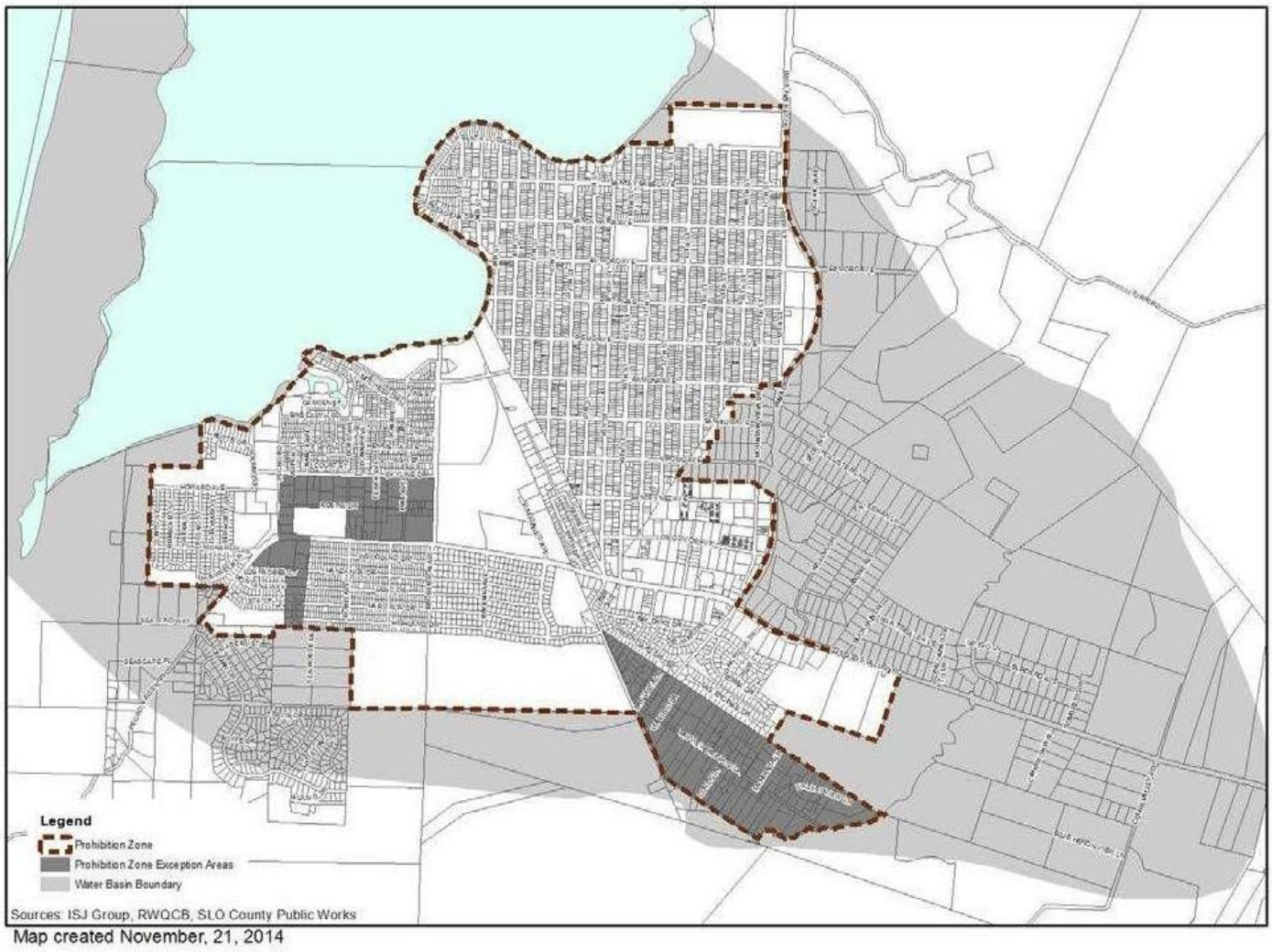



Figure 7-2—Los Osos Groundwater Basin and Prohibition Zone

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 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. 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 equivalency table as adopted and codified in Appendix A. The equivalency table indicates the point values of existing fixtures which may be retrofitted and the corresponding point 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 Appendix C.

c. Any addition of one hundred twenty square feet or more to 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 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.

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 equivalency table in Appendix A.

f. The equivalency table in Appendix A may be amended by the planning director from time to time 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 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 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. 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 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.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3398, § 2, 11-5-19; Ord. No. 3400, § 1, 11-19-19)

**Los Osos Plumbing Retrofit Program**

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

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

[1] A structures on a parcel must be retrofitted at the same time.

[2] A third bathroom in a house does not have to be retrofitted.

[3] Replacement toilets must be rated at no more than 1.28 gpf

[4] If two toilets are replaced in one household, the average gallons (credits) saved between the two will be used.

# CHAPTER 8: GREEN BUILDING STANDARDS

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### 19.08.010 Purpose.

The purpose of this chapter is to enhance the long-term public health, welfare, and improve the environmental and economic health of the county. The provisions referenced in this chapter are designed to achieve the following objectives in support of the stated purpose:

(1) Increase energy efficiency in buildings;

(2) Encourage water and resource conservation;

(3) Reduce waste generated by construction projects;

(4) Reduce long-term building operation and maintenance costs;

(5) Improve indoor air quality and occupant health; and

(6) Contribute to meeting the state and local commitments to reduce greenhouse gas production and emissions.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.08.030 Applicability.

The provisions of this chapter shall apply to all construction or development projects defined as a "covered project" effective January 1, 2014.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.08.040 Residential standards.

The following standards apply to all residential construction in addition to the minimum Cal Green requirements:

(1) New homes greater than two thousand five hundred square feet (2,500 sq. ft.), shall submit a green building checklist from the list below, to include on the building plans. Third-party

inspection or certification is not required. At construction, the Architect or Engineer of record shall provide a letter confirming achievement of the points or credits being pursued.

a. Green Point Rated, achieving a minimum of seventy-five points. The project shall include the program's prerequisites except in regards to energy; the project is not required to exceed current Title 24 Part 6 energy requirements as a part of this checklist.

b. LEED for homes achieving a minimum of forty points. The project shall include the program's prerequisites except in regards to energy efficiency; the project is not required to exceed current Title 24 Part 6 energy requirements as a part of this checklist.

(2) Outdoor Fireplaces and Space Heaters Connected to Natural Gas, Propane or Electricity. All outdoor non-renewable sources of heat shall be on mechanical timers with a maximum of four hours' time limit. Exception: Portable propane heaters with tanks five gallons or less.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.08.050 Non-residential standards.

The following standards apply to all non-residential construction in addition to the minimum Cal Green requirements:

(1) New Construction: Non-residential projects project greater than ten thousand square feet shall submit a green building checklist from the list below, to include on the building plans. Third-party inspection or certification is not required. At construction the Architect or Engineer of record shall provide a letter confirming achievement of the points or credits being pursued:

a. Projects shall be LEED Certified, achieving a minimum 40 points. The project is not required to exceed current Title 24 Part 6 energy requirements as part of this credit.

b. CAL Green Tier 1; the project is not required to exceed Title 24 Part 6 energy requirements as part of this checklist.

(2) Outdoor Fireplaces and Space Heaters Connected to Natural Gas, Propane or Electricity. All outdoor non-renewable sources of heat shall be on mechanical timers with a maximum of four hours' time limit. Exception: Portable propane heaters with tanks five gallons or less.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.08.060 Compliance with CALGreen recycling requirements.

(1) Persons applying for a permit from the County of San Luis Obispo for new construction and building additions and alternations shall comply with the requirements of this section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen. If the requirements of CALGreen are more stringent than the requirements of this Section, the CALGreen requirements shall apply.

Project applicants shall refer to County of San Luis Obispo Ordinance, Title 19—Buildings and Construction Chapter 19.08—Green Building Standards for complete CALGreen requirements.

(2) For projects covered by CALGreen or more stringent requirements of the County of San Luis Obispo, the applicants must, as a condition of the County of San Luis Obispo's permit approval, comply with the following:

a. Where five or more multi-family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of recyclable materials container and organic materials container materials, consistent with the three or more-container collection program offered by the County of San Luis Obispo, or comply with provision of adequate space for recycling for multi-family premises and commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 202~~0~~3.

b. New commercial or multi-family construction or additions resulting in more than thirty percent of the floor area shall provide readily accessible areas identified for the storage and collection of recyclable materials container and organic materials container materials, consistent with the three or more-container collection program offered by the County of San Luis Obispo, or shall comply with provision of adequate space for recycling for multi-family premises and commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 202~~0~~3.

c. Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of organic waste in C&D from disposal. Comply with County of San Luis Obispo Ordinance, Title 19—Buildings and Construction Chapter 19.08—Green Building Standards, and all written and published County of San Luis Obispo policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

(3) Waste Recycling:

a. All new construction, alterations and additions, demolitions, including county projects, shall be required to divert at least seventy-five percent (75%), with a goal to increase diversion to eighty percent (80% as local recycling facilities are available), for all project construction and demolition debris.

b. Applicants shall complete and submit a waste management recycling plan at construction permit application submittal. The applicant shall include:

1. The project owner, project location, and project contractor;

2. The total size (square footage) of the demolition and/or construction portions of the project, including any asphalt or concrete work;

3. The estimated volume or weight of project construction and demolition debris, by materials type, to be generated, using standard generation rates provided by the chief building official;

4. The maximum volume or weight of such materials that can feasibly be diverted via reuse or recycling;

5. The vendor or facility that the applicant/contractor proposes to use to collect or receive that material; and

6. The estimated volume or weight of construction and demolition debris that will be landfilled.

c. Prior to receiving final inspection or notice of completion for the project the applicant/contractor shall submit a recycling and disposal report which documents that the diversion requirement for the project has been met. The diversion requirement is satisfied if the applicant/contractor has diverted at least seventy-five percent (75%) of the total construction and demolition debris generated by the project via reuse or recycling, unless an exemption has been granted pursuant to Section 19.08.090 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the department of planning and building. The disposal report documentation shall include all of the following:

1. All receipts from the vendor or facility which collected or received each material showing the actual weight or volume of that material;

2. Any photographs that document the reuse of materials on site;

3. A completed disposal report section showing the actual volume or weight of each material diverted and landfilled;

4. Any additional information the applicant/contractor believes is relevant to determining its efforts to comply in good faith with this chapter.

d. Applicants or contractors shall make reasonable efforts to ensure that all construction and demolition debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be measured by weight on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant/contractor shall use the standardized conversion rates approved by the chief building official for this purpose.

e. Applicants who fail to satisfy the seventy-five percent (75%) diversion requirement in Section 19.08.060 may be subject to withholding of final building permits, withholding of final building occupancy, administrative fines, or further enforcement action, unless an exemption has been granted pursuant to Section 19.08.090 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the department of planning and building.

~~(4) Off Grid Stand Alone Power Supply Requirements: Generators alone are not allowed to provide power to structures not connecting to the power grid. Photovoltaic systems with battery backup and generators shall be sized to provide power for the calculated loads. The photovoltaic systems shall be sized to handle one hundred percent of calculated loads.~~

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19; Ord. No. 3465 , § 1, 12-14-21)

## 19.08.070 Administrative procedures.

The procedures for compliance with the provisions of this chapter shall include, but not be limited to, the following:

(1) Planning Applications: If a discretionary land use permit is required for a covered project, applicants should be prepared to identify expected green building measures to be included in the project to achieve the compliance thresholds. Applicants should identify any anticipated difficulties in achieving compliance and any exemptions from the requirements of this chapter that may be requested. If the project is over ten thousand square feet and commissioning is required, then the owner project requirements (OPR) shall be submitted prior to the land use permit approval.

(2) Building Plan Check Review: Upon submittal of an application for a building permit, building plans for any covered project shall include a green building program description and completed checklist. The checklist shall be incorporated onto a separate full-sized plan sheet included with the building plans. An approved third party verifier shall be noted on the plans prior to permit issuance if applicable.

(3) Changes During Construction: During the construction process, alternate green building measures may be substituted, provided that the qualified professional provides documentation of the proposed change and the project's continued ability to achieve the standards for compliance to the chief building official.

(4) Final Building Inspection: Prior to final building inspection and occupancy for any covered project, a qualified professional shall provide evidence that project construction has achieved the required compliance set forth in the standards for compliance outlined in Section 19.04.140. The Contractor shall provide the completed Green Building Ordinance Checklist to the Building Inspector.

(5) Conflict with Other Laws: The provisions of this chapter are intended to be in addition to and not in conflict with other laws, regulations and ordinances relating to building construction and site development. If any provision of this chapter conflicts with any duly adopted and valid statutes or regulations of the federal government of the State of California, the federal or state statutes or regulations shall take precedence.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.08.080 Appeals.

Any aggrieved applicant or person may appeal the determination of the chief building official regarding the granting or denial of an exemption or compliance with any other provision of this chapter. An appeal of a determination of the chief building official shall be filed in writing and processed in accordance with the provisions of this title.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.08.090 Exemptions.

(a) The provisions of this chapter shall not apply to:

(1) Buildings which are temporary (such as construction trailers).

(2) Building area which is not or is not intended to be conditioned space.

(3) Any requirements of this chapter which would impair the historic integrity of any building listed on a local, state or federal register of historic structures, as determined by the chief building official. In making such a determination, the chief building official may require the submittal of an evaluation by an architectural historian or similar expert.

(4) Improvements and project valuation related to seismic or disabled access, building replacement due to catastrophic loss due to flood or earthquake damage or installation of renewable energy systems.

(b) Hardship or Infeasibility Exemption: If an applicant for a covered project believes that circumstances exist that make it a hardship or infeasible to meet the requirements of this chapter, the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show hardship or infeasibility.

(1) Application: The applicant shall identify in writing the specific requirements of the standards for compliance that the project is unable to achieve and the circumstances that make it a hardship or infeasible for the project to comply with this chapter. Circumstances that constitute hardship or infeasibility shall include, but are not limited to, the following:

a. There is a conflict between the provisions of the applicable green building rating system and the California Building Standards Code, other State code provisions, other requirements of this Title or conditions imposed on the project through a previously approved planning application;

b. There is a lack of commercially available green building materials and technologies to comply with the green building rating system;

c. That the cost of achieving compliance is disproportionate to the overall cost of the project;

d. That physical conditions of the project site make it impractical to incorporate necessary green building measures or achieve the standards for compliance;

e. That compliance with certain requirements would impair the historic integrity of buildings listed on a local, state or federal list or register of historic structures;

(2) Granting of exemption: If the chief building official determines that it is a hardship or infeasible for the applicant to fully meet the requirements of this chapter, the chief building official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. In making this determination, the chief building official shall consider whether alternate, practical means of achieving the objectives of this chapter can be satisfied, such as reducing comparable energy use at an offsite location within the county. If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve the threshold of compliance determined to be achievable by the chief building official.

(3) Denial of exception: If the chief building official determines that it is reasonably possible for the applicant to fully meet the requirements of this chapter, the request shall be denied, and the applicant shall be notified of the decision in writing. The project and compliance documentation shall be modified to comply with the standards for compliance.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 9: RENEWABLE ENERGY

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## 19.09.010 Expedited permitting for small residential rooftop solar energy systems.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.09.12 Exemptions.

This chapter shall not apply to solar energy systems that are not small residential rooftop solar energy systems.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.09.13 Systems checklists and standard plans.

(a) On or before September 30, 2015, the department of planning and building shall adopt an administrative, nondiscretionary expedited review process for small residential rooftop solar energy systems, including standard plans and checklists. The checklists shall set forth all requirements with which the small residential rooftop solar energy system must comply in order to be eligible for expedited review. The chief building official is hereby authorized and directed to develop such checklist and procedures.

(b) The small residential rooftop solar system permit process, standard plans, and checklists, shall substantially conform to the recommendations for expedited permitting, including the checklists and standard plans, contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

(c) The chief building official may modify the checklists and standard plans found in the California Solar Permitting Guidebook due to unique climactic, geological, seismological, or topographical conditions.

(d) The checklists and standard plans for small residential rooftop solar energy systems adopted by the department of planning and building, as well as all other required permitting documentation shall be published on the county's website. If the department of planning and building modifies the checklists and standard plans found in the California Solar Permitting Guidebook, the department shall document the unique climactic, geological, seismological or topographical conditions requiring such modifications and shall include such documentation on the county's website.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.09.14 Application review.

(a) The applicant may submit the application and related documentation for a small residential rooftop solar energy system by electronic submittal, with all required permit processing and inspection fees, as specified on the county's website. Electronic signatures shall be accepted by the department of planning and building on all electronic submittals in lieu of a wet signature.

(b) An application for a small residential rooftop solar energy system shall be deemed complete when the department of planning and building staff determines that the application satisfies all the information requirements in the checklists and standard plans.

(c) If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

(d) Applications for small residential rooftop solar energy systems shall be administratively reviewed and approved by the chief building official at nondiscretionary permits within in a reasonable time following receipt of a complete application that meets the requirements of the county's approved checklists, standards plans, and payment of all required permit processing and inspection fees.

(e) The department of planning and building may require the applicant to apply for a plot plan or site plan pursuant to Title 22 or Title 23 of the San Luis Obispo County Municipal Code and all provisions of those sections of the applicable title (Title 22-inland, Title 23-coastal) of San Luis Obispo County Municipal Code shall apply if the department finds, based on substantial evidence, that the proposed small residential rooftop solar energy system could have a specific, adverse impact on the public health and safety.

(f) Approval of an application for a small residential rooftop solar energy system shall not be based or conditioned on the approval of an association, as defined in section 4080 of the Civil Code.

(g) Approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.09.15 Inspection.

(a) Only one inspection shall be required and performed by staff for small residential rooftop solar energy systems eligible for expedited review.

(b) The inspection shall be completed in a timely manner.

(c) A separate fire inspection may be performed if an agreement with the local fire authority does not exist to perform safety inspections on behalf of the fire authority.

(d) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this section.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.09.16 Expedited permitting for electric vehicle charging stations.

(a) Consistent with Government Code Section 65850.7, the chief building official shall implement an expedited administrative permit review process for electric vehicle charging stations and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited administrative permit review process and checklist may refer to the recommendations in the checklist prescribed by the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Governor's Office of Planning and Research. The county's adopted checklist shall be published on the county's website.

(b) The department of planning and building shall adopt an administrative, nondiscretionary expedited review process for electric vehicle charging stations, checklists. The checklists shall set forth all requirements with which the electric vehicle charging stations must comply in order to be eligible for expedited review. The chief building official is hereby authorized and directed to develop such checklist and procedures.

(c) The electric vehicle charging station permit process and checklists, shall substantially conform to the recommendations for expedited permitting, including the checklists contained in the most current version of the electric zero emissions vehicles in California: Community Readiness Guide Book adopted by the Governor's Office of Planning and Research.

(d) The chief building official may modify the checklists found in zero emissions vehicles in California: Community Readiness Guide Book due to unique climactic, geological, seismological, or topographical conditions.

(e) The checklists for electric vehicle charging stations adopted by the department of planning and building, as well as all other required permitting documentation shall be published on the county's website. If the department of planning and building modifies the checklists and standard plans found in the zero emissions vehicles in California: Community Readiness Guide Book, the department shall document the unique climactic, geological, seismological, or topographical conditions requiring such modifications and shall also include such documentation on the county's website.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.09.17 Exemptions.

This section shall not apply to electric vehicle charging station projects that include additional scope. All electric vehicle charging station projects with additional scope shall be processed under Section

105.3.1 of the San Luis Obispo County Municipal Code and the provisions of this section shall not apply.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.09.18 Definitions.

As used in Section 19.09.010, the following terms shall have the following meanings:

(1) Electronic Submittal. The utilization of one or more of the following:

a. Email;

b. Internet;

c. Facsimile.

(2) Electric Vehicle. An electric vehicle (EV), also referred to as an electric drive vehicle, uses one or more electric motors or traction motors for propulsion. An electric vehicle may be powered through a collector system by electricity from off-vehicle sources, or may be self-contained with a battery or generator to convert fuel to electricity.

(3) Electric Vehicle Charging Station. An electric vehicle charging station, also called EV charging station, electric recharging point, charging point, charge point and EVSE (electric vehicle supply equipment), is an element in an infrastructure that supplies electric energy for the recharging of electric vehicles, such as plug-in electric vehicles, including electric cars, neighborhood electric vehicles and plug-in hybrids.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.09.19 Application review.

(a) The applicant may submit the application and related documentation for an electric vehicle charging station by electronic submittal, with all required permit processing and inspection fees, as specified on the county's website. Electronic signatures shall be accepted by the department of planning and building on all electronic submittals in lieu of a wet signature.

(b) An application for a electric vehicle charging station shall be deemed complete when the department of planning and building staff determines that the application satisfies all the information requirements in the checklists.

(c) If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

(d) Applications for electric vehicle charging station shall be administratively reviewed and approved by the chief building official at nondiscretionary permits within in a reasonable time following receipt of a complete application that meets the requirements of the county's approved checklists, and payment of all required permit processing and inspection fees.

(e) The department of planning and building may require the applicant to apply for a plot plan or site plan pursuant to Title 22 or Title 23 of the San Luis Obispo County Municipal Code and all provisions of those sections of the applicable title (Title 22-inland, Title 23-coastal) of San Luis

Obispo County Municipal Code shall apply if the department finds, based on substantial evidence, that the proposed electric vehicle charging station could have a specific, adverse impact on the public health and safety.

(f) Approval of an application for an electric vehicle charging station shall not be based or conditioned on the approval of an association, as defined in section 4080 of the Civil Code.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.09.20 Inspection.

(a) The inspection shall be completed in a timely manner.

If an electric vehicle charging station fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this section.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 10: BUILDING PROHIBITION AREAS

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19.10.030 – Exceptions.....10-1

## 19.10.30 Temporary building halt within the community of Baywood Park and Los Osos and adjoining areas.

The building official shall immediately cease the issuance of any building permit for the construction of any building requiring a new or enlarged sewage disposal system or sewage holding tank system within the community of Baywood Park and Los Osos and adjoining areas as shown on the "Prohibition Boundary Map" attached as Exhibit A to California Regional Water Quality Control Board Resolution 83-13, which is incorporated herein by reference as though fully set forth here.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.10.31 Duration of moratorium.

The temporary building moratorium established by Section 19.10.030 shall be in full force and effect until such time as a sewage collection, treatment, and disposal system is installed to serve all of the cited territory.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.10.32 Exceptions.

The building official may issue building permits for new construction that does not comply with the provisions of Section 19.10.030 only where the California Regional Water Quality Control Board, Central Coast Region, has, by resolution, granted an "Exemption from the Basin Plan Prohibition of Additional Individual Sewage Disposal Systems in the Community of Baywood Park and Los Osos," which specifically describes the project so exempted, its location and any conditions or restrictions associated with the approved exemption. Issuance of a building permit by the building official on the basis of such exemption shall not occur unless the approved plans for the project and the project site fully comply with all applicable provisions of the exemption.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 11: STORMWATER MANAGEMENT

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## 19.11.010 Purpose.

The requirements in this chapter are intended to reduce pollutant discharges to the maximum extent practicable and to prevent stormwater discharges from causing or contributing to a violation of receiving water quality standards. These requirements also incorporate the post-construction stormwater management requirements (PRC's) for development projects in the county. The PCRs mandate that development projects use low impact development (LID) to detain, retain, and treat runoff. LID incorporates and conserves on-site natural features, together with constructed hydrologic controls to more closely mimic pre-development hydrology and watershed process. Collectively, these requirements emphasize protecting and, where degraded, restoring key watershed processes to create and sustain linkages between hydrology, channel geomorphology, and biological health necessary for healthy watersheds. Maintenance and restoration of watershed processes impacted by stormwater management is necessary to protect water quality and the beneficial uses of surface and groundwater.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.11.030 Applicability.

(a) Where Applicable. The requirements of this section are applicable only where a project will drain to those areas designated by the State Water Resources Control Board (SWRCB) as traditional or non-traditional municipal separate storm sewer systems (MS4s). MS4s consist of areas designated as "urbanized" in the most recent decennial US Census, as well as other outlying areas with a population of ten thousand or more or a population density greater than one thousand people per square mile. The current San Luis Obispo County MS4 Area can be found on the department and planning and building website.

Designated MS4 areas include, but are not limited to, the following:

(1) All areas within an urban reserve line (URL), as designated in the county general plan.

(2) All areas within the following village reserve lines (VRLs), as designated in the county general plan.

(3) Any other areas identified as being subject to the stormwater standards, as indicated in Attachment A of the Central Coast Post-Construction Stormwater Requirements MS4 Phase II Permit.

(b) Limited Exemption. Projects which have received approval of a zoning clearance, land use permit, or land division prior to March 6, 2014, are exempt from the standards of this section, unless such approval has expired.

(c) Regulated Projects. Regulated projects include all new development or redevelopment projects, both discretionary and ministerial, that create and/or replace at least two thousand five hundred square feet of impervious surface (collectively over the entire project site) as defined by the central coast regional water quality control board under Order R3-2013-0032.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.11.040 Stormwater control plan (SWCP) required.

Prior to acceptance of an application for a construction permit, grading permit, land use permit, or subdivision application associated with a regulated project, as defined in Section 19.11.030(c), of the Land Use Ordinance, the applicant shall submit a stormwater control plan that demonstrates compliance with the post-construction requirements for the Central Coast region, adopted by the central coast regional water quality control board under Order R3-2013-0032.

(1) Site Design Checklist. The SWCP for all projects subject to this section shall demonstrate that the following design strategies have been pursued in order to reduce runoff:

a. Limit disturbance of creeks and natural drainage features.

b. Minimize compaction of highly permeable soils.

c. Limit clearing and grading of native vegetation at the site to the minimum area needed to build the project, allow access, and provide fire protection.

d. Minimize impervious surfaces by concentrating improvements on the least-sensitive portions of the site, while leaving the remaining land in natural, undisturbed state.

e. Implement at least one of the following strategies:

1. Direct roof runoff into cisterns, rain barrels, underground storage, or a similar mechanism for reuse.

2. Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with the California Building Code.

3. Direct roof runoff from sidewalks, walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with the California Building Code.

4. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with the California Building Code and Title 19 of the County Code.

5. Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and patios with permeable surfaces.

(2) Plan Documents and Details. The SWCP for all regulated projects, as defined in Section 19.11.030(3), of the Land Use Ordinance, shall provide the following documents and details:

a. Project name, application/permit number, location, and assessor's parcel number.

b. Name of the applicant.

c. Identification of which project phase, if the project is being constructed in phases.

d. Project type (e.g. commercial, industrial, multi-unit residential, mixed use, public) and description.

e. Total project site area.

f. Total new impervious surface area, total replaced impervious surface area, total new pervious area, and calculation of net impervious area.

g. Identification and location of all structural and non-structural control measures (SCM's) proposed as part of the stormwater conveyance system.

h. A certification from a qualified professional (e.g. a registered civil engineer, licensed architect, or other individual deemed to be qualified by the director) that appropriate LID design have been incorporated into the plan to the maximum extent practicable to meet the County of San Luis Obispo Post Construction Requirements Handbook.

i. A preliminary drainage plan, consistent with of Section 22.52.110 of the Land Use Ordinance and Section 23.05.036 of the Coastal Zone Land Use Ordinance.

j. A preliminary erosion and sediment control plan, consistent with Section 22.52.120 of the Land Use Ordinance and Section 23.05.040 of the Coastal Zone Land Use Ordinance. The plan shall conform to the California Construction General Permit Order 2009-0009-DWQ as applicable.

k. If needed to demonstrate compliance with the stormwater quality standards in Section 19.11.050 of Land Use Ordinance, drainage calculations prepared by a registered civil engineer.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.11.050 Stormwater quality standards.

Stormwater control plans shall be reviewed for consistency with the post-construction stormwater control standards identified in Central Coast Regional Water Quality Control Board Order R3-2013-0032 and County of San Luis Obispo Post Construction Requirements Handbook. Performance standards contained in this order include, but are not limited to, the following:

(1) Site Design Measures. (Performance Requirement 1.) All Regulated Projects, as defined in Section 19.11.030.c, are subject to this standard. All projects resulting in at least two thousand five hundred square feet of net impervious area.

(2) Water Quality Treatment. (Performance Requirement 2.) All projects resulting in at least five thousand square feet of net impervious area, other than single-family residences, shall comply with this standard. Single-family residence projects shall comply with this standard if they involve at least fifteen thousand square feet of net impervious area. A single-family residence project is defined for the purposes of Chapter 19.11, as the building of one single

new house or addition and/or replacement of net impervious surface associate with one single existing house, which is not part of a larger plan of development.

(3) Runoff Retention. (Performance Requirement 3.) All projects resulting in at least fifteen thousand square feet of net impervious area shall comply with this standard.

(4) Peak Management. (Performance Requirement 4.) All projects resulting in at least twenty two thousand five hundred square feet of net impervious area shall comply with this standard.

(5) Special Circumstances. (Performance Requirement 5.) Projects subject to the performance standards identified in Subsections (3) and (4), but discharging to watercourses with special circumstances.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.11.060 Source control standards for specific uses.

The stormwater control plan must address source control of any applicable pollutants associated with the proposed use that could enter the stormwater conveyance system. The following source control best management practices (BMPs) are required for projects that propose any of the following features:

(1) Outdoor Material Storage. Where proposed projects include outdoor storage areas for storage of materials that may contribute pollutants of concern to the stormwater conveyance system, the following structural or treatment BMPs are required:

a. Materials with the potential to contaminate stormwater must be:

1. Placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater system; or

2. Protected by secondary containment structures, such as berms, dikes, or curbs.

b. The material storage area shall be sufficiently impervious to contain leaks and spills.

c. Where secondary containment is necessary, storage areas shall have a roof or awning to minimize collection of stormwater, or another approved method.

d. For storage areas involving the storage of motor vehicles, site design shall comply with Section 19.11.030.

(2) Loading and Unloading Dock Areas. To minimize the potential for material spills to be transported to the stormwater conveyance system, the following is required:

a. Loading dock areas shall be covered, or drainage shall be designed to minimize run-on or runoff of stormwater; and

b. Connections to storm drains from depressed loading docks (truck wells) are prohibited. An approved structural source control measure and/or treatment control measure shall be used to prevent stormwater pollution.

(3) Repair and Maintenance Bays. To minimize the potential for oil/grease, car battery acid, coolant, and gasoline to be transported to the stormwater conveyance system, design plans for repair/maintenance bays shall include the following:

a. Repair/maintenance bays shall be indoors or designed in such a way that does not allow stormwater run-on or runoff; and

b. The drainage system for the repair/maintenance bays shall be designed to capture all wash water, leaks, and spills. Drains shall be connected to a sump for collection and disposal. Direct connection to the storm drain system is prohibited. If required by the regional water quality control board, an industrial waste discharge permit shall be obtained.

(4) Vehicle and Equipment Wash Areas. To minimize the potential for metals, oil/grease, solvents, phosphates, and suspended solids to be transported to the stormwater conveyance system, the area for washing/steam cleaning of vehicles and equipment shall be designed to the following specifications:

a. Self-contained and/or covered, equipped with a clarifier, or other pre-treatment facility; and

b. Properly connected to a sanitary sewer or other appropriately permitted disposal facility.

(5) Restaurants. An area for washing/steam cleaning of equipment and accessories shall be included on the plans. To minimize the potential for metals, oil and grease, solvents, phosphates, and suspended solids to be transported to the stormwater conveyance system, the area for washing/steam cleaning of equipment and accessories shall be designed to the following specifications:

a. Self-contained, equipped with a grease trap, and properly connected to the sanitary sewer; and

b. If the wash area is to be located outdoors, it must be covered, paved, have secondary containment, and be connected to the sanitary sewer or other appropriately permitted disposal facility.

(6) Fueling Areas. To minimize the potential for oil/grease, solvents, car battery acid, coolant, and gasoline to be transported to the stormwater conveyance system, the project plans shall include all of the following BMPs:

a. The fuel dispensing area shall be covered with an overhanging roof structure or canopy. Provide containment limits on the plans (i.e. grade break, berm, etc.). The canopy's minimum dimensions shall be equal to or greater than the containment limits. The canopy shall not drain onto the fuel dispensing area, and the canopy downspouts shall be routed to prevent drainage across the fueling area.

b. The fuel dispensing area must be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.

c. The fuel dispensing area must have a two percent minimum slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.

d. At a minimum, the concrete fuel dispensing area must extend 6.5 feet from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus one foot, whichever is less.

(7) Parking Lots. Parking lots with an area of five thousand square feet or more, or twenty-five parking spaces or more, shall minimize potential for oil, grease, and other water insoluble hydrocarbons from vehicle drippings and leaks from entering the stormwater conveyance system. Plans shall provide for the following:

a. Treat to remove oil and petroleum hydrocarbons; and

b. Ensure adequate operation and maintenance of treatment systems, particularly sludge and oil removal and system fouling and plugging prevention control. At a minimum, this shall include a maintenance program which is funded and carried out by the property owner.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.11.070 Operation and maintenance.

Long-term maintenance of structural control measures installed to meet applicable performance requirements shall be documented through the establishment of a condition compliance monitoring (CCM) permit which includes recordation of an authorized written operations and maintenance agreement and/or covenants, conditions, and restriction (CC&Rs), unless the project does not include structural stormwater control measures. This agreement shall be recorded prior to or concurrent with issuance of building or grading an occupancy permit. However, final SCM's will be verified to match approved design, as after issuance or as-built grading permit may be required and would result in revision of O&A agreement or CC&R's prior to issuance of occupancy. In order to verify that structural control measures will be continually operated and maintained, the agreement shall do the following:

(1) Designate and Accept Responsibility. Identify the party who is responsible for long-term operation and maintenance of stormwater control measures. The responsible party will provide a signed statement accepting responsibility until such responsibility is legally transferred to another entity.

(2) Address Transfer of Responsibility. Address how structural control measures will be maintained once property has been transferred to private landowners, a homeowner's association, or a public entity.

(3) Reference Materials. Reference materials shall include:

a. A site map identifying all structural control measures requiring maintenance.

b. Legal parcel description of the parcel(s) where stormwater SCM's will be installed.

c. Short and long-term maintenance requirements for each stormwater control measure.

d. Procedures for conducting necessary maintenance including recommended frequency of maintenance, anticipated costs, and manufactures manuals or specifications.

Reference materials shall be required to accompany the first deed transfer. The transfer of this information shall also be required with any subsequent sale of the property.

(4) Address Operations and Maintenance Monitoring/Reporting. Address the requirement that the responsible party will provide an annual monitoring report to the county verifying that structural control measures have been inspected, operated, and maintained as required. This annual monitoring report is to be submitted by June 15 of each year. Failure to provide the required annual inspection reports may be referred to code enforcement.

(5) Failure to Clean and Maintain Stormwater System. Failure to maintain, monitor, inspect, clean, repair, or document and report as required shall constitute a public nuisance. The county may remedy such public nuisance through any of the applicable procedures as set forth in Section 22.74.150 of the Land Use Ordinance for nuisance abatement process and/or may pursue any other legal or equitable remedies to abate such public nuisance.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.11.080 Alternative compliance.

The alternative compliance process specified in Central Coast Regional Water Quality Control Board Order R3-2013-0032 may be followed at the discretion of the Director. Such a process may be available in the following circumstances:

(1) Special Circumstances. Where the project discharges to receiving waters with special circumstances (e.g. highly altered channels, intermediate flow control facilities, and historic lakes and wetlands). In these cases, projects may follow the performance standard identified in Section 19.11.050(5), rather than the performance standards in Section 19.11.050(3) and (4) of the Land Use Ordinance.

(2) Technical Infeasibility. Where technical infeasibility limits or prevents the use of structural control measures.

(3) Approved Watershed or Regional Plan. Where the project falls under a watershed or regional plan that has received approval from the executive director of the Central Coast Regional Water Quality Control Board.

(4) Approved Urban Sustainability Area. Urban infill redevelopment projects located within an urban sustainability area that has been approved by the executive director of the Central Coast Regional Water Quality Control Board.

(5) Other Circumstances. In other circumstances as approved by the executive director of the Central Coast Regional Water Quality Control Board.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 12: GRADING AND EXCAVATION

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### 19.12.010 Purpose.

The purpose of this appendix is to safeguard life, limb, property, and the public welfare by regulating grading on private property.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.12.020 Scope.

The rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments, are contained in Titles 22 and 23 of the County Code. Where provisions of Title 19 conflict with provisions in Titles 22 or 23, the provisions in Titles 22 and 23 shall prevail.

The standards listed below are recognized standards and as such are not adopted as part of this code.

Testing:

1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures

1.2 ASTM D 1556, In Place Density of Soils by the Sand-Cone Method

1.3 ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method

1.4 ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method

1.5 ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.030 Permits required.

Except as specified in Titles 22 (Land Use Ordinance) and 23 (Coastal Zone Land Use Ordinance) of the County Code, no person shall do any grading without first having obtained a grading permit from the building official.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.040 Hazards.

Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this code.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.050 Grading permit requirements.

(a) Grading permit application contents are as specified in Section 22.52.050 of the Land Use Ordinance and Section 23.05.020 et seq. of the Coastal Zone Land Use Ordinance.

(b) Grading is designated as specified in Section 22.52.060 of the Land Use Ordinance and Section 23.05.020 et seq. of the Coastal Zone Land Use Ordinance.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.060 Engineered grading requirements.

(a) Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the building official.

(b) Specifications shall contain information covering construction and material requirements.

(c) Plans shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of

each set of plans shall give location of the work, the name and address of the owner and the person by whom they were prepared.

(d) The plans shall include the following information:

(1) General vicinity of the proposed site.

(2) Property limits and accurate contours of existing ground and details of terrain and area drainage.

(3) Limiting dimensions, elevations, or finish contours to be achieved by the grading and proposed drainage channels and related construction.

(4) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains, including historic onsite drainage flow pattern, final drainage flow patterns offsite, and route to final discharge into public facility.

(5) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifteen feet of the property or which may be affected by the proposed grading operations.

(6) Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.

(7) The dates of the soils engineering and engineering geology reports together with the names, addresses, and phone numbers of the firms or individuals who prepared the reports.

(e) Soils Engineering Report. The soils engineering report required by Section 1803 shall include data regarding the nature, distribution, and strength of existing soils, conclusions, and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

(f) Engineering Geology Report. The engineering geology report required by Section 1803 shall include an adequate description of the geology of the site, conclusions, and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

(g) Liquefaction Study. The building official may require a geotechnical investigation in accordance with Sections 1803.1 and 1803.2 when, during the course of an investigation, all of the following conditions are discovered, the report shall address the potential for liquefaction:

(1) Shallow ground water, fifty feet or less.

(2) Unconsolidated sandy alluvium.

(3) Seismic Design Category C—F.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.070 Regular grading requirements.

(a) Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner, and the name of the person who prepared the plan. The plan shall include the following information:

(1) General vicinity of the proposed site.

(2) Limiting dimensions and depth of cut and fill.

(3) Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within fifteen feet of the proposed grading.

(b) Issuance. The provisions of Section 105 are applicable to grading permits. The building official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

(Ord. No. 3400, § 1, 11-19-19)

## 19.12.080 Grading fees.

Fees shall be assessed as set forth in the fee schedule adopted by the jurisdiction and fees shall be assessed as specified in Section 22.52.210 of the Land Use Ordinance and Section 22.05.058 of the Coastal Zone Land Use Ordinance.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.090 Bonds.

The building official may require bonds, as specified in Section 22.52.210 of the Land Use Ordinance and Section 23.05.032.c of the Coastal Zone Land Use Ordinance.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.100 Cuts.

(a) General. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

(b) Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than one unit vertical in two units horizontal (fifty percent slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that

the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.110 Fills.

(a) General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

(b) Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than one unit vertical in two units horizontal (fifty percent slope). The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil, and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than one unit vertical in five units horizontal (twenty percent slope) and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than one unit vertical in five units horizontal (twenty percent slope) shall be at least ten feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least ten feet wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

(c) Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension greater than twelve inches shall be buried or placed in fills.

Exception: The building official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

(1) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.

(2) Rock sizes greater than twelve inches in maximum dimension shall be ten feet or more below grade, measured vertically.

(3) Rocks shall be placed so as to assure filling of all voids with well-graded soil.

(d) Compaction. All fills shall be compacted to a minimum of ninety percent of maximum density.

(e) Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than one unit vertical in two units horizontal (fifty percent slope).

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.120 Setbacks.

(a) General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure A-1808.7.

(b) Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one-fifth of the vertical height of cut with a minimum of two feet and a maximum of ten feet. The setback may need to be increased for any required interceptor drains.

(c) Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than one-half the height of the slope with a minimum of two feet and a maximum of twenty feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

(1) Additional setbacks.

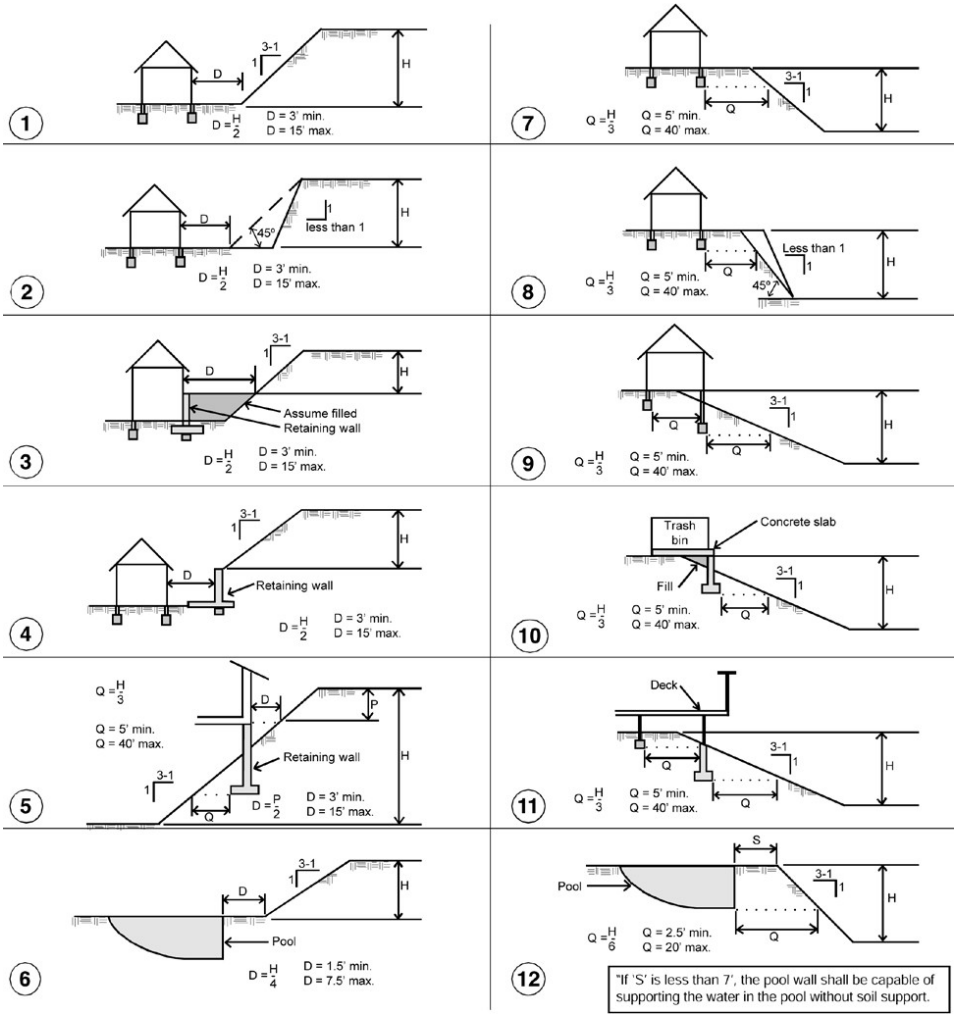
(2) Provision for retaining or slough walls.

(3) Mechanical or chemical treatment of the fill slope surface to minimize erosion.

(4) Provisions for the control of surface waters.

(d) Modification of Slope Location. The building official may approve alternate setbacks. The building official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

**Figure A-1808.7**




FOUNDATIONS ON OR ADJACENT TO SLOPES: The placement of buildings and structures on or adjacent to slopes steeper than three horizontal one vertical shall be in accordance with the following illustrations. The provisions are intended to provide protection for the building and from slope drainage, erosion and mudflow, loose slope debris, shallow slope failures, and foundation movement (California Building Code 1804).

Alternate design may be provided by architect/engineer with soil engineer's analysis and written approval.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.125 Protection of adjoining property.

The requirements for protection of adjacent property and depth to which protection is required shall be as defined by prevailing law. Where not defined by law, the following shall apply: Any persons making or causing an excavation to be made to a depth of twelve feet (3658 mm) or less below the grade shall protect the excavation so that the soils of the adjoining property will not cave in or settle,

but shall not be liable for the expense of underpinning or extending the foundation of the buildings on adjoining properties when the excavation is not in excess of twelve feet (3658 mm) in depth. Before commencing the excavation, the person making or causing the excavation to be made shall notify in writing the owners of adjoining buildings not less than ten days before such excavation is to be made and that the excavation is to be made that adjoining buildings should be protected.

The owners of the adjoining properties shall be given access to the excavation for the purpose of protecting such adjoining buildings.

Any person making or causing an excavation to be made exceeding twelve feet (3658 mm) in depth below the grade shall protect the excavation so that the adjoining soil will not cave in or settle and shall extended the foundation of any adjoining buildings below the depth of twelve feet (3658 mm) below grade at the expense of the person causing or making the excavation. The owner of the adjoining buildings shall extend the foundation of these buildings to a depth of twelve feet (3,658 mm) below grade at such owner's expense, as provided in the preceding paragraph.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.130 Drainage and terracing.

(a) General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than one unit vertical in three units horizontal (33.3% slope).

(b) Terrace. Terraces at least six feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than sixty feet and up to one hundred twenty feet in vertical height, one terrace at approximately mid-height shall be twelve feet in width. Terrace widths and spacing for cut and fill slopes greater than one hundred twenty feet in height shall be designed by the civil engineer and approved by the building official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of five percent and must be paved with reinforced concrete not less than three inches in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of one foot and a minimum paved width of five feet.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding thirteen thousand five hundred square feet (projected) without discharging into a down drain.

(c) Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

(d) Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the building official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive down drains or other energy dissipation devices.

The permittee shall incorporate design elements to retain the required drainage volumes and minimize the disposal of waters for regulated projects as required by Central Coast Regional Water Quality Control Board Order R3-2013-0032, and Section 19.11.050.

The gradient from the building pad shall be a minimum of five percent toward approved drainage facilities, unless waived by the building official.

Exception: The gradient from the building pad may be one percent if all of the following conditions exist throughout the permit area:

(1) No proposed fills are greater than ten feet in maximum depth.

(2) No proposed finish cut or fill slope faces have a vertical height in excess of ten feet.

(3) No existing slope faces, which have a slope face steeper than one unit vertical in ten units horizontal (ten percent slope), have a vertical height in excess of ten feet.

(e) Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than forty feet measured horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of twelve inches and a minimum paved width of thirty inches measured horizontally across the drain. The slope of drain shall be approved by the building official.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.140 Erosion control.

(a) Slopes. The top, toe, and faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control shall consist of approved best management practices (BMPs) shown on the grading plans and the stormwater pollution prevention plan as applicable. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval.

(b) A condition compliance monitoring case shall be required whenever there are post construction structural control measures required to be operated and maintained after the construction permit is finaled (Section 19.11.070).

(c) No grading or structure inspections shall be made unless required BMPs are in place. A pre-construction inspection must be conducted prior to the commencement of land disturbance year round.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.150 Grading inspection.

(a) General. Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services and approved by the building official in accordance with Section 19.12.060 for engineered grading and as required by the building official for regular grading.

(b) Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

(c) Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the building official and the civil engineer.

(d) Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

(e) Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

(f) Building Official. The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

(g) Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the building official.

(h) Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.12.160 Completion of work.

(a) Final Reports. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

(1) An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 1803 & 1804 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations, and details of subsurface drains shall be shown as reported by the soils

engineer. Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

(2) A report prepared by the soils engineer retained to provide such services in accordance with Section 1803 & 1804, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.

(3) A report prepared by the engineering geologist retained to provide such services in accordance with Section 1803 & 1804, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

(4) The grading contractor shall submit in a form prescribed by the building official a statement of conformance to said as-built plan and the specifications.

(b) Notification of Completion. The permittee shall notify the building official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, site stabilization is complete, and the required reports have been submitted.

(Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 20: CONSTRUCTION STANDARDS

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## 19.20.120 Marine docks and structures.

This chapter provides mandatory standards and specifications for floating docks and marina construction. These regulations apply to structures in both coastal and inland waters under county jurisdiction in addition to all other applicable county regulations, and are organized into the following sections:

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.20.122 Alternate standards.

Any reasonable design or specification will be allowed upon approval by the building official. In areas subject to heavy wave action the building official may require additional provisions to be made to assure a safe installation.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.20.126 Permits required.

A permit shall be obtained from the planning department as set forth in Chapter 19.02 of this title prior to any construction of docks, marinas and work of a similar nature as follows:

(1) Application Content and Filing. Plans to be submitted for approval shall include: complete working drawings, plot plan with parking layout, schematics of electrical and mechanical work, and such other plans as may be required to effect completion of the work in a manner satisfactory to the building official. Such plans shall be submitted in duplicate to the planning department. When the facility to be constructed includes plumbing facilities, plans shall be submitted in triplicate.

(2) Plan Preparation. A registered civil engineer shall prepare plans for all floating marinas and any floating dock in excess of four hundred square feet in area or fifty feet in length measured perpendicular to the shoreline.

(3) Encroachment Permit Required. Encroachment permits shall be required prior to any construction done on or in conjunction with county property.

(4) Corps of Engineers permit. Where a permit is required by the corps of engineers for marine construction, the permit shall be obtained prior to the issuance of a county permit.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.20.128 Safety requirements.

(a) Fire Equipment. Firefighting equipment shall be provided and maintained in an operable manner for all commercially operated marinas and dock facilities, as specified by the state fire marshall or local fire chief if a local fire district exists.

(b) Water Supply. Domestic water service to any floating facility shall meet minimum requirements established by the health department and such approval shall be made a part of the construction plans.

(c) Lighting. All commercial piers, floats and docks used for loading of passengers shall be illuminated at a minimum five foot candle level for all such loading areas.

(d) Railings. All railings on floating facilities shall be designed for a minimum twenty pounds per lineal foot horizontal load applied at the top railing. Minimum height of railing shall be forty-two inches above adjacent floor level.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.20.130 Sanitary requirements.

(a) Restrooms. In addition to other sanitary requirements for buildings, all public floating docks or marinas shall have a minimum of two restrooms, (male and female) for each seventy-five mooring spaces. The maximum walking distance from boat berth to restroom shall not exceed four hundred feet.

(b) Sewage Disposal. Removal of sewage from floating facilities shall be as approved by the health department at the time the construction plans are submitted.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.20.132 Floating dock construction requirements.

(a) Anchored Docks. Anchored docks may be used on inland waters subject to provisions for water level fluctuation. The size of anchor cable and the weights of submerged anchoring devices shall be calculated to resist all lateral loads to which the dock is subjected.

(b) Small Private Floating Docks. Private floating docks less than four hundred square feet in area shall meet the flotation and anchorage requirements of this chapter.

(c) Floating docks less than two thousand square feet:

(1) Construction requirements for floating docks less than two thousand square feet (except private floating docks less than four hundred square feet—see subsection (b) above), shall be as follows:

| | |
|---|---|
| Pier width: | 4 feet minimum |
| Gangway width: | 3 feet minimum |
| Main access width: | 6 feet for finger floats 35 feet or less in length<br>8 feet for over 35-foot finger length or when main access float exceeds 350 feet |
| Finger float width: | 3 feet minimum for 30 feet or less in length 4 feet minimum for over 30 feet in length |

(2) All docks shall be designed for boat moorage on at least one side of the boat unless otherwise approved by the building official. Guard rails shall be provided on all access piers and gangways and floats intended for gathering places such as food distribution areas and similar service areas.

(3) The clear water dimension between opposing rows of finger floats shall be a minimum of a 1.75 times the length of the longest finger float.

(d) Floating docks more than two thousand square feet:

(1) The minimum dimensions for floating docks with a float area greater than two thousand square feet shall be as follows:

| | |
|---|---|
| Pier width: | 8 feet minimum |
| Gangway width: | 4 feet minimum |
| Width of fueling float or similar service area: | 10 feet minimum |
| Finger float: | 4 feet minimum |

(2) The clear water dimension between opposing rows of finger floats shall be a minimum of two times the length of the longest finger float.

(e) Guide Piles. Guide piles shall be installed at ends of all fingers attached to outboard end of main access float and at all floats exceeding thirty-five feet in length in ocean waters and inland waters not subject to fluctuation. Maximum spacing of guide piles for main floats shall be forty feet. Piles shall meet all applicable requirements of the Uniform Building Code.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.20.134 Floating dock construction materials.

The construction materials for floating docks, except private docks of four hundred square feet or less, shall conform to the following standards:

(1) Floatation Units. Shall be concrete, pressure molded fiber glass, reinforced plastic, or expanded cellular plastic coated with an approved material to prevent physical or chemical damage.

(2) Metal Parts. Iron and steel parts shall be heavily galvanized or equally protected with a corrosion-resistant coating.

(3) Deck Surfaces. May be concrete, plastic or wood. Lumber shall be a minimum of 1-⅝-inch net thickness. Plywood shall be marine exterior grade of ¾ inch minimum thickness. All surfaces shall have a non-slip finish.

(4) Lumber. All lumber shall receive a full cell process salt preservation treatment in accordance with the specifications of the American Wood Preserves Association.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.20.136 Flotation design criteria.

(a) Design Loads. All portions of facility shall be designed to resist full dead load plus live loads. All buoyant units shall resist full design loads with maximum seventy-five percent submergence of unit.

(b) Lateral Loads. All portions of facility shall be designed according to minimum requirements of Uniform Building Code.

(c) Vehicular Loads. All portions of facility shall be designed in accordance with the standard specifications for highway bridges as adopted by the American Association of State Highway Officials.

(d) Finger Floats and Main Access Floats. The minimum design live load shall be 15#/s.f. or a 500# concentrated load on one square foot at any location, whichever causes the worst condition.

(e) Fueling Floats and Similar Service Area Floats. The minimum design live load shall be 20#/s.f. or a 500# concentrated load on one square foot at any location, whichever causes the worst condition.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.20.138 Gangway design.

(a) Gangways shall be provided at the end of all main floats. Where the gangway rests on the main float, adequate width shall be provided at the main float to provide a clear width of eight feet on one side or four feet on each side of the gangway to the edge of the main float.

(b) Gangways shall be designed for a live load of 50#/sq. ft. minimum. Special float conditions may require a greater live load to be considered, subject to the approval of the building official.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 40: HOUSING CODE

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### 19.40.010 Housing Code established.

The housing code shall be the International Property Maintenance Code as adopted in Section 19.01.040 and amended in Section 19.80.020 of this title.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.40.020 Prohibited structures.

It shall be unlawful and a violation of this code to use any structure that is prohibited by Section 19.02.030 of this title for housing purposes.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.40.030 Housing abatement.

The abatement of substandard, unsafe or dangerous housing shall be accomplished as set forth in Chapter 19.80 of this title.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 45: INTERIM SCHOOL FACILITIES

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### 19.45.010 Title.

This chapter shall be known and may be cited as the "Interim School Facilities Ordinance."

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.45.020 Purpose.

The purpose of this chapter is to provide a method for financing interim school facilities necessitated by conditions of overcrowding caused by new residential developments.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.030 Authority and conflict.

This chapter is adopted pursuant to the provisions of Chapter 4.7 (commencing with §65970) of Division 1 of Title 7 of the Government Code. In the case of any conflict between the provisions of this chapter and those of chapter 4.7, the latter shall prevail.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.040 Consistency with general plan required.

The county's general plan provides for the location of public schools. Interim school facilities to be constructed from fees or land required to be dedicated, or both, shall be consistent with the general plan.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.050 Regulations.

The board of supervisors may from time to time, by resolution or ordinance, issue regulations to establish fees, administration, procedures, interpretation and policy direction for this ordinance.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.070 Notification of conditions of overcrowding.

Pursuant to Government Code sections 65970 et seq., the governing board of any school district operating an elementary or high school may, with respect to any of its attendance areas located in whole or in part within the unincorporated territory of the County of San Luis Obispo, make and file with the board of supervisors written findings supported by clear and convincing evidence:

(1) That conditions of overcrowding exist in the school or schools of such attendance area which will impair the normal functioning of educational programs, including the reasons for the existence of those conditions; and

(2) That all reasonable methods for mitigating conditions of over-crowding have been evaluated and no feasible method for reducing those conditions exists.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.080 Content of findings and application materials.

Findings filed pursuant to Section 19.45.070 and application materials shall contain the following:

(1) A precise description of the geographic boundaries of the attendance areas to which the findings relate;

(2) A list of the mitigation measures evaluated by the governing board of the school district and a statement of the reasons why such measures were found to be infeasible;

(3) A summary of the evidence upon which such findings were based;

(4) A proposed schedule of fees with supporting calculations and data;

(5) A proposed indemnification agreement in a form approved by the county which includes but is not limited to an agreement by the school district to defend, indemnify, and save harmless the county from any and all claims based on the implementation and operation of this ordinance and any and all challenges to its legal validity;

(6) A copy of a completed and transmitted application to the office of local assistance for preliminary determination of eligibility under the Leroy F. Green State School Building Lease-Purchase Law of 1976 (Chapter 22 (commencing with Section 17700) of Part 10 of Division 1 of Title 1 of the Education Code);

(7) A schedule specifying how the school district will use the land or fees, or both, to solve the conditions of overcrowding; and

(8) Such other information as may be required by regulations adopted by the board of supervisors pursuant to this chapter.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.090 Board of supervisors' public hearing on overcrowding.

After receipt of a school district's complete notice of overcrowding pursuant to Sections 19.45.070 and 19.45.080 and after the complete notice of overcrowding has been available to the public for at least sixty days after receipt by the county, the board of supervisors shall commence a public hearing, and shall thereafter do one of the following:

(1) Concur in the school district's findings of overcrowding; or

(2) Request additional information to verify the school district's findings of overcrowding; or

(3) Reject the school district's findings of overcrowding and inform the school district of the reasons for such rejection.

The board of supervisors shall either concur or not concur in the notice of overcrowding within sixty-one to one hundred fifty days after the date of receipt of the findings. The board of supervisors may extend the period to concur or not to concur for one 30-day period. The date of receipt of the notice of overcrowding is the date when all of the materials required by Section 19.45.080 are completed and filed by the school district with the county. If the board of supervisors concurs with a school district's findings that conditions of overcrowding exist within an attendance area, the board shall adopt an ordinance specifying (1) its concurrence based upon the evidence provided in the school district's notice and findings, (2) a schedule of fees in accordance with Section 19.45.110, and (3) that the facilities to be constructed from the fees or the land to be dedicated, or both, is consistent with the general plan.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.110 Dedication of land or payment of fees by developers.

After the board of supervisors' adoption of an ordinance pursuant to Section 19.45.090 and after said ordinance has been in effect for 30 days, no residential development shall be approved in the

attendance area described in said notice and findings and ordinance, until the developer has either dedicated land, paid fees, or provided both dedicated land and fees or agreed to dedicate land, pay fees, or provide both dedicated land and fees to the school district as hereinafter provided.

(1) Fees. The board of supervisors shall establish fees by ordinance and may amend such fee schedules from time to time. The maximum fee per dwelling unit may be reduced by the board of supervisors in the event the developer is providing a combination of fees and land dedication.

The school district may provide updated information to the board of supervisors from time to time which the board may utilize in electing to adjust fees. Such information may consist of, but is not limited to, new census data for the unincorporated area of the County of San Luis Obispo or portions thereof, school census data for the unincorporated area of the County of San Luis Obispo or portions thereof, new lease and purchase data for relocatables, and changes in classroom maximums or standards. The school district shall also submit a schedule specifying how it will use the adjusted fees to solve conditions of overcrowding.

Only fees shall be required in subdivisions of fifty parcels or less.

The amount of fees to be paid shall bear a reasonable relationship and be limited to the needs of the community for interim elementary or high school facilities and shall be reasonably related and limited to the need for schools caused by the development.

(2) Land Dedication. If the developer and the school district propose to agree to land dedication in lieu of fees or a combination of dedicated land and fees, the board of supervisors shall consider the proposal within thirty days of receipt of a written proposal by the school district, and may approve or disapprove the dedication or combination of dedication and fees after considering at least the following factors:

a. Whether lands offered for dedication will be consistent with the general plan;

b. The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication;

c. Any recommendations made by affected school districts concerning the location and amount of lands to be dedicated; and

d. Whether the location and amount of lands proposed to be dedicated or the combination of dedicated land and fees will bear a reasonable relationship and be limited to the needs of the community for interim elementary and/or high school facilities and will be reasonably related and limited to the need for schools caused by the development.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.120 Processing of application.

Prior to issuance of a building permit or first approval of a residential development which is located in whole or in part in an attendance area where an elementary or high school or both have been determined to be overcrowded pursuant to this chapter, the applicant shall present to the planning director evidence of one of the following:

(1) Payment of Fee. Written certification from the affected school district that the applicant has paid, and the school district has accepted the fees required by ordinance of the board of supervisors pursuant to Section 19.45.110 to enable issuance of a building permit pursuant to Section 19.45.150;

(2) Agreement to Pay Fees at the Time of Building Permit. An agreement in writing with the affected school district by which the applicant agrees to pay to the school district and the school district agrees to accept the fees required by ordinance of the board of supervisors adopted pursuant to Section 19.45.110 which is in effect at the time the applicant applies for a building permit or any other land use permit for a residential development which does not require a building permit. The agreement shall also provide that the applicant will pay such fees at the time the building permit is issued to the applicant or at the time a land use permit for a residential development which does not require a building permit is approved for the applicant;

(3) Agreement to Dedicate Land. An agreement in writing with the affected school district by which the applicant agrees to dedicate to the school district and the school district agrees to accept land to be used to relieve the overcrowding in the district's schools as an alternative to payment of fees under subsection (1) above. Such agreement shall include the legal description of the property and a promise to convey the property to the school district by grant deed at the time of issuance of the building permit to the applicant or approval of any other land use permit for the applicant for a residential development which does not require a building permit;

(4) Agreement to Dedicate Land and Pay Fees. An agreement in writing with the affected school district by which the applicant agrees to both dedicate land and pay fees to the school district and the school district agrees to accept the combination of dedicated land and fees to relieve the overcrowding in the district's schools as an alternative to only the payment of fees under subsection (1) above and to only the dedication of land under subsection (2) above. Such agreement shall include the legal description of the property to be dedicated and a promise to convey the property and pay the fees at the time of the issuance of the building permit to the applicant or the approval of a land use permit for the applicant for residential development which does not require a building permit. The amount of the fees shall be determined by the board of supervisors pursuant to Section 19.45.110; or

(5) Statement of Overriding Factors:

a. A written statement from the applicant, with supporting documentation, that there are specific overriding fiscal, economic, social or environmental factors benefiting the county which will justify the approval of such development without compliance with the fee payment or land dedication requirements of this chapter. If the applicant provides such a statement of overriding factors, the planning director shall place the matter on the agenda of the board of supervisors to be considered not less than thirty days after receipt of the statement, and shall give the school district at least ten days written notice of the date of consideration along with a copy of the statement. If the board of supervisors agrees that overriding factors benefiting the county justify approval without the payment of fees or dedication of land, it shall direct the planning director to continue processing the application. If the board of supervisors finds that there are not sufficient overriding factors, it shall direct the planning director to take

no further action to process the application until the documentation required by subsections (1), (2), (3) or (4) has been provided.

b. A voluntary agreement between the applicant for a residential development and the school district to mitigate the impacts of overcrowding caused by the residential development by paying to the school district an amount of money equal to the total amount of fees the applicant would pay for the same residential development under the provisions of this chapter shall constitute an overriding factor.

If the applicant referred to in subsections (1) through (5) of this section alienates the property or any portion thereof prior to applying for a building permit or a land use permit for a residential development which does not require a building permit, the successor or successors in interest who apply for a building permit or land use permit for a residential development which does not require a building permit for said property or any portion thereof shall be obligated under the provisions of this chapter to pay fees, dedicate land, or both.

The planning director shall refuse to process an application for a residential development or a portion thereof which is within a school attendance area in which the board of supervisors has found that conditions of overcrowding exist, until the applicant has complied with this section.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.130 Use of land and fees.

All land or fees, or both collected by a school district pursuant to this ordinance shall be used only for the purpose of providing interim elementary or high school classroom and related facilities.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.140 Exemptions.

Residential development shall be exempt from the requirements of this ordinance when it consists of any one or more of the following:

(1) Any modification or remodeling of an existing legally established dwelling unit;

(2) Replacement of existing dwelling units by demolition and reconstruction of the same number of units with the same number of bedrooms, or relocation of a dwelling unit within the same attendance area of the school district;

(3) The proposed development is located within a redevelopment area designated by a redevelopment agency pursuant to the Community Redevelopment Law, Health and Safety Code section 33000 et seq.;

(4) A condominium project converting an existing apartment building into condominiums where no new dwelling units are added or created;

(5) Any rebuilding of a legally established dwelling unit destroyed or damaged by fire, explosion, act of God or other accident or catastrophe;

(6) Any rebuilding of a historical building recognized, acknowledged and designated as such by the county planning commission or board of supervisors;

(7) Any residential development where the board of supervisors finds pursuant to section 19.45.120(5)a. that there are specific overriding fiscal, economic, social or environmental factors benefiting the county which in the sole judgment of the board of supervisors would justify the approval of such development without the payment of fees or dedication of land.

(8) Any residential development pursuant to Section 19.45.120(5)b. where the applicant for the residential development and the school district enter into a voluntary agreement to mitigate the impacts of overcrowding caused by the residential development by paying to the school district an amount of money equal to the total amount of fees the applicant would pay under the provisions of this chapter for the same residential development.

(9) A residential development on property which was the subject either as a whole or as part of a larger property of a prior finding of exemption under Section 19.45.120(5)b. and subsection (8) of this section based on the actual mitigation of the impacts of overcrowding caused by the development.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.150 Fee and/or land payment.

If the payment of fees is required, such payment shall be made by the developer to the school district prior to issuance of the building permit or other land use permit for a residential development which does not require a building permit.

Where land is to be made available, the developer shall provide a recordable written agreement to the school district which grants to the school district exclusive use of the land.

Upon receiving the fees and/or recordable agreement, or both, the school district shall notify the county planning director in writing of such receipt. The form of notification shall consist of a letter from the school district superintendent certifying that all obligations to pay fees or dedicate land under this chapter have been satisfied, and identifying the name of the building permit applicant, the assessor's parcel number of the property and the number of dwelling units for which the fees have been paid or the land has been dedicated. No building permit or other land use permit for residential development which does not require a building permit shall issue until such notification is received by the planning director.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.155 Coordination with other fees.

A school district which is levying a fee, charge, dedication, or other form of requirement against any development project pursuant to Government Code section 53080, subdivision (a), and also qualified to collect a fee, dedication, or both pursuant to this chapter shall levy pursuant to Government Code section 53080, subdivision (a), to the fullest extent allowed by law to mitigate conditions of overcrowding before the collection of a fee, dedication, or both pursuant to this chapter.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.160 Refunds of paid fees.

If a residential development approval is vacated or voided and if the affected school district still retains the land or fees collected therefor, and if the applicant so requests in writing, the governing body of the school district shall order the land or fees returned to the applicant.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.170 Termination.

As soon as overcrowding conditions cease to exist or reasonable methods of mitigating conditions of over-crowding are feasible, the school district shall immediately notify the board of supervisors. Upon receiving such notice, or upon board of supervisors' determination that overcrowding conditions cease to exist or that reasonable methods for mitigating conditions of overcrowding are feasible, the board of supervisors shall cease the requirement of fees or land dedication required by this chapter. If the school district has money from fees previously paid into its interim school facility account after overcrowding conditions cease to exist or reasonable methods for mitigating conditions of overcrowding are feasible, it shall apply such fees to mitigate future overcrowded conditions in the same attendance area for which the fees were collected; provided, however, if overcrowded conditions do not occur in said attendance area within five years from the date of when overcrowded conditions cease to exist, such fees may be applied to relieve overcrowded conditions in other attendance areas within the school district.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.180 Accounting and annual report.

Any school district receiving funds or land pursuant to this ordinance shall maintain a separate account for any funds paid and shall file a report with the board of supervisors on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased or constructed, and the dedication of land during the previous fiscal year. In addition, the reports shall specify which attendance areas will continue to be overcrowded when the fall term begins and when and where conditions of overcrowding will no longer exist. If the report identifies attendance areas which will continue to be overcrowded, the report shall set forth a detailed explanation as to why the utilization of Government Code section 53080 levies in conjunction with all other reasonable methods for mitigating conditions of overcrowding so that the imposition of fees, dedications, or both pursuant to this chapter will no longer be necessary. The report shall be filed by October 1 of each year and shall be filed more frequently if requested by board of supervisors. The county may, at any reasonable time, cause an independent audit to be conducted of the fees collected by the governing board of the school district for the purposes authorized by this section.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.45.190 Planning director to interpret standards and ascertain requirements.

(a) On written request of any officer or body of the county responsible for application of requirements for payment of fees or dedication of land as a condition of approval of a residential development, the planning director shall interpret the standards established by the board of

supervisors and ascertain the requirements appropriate to the residential development in question and report the same to such officer or body.

(b) In case of any dispute or uncertainty with respect to the meaning or proper application of any standards established under this chapter, including, but not limited to, the amount of fees to be paid, or the size, shape or location of land to be dedicated, the applicability of such standards to a particular project or part thereof, or with respect to the amount or manner of crediting for fees previously paid or land previously dedicated, the matter shall be submitted in writing to the planning director for his decision.

(c) The planning director shall make his decision in any matter mentioned in this section within ten days after its submission to him and shall within seven days after his decision declare such decision and give notice in writing thereof to the applicant, to any affected school district, and to any county officer or body responsible for application of such requirements in the particular case.

(d) The decision of the planning director made pursuant to this section may be appealed to the board of supervisors by an applicant or any aggrieved person or reviewed by the board of supervisors on its own motion. Such appeal or review shall be scheduled for consideration at a regular meeting of the board of supervisors. An appeal shall be filed with the planning director in the form of a letter setting forth the reasons for the appeal. When an appeal has been filed, or the board of supervisors has voted to review his decision, the planning director shall prepare a report on the matter. When an appeal has been filed, the planning director shall schedule the appeal for consideration by the board of supervisors at a regular meeting of the board of supervisors not more than thirty days from the date the planning director receives the appeal letter. When an appeal is filed or the board of supervisors orders a review of the planning director's decision, the county clerk not less than ten days before the consideration shall mail written notice of the time and place of the consideration by the board of supervisors to all applicants and also to all aggrieved persons who have filed appeals.

(e) The board of supervisors shall consider the decision of the planning director and render a final decision and interpretation on the matter. The decision and interpretation of the board of supervisors shall be final.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 60: MOBILEHOME INSTALLATION

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## 19.60.010 Purpose.

The purpose of this chapter is to provide comprehensive regulations to assure that all mobilehomes installed within the unincorporated areas of San Luis Obispo County outside of mobilehome parks are in compliance with all applicable provisions of state law and this code. (The authority to administer and enforce applicable mobile home regulations within mobilehome parks is vested with the California State Department of Housing and Community Development.)

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.60.020 Definition of terms.

The definitions of terms used in this chapter shall be as all such terms are now or may hereafter be defined in the Mobilehome Parks Act, part 2.l of Division 13 of the Health and Safety Code, Section l8200 et seq. and in Title 25 of the California Code of Regulations, Section 5000 et seq.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.60.030 Compliance with land use standards required.

All mobilehomes installed within the unincorporated areas of San Luis Obispo County shall comply with all applicable provisions of this title, the Land Use Ordinance (Title 22 of this code), the Coastal Zone Land Use Ordinance (Title 23 of this code), the California Mobilehome Parks Act and regulations enacted pursuant thereto, and all other applicable provisions of this code, except where otherwise provided by this chapter.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.60.040 Permit required.

As provided by Section l8613 of the California Health and Safety Code, installation, or relocation of a mobilehome outside a state-licensed mobilehome park, travel trailer park, recreational vehicle park or temporary trailer park shall first be authorized by an installation permit issued by the planning department. The issuance, validity, expiration, suspension, or revocation of mobilehome installation permits, and inspections performed under such permits, are subject to Section 302 et seq. of the Uniform Administrative Code.

(1) Issuance of Permit. A permit to install the mobilehome shall be issued only when plans and specifications submitted with the application show that the mobilehome and completed installation will conform to the requirements of Section 19.60.030. No installation permit shall be issued for a mobilehome which the building official believes or has cause to believe constitutes a substandard mobilehome as defined by Title 25, Section 5000 et seq. of the California Code of Regulations.

(2) Additional Permits Required. Issuance of a permit for the installation of a mobilehome as provided in this chapter does not relieve the permittee from the duty of obtaining any other permit required by law, including those required by the Land Use Ordinance. Building permits for accessory structures may be obtained with the original mobilehome installation permit, or they may be applied for separately.

(3) Application Contents. Applications for mobilehome installation permits shall include the forms provided by the department of planning and building, all information set forth in Section 22.02.030 of the Land Use Ordinance (Plot Plan) and the following:

a. A description (including the location) of any proposed accessory structures, including cabanas, carports, garages, porches and any other use areas or structures on the site;

b. Plans and specifications of the support system, stabilizing devices or support structure for the mobilehome, including their design loads;

c. The manufacturer's installation instructions for mobilehomes bearing the department of housing and community development's insignia of approval and manufactured after October 7, l973, including the designed roof and horizontal live loads;

d. All other information required by law to be contained in the application.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.60.050 Limitation on type of mobilehomes allowed.

Mobilehome installation permits shall be issued only to mobilehomes bearing an insignia of approval, as required by Title 25 of the California Code of Regulations.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.60.060 Utilities.

Utility facilities for the mobilehome shall be provided on the site before installation of a mobilehome for human habitation or occupancy. A sewer drain inlet connected to an approved sewage disposal

system, and installations and equipment for supplying water, electricity and fuel for heating purposes shall be completed and ready for connecting the mobilehome. All such connections shall comply with the provisions of this chapter and of Title 25 of the California Code of Regulations regarding mobilehome installation.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.60.070 Manufacturer's installation instructions.

Pursuant to Title 25 of the California Code of Regulations, mobilehomes manufactured on or after October 7, l973, shall be installed in accordance with the manufacturer's installation instructions.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.60.080 Installation standards.

A mobilehome shall be installed on site as provided by this section, with the following completed before final approval:

(1) All mobilehomes not installed with a perimeter foundation wall shall be skirted with material matching the mobilehome or other material as approved by the building official;

(2) All mobilehomes installed on foundation systems shall comply with the requirements of Title 25 of the California Code of Regulations;

(3) All accessory structures shall meet all applicable requirements of this code and applicable state law and regulations.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.60.090 Conversion to a permanent structure.

A mobilehome may be converted to a permanent structure through removal of wheel and towing assemblies, removal of state insignia, structural modifications to the coach or the attachment of other enclosed structures to the exterior of the coach only when:

(1) A building permit is first obtained in accordance with all applicable provisions of Chapter 19.04 of this title; and

(2) The mobilehome and all additional construction are brought into conformity with all applicable provisions of this title and the technical codes adopted by reference in chapter.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.60.100 Abatement of illegal and substandard mobilehomes.

Whenever any mobilehome or recreational vehicle has been found by the building official to be illegal and/or substandard, as such terms are used and/or defined in Title 25 of the California Code of Regulations, the building official shall notify the California State Department of Housing and Community Development for abatement purposes. In the event the state insignia of approval is

removed from the mobilehome, the building official may institute abatement proceedings pursuant to Section 19.01.200 of this title.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 65: MOVED BUILDINGS

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## 19.65.005 Technical Code Compliance.

Buildings, structures, and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes and this title for new buildings or structures and their building service equipment. Moved buildings shall also comply with the minimum thermal insulation requirements of Title 24 of the California Code of Regulations. Exception: Residential Occupancy Structures.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.65.010 Permit required.

No person shall relocate on or move onto any parcel, any building, house or other structure, except a contractor's tool house, construction building or similar structure, which is moved as construction requires, and except structures exempted from building permits by this title, until a permit for such moving and any proposed or required alterations, repairs and additions, is first obtained from the department of planning and building. Transit permits are required by both the county engineering department and the California State Department of Transportation (Caltrans) for moving buildings on public roads.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.65.012 Relocation on the same site.

Buildings or structures proposed to be relocated within the same site shall comply only with Sections 19.65.010 (Permit required), 19.65.014 (Structures restricted from permits), 19.65.016 (Application and preliminary inspection) and 19.65.024 (Completion of work).

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.65.014 Structures restricted from permits.

Except as otherwise provided in this chapter, the building official shall not issue a moving permit for any building or structure which:

(1) Is so constructed or is in such condition as to be dangerous;

(2) Is infested with pests or is unsanitary;

(3) If it be a dwelling for habitation, is unfit for such use;

(4) Is so dilapidated, defective, unsightly or in such condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of one thousand feet from the proposed site;

(5) Is intended for a use that is not allowed on the site by the Land Use Ordinance or any other applicable provision of law;

(6) Is of a type prohibited at the proposed location by this or by any other law or ordinance.

If, in the judgment of the building official, the condition of the building or structure can be feasibly and effectively repaired, a moving permit may be issued subject to conditions that will ensure renovation of the building to the point that it will satisfy all applicable provisions of this title.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.65.016 Application and preliminary inspection:

(a) Application Content. Every application to the building official for a moving permit shall use the form furnished by the building official and shall include such additional information as the building official may reasonably require in order to carry out the purpose of this chapter, including, but not limited to, the following:

(1) The locations and addresses of the old and proposed new sites;

(2) A plot plan of the new site indicating all dimensions and setbacks;

(3) Photographs of the structure;

(4) Plans and specifications giving the proposed improvements and remodeling of such building or structure at the new site. Plans shall contain drawings and specifications to show that the building will fit in harmoniously as to type, character, size and value with other buildings in the neighborhood of the proposed site; they shall include a foundation plan, floor framing plan(s), and roof framing plan; where the building is to be moved in sections, they shall include details showing how the sections are to be joined; and

(5) A pest inspection report prepared by a California state-licensed inspector.

(b) Inspection. Within fourteen days after the receipt of the moving permit application and fee, the building official will inspect the building or structure proposed to be moved. The applicant shall make the building or structure available for inspection at such reasonable time as requested by the building official. The applicant shall be prepared to remove any material or covering on the building or structure as may be directed by the building official to enable inspection. The

applicant shall also be prepared to perform any test required by the building official to verify the safety, code compliance, structural integrity, or suitability for moving of the building or structure. The applicant shall also be prepared to provide calculations and analysis of any portion of the building or structure prepared by a licensed architect or engineer when required by the building official. Within a reasonable time after inspection, the building official shall prepare a report setting forth any corrections required to bring the building or structure into compliance with this chapter or denying the application for moving permit. A copy of such report shall be provided the applicant.

(c) Fees. A relocation investigation fee as specified in the county fee ordinance shall accompany the application for moving permit. Such fee shall be in addition to the building, plan checking, plumbing, mechanical and electrical permit fees.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.65.018 Posting of property.

Except where the application for moving permit is denied, within five days after completion of the report specified in Section 19.65.016(b), the building official shall post a notice on the site where the building is proposed to be relocated for a minimum of 10 business days before the issuance of any permits to move the subject building or structure. Such notice shall state:

(1) The date of the posting of the notice;

(2) That a building or structure is proposed to be moved to the proposed site;

(3) The present address or location or the building or structure proposed to be moved;

(4) The name and address of the person, firm or corporation proposing to move the structure;

(5) That plans and specifications for any construction, remodeling or renovation in conjunction with the moving of the building may be reviewed by interested persons at the planning department; and

(6) That any person owning property within one thousand feet of the site to which the building or structure is proposed to be moved, may within ten business days of the date of the posting, file a written protest with the building official setting forth specific reasons for their protest.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.65.020 Referral to building appeals board.

If a written protest is filed pursuant to Section 19.65.018(6), the application shall be referred to the building appeals board for consideration at their next regularly scheduled meeting, where the building appeals board may:

(1) Approve or disapprove an application for a permit to move any building or structure into or within the county, on the basis of whether the building or structure will be compatible with the character of the neighborhood into which it is proposed to be moved; or

(2) Impose additional conditions on the approval of a moved building permit application to ensure compliance of the relocated building or structure with all applicable provisions of this title; or

(3) Modify or delete conditions imposed by the building official on the approval of a moved building permit; or

(4) Deny the application on the basis that the proposed building or structure would not comply with the provisions of Section 19.65.014.

The findings and decision of the building appeals board shall be delivered in writing to the person, firm or corporation proposing to move the building or structure. The decision of the building appeals board shall be final.

(Ord. No. 3400, § 1, 11-19-19)

## 19.65.022 Permit issuance.

No work to move a building or structure proposed to be relocated shall be started until the required permits are issued as follows:

(1) Building Permit. Unless a protest has been filed pursuant to Section 19.65.018(6), a building permit authorizing relocation of the structure may be issued by the building official after the 10-day posting period provided by Section 19.65.018, provided that the building official first determines that the building or structure is or will be brought into conformity with all applicable provisions of this title, including the technical codes adopted by reference in Chapter 19.20 of this title.

(2) Other Required Permits. Upon issuance of the building permit pursuant to subsection (1) above, the building official may also issue any applicable plumbing, electrical and mechanical permits for the structure to be relocated.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.65.024 Completion of work.

All work, including any repairs to public property, shall be completed within one hundred eighty days after issuance of the building permit. Upon written request and for good cause, the building official may grant a reasonable extension of time to complete the work. If the work is not completed within the time limit set by this section and any extensions of time, building official may bring action under the Housing Code pursuant to Chapter 19.40 of this title, the Dangerous Buildings Code pursuant to Chapter 19.80 or cause the building or structure to be declared a nuisance and abated as such.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 80: SUBSTANDARD & DANGEROUS BUILDINGS

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## 19.80.010 Dangerous Building Code.

The abatement of unsafe and dangerous buildings shall be as set forth in the International Property Maintenance Code adopted in Section 19.01.040 of this title, and for the purposes of this chapter may be cited as the "Dangerous Building Code."

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.80.020 Modifications of the International Property Maintenance Code.

The International Property Maintenance Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

(1) Amend Section 101.1 to read as follows:

**101.1 Title.** These regulations shall be known as the Property Maintenance Code of San Luis Obispo County, hereinafter referred to as "this code."

(2) Amend Section 102.3 to read as follows:

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Standards Code and other applicable laws and ordinances.

(3) Amend Section 103.1 to read as follows:

**103.1 General.** The Building Division shall be responsible for property maintenance inspection and the executive official in charge thereof shall be known as the code official.

(4) Amend Section 103.5 to read as follows:

**103.5 Fees.** The fees for activities and services performed by the code official under this code shall be in accordance with the schedule as established by the applicable governing authority.

(5) Amend Section 107.2 to read as follows:

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

a. Be in writing.

b. Include a description of the real estate sufficient for identification.

c. Include a statement of the violation or violations and why the notice is being issued.

d. Include a correction order allowing a reasonable time to make repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

e. Inform the property owner of the right to appeal.

f. Include a statement of the right to file a lien in accordance with Section 106.3.

g. In the case of structures used as dwellings, include a statement that in accordance with Sections 17274 and 24436.5 of the California Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in that taxable year for substandard rental housing.

h. In the event the building official requires vacation and repair or vacation and demolition, include a statement that the owner has the choice of demolishing or repairing the dangerous building and that such choice must be submitted to the building official in writing within 10 days of the date of the notice and order, along with a proposed schedule for completing work for consideration and approval by the building official; and that that the building official may require vacation and demolition or may institute any appropriate action or proceeding to cause the building to be vacated, repaired or demolished if any of the following events occur:

1. The repair work is not done in accordance with the schedule approved by the building official.

2. The owner does not make a timely choice of repair or demolition.

3. The owner selects an option which cannot be completed within a reasonable period of time as determined by the building official, for any reason, including, but not limited to, an outstanding judicial or administrative order.

(6) Amend Section 107.3 to read as follows:

**107.3 Method of service.** Such notice shall be deemed to be properly served if a copy is delivered to:

a. Delivered personally;

b. Sent by certified or first-class mail addressed to the last known address; or

c. If the notice is returned that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

In the case of structures used as dwellings, the notice and order, any amended or supplemental notice and order, and notice of any building or demolition permit issued following the abatement order of the building official shall also be served upon tenants of residential buildings. Such notice may be provided either by first class mail to each affected residential unit or by posting a copy of the notice in a prominent place on the affected residential unit.

(7) Add Section 108.1.5 to read as follows:

**108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

a. Any door, aisle, passageway, stairway, exit or other means of egress does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

c. Any portion of a building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one half the original designed value.

e. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

f. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

g. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure for committing a nuisance or an unlawful act.

h. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life safety.

i. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

j. Any building or structure, because of lack of sufficient or proper fire-resistive construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause is determined by the code official to be a threat to life or health.

k. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

(8) Add Section 109.5.1 to read as follows:

**109.5.1 Abatement by County.** In the event that the repairs or demolition or vacation necessary to remove or correct the unsafe conditions as set forth in the notice and order served pursuant to this Chapter are not made within the designated time period and an appeal has not been requested, or in the event that the decision of the Board of Appeals is not complied with within the period designated in the decision, the code official may, in addition to any other remedy herein provided, apply to the Board of Supervisors for an order that the County cause the building to be vacated where necessary and repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order or decision of the Board of Appeals or, if the notice and order or decision of the Board of Appeals required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished, and the cost thereof paid and recovered in the manner hereinafter provided in this chapter. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid to the person or persons lawfully entitled thereto.

Notice of any application to the Board of Supervisors pursuant to this section and any order of the Board of Supervisors issued pursuant to this section shall be served upon the parties set forth in Section 107 of this code and shall be served in the manner provided in Section 107 of this code.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.80.030 Dangerous building declared public nuisance.

A building defined as a dangerous building in Section 108.1.5 of the Dangerous Building Code is declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in the Dangerous Building Code.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.80.040 Cost of county service.

The cost of any demolition or repair carried out under the Dangerous Building Code, including the entire cost of the services rendered by the County, shall be charged against the real property which is the site of the structure, except as provided in this section.

(1) Account of Costs and Receipts and Notice of Assessment. The code official will keep an itemized account of the costs of enforcing the provisions of this ordinance, and of the proceeds of the sale of any materials connected therewith. Upon completion of abatement, the code official is to prepare a notice to be served as provided in Section 107.3 of the Dangerous Buildings Code, specifying:

a. The work done.

b. An itemized account of the costs and receipts of performing the work.

c. An itemized account of the proceeds of sale of any materials removed.

d. An address, legal description, or other description sufficient to identify the premises.

e. The amount of the assessment proposed to be levied against the premises, or the amount to be refunded, if any, due to excess proceeds over expenses.

f. The time and place where the code official will submit the account to the board of supervisors for confirmation. The time and place specified shall be not less than fifteen days after service of the notice.

g. A statement that the board of supervisors will hear and consider objections and protests to said account and proposed assessment or refund.

(2) Hearing on Account and Proposed Assessment. At the time and place fixed in the notice, the board of supervisors will hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Board may make such modifications and revisions of the proposed account and assessment as it deems just and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the board as to all matters contained therein is final and conclusive. The board of supervisors may, at such hearing, order that the cost of abatement be specially assessed against the parcel, if the record owner does not pay the costs of abatement within fifteen days after the confirmation hearing and that a notice of abatement lien be recorded if payment is not made within that time.

(3) Notice of Abatement Lien. Upon confirmation of an assessment by the board, the code official is to prepare and have recorded in the office of the county recorder of San Luis Obispo County a notice of abatement lien. The notice is to contain:

a. The record owner or possessor of the property.

b. The last known address of the record owner or possessor of the property.

c. The date upon which the abatement of the nuisance was ordered by the board of supervisors.

d. The date the abatement was complete.

e. A legal description, address and/or other description sufficient to identify the premises.

f. A description of the proceeding under which the special assessment was made, including the order of the board confirming the assessment.

g. The amount of the assessment.

h. A claim of lien upon the described premises.

(4) Lien. Upon the recordation of a notice of abatement lien, the amount claimed shall constitute a lien upon the described premises, pursuant to Section 25845 of the Government Code. Such abatement lien is to be at a parity with the liens of state and county taxes. Such lien has the same effect as recordation of an abstract of a money judgment

recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the California Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released.

(5) Collection with Ordinary Taxes. After recordation, the notice of abatement lien is to be delivered to the county auditor, who will enter the amount of the lien on the assessment roll as a special assessment. Thereafter the amount set forth is to be collected at the same time and in the same manner as ordinary county taxes, and is subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary county taxes; all laws applicable to the levy, collection and enforcement of county taxes are hereby made applicable to such assessment.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

### 19.80.050 Interference prohibited.

No person shall hinder, interfere with or impede the enforcement officer in the performance of duties assigned by this title, or other titles of this code.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 85: POST-DISASTER REGULATIONS

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## 19.85.010 Intent.

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy following an earthquake or other destructive event. The chapter further authorizes the building official and his or her representatives to post the appropriate placard at each entry to a building or structure upon completion of a safety assessment.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.85.020 Application of provisions.

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the County of San Luis Obispo following each destructive event. The board of supervisors may extend the provisions as necessary.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.85.040 Placards.

(a) The following official placards shall be used to designate the condition for occupancy of buildings or structures:

(1) Green: "Inspected—Lawful Occupancy Permitted" is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

(2) Yellow: "Restricted Use" is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restriction on continued occupancy.

(3) Red: "Unsafe—Do Not Enter or Occupy" is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstances except as authorized in writing by the building official or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damaged encountered.

(b) The placard shall display the number of the ordinance codified in this chapter, and the name, address, and phone number of the jurisdiction.

(c) Once the placard has been attached to the building or structure, it shall not be removed, altered, or covered until authorized representative by the building official. It shall be unlawful for any person, firm, or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 90: UNREINFORCED MASONRY BUILDINGS

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## 19.90.010 Strengthening provisions adopted.

The California Existing Building Code as adopted in 19 01.040 of this code and amended in 19.04.010 of this code shall be the strengthening standards for buildings subject to this chapter.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.90.020 Seismic zone.

Each site shall be assigned to a minimum Seismic Design Category (SDC) D except as provided for in this section. The administrative authority may reassign a site to an alternate seismic zone for either of the following reasons:

(1) Where a building under county jurisdiction is located within an area that has been designated by an incorporated city to be in a SDC other than D.

(2) Where a detailed analysis by a registered engineering geologist or other qualified professional determines that the site or geographic area encompassing the site is in a seismic zone other SDC D.

(3) Where the SDG is determined to be greater per CBC.

The details of the findings used in reassigning a site to an alternate seismic zone shall be recorded and entered into the files of the administrative authority.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

## 19.90.030 Administrative provisions.

See CBC. Chapter 1, administrative provisions for definitions and rating classification of buildings. A building may be placed in a higher rating classification if it is determined by the building official to pose a hazard to an adjacent structure or a public way.

(1) Compliance Requirements.

a. The owner of each building within the scope of this chapter shall, upon service of an order and within the time limits set forth in this chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this section, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

b. The owner of a building within the scope of this chapter shall comply with the requirements set forth above by submitting to the building official for review within the stated time limits:

1. Within two hundred seventy days after service of the order, a structural analysis, which is subject to approval by the building official, and which shall demonstrate that the building meets the minimum requirements of this chapter; or

2. Within two hundred seventy days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this chapter; or

3. Within one hundred twenty days after service of the order, plans for the installation of wall anchors in accordance with the requirements specified in Section A111(c)2 of the C.B.C.; or

4. Within two hundred seventy days after service of the order, plans for the demolition of the building.

c. After plans are submitted and approved by the building official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. 9B. These time limits shall begin to run from the date the order is served in accordance with Section 19.90.030 (3)b., except that the time limit to commence and complete structural alteration or demolition shall begin to run from the date the building permit is issued.

d. Owners electing to comply with subsection b.3. of this subsection are also required to comply with subsections b.2. or b.4 of this subsection provided, however, that the 270-day period provided for in subsections b.2. or b.4. and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table No. 9B shall be extended in accordance with Table No. 9A. Each such extended time limit shall begin to run from the date the order is served in accordance with Section 19.90.030(3), except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

(2) Historical Buildings. Alterations or repairs to qualified historical buildings, as defined by Section 18955 of the Health and Safety Code of the State of California and as regulated by Sections 18950 to 18961 of that Code, as designated on official national, state, or local registers or inventories shall comply with the State Historical Building Code (California Code of Regulations Title 24, Building Standards, Part 8), in addition to this chapter.

(3) Administration.

a. Order—Service.

1. The building official shall, in accordance with the priorities set forth in Table No. 9A, issue an order as provided in this section to the owner of each building within the scope of this chapter.

2. Prior to the service of an order as set forth in Table No. 9A, a bulletin may be issued to the owner as shown upon last equalized assessment roll or to the person in apparent charge or control of a building considered by the building official to be within the scope of this chapter. The bulletin may contain

information the building official deems appropriate. The bulletin may be issued by mail or in person.

b. Order—Priority of Service. Priorities for the service of the order for buildings within the scope of this chapter shall be in accordance with the rating classification as shown on Table No. 9A. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. 9A shall be measured from the effective date of this chapter. The building official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this chapter prior to the normal service date for such building set forth in this chapter.

c. Order—Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the building official to be within the scope of this chapter and, therefore, is required to meet the minimum seismic standards of this chapter. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section 19.90.030 (a), which sets forth the owner's alternatives and time limits for compliance.

d. Appeal from Order. The owner of the building may appeal the building official's initial determination that the building is within the scope of this chapter to the building appeals board established by this title. Any such appeal shall be decided by the board no later than ninety days after filing and the grounds thereof shall be stated clearly and concisely.

e. Recordation. The building official shall, within thirty days of the effective date of this chapter, file with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been notified of the requirements contained within this chapter.

If the building is either demolished, found not to be within the scope of this chapter, or is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the building official shall file with the office of the county recorder a form terminating the status of the subject building as being classified within the scope of this chapter.

f. Enforcement. If the owner in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this chapter within any of the time limits set forth in Section 19.90.030(1), the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the building official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within ninety days after the date the building has been ordered vacated or such additional time as may have been

granted by the building appeals board, the building official may order its demolition in accordance with the provisions of Section 116 of the CBC.

**TABLE 9A - EXTENSIONS OF TIME AND SERVICE PRIORITIES**

| Rating Classification | Occupant Load | Extension of Time if Wall Anchors Are Installed | Periods for Service of Order |
|---|---|---|---|
| (Highest Priority)<br>I | 1 or more | N/A | N/A |
| II | 100 or more | 1 years | 2½ years |
| III-A | 100 or more | 1 years | 3 years |
| III-B | More than 50<br>Less than 100 | 1 years | 4 years |
| III-C | More than 19<br>Less than 51 | 1 years | 5 years |
| IV<br>(Lowest Priority) | Less than 20 | 1 years | 6 years |

**TABLE 9B - TIME LIMITS FOR COMPLIANCE**

| Required Action by Owner | Obtain Building Permit Within | Commence Construction Within | Complete Construction Within |
|---|---|---|---|
| Structural Alteration or Building Demolition | 1 year [2] | 180 days [1] | 3 years [2] |
| Wall Anchors | 180 days [2] | 270 days [2] | 1 year [2] |

Notes:

[1] Measured from date of building permit issuance.

[2] Measured from date of service of order.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19)

# CHAPTER 95: WATER EFFICIENT LANDSCAPING

**Sections:** **Page:**

19.95.010 – Model Water Efficient Landscaping Ordinance Adopted ..... 95-1

## 19.95.010 Model Water Efficient Landscaping Ordinance.

If direct service provider is subject to the county's WELO pursuant to County Code Section 19.95.010, comply with the following.

The California Model Water Efficient Landscape Ordinance, Sections 490-495, Chapter 2.7, Division 2 of Title 23 in the California Code of Regulations, including all appendices thereto, is hereby incorporated into this title by reference as though it were fully set forth here.

(Ord. No. 3343, § 1, 12-6-16; Ord. No. 3400, § 1, 11-19-19; Ord. No. 3465, § 2, 12-14-21)

**SECTION 2:** The Board of Supervisors has considered the amendments to Title 19 that are proposed with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, the evidence presented at the hearings on said matter, and all comments that were received during the public hearing process, determined that this activity is exempt from review pursuant to CEQA Guidelines Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The Board of Supervisors finds that it can be seen with certainty that there is no possibility that the adoption of the amendments to Title 19 as stated above may have a significant effect on the environment because there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment. The Board of Supervisors hereby approves this adoption of the above amendments to Title 19 in accordance with the California Environmental Quality Act and the County's regulations implementing said Act.

**SECTION 3**: 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 4:** The building official is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

**SECTION 5:** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California on this ninth day of December, 2025, by the following roll call vote, to wit:

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

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Dawn Ortiz-Legg

Chairperson of the Board of Supervisors

ATTEST:

Matthew P. Pontes
Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

[SEAL]

APPROVED AS TO LEGAL FORM AND EFFECT:
JON ANSOLABEHERE
County Counsel

By: /s/ Benjamin Dore

Deputy County Counsel

Dated: October 27, 2025

The undersigned Deputy Clerk of the Board of Supervisors certifies that, pursuant to Section 25103 of the Government Code, delivery of this document has been made on February 17, 2026.

**MATTHEW P. PONTES**

Chief Executive Officer and
Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

**STATE OF CALIFORNIA ) ss.**
**COUNTY OF SAN LUIS OBISPO)**

I, **MATTHEW P. PONTES**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on February 17, 2026.

**MATTHEW P. PONTES**

Chief Executive Officer and
Ex-Officio Clerk of the Board of Supervisors

By:_____
Deputy Clerk