ORDINANCE NO. 3306

AN ORDINANCE AMENDING TITLE 8 OF THE SAN LUIS OBISPO COUNTY CODE, THE HEALTH AND SANITATION ORDINANCE, BY AMENDING SECTION 8.40.030 AND 8.40.040 RELATING TO WELL PERMIT REQUIREMENTS AND ADDING CHAPTER 8.69 – URBAN AND RURAL DEVELOPMENT WATER CONSERVATION REQUIREMENTS

SECTION 1: Section 8.40.030 of Title 8 of the San Luis Obispo County Code is hereby amended to add the language shown in underline below:

8.40.030 – Acts prohibited, permit required.

(a) No person shall, within the unincorporated area of San Luis Obispo County, construct, repair, modify or destroy any well unless such person possesses a valid permit issued by the health officer as provided in this chapter.

(b) No person shall construct, repair, modify or destroy any well unless such construction, repair, modification or destruction is in conformance with the terms, conditions, and standards specified in this chapter and in the written permit issued by the health officer.

(c) No person shall construct, repair, modify or destroy any well bore hole, well casing, or well packing or conduct any site grading or fill activities in conjunction with the construction, repair, modification or destruction of any well bore hole, well casing, or well packing without first satisfying all applicable provisions of Section 22.30.204 of this code (New or Expanded Irrigated Crop Production Overlying the Paso Robles Groundwater Basin, excluding the Atascadero Sub-basin), where applicable, and Sections 22.05.030 et seq. or Sections 23.05.020 et seq. of this code (grading), which may include the necessity of obtaining an Agricultural Offset Clearance or a grading permit from the county department of planning and building in addition to the permit required by this chapter.

SECTION 2: Section 8.40.040 of Title 8 of the San Luis Obispo County Code is hereby amended to add the language shown in underline below:

8.40.040 – Permits.

(a) Applications. Applications for permits shall be made to the health officer and shall include the following:

(1) A plot plan indicating the exact location of the well with respect to the following items within a radius of two hundred feet of the well:

a. Property lines,
b. Sewage disposal systems or works carrying or containing sewage or industrial wastes,
c. All intermittent or perennial, natural or artificial water bodies or water courses,
d. Drainage pattern of the property,
e. Existing wells,
f. Access roads;

(2) Location of the property (include township, range, section, and assessor's parcel number);

(3) Name of the person who will construct the well;

(4) Estimated or proposed depth of well;

(5) Use of well;

(6) Other information as may be necessary to determine if underground waters will be protected;

(7) Evidence of compliance with Section 22.30.204 of this code (New or Expanded Irrigated Agriculture Overlying the Paso Robles Groundwater Basin, excluding the Atascadero Sub-basin), where applicable;

(b) Fees.

(1) Permit Application Fees. All applications for permits shall be on a form supplied by the county health department and, except for those made by a public agency, shall be accompanied by payment of the fee as established by resolution of the board of supervisors, none of which shall be refundable;

(2) Expiration of Permit. Each permit issued pursuant to this chapter shall expire within six months following the issuance of the permit. Upon expiration of any permit issued pursuant hereto, no further work may be done in connection with construction, repair, modification, or destruction of a well unless and until a new permit for such purpose is secured in accordance with the provisions of this chapter;

(c) Prohibition. No permit shall be issued to any person who is not a well drilling contractor in possession of a valid C-57 (Water Code Section 13750.5).

(d) Bonds. As a condition precedent to the issuance of a permit, every applicant for a permit shall file or have on file with the health officer, a corporate surety bond in the sum of twenty-five thousand dollars issued by a surety company licensed to do business in this state, or in lieu thereof, a cash deposit in the sum of twenty-five thousand dollars.

As used in this subsection, the term "cash deposit" includes, without limitation, certificates of deposit payable to the county issued by banks doing business in this state, investment certificates or share accounts assigned to the county and issued by savings and loan associations doing business in this state, or bearer bonds issued by the United States government or by this state.

The surety bond shall be conditioned to secure the compliance and faithful performance by the permittee of the terms, conditions and standards imposed by this chapter, or by any permit issued hereunder.

If cash is deposited in lieu of such bond, the cash deposit shall secure the compliance and faithful performance by the permittee of the terms, conditions and standards imposed by this chapter, or by any permit issued hereunder.

(e) Conditions. Permits shall be issued subject to compliance with the standards provided in Sections 8.40.060 and 8.40.065

(f) Term, Completion of Work. The permittee shall complete the work authorized by the permit prior to the expiration date set forth in the permit. The permittee shall conspicuously post the property where the well construction will occur with a sign noting property owner name, assessor's parcel number, and well construction permit number. The permittee shall notify the health officer in writing upon completion of the work and such work shall not be deemed to have been completed until such written notification has been received.

(g) Reports. A copy of the well driller report required under Section 13751 of the California Water Code shall be submitted to the health officer upon completion of construction of each well.

(h) Appeal Procedure. Any person aggrieved by the refusal of the health officer to issue a permit or by the terms of a permit may appeal from the action of the health officer to the board of supervisors by filing a written notice of appeal with the clerk of the board. The clerk shall set the matter for hearing before the board and shall give reasonable notice of the time and place thereof to the applicant and to the health officer. The board of supervisors shall hear the evidence offered by the applicant or permittee and the health officer, and shall forthwith decide the issue. Unless the board of supervisors rescinds the health officer's action by a majority vote, his decision shall be deemed affirmed.

SECTION 3: Title 8 of the San Luis Obispo County Code, is hereby amended by adding Chapter 8.69 as follows:

Chapter 8.69 – URBAN AND RURAL DEVELOPMENT WATER CONSERVATION REQUIREMENTS

8.69.010 Purpose and Intent

The standards of this Section are applicable to all properties, except agricultural operations in the Agriculture land use category and those served by a Community Service District, Community Service Area, or other water provider where comparable requirements are already enforced. These standards are necessary to conserve water, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water and prevent unreasonable methods of use of water in order to recognize that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

8.69.020 Use of hose watering prohibition
No person shall use a hose to water or wash down any sidewalk, walkway, driveway, parking area, street, alley, gutter, ditch or any other paved surface, except under the following conditions:

(1) As is required for the benefit of public health and safety to alleviate safety or sanitary hazards, and then only by the use of a hand-held bucket or a water-hose equipped with an automatic shutoff nozzle.

(2) When a low-volume, high-pressure cleaning machine or a low-volume high-pressure water broom is used.

(3) All wash-down activities must comply with all state or local regulations pertaining to discharges.

(4) Any use of water which results in excessive runoff is prohibited.

8.69.030 Watering of lawns and landscaping.

(1) No residential or commercial ornamental landscapes or turf shall be watered between the hours of 9:00 a.m. and 7:00 p.m. from May 1st to October 31st, and 10:00 a.m. and 4:00 p.m. from November 1st to April 30th.

(2) No established ornamental landscapes or turf shall be watered more than once a day and no more than three times per week.

(3) No ornamental landscapes or turf shall be watered to such an extent that runoff onto adjoining sidewalks, walkways, driveways, parking areas, streets, alleys, gutters, ditches or any other paved surfaces occurs. Sprinkler direction and run times shall be adjusted to prevent excess watering and run-off from landscaped or hardscaped surfaces.

(4) No ornamental landscapes or turf shall be watered with a source of potable water when it is raining.

(5) All hoses, faucets and irrigation systems shall be regularly inspected and maintained and all leaks shall be repaired as soon as is reasonably practicable.

8.69.040 Indoor plumbing and fixtures. All hoses, faucets, pipes and any other indoor plumbing fixtures shall be regularly inspected and maintained and all leaks shall be repaired as soon as is reasonably practicable.

8.69.050 Washing vehicles. No motor vehicle, boat, trailer, or other type of mobile equipment may be washed, except at a commercial carwash or with reclaimed water, unless such vehicle is washed by using a hand-held bucket or a water-hose equipped with an automatic shutoff nozzle. No water hose shall be left running while washing a vehicle or at any other time.

8.69.060 Swimming pools and spas.
(1) On properties overlying groundwater basins that have been certified Level of Severity III pursuant to the County's Resource Management System, emptying and refilling public or private swimming pools and/or spas or hot tubs are prohibited except to prevent structural damage and/or to provide for the public health and safety.

(2) Overfilling of swimming pools and/or spas or hot tubs such that overflow water is discharged onto an adjoining sidewalk, walkway, driveway, parking area, street, alley, gutter, ditch or any paved surface is prohibited.

8.69.070 Decorative fountains. Potable water shall not be used to clean, fill, or maintain levels in decorative fountains, or other similar aesthetic structures unless such water flows through a recirculating system.

8.69.080 Public restaurants.

(1) No restaurant, hotel, cafeteria, café, or other public place where food is sold or served shall serve drinking water to any customer unless specifically requested to do so by such customer.

(2) All new or remodeled restaurants and other food establishments shall install water conserving dish wash spray valves.

8.69.090 Transient lodging facilities. Hotels, motels and other transient lodging facilities shall provide customers the option of not having towels and linen laundered daily. Notice of this option shall be prominently displayed in each bathroom.

8.69.100 Construction activities. If non-potable water is reasonably available, the use of potable water for soil compaction or dust control purposes in construction activities is prohibited.

8.69.110 Agricultural processing uses - wineries. On properties overlying groundwater basins that have been certified Level of Severity III pursuant to the County's Resource Management System, the following standards apply to all winery uses as defined by Title 22, Land Use Ordinance Section 22.30.070.D.2.

(1) Water conserving measures shall be used for activities during the winemaking process including crush operations, press, tank, and barrel washing and barrel soaking. These measures could include, but not be limited to:

a) Conducting crush and press activities outside and covered wherever feasible to reduce "baking" of waste material on equipment surface.

b) Pre-cleaning with appropriate tools (e.g. a stiff brush or squeegee) should occur to loosen and remove large material before wash-down.

c) Use of a timing system, shut-off valve and/or hot water on high pressure washers or hoses for cleaning processing equipment, tanks, floors, etc. should be installed wherever feasible.

d) Wash down and barrel soaking is conducted with knowledge of wastewater or septic system capacity.

SECTION 4. 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 5: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 6: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 7: This Ordinance was evaluated in and is consistent with the Certified Final Supplemental Environmental Impact Report for the Countywide Water Conservation Program (SCH# 20140810) per Section 15162 of the California Environmental Quality Act guidelines. Said Environmental Impact Report complies in all respects with the requirements of the California Environmental Quality Act for purposes of adoption of this Ordinance.

SECTION 8: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 6th day of October, 2015, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 27th day of October, 2015, by the following roll call to vote, to wit:

AYES: Supervisors Frank R. Mecham, Adam Hill and Bruce S. Gibson

NOES: Supervisors Chairperson Debbie Arnold and Lynn Compton

ABSENT: None

ABSTAINING: None

Debbie Arnold
Chairman of the Board of Supervisors

County of San Luis Obispo,
State of California

ATTEST:

TOMMY GONG
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

By: Annette Ramirez
Deputy Clerk

[SEAL]